



ICRC

independent competition and regulatory commission

ICRC position on the
implementation of the
National Energy
Customer Framework in
the ACT

May 2012

The Independent Competition and Regulatory Commission (the Commission) was established by the *Independent Competition and Regulatory Commission Act 1997* (ICRC Act) to determine prices for regulated industries, advise government about industry matters, advise on access to infrastructure, and determine access disputes. The Commission also has responsibilities under the ICRC Act for determining competitive neutrality complaints and providing advice about other government-regulated activities. Under the *Utilities Act 2000*, the Commission has responsibility for licensing utility services and ensuring compliance with licence conditions.

Correspondence or other inquiries may be directed to the Commission at the addresses below:

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The secretariat may be contacted at the above addresses, by telephone on (02) 6205 0799 or by fax on (02) 6207 5887. The Commission's website is at www.icrc.act.gov.au and its email address is icrc@act.gov.au.

How to make a submission

The Independent Competition and Regulatory Commission (the Commission) welcomes submissions on the issues raised in this paper as well as any other relevant information that could assist the Commission's decision on what amendments are needed to instruments made by the Commission including Industry Codes and guidelines as a result of the implementation of the National Energy Customer Framework (NECF) in the ACT.

Comments should be supported with evidence and data wherever possible.

Submissions may be mailed to the Commission at:

Independent Competition and Regulatory Commission
PO Box 161,
Civic Square ACT 2608

Alternatively, submissions may be emailed to the Commission at icrc@act.gov.au. The Commission encourages interested parties to make submissions in either Microsoft Word format or PDF (OCR readable text format—that is, they should be direct conversions from the word-processing program, rather than scanned copies in which the text cannot be searched.)

The Commission is guided by the principles of openness, transparency, consistency and accountability. Public consultation is a crucial element of the Commission's processes. It is the Commission's preference that all submissions it receives be treated as public and be published on the Commission's website unless the author of the submission indicates clearly that all or part of the submission is confidential and not to be made available publicly. Where confidential material is claimed, the Commission prefers that this be under a separate cover and clearly marked 'In Confidence'. The Commission will assess the author's claim and discuss appropriate steps to ensure that confidential material is protected while maintaining the principles of openness, transparency, consistency and accountability.

The secretariat may be contacted at the above addresses, by telephone on (02) 6205 0799 or by fax on (02) 6207 5887. The Commission's website is at www.icrc.act.gov.au.

Submissions are due with the Commission by **12 JUNE 2012**.

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1 Introduction

1.1 National Energy Customer Framework

In 2004, the Ministerial Council on Energy agreed to a reform program for the regulation of the energy sector through the Australian Energy Market Agreement (AEMA). The agreement between the Commonwealth, States and Territories was signed in 2004 and amended in 2006 to include the transfer of retail and distribution regulation (other than retail pricing) to a national regulator. A significant objective of the AEMA is the establishment of a national framework for regulation of the retail supply of energy for both electricity and gas, the National Energy Customer Framework (NECF). The NECF is a legislative and regulatory package to be adopted by all jurisdictions participating in the national energy market.

From 1 July 2012, the ACT Government will apply the NECF arrangements to the regulation of energy retail in the ACT. The NECF will apply to the relationships between energy customers, retailers and distributors. The majority of the package relates to standard contract terms and conditions and matters associated with such contracts (e.g. billing). It also covers small customer dispute resolution, credit support arrangements for customers and retailer of last resort arrangements. These matters are currently handled through ACT regulation, primarily through the *Utilities Act 2000* and the Consumer Protection Code made by the Commission under the Act.

Full implementation of the NECF will result in changes to the Commission's regulatory responsibilities. Administration of complaints about energy retailers through the ACT Civil and Administrative Tribunal (ACAT) will transition to national rather than ACT arrangements. Retail pricing for non-contestable electricity customers will not move to the national regulator. The NECF will not cover the technical regulation of utilities or the authorisation of distributors.

