

Australian Capital Territory

Utilities (Non-franchise electricity customers)

Declaration 2003 (No 1)

Disallowable instrument DI2003—20

made under the

Utilities Act 2000, s 18 (Declaration of non-franchise customers)

1. I revoke the Declaration of non-franchise customers dated 21 April 2001 (DI2001-93) made under the *Utilities Act 2000*, section 18 (1).
2. I declare the persons stated in the schedule to this Declaration to be non-franchise customers for the purposes of the Act in relation to the supply of electricity.

The persons and classes of persons to which this Declaration applies include persons and classes of persons of the kind mentioned in the Act, section 18(3).

Ted Quinlan
Treasurer
28 February 2003

SCHEDULE

UTILITIES ACT 2000

Non-Franchise electricity customers

Definitions

1. In this schedule:

- (a) references to clauses or sub-clauses are references to clauses or sub-clauses in this schedule;
- (b) the following expressions have the following meanings:

“**Actual Consumption of Electricity**” means the consumption of electricity supplied to premises from a distribution system as recorded by a metering installation for those premises;

“**Authorised Officer**” means a person authorised by the Chief Executive of the Department or the Minister for Urban Services for the purposes of this Declaration;

“**Consumption Period**” means any period of 12 consecutive months;

“**Utilities Act**” means the *Utilities Act 2000*;

“**Estimated Consumption of Electricity**” means the consumption of electricity estimated to have taken place at premises by an Authorised Officer in circumstances where the Authorised Officer considers the consumption of electricity at the Premises has not been accurately recorded;

“**Local Electricity Distributor**” means the electricity distributor to whose distribution network the relevant premises is connected

“Potential Consumption of Electricity” means the future consumption of electricity which could potentially take place at premises as estimated by an Authorised Officer and having regard to relevant circumstances including (without limiting the matters which may be taken into account):

- (a) the consumption capacity of the premises and the extent to which that capacity is likely to be utilised in the future; or
- (b) any recent or proposed change in ownership or use of the premises; or
- (c) any recent or proposed increase in the consumption capacity of the premises;

“Premises” means premises:

- (a) which are connected to a distribution system or transmission system through a common meter and which are supplied with electricity under the same contract, with one person responsible for payment for electricity so supplied; or
- (b) which are itemised as a single site (or single premises) at which a separate consumption of electricity is measured, in any statement of account for electricity supplied issued by the Local Electricity Distributor;

“Resupply Arrangement” means an arrangement for passing on the cost of electricity to another person:

- (a) permitted by the Local Electricity Distributor prior to the commencement of the *Electricity Supply Act 1997*, section 38;
- (b) in accordance with the *Electricity Supply Act 1997*; section 38 before the commencement of the *Utilities Act 2000*, section 98 or
- (c) in accordance with the *Utilities Act 2000*, section 98.

Non-Franchise Electricity Customers

2. A person who owns or occupies Premises at which the consumption of electricity exceeds 100 megawatt hours in a consumption period is declared to be a non-franchise customer in respect of the consumption at those premises.
3. A person who –
 - (a) owns or occupies premises at which the consumption of electricity does not exceed 100 megawatt hours in a consumption period; and
 - (b) enters into a negotiated contract for the supply of electricity with the same or another electricity supplier on or after 1 July 2003is declared to be a non-franchise customer in respect of the consumption at those premises for the duration of that contract.
4. The consumption of electricity referred to in clause 2 and clause 3 may be assessed by any one of the following methods, at the election of the person referred to in clause 2 or clause 3:
 - (a) Actual Consumption of Electricity;
 - (b) Actual Consumption of Electricity plus an allowance of 2% of that actual consumption (where that person has given notice to the Local Electricity Distributor in accordance with clause 6);
 - (c) Estimated Consumption of Electricity; or
 - (d) Potential Consumption of Electricity.
5. The consumption of electricity referred to in clause 4 may be consumption, at the premises referred to in clause 2 or clause 3, by:
 - (a) the person referred to in clause 2 or clause 3; or
 - (b) that person and any other person or persons supplied under one or more Resupply Arrangements.