



ICRC
independent competition and regulatory commission

FINAL DECISION

Utility licence updates

Report 2 of 2021, February 2021



The Independent Competition and Regulatory Commission is a Territory Authority established under the *Independent Competition and Regulatory Commission Act 1997* (the ICRC Act). The Commission is constituted under the ICRC Act by one or more standing commissioners and any associated commissioners appointed for particular purposes. Commissioners are statutory appointments. Joe Dimasi is the current Senior Commissioner who constitutes the Commission and takes direct responsibility for delivery of the outcomes of the Commission.

The Commission has responsibilities for a broad range of regulatory and utility administrative matters. The Commission has responsibility under the ICRC Act for regulating and advising government about pricing and other matters for monopoly, near-monopoly and ministerially declared regulated industries, and providing advice on competitive neutrality complaints and government-regulated activities. The Commission also has responsibility for arbitrating infrastructure access disputes under the ICRC Act.

The Commission is responsible for managing the utility licence framework in the ACT, established under the *Utilities Act 2000* (Utilities Act). The Commission is responsible for the licensing determination process, monitoring licensees' compliance with their legislative and licence obligations and determination of utility industry codes.

The Commission's objectives are set out in section 7 and 19L of the ICRC Act and section 3 of the Utilities Act. In discharging its objectives and functions, the Commission provides independent robust analysis and advice.

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1 Overview

In accordance with section 38(2) of the *Utilities Act 2000* (Utilities Act), the Commission has made its final decision on the proposed utility licence variations. These changes to the utility licences will ensure they reflect the current regulatory framework and are clear and easy to understand.

The Commission regulates the provision of utility services in the ACT under the Utilities Act. The Commission's role under the Utilities Act is set out in section 3 and includes protecting the interests of customers and ensuring the provision of safe, reliable, efficient, and high-quality utility services at reasonable prices.

In 2014, the *Utilities (Technical Regulation) Act 2014* (UTR Act) was passed and provisions relating to technical regulation were removed from the Utilities Act. As a result, the Commission is no longer responsible for monitoring the utilities' technical compliance as these functions are now undertaken by the Utilities Technical Regulator (UTR). Following this change in the regulatory framework, and after the development of technical codes and reporting requirements by the UTR, some licence conditions and reporting requirements required amendment to reduce unnecessary duplication and reporting burden on licensed utilities.

In undertaking the review, the Commission focused on the following specific objectives:

- to ensure licences reflect the current regulatory framework
- to reduce regulatory duplication and reporting burden on licenced utilities
- to clarify ambiguous clauses and ensure their intent is clear.

This report sets out the Commission's final decision on the utility licence updates.

1.1 Licensing utility service providers in the ACT

Utility service providers cannot provide a utility service in the ACT without either a utility licence or an exemption from the requirement for a licence from the Minister.¹ The licence sets the conditions and obligations to be met by the entity providing the utility service. It also ensures utilities operate in a manner that is in the long-term interests of consumers in the ACT, particularly utilities that provide an essential service.

A licence is granted to a utility subject to an assessment that the utility:

- is a suitable person or entity to hold a licence
- has appropriate technical capacity to comply with licence conditions
- has the capacity to operate and manage the relevant service and comply with regulatory requirements
- has sufficient financial resources to operate a sustainable business that meets the needs of consumers.

Utility services that must be licensed to operate in the ACT include:

- the transmission, distribution and connection of electricity

¹ Part 3 of the Utilities Act 2000.

- the transmission, distribution and connection of gas
- the collection, treatment and/or distribution of water
- the conveyance, collection, treatment and disposal of sewage and sewerage connection service
- the provision of water and sewerage networks for the supply of water and sewerage connection services.

1.2 The Commission's role in licensing utilities in the ACT

The Commission is responsible for managing the licensing framework for non National Energy Retail Law (NERL) utility service providers in the ACT, including issuing licences and monitoring licence compliance.² The Commission is also responsible for determining licence fees paid by utilities in the ACT to recover the costs of the regulatory functions undertaken by the Commission and other Territory bodies.

The Commission monitors licence compliance through annual compliance reporting, stakeholder and community feedback, media monitoring, and direct engagement with utilities and other regulators.

There are currently five utility licences issued by the Commission. Table 2.1 shows when each utility licence was last updated.