In addition to the implementation of the NECF in the ACT, the ACT legislative package includes amendments to the *Electricity (Greenhouse Gas Emissions) Act 2004* to end the ACT Greenhouse Gas Abatement Scheme (GGAS) from 1 July 2012. This is the result of the introduction of a Commonwealth carbon trading scheme. The GGAS documentation will be amended to reflect the final year compliance report relating to the 6 month period up to 30 June 2012.

1.2 Purpose of the paper

The purpose of this paper is to outline the Commission's approach to implementing the NECF in the ACT. The NECF has been developed over several years and has been the subject of a number of consultation processes.¹

¹ For further information on the NECF itself, please refer to the Retail Policy Working Group page on the Ministerial Council on Energy's (MCE) website www.ret.gov.au/Documents/mce/emr/rpwg/default.html

This document is intended as a guide to the Commission’s proposed amendment of the current regulatory framework in light of implementation of the NECF in the ACT. The current regulatory framework includes Industry Codes, Guidelines and Determinations made by the Commission. The NECF will introduce an authorisation process for energy retailers which will replace current jurisdictional licensing and as such will make many provisions in current industry codes redundant. Where the NECF introduces new regulatory/legislative requirements for energy distributors that are currently covered by Commission regulatory requirements these will be removed to remove double regulation requirements.

The overarching approach taken by the Commission is to make the minimum changes necessary to implement the NECF in the ACT with regulatory certainty. The Commission will review the changes once the NECF has been implemented and any amendments at that stage will be the subject of the normal full public consultation process.

The Commission will also use this review to update the format of documents.

1.3 Review timeline

Based on the need to have all regulatory arrangements in place by the end of June 2012, the Commission proposes the following timetable for the review. Finalisation of Commission amendments will depend on consequential amendments to the Utilities Act and passage of the Bills through the Legislative Assembly.

| Task | Expected date |
|---|--|
| Release of discussion paper | 11 May 2012 |
| Submissions on discussion paper close | 12 June 2012 |
| Amendments to Commission documents | 20 June 2012 |
| Commencement of NECF and amended Commission documents | 1 July 2012 subject to passage of legislation in the Legislative Assembly |

2 National regulation of energy

2.1 Background

The National Energy Customer Framework (NECF) is a national regime for the sale and supply of electricity and gas by retailers and distributors to retail customers. It contains a range of consumer protections and is a significant step toward a single, simplified regulatory regime for retailers and distributors.

The main elements of the NECF are:

- the retailer-customer relationship and associated rights, obligations and consumer protection measures
- distributor interactions with customers and retailers, and associated rights, obligations and consumer protection measures
- retailer authorisations
- compliance monitoring and reporting, enforcement and performance reporting
- retailer of last resort arrangements for both electricity and gas.

National legislation to give effect to the NECF was passed by the Parliament of South Australia, as lead legislator. The National Energy Retail Law, Regulations and Rules can be accessed on the Ministerial Council on Energy website.²

The passage of the legislation in South Australia did not result in immediate commencement of the NECF in the ACT or any other participating jurisdiction. It is necessary for each participating jurisdiction to develop Implementing Legislation to apply the NECF in their jurisdiction. The Ministerial Council on Energy has agreed to work towards a common target date of 1 July 2012 for the commencement of the NECF.

The current ACT regulatory framework for the retail supply of energy is set out in the Utilities Act and instruments made under that Act. Section 21 of the Utilities Act provides that a person must not provide a utility service except in accordance with a licence. Licences are subject to a number of conditions with which utilities are required to comply. For example, section 25 of the Act requires all licensees to comply with, among other things, any relevant industry or technical codes. Many regulatory obligations are enforced as a condition of the utilities licence.

While full retail competition was introduced in the ACT in July 2003 for electricity customers, transitional arrangements were made for customers consuming less than 100 MWh/yr to remain on regulated electricity tariffs (these are defined as franchise customers). These tariffs must comply with a price direction made by the Commission under the *Independent Competition and Regulatory Commission Act 1997*. The NECF allows retail prices to continue to be regulated under jurisdictional energy legislation, consistent with the AEMA.

