

Utilities (Annual Licence Fees Determination) Notice 2011 (No 2)*

Notifiable Instrument NI2011-624

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 2011 (No 2)*.

2 Commencement

This instrument commences on the day after it is notified.

3 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 2012, as set out in the attached schedule (tables 1 to 4).

Licence fees are payable for 2011-12 by East Australian Pipeline Limited (licensed to supply gas transmission services) and ACTEW Corporation Limited (licensed to supply water and waste water services).

Unless otherwise agreed in writing with the Commission, determined fees, shown in table 1, are payable by the licensee to the Commission in three (3) equal instalments to be paid by 30 November 2011, 31 January 2012 and 31 March 2012.

Table 2 in the schedule sets out the breakdown of costs incurred by the three agencies, namely the Commission, the ACT Civil and Administrative Tribunal, and Director General of the Energy and Sustainable Development Directorate (ESDD) on behalf of the Territory.

Licence fees payable are based on estimated costs for 2011-12 for the three agencies but also taking account of any rebates or surcharges payable for differences in costs between those estimated for 2010-11 and the actual costs incurred by the agencies for that year. Those details are shown in table 3.

Table 4 details the scope and nature of services provided by the two utilities.

*Name amended under Legislation Act, s 60

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

- What it considered the utilities should make as a reasonable contribution towards the costs incurred or expected to be incurred by the three agencies;
- the amount of the fee and the way it is worked out; and
- the Commission's reasons for the amount of the fees and any instalments to be paid.

4 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.

Malcolm Gray
Senior Commissioner
Independent Competition and Regulatory Commission
14 October 2011

SCHEDULE

Table 1: Licence fees payable for gas transmission, and water and wastewater utility services, 2011-12¹

Licensee	Licence fees payable (\$)
East Australian Pipeline Limited (gas transmission)	64,777
ACTEW Corporation Ltd (water and waste water services)	919,807
Total	984,584

Note:

¹ licence fees determined for 2011-12 are based on estimated costs incurred during 2011-12 by the three agencies (the Commission, the ACT Civil and Administrative Tribunal, and the Director General of the Energy and Sustainable Development Directorate (ESDD), on behalf of the Territory) but also take account of any rebates or surcharges payable for differences in costs between those estimated for 2010-11 and the actual costs incurred by the agencies for that year.

Table 2: Breakdown of licence fees as cost components incurred by the three ACT agencies for gas transmission and water and wastewater utility services, 2011-12

Licensee	Utility service component provided	ESDD ¹ (\$)	ACAT ² (\$)	ICRC ³ (\$)	Totals (\$)
East Australian Pipeline Limited	Gas transmission	63,837	0	940	64,777
ACTEW Corporation Ltd	Water collection and treatment	71,622	0	55,099	126,721
	Water network	71,622	1,500	55,099	128,221
	Water distribution	71,622	0	55,099	126,721
	Water connection service	71,622	0	55,099	126,721
	Water supply	0	44,781	55,099	99,880
	Sewerage network	71,622	1,500	55,099	128,221
	Sewerage connection service	71,622	0	55,099	126,721
	Sewerage service	0	1,500	55,099	56,599
	Sub-total ACTEW Corporation		429,730	49,281	440,796
Total		493,567	49,281	441,736	984,584

Notes:

¹ Environment and Sustainable Development Directorate.

² ACT Civil and Administrative Tribunal.

³ Independent Competition and Regulatory Commission.

Table 3: Licence fees determined for 2011-12 showing aggregated rebates/surcharges payable from 2010-11

Licensee	Licence fees determined for 2010-11 based on estimated costs (\$)	Licence fees based on actual costs for 2010-11 (\$)	(Rebates) or surcharge due (\$)	Licence fees based on estimated costs for 2011-12 (\$)	Licence fees determined for 2011-12 (\$)
East Australian Pipeline Limited	52,481	52,621	140	64,637	64,777
ACTEW Corporation Ltd	706,954	813,324	106,371	813,436	919,807
Total	759,435	865,945	106,511	878,073	984,584

Table 4: Scope and nature of services provided by licensees (gas transmission, and water and wastewater)

Section of the Act/ Utility service	Scope and nature of services
9(a) Gas transmission	Transmission of gas through a gas transmission network.
11(a) Water collection and treatment	Collection or treatment of water, or both, for distribution through a water network.
11(b) Water network	Making a water network available for the provision of water connection services.
11(c) Water distribution	Distribution of water through a water network.
11(d) Water connection Services	Connection of premises to a water network; or variation of the capacity of the connection between premises and a water network.
11(e) Water supply	Supply of water from a water network to premises for consumption.
13(a) Sewerage network	Making a sewerage network available for the provision of sewerage connection services.
13(b) Sewerage connection Services	Connection of premises to a sewerage network; or variation of the capacity of the connection between premises and a sewerage network.
13 (c) Sewerage service	Conveyance, collection, treatment and disposal of sewage by a person from the premises of another person.