Table 1 Utility licences and date last updated

Utility licence	Last updated
Evoenergy Electricity Distribution and Transmission Licence	1 January 2018
Evoenergy Gas Distribution Licence	1 January 2018
TransGrid Electricity Transmission Licence	16 December 2015
Icon Water Limited Water and Sewerage Licence	2 December 2014
East Australian Pipeline Limited Gas Transmission Licence	23 May 2011

1.3 Process to vary a licence

Under section 38(2) of the Utilities Act, the Commission may vary a licence on its own initiative provided it:

- gives the utility reasonable notice of the proposed variation along with reasons for it; and
- allows the utility a reasonable opportunity to make representations about the proposal; and
- considers any representations made by the utility; and
- is satisfied that the variation is appropriate.

² National Energy Retail Law (NERL) utility service providers are regulated by the Australian Energy Regulator (AER). Under the NERL, an entity engaging in the retail sale of energy (electricity or gas) must hold a retailer authorisation, unless exempt. The AER administers retailer authorisations. www.aer.gov.au/retail-markets/authorisations.

The Commission conducted targeted stakeholder consultations with licensed utilities, the UTR and Environment Protection Agency (EPA) on the proposed licence updates. The Commission also released a public consultation report to give stakeholders and other interested parties the opportunity to comment. The result of the targeted consultation and the public consultation is discussed in Chapter 2.

1.4 Timeline for the update

Table 2 below outlines the Commission's timeline for completing the updates of the utility licences.

Table 2 Review timeline

Key milestone	Timing
Release of proposed licence updates	9 November 2020
Submissions close	1 December 2020
Licence updates finalised and notified on ACT legislation website	By February 2021
Licence variation effective date	1 March 2021

2 Stakeholder feedback

The Commission released a public consultation report on 9 December 2020 outlining proposed variations to utility licences. The consultation report set out the proposed changes to the general conditions that apply to all licences and the licence schedules (special conditions) for each utility.

The Commission gave an overview of the licence updates and presented the public consultation report to the members of the Consumer Consultative Committee (CCC) during its November meeting. The public consultation was open for three weeks and closed on 1 December 2020.

The public consultation followed targeted consultation on the proposed licence updates with licensed utilities, the UTR and the EPA (for the water and sewerage services utility licence). Consultation with the UTR and the EPA assisted the Commission in ensuring the licences reflect the current regulatory framework and in reducing regulatory duplication and reporting burden on licensed utilities.

The Commission has considered feedback and submissions from the UTR, the EPA, and licensed utilities in updating the utility licences.

The updates to the licences are not substantive changes, reflecting the Commission's objectives for this update (set out in Chapter 1). Minor changes to the general licence conditions were made to ensure that they are the same across all licences. In terms of the draft licence schedules, reporting obligations that are also a requirement under Technical Codes were removed to reduce unnecessary duplication and reporting burden on licensed utilities.

A copy of the public consultation report can be found at the Commission's website at <https://www.icrc.act.gov.au/projects/current-projects/utility-licence-update>.

2.1 Public consultation - Icon Water submission

The Commission received one submission during its public consultation. The submission from Icon Water noted it is 'supportive of the Commission's goal of ensuring that the utility licences reflect the current regulatory framework and are clear and easy to understand'. Icon Water 'agrees with the objective of reducing unnecessary regulatory duplication and reporting burden'. Icon Water made specific comments on matters that relate to reporting of material breaches to the UTR and firefighting.

Reporting of material breaches to the UTR

Further to the licensee's obligation to report material breaches to the Commission (clause 8.2 (1)), the licence updates added an obligation for the licensee to also notify the UTR if a material breach relates to compliance with the UTR Act, or a Technical Code, or a direction by the UTR. Icon Water commented that obligations to notify the UTR of any notifiable incidents are already specified under the UTR Act.³ Icon Water noted:

the inclusion in the licence of a reporting obligation based on a different tests, as per the ICRC guidelines on material breach, appears to be duplication and is likely to cause confusion and

³ Part 4 Utilities (Technical Regulation) Act 2014

uncertainty regarding when and how Icon Water is required to notify the UTR, and on what matters.

The Commission has considered Icon Water’s comment and removed clause 8.2 (2) in the final draft of the proposed licences; this change is further discussed in section 3.1.