² For further information on the NECF itself, please refer to the Retail Policy Working Group page on the Ministerial Council on Energy's (MCE) website www.ret.gov.au/Documents/mce/emr/rpwg/default.html

On 5 September 2011, the ACT Government announced that it was not going to accept the recommendation of the Australian Energy Market Commission (AEMC) that retail electricity prices in the ACT be deregulated and instead be subject to price monitoring.³ In considering that recommendation, the government took into account the AEMC findings that ActewAGL Retail has a dominant position in the ACT market and that competition in the ACT electricity retail market is not effective.

The ICRC Act will be amended to allow the Commission to make a price direction about the maximum price for the sale of energy to small customers and will allow the Commission to name the retailer to whom the direction is to apply.⁴

2.2 National Energy Customer Framework

The national framework for energy regulation has been established pursuant to the AEMA, and currently consists of the National Electricity Law (NEL), National Gas Law (NGL), National Electricity Rules (NER), and National Gas Rules (NGR) together with each jurisdiction's application acts and applicable instruments.

The national framework regulates electricity generation, transmission and distribution, and gas transmission and distribution activities, providing for wholesale market operation and economic regulation of monopoly network service providers. Regulation is performed by the Australian Energy Regulator (AER) while the Australian Energy Market Commission (AEMC) has responsibility for administering the NER and NGR through a transparent rule-change process.

Under the AEMA, governments agreed in 2006 to the transfer of regulatory arrangements for energy retailing and distribution to a national framework. This work was split into two packages – an 'economic' regulatory framework was established in 2007 for electricity through amendments to the NEL and in 2008 for gas through the NGL. The NECF is the 'non-economic' package, to be enabled by the National Energy Retail Law (NERL) which was passed by the South Australian Parliament in March 2011.

The national enabling instruments for the National Energy Customer Framework include:

Acts:⁵

- *National Energy Retail Law (South Australia) Act 2011* (including the National Energy Retail Law)
- *Statutes Amendment (National Energy Retail Law) Act 2011*

Regulations to be made:

- National Energy Retail Regulations 2010
- National Gas (South Australia) (National Energy Retail Law) Variation Regulations 2010
- National Electricity (South Australia)(National Energy Retail Law) Variation Regulations 2010

³ See www.chiefminister.act.gov.au/media.php?v=10936&m=53.

⁴ See s 14 of the National Energy Retail Law (ACT) Bill 2012

⁵ The Acts can be found on the South Australian Legislation website at: www.legislation.sa.gov.au/index.aspx

Rules to be made:

- National Energy Retail Rules (NERR)
- National Electricity (Retail Support) Amendment Rules 2010
- National Gas (Retail Support) Amendment Rules 2010
- National Electricity (Miscellaneous and Consequential) Amendment Rules 2010
- National Gas (Miscellaneous and Consequentials) Amendment Rules 2010
- National Gas Retail Market Amendment Procedures 2010
- National Electricity (Retail Connection) Amendment Rules 2010
- National Gas (Retail Connection) Amendment Rules 2010

Upon commencement of the Legislation, the Regulations will be made by the South Australian Governor and the Rules will be made by the South Australian Minister. This will occur shortly before the application by the first participating jurisdiction of the Schedule to the *National Energy Retail Law (South Australia) Act 2011*.

The Regulations and Rules will commence on the same date and at the same time as the application of that Schedule in that jurisdiction.

The NECF introduces a comprehensive regulatory regime in relation to both energy retailers and distributors relationship with customers including:

