

# Utilities Exemption 2012 (No 3)

## Disallowable Instrument DI2012–267

made under the

**Utilities Act 2000, section 22 (Exemption)**

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### 1 Name of instrument

This instrument is the *Utilities Exemption 2012 (No 3)*.

### 2 Commencement

This instrument commences on the day after notification.

### 3 Revocation

This instrument revokes Utilities Exemption 2009 (No 3), Disallowable Instrument DI2009-144.

### 4 Exemption

I exempt TransGrid, a New South Wales Government owned energy services corporation constituted under s6A of the *Energy Services Corporations Act 1995* (NSW) and specified in Part 1A of Schedule 1 to that Act, ABN 19 622 755 774, from the requirement for a licence in relation to the provision of the following utility services:

- a) the transmission of electricity through an electricity network; and
- b) an electricity connection service

upon the conditions prescribed in clause 5 of this instrument.

### 5 Conditions

TransGrid is exempt from the requirement for a licence in relation to a utility service on the conditions that it complies with the Network Service Criteria in clause 5(a) and Technical Regulation Criteria in clause 5(b) of this instrument.

#### (a) Network Service Criteria

TransGrid is to plan, design, operate and maintain its networks and infrastructure sited upon Australian Capital Territory land in full accordance with the National Electricity Law, the National Electricity Rules and abide by all directions, rulings and instructions issued by the Australian Energy Regulator, AER, and the Australian Energy Market Operator, AEMO.

TransGrid is to plan, design, maintain and operate its networks and connection points that supply customers in the Australian Capital Territory (ACT) and

that will operate at 132kV and above, whether or not those networks and Connection Points are located within the ACT, to achieve the following:

- (i) the provision of two or more geographically separate connection points operated at 132kV and above to supply electricity to the ACT network connection points as specified in Column 3 of Table 1;
- (ii) continue to allow electricity supply to the ACT network connection point(s) immediately after a special contingency event to the minimum total Capability specified in Column 4 of Table 1; and
- (iii) using its best endeavours, restore electricity supply to the ACT network connection points after a special contingency event within the minimum period possible, but no longer than 48 hours, to the minimum total capability required in Column 5 of Table 1.

Note that the minimum total capability after a single special contingency cannot be relied upon after the occurrence of another (second or more) contingency event(s) until the elements affected by the original special contingency are fully restored.

**Table 1: Capacity requirements after single credible and special contingency events**

Minimum total capacity across all transmission connection points (Million Volt-Amps)				
Column 1	Column 2	Column 3	Column 4	Column 5
Year	<b>Immediately</b> after a single <b>credible contingency event</b>	Requirement for second geographically separate connection point	Immediately after a single <b>special contingency event</b> (potentially through the 66 kV network)	Within 48 hours after a single <b>special contingency event</b>
From 1 July of				
2012	Agreed max demand	No	30	200
2013	Agreed max demand	No	30	200
2014	Agreed max demand	No	30	200
2015	Agreed max demand	Yes	30	375
2016+	Agreed max demand	Yes	375	Agreed max demand

The definitions in Table 2 apply (as per the National Electricity Rules where appropriate).

**Table 2: Definitions for this instrument**

ACCC	Australian Competition & consumer Commission
AEMO	Australian Energy Market Operator Limited (ACN 072 010 327)
AER	Australian Energy Regulator, which is part of the ACCC
National Electricity Rules	National Electricity Rules made under the National Electricity (ACT) Law.
National Electricity Law	<i>National Electricity (South Australia) Act 1996</i>

**(b) Technical Regulation Criteria**

TransGrid is also required in respect of its operations in the ACT to comply with the ACT Management of Electricity Network Assets Code. It is required, every 12 months to demonstrate compliance with the ACT Management of Electricity Network Assets Code and Utilities Emergency Planning Code by presenting the following to the Director General:

- (i) a maintenance plan for all assets in the ACT for the next 12 months including a statement of all maintenance and capital works undertaken on the assets in the previous 12 months;
- (ii) a bushfire mitigation plan for all assets in the ACT for the next 12 months, including a statement of compliance with the bushfire mitigation plan for the previous 12 months that should identify where non-compliance with the plan was not achieved ; and
- (iii) a current plan showing all assets in the ACT.

To the extent TransGrid has developed and maintained a maintenance plan and/or bushfire mitigation plan for its network generally (including that part of the network located in the ACT), TransGrid will not be required to create a new plan for the purposes of compliance with the above condition.

**6 Expiry of exemption**

The exemption will expire at the time that any electricity transmission utility service licence that is granted to TransGrid under section 37 of the *Utilities Act 2000* becomes effective.

Simon Corbell MLA  
Minister for the Environment and Sustainable Development

6 December 2012