Firefighting requirements

Icon Water’s current licence contains special conditions relating to firefighting. Under clause 5, Icon Water must develop and finalise an agreement with the ACT Fire and Rescue (ACTFR) to ensure enough water is available at a required pressure during firefighting scenarios.⁴ Currently, Icon Water is required to report its compliance on the agreement to the Commission.

Icon Water’s submission noted that ‘the UTR also has a role in the oversight of the agreement between Icon Water and ACT Fire and Rescue...given this, we request that consideration be given to the removal of these clauses on completion of the UTR’s review.’⁵ After consulting with the UTR, the Commission has decided that clause 5 will remain in Icon Water’s licence schedule until the UTR has covered these provisions in the updated technical code.

The Commission consulted with the UTR and Icon Water on updating clauses 5.1(2) and 5.2 to ensure these clauses reflect current practice. These changes are discussed in section 3.1 of this report.

A copy of Icon Water’s submission is available at the Commission website at <https://www.icrc.act.gov.au/projects/current-projects/utility-licence-update>.

2.2 Specific comments from targeted consultation

Clause 8.2 — definition of a ‘material breach’

Feedback from the targeted consultation with licensed utilities suggested that the Commission’s current Guideline on material breach and non-compliance does not provide enough guidance on what constitutes a material breach against the licence. The Commission acknowledges the importance of guidance to help utilities understand what would constitute a material breach of its licence. The Commission intends to revise the Guideline to address feedback from utilities and make any other required changes in 2021.

The current Commission’s Guideline on material breach and non-compliance is published on the Commission’s website and can be found at <https://www.icrc.act.gov.au/legislation/guidelines>.

Clause 17.1 – suspension of licence

Some utilities suggested the general licence conditions should include more detail about the circumstances under which a licence can be suspended and the process for removing the suspension. The Commission has added clause 17.1(2) to clarify that licence suspension will only occur where a utility does not comply with a formal direction of the Commission regarding a licence condition.

Clause 17.1(2)

(2) The ICRC may only suspend a licence, or the Licensee’s conduct under clause 17.1, where it has issued a direction to the Licensee in accordance with section 48 of the Act and

⁴ Icon Water Utility licence, schedule 1 clause 5

⁵ Icon Water 2020, pp1-2.

- (a) the Licensee has failed to comply within the timeframe specified in the direction, or
- (b) there is a safety risk with continuing to provide the services prior to compliance with the direction.

If the Commission were to issue a formal direction to a utility, the direction would:

- describe the requirements the utility must comply with
- state that failure to comply may result in suspension of the licence
- specify what actions the utility would have to take to have the suspension removed.

The formal direction would therefore provide sufficient clarity to utilities on licence suspension.

Evoenergy suggested a re-draft of clause 17.1(2)(b) to:

- (b) there is a material safety risk with continuing to provide the services prior to compliance with the direction.

Evoenergy stated that

'safety risk' is not defined in the Licence or the Act and neither is the threshold risk identified to enact this clause. Evoenergy requests this be reworded to state 'material' safety risk to provide a threshold of significance to enact a suspension.

The Commission understands Evoenergy's desire for greater clarity about its obligations and will address this concern when it reviews its Guideline on material breach and non-compliance in 2021 (discussed above). Further, the Commission will provide more guidance on the process for licence suspension.

3 Final decision on licence updates

The Commission is satisfied that the updates to the licences reflect the current regulatory framework and are clear and easy to understand. The Commission has therefore made its final decision on varying the licences. The updated licences will be notified to the ACT Legislation website by 19 February 2021 with the licence variations becoming effective as of 1 March 2021.

3.1 Changes between the draft and final licences

After considering all comments received from the targeted and public consultation processes, the Commission made additional changes to clauses 8.2 and 8.4(2) of the proposed licence.

Clause 8.2— reporting material breaches to the UTR

The current licence obligation requires licensees to notify the Commission of any material breaches under the licence, the Utilities Act, code of practice, any other law in the Territory, as well as directions and guidelines applicable to the licensee and its provision of the utility service.

In the draft licences, the Commission proposed to add a sub-clause under clause 8.2 to require reporting of material breaches to the UTR. This was to ensure material breaches relating to technical regulation would also be reported to the UTR.

