

Utilities (Annual licence fees determination) Notice 2010 (No 3)

Notifiable Instrument NI2010-617

made under the

Utilities Act 2000, s 52 (Public notice of licence decisions) (see also s 45 (Determination of fee) and s 53 (Public access to licences etc))

1 Name of instrument

This instrument is the *Utilities (Annual licence fees determination) Notice 2010 (No 3)*.

2 Commencement

This instrument commences on the day after it is notified.

3 Revocation of determination

The Commission revokes Notifiable Instrument NI2010-573, being the Utilities (Annual licence fees determination) Notice 2010 (No 2).

4 Determination of licence fees

The Independent Competition and Regulatory Commission (the Commission) gives notice that the Commission has determined the annual licence fees payable by licensed utilities under the *Utilities Act 2000* for the year ending on 30 June 2011, as set out in the attached schedule (in table 1).

Unless otherwise agreed in writing with the Commission, determined fees are payable by the licensee to the Commission by 30 November 2010.

Table 2 in the schedule sets out the costs expected to be incurred by the Commission, the ACT Civil and Administrative Tribunal, and the chief executive under part 5 (Technical regulation) of the Act, in the exercise of functions in the in the ACT or elsewhere, in relation to utility services for the year ending on 30 June 2011.

In determining the licence fee payable by each utility, the Commission had regard to:

- the extent of costs in relation to each utility;
- the annual licence fees payable by all utilities; and
- the relative scope and nature of the services provided by the utilities (set out in table 3 in the schedule).

5 Public access to determination of annual licence fees

Copies of the Commission's determination of annual licence fees are available for inspection by members of the public:

- on the Commission's webpage (www.icrc.act.gov.au);
- at the Commission's offices (located at Level 2, 12 Moore Street, Canberra City, ACT) during ordinary office hours; and
- on the ACT Legislation Register (www.legislation.act.gov.au).

A person may inspect a determination without charge, and may make a copy of all or any part of the document. No charge will apply.

Paul Baxter
Senior Commissioner
Independent Competition and Regulatory Commission
1 November 2010

SCHEDULE

Table 1: Annual licence fees payable (electricity supply and gas supply utility services), 2010-11¹

Licensee	Licence fees payable (\$)
Australian Power and Gas Pty Ltd (electricity supply)	3,106
Dodo Power & Gas Pty Ltd (electricity supply)	3,106
ERM Power Retail Pty Ltd (electricity supply)	3,106
Sanctuary Energy Pty Ltd (electricity supply)	3,106
Jackgreen (International) Pty Ltd (electricity supply)	3,106
Australian Power and Gas Pty Ltd (gas supply)	5,349
Dodo Power & Gas Pty Ltd (gas supply)	5,349
SUN Retail Pty Ltd (gas supply)	5,349
Jackgreen (International) Pty Ltd (gas supply)	5,349
Total	36,928

Note:

¹Annual licence fees for 2010-11 have been determined based on expected costs as set out in Table 2. The licence fees will be redetermined in 2011-12 based on actual costs incurred by the Commission, the ACT Civil and Administrative Tribunal, and the chief executive under part 5 (Technical regulation) of the Act.

Table 2: Costs expected to be incurred (electricity supply and gas supply utility services), 2010-11

Licensee	Utility service	Technical Regulator ¹ (\$)	ACAT ² (\$)	ICRC ³ (\$)	Totals (\$)
Australian Power and Gas Pty Ltd	Electricity supply	0	0	3,106	3,106
Dodo Power & Gas Pty Ltd	Electricity supply	0	0	3,106	3,106
ERM Power Retail Pty Ltd	Electricity supply	0	0	3,106	3,106
Sanctuary Energy Pty Ltd	Electricity supply	0	0	3,106	3,106
Jackgreen (International) Pty Ltd	Electricity supply	0	0	3,106	3,106
Australian Power and Gas Pty Ltd	Gas supply	0	0	5,349	5,349
Dodo Power & Gas Pty Ltd	Gas supply	0	0	5,349	5,349
SUN Retail Pty Ltd	Gas supply	0	0	5,349	5,349
Jackgreen (International) Pty Ltd	Gas supply	0	0	5,349	5,349
Total		0	0	36,928	36,928

Notes:

¹ The chief executive under part 5 (Technical regulation) of the Act is the chief executive of the ACT Planning and Land Authority.

² The ACT Administrative and Civil Tribunal (Energy and Water Unit) in hearing and deciding matters to which a utility is party.

³ The Independent Competition and Regulatory Commission.

Table 3: Scope and nature of services provided by licensees (electricity supply and gas supply utility services)

Section of the Act/ Utility service	Scope and nature of services
6(c) Electricity supply	Supply of electricity from an electricity network to premises for consumption.
9(d) Gas supply	Supply gas through a gas distribution network to premises for consumption.