

# Utilities (Annual Licence Fees 2011-12 Amendment Determination) Notice 2013\*

## Notifiable Instrument NI2013-46

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))

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### 1 Name of instrument

This instrument is the *Utilities (Annual Licence Fees 2011-12 Amendment Determination) Notice 2013*.

### 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 amended 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 3). The utilities affected only include ACTEW Corporation Limited (licensed to supply water and waste water services).

This amendment to the licence fees originally determined for 2011-12 results from a revision to the actual costs incurred during 2010-11 by the Energy and Sustainable Development Directorate (ESDD) on behalf of the Territory.

Table 1 in the schedule shows the effects of the amendment for the licence fees for 2011-12 payable by ACTEW Corporation Limited.

As a result of this amendment, ACTEW Corporation Limited will be refunded \$131,430.

Table 2 sets out the amended costs incurred by ESDD on behalf of the Territory.

Table 3 details the scope and nature of services provided by the ACTEW.

Similar to determining the licence fee payable by a utility, the Commission, in making this amendment, has 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

\*Name amended under Legislation Act, s 60

- the Commission's reasons for the amount of the fees and any instalments to be paid.

The Commission will provide the refund to ACTEW by the latter of 15 February 2013, or by the date 7 days after this instrument commences.

#### **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](http://www.icrc.act.gov.au));
- at the Commission's offices (located at Level 8, 221 London Circuit, Canberra City, ACT) during ordinary office hours; and
- on the ACT Legislation Register ([www.legislation.act.gov.au](http://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  
23 January 2013

## SCHEDULE

**Table 1: Amendment to licence fees payable for water and wastewater utility services, 2011-12**

Licensee	Original assessment <sup>1</sup>	Amended assessment <sup>2</sup>	Change (\$)
ACTEW Corporation Ltd (water and waste water services)	919,807	788,377	-131,430

Note:

<sup>1</sup> licence fees originally determined for 2011-12 were 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.

<sup>2</sup> This amendment to the licence fees originally determined for 2011-12 resulted from a revision to the actual costs incurred during 2010-11 by ESDD on behalf of the Territory.

**Table 2: Breakdown of the amended actual cost components incurred by ESDD for water and wastewater utility services, 2010-11**

Licensee	Utility service component provided	ESDD <sup>1</sup>			Change in assessed licence fees (\$)
		Original(\$)	Amended (\$)	Change (\$)	
ACTEW Corporation Ltd	Water and Sewerage Services	430,103	298,673	-131,430	-131,430

Notes:

<sup>1</sup> Environment and Sustainable Development Directorate.

**Table 3: Scope and nature of services provided by licensee (water and wastewater)**

Section of the Act/ Utility service	Scope and nature of services
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.