The Commission understands there is an existing obligation for licensed utilities to report notifiable incidents to the UTR under part 4 of the UTR Act and Technical codes. The UTR Act requires licensed utilities to report notifiable incidents to the UTR within 24 hours of the licensee becoming aware of the notifiable incident.

A notifiable incident is defined in the UTR Act as:

- an incident, in relation to the operation of a regulated utility network, or infrastructure used in a regulated utility network, that involves—
- (a) the death of a person; or
 - (b) a dangerous incident; or
 - (c) serious damage to public or private property; or
 - (d) serious damage to the environment.

The Commission is satisfied that provisions in the UTR Act and Technical codes will ensure licensed utilities report to the UTR any incidents related to technical matters that may result in a material breach of a licence. In addition, the Commission and the UTR have agreed that if a notifiable incident is reported to the UTR, the UTR will notify the Commission about a possible material breach of the licence. Therefore, the Commission decided to remove the proposed clause 8.4(2) in finalising the updated licences.

Clause 8.4(2) — annual reporting compliance

The draft licences included an additional requirement under clause 8.4(2) for licensed utilities to report to the UTR on obligations under the UTR Act, Technical Codes, any technical requirements outlined in the

licence schedules and other technical matters requested by the UTR, within 90 days of receipt of the annual report templates each year from the UTR.

During the targeted consultation, TransGrid stated that annual compliance reporting to the UTR:

is currently a requirement of the Electricity Transmission Supply Code⁶ (cl 7(1)) with timelines for annual compliance reporting provided in Clause 8...As compliance with the Electricity Transmission Supply Code...is a condition of the licence, we query whether this level of detail is required to be embedded in the licence.

The Commission accepts TransGrid's comments that it is unnecessary to specify a reporting timeframe of 90 days in the proposed licence and considers that doing so has the potential to create inconsistencies with timeframes specified in the technical code.

For its final decision the Commission re-drafted clause 8.4(2) to:

- (2) The Licensee must report to the Technical Regulator on its obligations under the Utilities Technical Regulation Act, Technical Codes, any technical requirements outlined in the schedule of this licence and any other associated technical information that the Technical Regulator reasonably requires to be reported, in a manner, timeframe and format required by the Technical Regulator.

Clause 5 – Fire fighting (Icon Water licence schedule only)

In the schedule to Icon Water's licence, Icon Water must develop and finalise an agreement with ACTFR to ensure enough water is available at a required pressure during firefighting scenarios. Clause 5.1(2) of the schedule requires the agreement must 'be finalised within 12 months of the commencement of this licence'.

Since the commencement of its licence in 2001, Icon Water has reviewed this agreement from time to time in consultation with the ACTFR and the UTR. As a result, the wording of clause 5.1(2) does not reflect current practice. Likewise, the provision on the failure to reach an agreement within 12 months of the commencement of the licence under clause 5.2 has also become redundant.

Following consultation with Icon Water and the UTR, the Commission decided to update clauses 5.1(2) and 5.2 to ensure these clauses reflect current practice. The changes to the Icon Water's final licence are as follows:

Clause 5.1(2):

- (2) be finalised within 12 months of the commencement of ~~this licence~~ a review of this agreement; and

Clause 5.2

Should an agreement between the **Licensee** and the ACT Fire ~~Brigade and Rescue~~ not be finalised within 12 months of the commencement of ~~this licence~~ a review of the agreement, the ICRC shall...

⁶ Clause 7 and 8 Utilities (Technical Regulation) (Electricity Transmission Supply Code) (DI2016–189)

The varied licences will be notified on the ACT legislation website before commencing on 1 March 2021.

The final licences are set out in Attachments A to E. A copy of the final licences were also sent to licensed utilities, the UTR and the EPA.

Table 3 outlines the changes the Commission has made to the general conditions in the licences. Tables 4.2 to 4.6 outlines the changes to the schedules to each utility's licence.