- a national retailer authorisation (licensing) regime
- a small customer definition and associated consumer protections including particular protections for residential customers experiencing financial difficulties or hardship
- obligations on distributors to connect and retailers to sell to specified customers
- a standard retail contract with prescribed terms and conditions and minimum terms and conditions for market retail contracts for small customers, including market retail contracts for use of prepayment meters which jurisdictions may choose to permit
- arrangements for new customer connections to electricity and gas distribution networks and a deemed distribution contract between distributors and customers
- a small compensation claims regime which jurisdictions may choose to apply
- retail support obligations between distributors and retailers to support their obligations to shared customers
- national Retailer of Last Resort (ROLR) arrangements to ensure continued supply to customers in the event of a retailer failure
- performance and compliance monitoring and enforcement regimes to be undertaken by the AER.
- restrictions on Marketing Activities – these include restrictions placed on the conduct of energy marketers (including telemarketers), such as restrictions on the days and times when marketers are allowed to contact customers, restrictions on canvassing and advertising and customer rights to refuse further contact.
- requirements to develop a Customer Hardship Policy – the NECF requires retailers to develop and maintain a customer hardship policy. The purpose of a customer hardship policy is to identify customers experiencing payment difficulties and assist them in managing their energy bills.
- Extreme Weather Events - the NECF places additional restrictions on retailers from disconnecting customers during extreme weather. These restrictions would

come in force when an extreme weather event is declared in a jurisdiction. There is no such equivalent requirement in the ACT.

- an Ombudsman scheme
- energy bill benchmarks for residential customers
- price comparator requirements
- information for consumers
- a framework governing the use of prepayment meters.

2.3 Current ACT Framework and proposed amendments

The Utilities Act provides a regulatory framework for utilities in the ACT. Section 21 of the Utilities Act provides that a person must not provide a utility service except in accordance with a licence. Licences are subject to a number of conditions with which utilities are required to comply. For example, section 25 of the Act requires all licensees to comply with, among other things, any relevant industry or technical codes.

Provisions relating to industry codes are set out in Part 4 of the Utilities Act. An industry code ‘may set out practices, standards and other matters about the provision of a utility service’.

Under section 61 of the Utilities Act the Commission may vary a code made under either section 58 or 59 of the Act. In making its decision the Commission must be satisfied that the code variation is consistent with other industry and technical codes and that it is appropriate. The Commission must also undertake certain consultations under section 60 of the Act.

It has been the Commissions practice to revoke and remake Codes to ensure that the current version of a code is available on the ACT legislation Register as well as on the Commission’s website.

The Consumer Protection Code

The Consumer Protection Code is an industry code under Part 4 of the Act. The Code is the main instrument that outlines the basic rights and obligations of Customers, Consumers and Utilities with respect to access to, and provision of, utility services. Utilities are obliged to give effect to these rights primarily through customer contracts. The Code also deals with the general conduct of Utilities (and their agents) in the delivery of utility services. It applies to all utilities and will require substantial variation as outlined in Attachment 1.

The Commission’s approach is to make the minimum changes necessary to effect the NECF in the ACT: redundant provisions will be removed where they no longer apply to energy retailers or distributors. The Consumer Protection Code will effectively no longer apply to energy retailers or distributors, except for the minimum service standards set out in section 11 and schedule 1. Consumer protection for these customers will be regulated under the NERL and instruments made under that legislative package.

The Electricity Customer Transfer Code

The Electricity Customer Transfer Code sets out practices and procedures for transferring customers between electricity retailers. Many of the obligations operate in conjunction with the NER and the AEMO Customer Administration Transfer System (CATS) which operate under the NER.

This process is covered by NER and the AEMO CATS and the code will be revoked. See Attachment 2.

The Electricity Feed-in Code

The Electricity Feed-in Code sets out operational practices and standards for feed-in from renewable energy generators to the electricity network established under the *Electricity Feed-in (Renewable Energy Premium) Act 2008*. The Act is being amended as a consequence of the application of the NERL to ensure NERL authorised retailers of electricity continue to comply with the obligations of the Act, previously imposed on NERL retailers operating in the Act through licence conditions. The Code will require substantial redrafting to reflect these amendments. . See Attachment 3.

The Electricity Network Boundary Code

The Electricity Network Boundary Code defines boundaries between an electricity transmission network and an electricity distribution network, connected electricity distribution networks and an electricity distributor's network and a customer's premises. This code will require amendment to definitions to reflect changes to definitions in the Utilities Act resulting from the introduction of the NERL in the ACT. See Attachment 4.

The Electricity Network Capital Contributions Code

The Utilities (Electricity Network Capital Contributions Code) 2007 outlines the principles and procedures by which an electricity distributor or an electricity supplier may impose a capital contribution charge, payable by a customer, for the costs incurred by the distributor in developing or augmenting its electricity network.

