

NORTHERN TERRITORY OF AUSTRALIA
ELECTRICITY REFORM (ADMINISTRATION) AMENDMENT
REGULATIONS 2005

Regulations No. 35 of 2005

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NORTHERN TERRITORY OF AUSTRALIA

Regulations No. 35 of 2005*

Electricity Reform (Administration) Amendment Regulations 2005

I, EDWARD JOSEPH EGAN, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Electricity Reform Act*.

Dated 6 October 2005.

E. J. EGAN
Administrator

By His Honour's Command

S. J. STIRLING
Treasurer

* Notified in the *Northern Territory Government Gazette* on 19 October 2005.

1. Citation

These Regulations may be cited as the *Electricity Reform (Administration) Amendment Regulations 2005*.

2. Principal Regulations amended

These Regulations amend the *Electricity Reform (Administration) Regulations*.

3. New regulations 3A and 3B

After regulation 3 in Part 1 –

insert

3A. Exclusion from Act of certain types of electricity generation

(1) For the definition of "generation" in section 4(1) of the Act, the operation by a person of electricity generating plant that is not connected to electricity infrastructure owned or operated by an electricity entity is declared not to be generation of electricity if the electricity is generated for the person's own use.

(2) For the definition of "generation" in section 4(1) of the Act, the operation by a person of electricity generating plant that is not connected to electricity infrastructure owned or operated by an electricity entity is declared not to be generation of electricity if –

- (a) the electricity is generated for supply to the owner or occupier of an area of land that is in the vicinity of the land on which the generating plant is situated; and
- (b) electricity is not available from an electricity entity for supply to the area of land to which the electricity is supplied by the person operating the electricity generating plant.

3B. Exclusion from Act of certain sales of electricity

For the definition of "selling" in section 4(1) of the Act, the trading of electricity by a person to a customer is prescribed not to be selling of electricity if –

- (a) electricity is not available for supply to the customer by an electricity entity; and
- (b) the amount supplied to all customers by the person does not total more than 160 megawatt hours in each calendar year.

4. Amendment of regulation 6 (Classification of customers as contestable customers)

Regulation 6(1) –

omit

this regulation

insert

these Regulations

5. New regulations 6A, 6B and 6C

After regulation 6 –

insert

6A. Ceasing to be contestable customer

Subject to these Regulations, a customer ceases to be classified as a contestable customer if the customer's consumption for the site to which the classification relates falls below, or never exceeds, the minimum consumption as specified in column 2 of the Schedule and the customer's consumption for the site is expected to remain below, or to not exceed, that level for the foreseeable future.

6B. Contestable customer may apply for declaration

(1) A customer who is classified as a contestable customer may apply to the relevant entity for a declaration that regulation 6A applies to the customer.

(2) On receiving the application, the relevant entity must make the declaration if it is satisfied that regulation 6A applies to the customer.

(3) The relevant entity must notify the customer in writing of its decision not later than 30 days after the application is made.

(4) If the relevant entity refuses to make a declaration under subregulation (2), the notice under subregulation (3) must state –

- (a) the reasons for not making the declaration; and
- (b) that the customer may apply to the Utilities Commission for it to determine whether the customer should cease to be classified as a contestable customer.

(5) A customer ceases to be classified as a contestable customer on a declaration being made under subregulation (2).

- (6) This regulation does not prevent –
 - (a) a customer who ceases to be classified as a contestable customer from subsequently being classified as a contestable customer; or
 - (b) a customer from re-applying under subregulation (1).

6C. Review of relevant entity's decision by Utilities Commission

(1) A customer whose application under regulation 6B is refused may apply to the Utilities Commission for it to revoke the classification of the customer as a contestable customer.

(2) The Utilities Commission may revoke the classification of the customer as a contestable customer –

- (a) if the Utilities Commission is satisfied that –
 - (i) regulation 6A applies to the customer; and
 - (ii) the customer has not sought to contrive any reduction in consumption for the site to which the classification relates in order to seek revocation of the classification; or
- (b) for any reason, consistent with the objects of the Act, that the Utilities Commission thinks fit.

(3) The Utilities Commission must notify the relevant entity and the customer of its decision not later than 30 days after the date of the application under subregulation (1).

6. New regulation 12A

After regulation 12 –

insert

12A. Cancellation of contestable customer certificate

(1) If a customer ceases to be classified as a contestable customer, the relevant entity must cancel the customer's contestable customer certificate.

(2) The relevant entity must notify the customer that the contestable customer certificate has been cancelled –

- (a) not later than 7 days after it makes a declaration under regulation 6B(2); or

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- (b) if the customer's classification is revoked by the Utilities Commission under regulation 6C – not later than 7 days after it is notified of the Utilities Commission's decision.
- (3) The relevant entity must place the customer on the applicable non-contestable tariff not later than 30 days after cancelling the contestable customer certificate.