Table 3 Summary of changes made to the general obligation of the licences

Clause	Proposed change	Comments	Amendment applies to:
Lead in (p 1)	Wording has been simplified and updated to reflect that utility services are outlined in the reference schedule	By placing the text that differs in each licence (in this case the utility services) into the 'reference schedule', it allows the Commission to create a template of general conditions that are replicated across all licences.	All licences
1.	<u>Definitions and interpretation</u> This clause has been moved up (from clause 2) and renamed (from 'dictionary') Interpretation guidance added. There were previously no interpretation guidelines in the licence 1.2: statement explaining that bold typeface indicates a defined term.	The new clauses reflect modern drafting style and improve clarity in interpreting the licence.	All licences
2.1	<u>Commencement date</u> 2.1: moved the date to the reference schedule.	Drafting change	All licences
2.2	<u>Licence term</u> Drafting updates to clarify source of powers and who has the right to exercise them. 2.2(1): updated to clarify that a variation can be made to the licence.	The addition aligns older licences with newer licences and improves clarity.	All licences (TransGrid's licence term clause is in clause 2.3)
2.2	<u>Transfer of licence</u> This clause has been moved from 1.2 to 2.2		TransGrid (electricity transmission)

Clause	Proposed change	Comments	Amendment applies to:
3.	<u>Limitations</u> Removal of 'and is not to be taken to'	Modernised wording	All licences
4.2	<u>Area of operations</u> Wording updated to refer specifically to the Authorised Utility Service.	More direct and modern drafting	All licences
5.1	<u>Obligations</u> Wording updated and modernised	The removed words are evident from the licence itself.	All licences
6.1	<u>Compliance with laws</u> Clause has been modernised	Modernised wording	All licences
6.2	<u>Compliance with Act</u> New provisions included to make it a requirement of the licence that the utility must comply with the UTR Act and a direction given by the UTR under the UTR Act	With the establishment of the UTR Act, obligations relating to technical codes and technical regulation are now contained in a different piece of legislation. These changes ensure continuity that it is a condition of the licence that the utility comply with the requirements of the UTR. This ensures that if a utility fails to meet UTR Act requirements, the utility can be found to be in breach of its licence.	All licences
6.2	<u>Compliance with Act</u> 6.2(4): 'Chief Executive' changed to the 'Commission' and added clause 6.2(5) for Licensee to comply with directions given by the 'Technical Regulator' under <i>Utilities Technical Regulation Act</i> .	The changes provide clarity that the Licensee must comply with directions given by the UTR.	EAPL (gas transmission) Icon Water (water supply and sewerage services)
7	<u>Licence variation</u> This clause has been moved to improve flow. It was previously clause 16 or 18 (depending on the licensee).	Improved drafting	All licences
8.1	<u>Compliance monitoring</u>	Improved clarity	All licences

Clause	Proposed change	Comments	Amendment applies to:
	Wording updated to reflect the requirement relates to the Authorised Utility Services.		
8.3	<p><u>Non-compliance</u></p> <p>8.3(1): requirements for statement have been split into (a. b. c) to reflect modern drafting style and clearly identify requirements.</p> <p>8.3(2): added requirement to provide non-compliance statement in accordance with Commission reporting guidelines</p>	<p>New clause 8.3 (2) clarifies the Commission's default minimum reporting requirement is through the Utilities Licence Annual Report (ULAR)</p>	All licences
8.4	<p><u>Annual compliance reporting</u></p> <p>8.4(2): added requirement to report annually to the UTR</p>	<p>Prior to the establishment of the UTR Act, compliance reports were submitted to the Commission and the Commission forwarded these reports to the UTR in accordance with the Utilities Act.</p> <p>In practice, the UTR is now collecting this information directly from utilities. This change reflects current practice and will assist in reducing regulatory duplication.</p> <p>Where possible, changes are also being made to schedule 1 of each licence to reduce the requirements to report technical information to the Commission.</p>	All licences
8.5	<p><u>Publication of compliance report</u></p> <p>Added requirement for publication on the licensee's website.</p> <p>The clause allows the licensee to choose whether to publish its full compliance report or a summary.</p>	<p>Formally requiring publication on the licensee's website reflects current practice. The Commission asks licensed utilities to put a link to their published report on their websites through the Utility Licence Annual Report process.</p> <p>The previous wording required the licensee to prepare a summary, which is unnecessary if the licensee chooses to publish the full report.</p>	All licences
8.6.1	<p><u>Audit</u></p> <p>Updated clause to reflect compliance with matters outlined in clause 6.2. The clause has also been varied to clarify that audits are required periodically.</p>	<p>The Commission expects licensed utilities to audit their compliance against their licence obligations on a periodic basis.</p>	All licences