Section 101 of the Utilities Act (as it relates to electricity) will no longer apply to electricity from 1 July 2014 when the new price reset occurs and the Utilities (Electricity Network Capital Contributions Code) 2007 will be revoked at that time. See Attachment 5.

The Electricity Network Use of System Code

The Electricity Network Use of System Code 2010 imposes an obligation on an electricity distributor and an electricity supplier (unless they are the same person) to use best endeavours to enter into a Negotiated Use of System Agreement. It deems a default Use of System Agreement to apply between the Electricity Distributor and Electricity Supplier in the absence of a Negotiated Use of System Agreement between an Electricity Distributor and an Electricity Supplier. With the introduction of the NECF (particularly the amendments to the NER), there will be extensive credit support regimes and other

obligations application to the retailer – distributor relationship. Therefore this Code is not longer necessary and therefore revoked. See Attachment 6.

The Electricity Prepayment Meter System Code

The Electricity Prepayment Meter System Code 2006 sets out the basic rights of customers, consumers and utilities with respect to prepayment meter systems. Prepayment meter systems regulation is covered in Part 2, Division 10 of the *National Energy Retail Law*. The code is now redundant and will be revoked. See Attachment 7.

The Gas Network Boundary Code

The Gas Network Boundary Code 2000 defines the boundary between a gas transmission network and a gas distribution network, connected gas distribution networks and a gas distributor's network and a customer's premises. This code will require amendment to definitions to reflect changes to definitions in the Utilities Act resulting from the introduction of the NECF in the ACT. See Attachment 8.

The Gas Network Capital Contributions Code

The Gas Network Capital Contributions Code 2007 outlines the principles and procedures by which a gas distributor or a gas supplier may impose a capital contribution charge, payable by a customer, for the costs incurred by the distributor in developing or augmenting its gas network.

Section 101 of the Utilities Act (as it relates to gas) will no longer apply to gas from 1 July 2015 when the new price reset occurs and the Gas Network Capital Contributions Code 2007 will be revoked at that time. See Attachment 9.

The Guidelines for Greenhouse Gas Disclosure on Customer Accounts

The Guidelines for Greenhouse Gas Disclosure on Customer Accounts apply to all electricity and gas suppliers licensed under the ACT *Utilities Act 2000*. The purpose of these guidelines is to provide more detailed implementation requirements to electricity and gas suppliers in order that they can meet their obligations under clause 13.3(1)(q) of the Consumer Protection Code. This clause deals with the disclosure on customer's accounts of the greenhouse gas emissions associated with the consumption of electricity and gas.

The requirements for billing and what must be included in customer bills is set out in Part 2 Division 4 of the National Energy Retail Rules and the Guidelines for Greenhouse Gas Disclosure on Customer Accounts will be redundant and will be revoked. See Attachment 10.

The Retailer of Last Resort Guidelines

The Retailer of Last Resort Guidelines 2002 provide instructions to the Retailer of Last Resort (RoLR) with respect to the terms and conditions under which RoLR services may be provided, and to the information that they must provide customers. In addition the guidelines outline the events and the associated steps in the monitoring and customer transfer processes. The Territory currently does not have a supplier of last resort for gas.

Part 6 of the National Energy Retail Law sets out an extensive retailer of last resort scheme to be administered at a national level. The Retailer of Last Resort Guidelines 2002 will be redundant and will be revoked. See Attachment 11.

Ring Fencing Guidelines for Gas and Electricity Network Service Operators in the ACT

The Ring Fencing Guidelines for Gas and Electricity Network Service Operators in the ACT set down minimum obligations on all electricity and gas utilities designed to:

- promote and safeguard competition and fair and efficient market conduct in the electricity and gas supply industries by promoting and stimulation competitive market conduct and preventing the misuse of monopoly power; and
- require that electricity and gas utilities have in place arrangements that ensure that Related Businesses are not treated in such a manner by a utility as to confer a non-commercial discriminatory price or non-price advantage on the Related Business compared to the treatment of a third party in the same commercial circumstances.