Clause	Proposed change	Comments	Amendment applies to:
9.2	<u>Financial capacity</u> 9.2(2): added to require a utility to proactively notify the Commission if there is a significant change in financial capability that could affect service provision.	The new clause clarifies the requirement for self-reporting, rather than the Commission having to request information.	All licences
11.1	<u>Security interest</u> Terminology updated.	The definition of 'security interest' already included 'charge'. This change improves readability and clarity.	All licences
11.5	<u>Changes in major shareholders and office bearers</u> Terminology has been updated to 'substantial holding' and reflects the terminology used in the <i>Corporations Act 2001</i> (Cwlth)	This change clarifies the Commission's requirements for reporting of 'relevant changes'. It will ensure that the Commission is made aware of major shareholder changes. This is important as some licensed utilities do not have a 50% or majority shareholder. The Commission has aligned the requirements to the <i>Corporations Act</i> to provide a consistent approach to other regulatory requirements for corporations	All licences
12.2	<u>Information that may be requested</u> Added a statement that the clause is not limiting.	This clarifies that the information listed is not the only information the Commission can request. This is not a material change as the Commission has information gathering powers under the <i>Utilities Act</i> and the <i>ICRC Act</i> .	All licences
12.3	<u>Provision of information</u> Added requirement to provide information in the time specified by the Commission.	Improves clarity about when information must be provided.	All licences
13.1	<u>Restrictions on licensee</u> 13.1(6): requires consultation on activities that will materially affect ability to meet technical and prudential criteria	Non-material change that supports the risk management investigation powers of the Commission in clause 12.	All licences
14.1	<u>Licensee to keep records</u> 14.1(2): added to clarify that licensed utility must also keep	The new clause aligns the requirements with section 25(2)(c) of the <i>Utilities Act</i> and clarifies that record keeping to report	All licences

Clause	Proposed change	Comments	Amendment applies to:
	records for reporting requirements.	compliance with licence conditions is required.	
14.2	<u>Consents and authorisations</u> Wording improved to provide clarity.	This is not a material change as it has moved the definition from the dictionary into the clause itself to improve readability.	All licences
14.3	<u>Provide copies of records</u> Included requirement to provide copies of documents under 14.1 (licences, permits, consents etc) if requested.	This links the requirement with any documents that must be kept under 14.1	All licences
17.1	<u>Suspension of licence</u> This clause has been moved (previously 12.2 and 12.3). Minor redrafting to remove 'not serious' in 17.1(1). Addition of 17.1(2) to link a suspension only to a circumstance where the licensee has failed to comply with a direction.	The clause has been redrafted to recognise that suspension of a licence for a network provider will always be a serious matter because of the significant impact on supply of services. The updated clause clarifies that licence suspension will only occur where a utility does not comply with a formal direction of the Commission regarding a licence condition.	All licences
17.2	<u>Timeframe to comply with suspension notice</u> Clarifies that the timeframe will be specified by the Commission in the notice.	Improves clarity	All licences
18.1	<u>Notices</u>		All licences
18.2	Updated to reflect modern drafting and modern communication methods.		
18.4.	Extended time for postal service delivery, reflecting current Australia Post guaranteed delivery times. Facsimile has been removed as an option.		
18.1	<u>Notice to be in writing</u> 18.1(3): added an option to communicate through email for any written communication.	The change reflects modern communication practices and aligns the clause with newer licences.	EAPL (gas transmission)

Clause	Proposed change	Comments	Amendment applies to:
			Icon Water (water supply and sewerage services)
18.4	<u>Deemed delivery</u> 18.4(3): added to reflect email communication methods	The change reflects modern communication practices and aligns the clause with newer licences.	EAPL (gas transmission) Icon Water (water supply and sewerage services)

Table 3.4 Schedule 1 — Evoenergy gas distribution licence

Clause	Proposed change	Comments
2	<u>Network operation standards</u> Changed to <i>National Gas (ACT) Act 2008</i> . The change requires the licensee to have its network operation standards comply with the Act.	Clause has been updated to reflect that the regulation of the gas market is under the <i>National Gas (ACT) Act 2008</i> (which adopts the National Gas Law) and that the Commission no longer approves network operating standards for gas.
3	<u>Environmental requirements</u> Standard updated and new interpretation clause added.	The new interpretation clause will ensure that if documents are modified or replaced over time, the licence will read as the new document
4	<u>Annual reporting requirements</u> Several reporting requirements have been removed as specific licence requirements.	The Commission and the UTR can request reporting information directly through their Acts and Codes. We have removed the requirement to specifically report information to the Commission that is: <ul style="list-style-type: none"> • technical in nature • able to be collected by the UTR; and • not required by the Commission.