Section 11.14.5(b)(3) of the NER states that any ring-fencing guidelines in force before the AER assumes regulatory responsibility for a jurisdiction will remain in force, subject to the AER revoking, amending or replacing them. Therefore the Ring Fencing Guidelines for Gas and Electricity Network Service Operators in the ACT fall outside the NECF and will remain in place. See Attachment 12.

Utility Reporting of Material Breaches and Non-Compliance - Guidance Note

Licences granted to utilities under the *Utilities Act 2000* place requirements on the licensee to notify the Commission of any material breaches (clause 7.2) and provide a statement to the Commission of any non-compliance (clause 7.3). The guidance note sets out the Commission's position on what would constitute utility compliance under the terms of 7.2 and 7.3.

The guidelines will no longer apply to energy retailers authorised under the National Energy Retail Law but will continue to apply to all licensed utilities and will remain. See Attachment 13.

ACT GGAS Documents

The ACT greenhouse gas benchmarks (expressed in tonnes of CO₂-e per capita) are set through the *Electricity (Greenhouse Gas Emissions) Act 2004* (ACT). The level set for 2005 was 7.96 tonnes of CO₂-e per capita. The benchmark progressively reduced to 7.27 tonnes of CO₂-e per capita in 2007 and continues at this level until the scheme end.

The Commission, as the compliance regulator, determines and publishes a number of key factors in accordance with section 13 of the *Electricity (Greenhouse Gas Emissions) Act 2004*. Key factors are published in November each year for the following compliance year. These factors are used in the calculation of individual greenhouse gas benchmarks for

benchmark participants. The key factors for 2012 have already been determined⁶ assuming 2012 would be a full 12 months and this instrument will be amended to reflect a 6 month compliance period. See Attachment 14.

Service Level Standards for NERL authorised energy retailers and a GSL scheme within the meaning of the National Energy Retail Law (ACT)

Currently a Utility must comply with all applicable Minimum Service Standards set out in Schedule 1 of the Consumer Protection Code. The consequential amendments to the Utilities Act 2000 reflect that NERL authorised energy retailers and distributors should still be subject to these Minimum Service Standards and Guaranteed Service Levels, respectively. The National Energy Retail Law (Consequential Amendments) Bill 2012 specifically includes these powers in the Industry Code provisions of the Utilities Act. The Consumer Protection Code will be amended to incorporate this. See Attachment 1.

The Commission will also be required to determine that an industry code applies to a NERL retailer.⁷

3 Next steps

This position paper outlines the Commission's proposed amendments of secondary legislation it has responsibility for under the *Utilities Act 2000*, the *Electricity Feed-in (Renewable Energy Premium) Act 2008* and the *Electricity (Greenhouse Gas Emissions) Act 2004*. The Commission welcomes submissions on the issues raised in this paper as well as any other relevant information that could assist the Commission's decision on what amendments are needed to instruments made by the Commission.

Submissions must be received by **COB 12 JUNE 2012**. All submissions received by the closing date will be considered by the Commission in its deliberations on proposed changes. All amendments will commence along with the NECF in the Act on 1 July 2012.

⁶ See Electricity (Greenhouse Gas Emissions) Determination 2012 NI2012-74 – available at <http://www.legislation.act.gov.au/ni/2012-74/default.asp>

⁷ See proposed new section 56A of the Utilities Act

Attachment 1: Consumer Protection Code

The Code requires substantial amendment to reflect the implementation of the NECF. However, it will need to be retained to regulate consumer protection for water and sewerage customers.

Note:

Variations to the Code are shown as follows:

~~Text which is struck through and highlighted in grey is deleted.~~

Text which is underlined and highlighted in yellow is new or amended.

Additional explanatory notes are highlighted in blue.

Attachment 2: Electricity Customer Transfer Code

This Code will be revoked

Attachment 3: Electricity Feed-in Code

The Code requires substantial amendment to reflect the implementation of the NECF.