Table 3.5 Schedule 1 — Eastern Australian Pipeline (EAPL) gas transmission licence

Clause	Proposed change	Comments
2	<u>Environmental requirements</u> Standard updated and interpretation clause added	The new interpretation clause will now ensure that if documents are modified or replaced over time, the licence will read as the new document
3	<u>Compliance with Australian Standards</u>	UTR currently requires the utility to comply with this standard. This update reflects current practice.

Clause	Proposed change	Comments
	Requirement added to meet Australian Standard.	
4	<u>Annual reporting requirements</u> Updates to reflect technical information should be reported to the technical regulator.	The ICRC still requires limited information to understand the utility service and potential impacts on downstream customers.
5	<u>Notification of specific events</u> Update of terminology to clarify that reporting is required to be made to the UTR rather than the Commission.	

Table 3.6 Schedule 1 TransGrid electricity transmission licence

Clause	Proposed change	Comments
1	<u>Management systems</u> Minor updates to reflect correct name of international standard and to reflect notification is to be made to the UTR, rather than the Commission.	

Table 3.7 Schedule 1 – Evoenergy electricity distribution licence

Clause	Proposed change	Comments	Amendment applies to:
2	<u>Environmental requirements / Network losses</u> Clause updated to remove greenhouse gas requirements	The Environment Protection Agency collects greenhouse gas emission information separately and the Commission is no longer required to capture and forward this information. Network losses information must be reported to the UTR	Evoenergy (electricity distribution)
3	<u>Electricity Feed-in Act</u> Clause re-titled		Evoenergy (electricity distribution)

Table 3.8 Schedule 1 – Icon Water, water and sewerage services licence

Clause	Proposed change	Comments	Amendment applies to:
2	<p><u>Environmental requirements</u></p> <p>Update to remove annual reporting requirements of unaccounted for water to the Commission.</p> <p>Clause title changed to 'Program to minimise water losses in network'</p>	<p>The Commission does not require 'unaccounted for water' data and the UTR obtains water losses information from the Bureau of Meteorology's National performance report for urban water utilities.</p>	Icon Water (water supply and sewerage services)
4	<p><u>WSAA</u></p> <p>Added the full name of the Water Services Association</p>		Icon Water (water supply and sewerage services)
5	<p><u>Fire fighting</u></p> <p>Clause retitled with the current name ACT Fire and Rescue.</p> <p>Updates to clauses 5.1(2) and 5.2.</p>	<p>Upon consultation with the UTR, the Commission has considered that clause 5 will remain in the Icon Water's licence schedule until the UTR has covered these provisions in the updated technical code.</p> <p>Clauses 5.1 (2) and 5.2 have been amended to reflect a change in the timing for finalising an agreement with ACT Fire and Rescue to be within 12 months of starting a review of the agreement.</p>	Icon Water (water supply and sewerage services)
5.4	<p><u>Reporting requirements</u></p> <p>Update to reflect annual reporting to the UTR rather than to the Commission.</p>		Icon Water (water supply and sewerage services)

Abbreviations and acronyms

ACT	Australian Capital Territory
ACTFR	ACT Fire and Rescue
Commission	Independent Competition and Regulatory Commission
CCC	Consumer Consultative Committee
EAPL	East Australian Pipeline
EPA	Environment Protection Agency
ICRC	Independent Competition and Regulatory Commission
ICRC Act	<i>Independent Competition and Regulatory Commission Act 1997</i>
NERL	National Energy Retail Law
Territory	Australian Capital Territory
Utilities Act	<i>Utilities Act 2000 (ACT)</i>
UTR	Utilities Technical Regulator
UTR Act	<i>Utilities (Technical Regulation) Act 2014</i>
WSAA	Water Services Association Australia



ICRC
independent competition and regulatory commission

www.icrc.act.gov.au