Note:

Variations to the Code are shown as follows:

~~Text which is struck through and highlighted in grey is deleted.~~

Text which is underlined and highlighted in yellow is new or amended.

Additional explanatory notes are highlighted in blue.

Attachment 4: Electricity Network Boundary Code

This Code will require minor amendments to reflect changes to definitions in the Utilities Act.

Note:

Variations to the Code are shown as follows:

~~Text which is struck through and highlighted in grey is deleted.~~

Text which is underlined and highlighted in yellow is new or amended.

Additional explanatory notes are highlighted in blue.

Attachment 5: Electricity Network Capital Contribution Code

This Code will require minor amendments to reflect changes to definitions in the Utilities Act at this stage. However with the new price reset on 1 July 2015, section 101 of the Utilities Act will no longer apply to electricity and the Code will be revoked then.

Note:

Variations to the Code are shown as follows:

~~Text which is struck through and highlighted in grey is deleted.~~

Text which is underlined and highlighted in yellow is new or amended.

Additional explanatory notes are highlighted in blue.

Attachment 6: Electricity Network Use of System Code

This Code will be revoked

Attachment 7: Prepayment Meter Code

This Code will be revoked

Attachment 8: Gas Network Boundary Code

This Code will require minor amendments to reflect changes to definitions in the Utilities Act.

Note:

Variations to the Code are shown as follows:

~~Text which is struck through and highlighted in grey is deleted.~~

Text which is underlined and highlighted in yellow is new or amended.

Additional explanatory notes are highlighted in blue.

Attachment 9: Gas Network Capital Contributions Code

This Code will require minor amendments to reflect changes to definitions in the Utilities Act at this stage. However with the new price reset on 1 July 2015, section 101 of the Utilities Act will no longer apply to gas and the Code will be revoked then.

Note:

Variations to the Code are shown as follows:

~~Text which is struck through and highlighted in grey is deleted.~~

Text which is underlined and highlighted in yellow is new or amended.

Additional explanatory notes are highlighted in blue.

Attachment 10: Guidelines for Greenhouse Gas Disclosure on Customer Accounts

To be revoked

Attachment 11: Retailer of Last Resort Guidelines

To be revoked

. Attachment 12: Ring Fencing Guidelines for Gas and Electricity Network Service Operators in the ACT

To remain while the AER conducts a review of the Electricity Ring Fencing Guidelines

Attachment 13: Utility Reporting of Material Breaches and Non-Compliance - Guidance Note

This Guideline will require minor amendments to reflect changes to definitions in the Utilities Act.

Note:

Variations to the Guideline are shown as follows:

~~Text which is struck through and highlighted in grey is deleted.~~

Text which is underlined and highlighted in yellow is new or amended.

Additional explanatory notes are highlighted in blue.

Attachment 14: ACT GGAS Documents

The Electricity (Greenhouse Gas Emissions) Determination 2012 NI2012-74 will require minor amendments to reflect the end of the ACT GGAS on 30 June 2012.

Note:

Variations to the Determination are shown as follows:

~~Text which is struck through and highlighted in grey is deleted.~~

Text which is underlined and highlighted in yellow is new or amended.

Additional explanatory notes are highlighted in blue.

Abbreviations and acronyms

| | |
|---------------|---|
| ACAT | ACT Civil and Administrative Tribunal |
| ACT | Australian Capital Territory |
| AEMA | Australian Energy Market Agreement |
| AEMC | Australian Energy Market Commission |
| AER | Australian Energy Regulator |
| Commission | Independent Competition and Regulatory Commission (ACT) |
| COAG | Council of Australian Governments |
| ESDD | Environment and Sustainable Development Directorate |
| ICRC | Independent Competition and Regulatory Commission |
| ICRC Act | <i>Independent Competition and Regulatory Commission Act 1997</i> |
| NECF | National Energy Customer Framework |
| NEL | National Electricity Law |
| NER | National Electricity Rules |
| NGL | National Gas Law |
| NGR | National Gas Rules |
| ROLR | Retailer of Last Resort |
| Utilities Act | <i>Utilities Act 2000</i> |