



National Electricity Amendment (SA Jurisdictional Derogation (Connections Charging)) Rule 2010 No. 3

under the National Electricity Law as applied by:

- (a) the National Electricity (South Australia) Act 1996;
- (b) the Electricity (National Scheme) Act 1997 of the Australian Capital Territory;
- (c) the Electricity - National Scheme (Queensland) Act 1997 of Queensland;
- (d) the Electricity - National Scheme (Tasmania) Act 1999 of Tasmania;
- (e) the National Electricity (New South Wales) Act 1997 of New South Wales;
- (f) the National Electricity (Victoria) Act 2005 of Victoria; and
- (g) the Australian Energy Market Act 2004 of the Commonwealth.

The Australian Energy Market Commission makes the following Rule under the National Electricity Law.

John Tamblyn
Chairman
Australian Energy Market Commission

National Electricity Amendment (SA Jurisdictional Derogation (Connections Charging)) Rule 2010 No. 3

1 Title of Rule

This Rule is the National Electricity Amendment (SA Jurisdictional Derogation (Connections Charging)) Rule 2010 No.3.

2 Commencement

This Rule commences operation on 1 July 2010.

3 Amendment of the National Electricity Rules

The National Electricity Rules are amended as set out in Schedule 1.

Schedule 1 Amendments of the National Electricity Rules

(Clause 3)

[1] Clause 9.28.2 Regulation of Distribution Network Connection

Omit clause 9.28.2 and substitute "[Deleted]".

[2] Clause 9.28.3 Regulation of connections and augmentations

Omit clause 9.28.3 in its entirety and substitute:

9.28.3 Regulation of connections and augmentations

(a) In this clause:

Act means the *Essential Services Commission Act 2002* (SA).

Commission means the Essential Services Commission established under the Act.

Electricity Distribution Code means the Electricity Distribution Code made under section 28 of the Act, as in force as at 30 June 2010.

Electricity Distribution Connection Guideline means the Electricity Industry Guideline No. 13 made under section 8 of the Act, as in force as at 30 June 2010.

Electricity Distribution Code Provisions means:

- (1) clauses 3.3 to 3.11 (inclusive) of the Electricity Distribution Code;
- (2) the provisions of the Electricity Distribution Connection Guideline, and
- (3) the definitions in Schedule 1 to the Electricity Distribution Code to the extent they are relevant to the provisions referred to in subparagraphs (1) or (2),

in each case as amended from time to time in accordance with paragraph (g).

(b) Subject to paragraphs (h) and (i), the Electricity Distribution Code Provisions apply in respect of:

- (1) *connections* and modifications to *connections* to; and

- (2) the *augmentation* or *extension* of,
distribution networks situated in South Australia.
- (c) The *AER* must perform and exercise the functions and powers of the Commission under the Electricity Distribution Code Provisions.
- (d) The Commission must not perform or exercise any functions or powers under the Electricity Distribution Code Provisions.
- (e) A *Distribution Network Service Provider* to which the Electricity Distribution Code Provisions apply must comply with the Electricity Distribution Code Provisions.
- (f) The Electricity Distribution Code Provisions prevail over:
- (1) any other provision of the *Rules* (except this clause 9.28.3);
and
- (2) the *negotiating framework* and the *Negotiated Distribution Service Criteria* set out in a distribution determination of a *Distribution Network Service Provider* to which the Electricity Distribution Code Provisions apply for the *regulatory control period* 1 June 2010 to 30 June 2015,
to the extent of any inconsistency.
- (g) Notwithstanding anything to the contrary in the Electricity Distribution Code or the Electricity Distribution Connection Guideline, the Electricity Distribution Code Provisions may only be amended by the *AER* and, in amending the Electricity Distribution Code Provisions, the *AER* must comply with the *distribution consultation procedures* as if the Electricity Distribution Code Provisions were guidelines under the *Rules*.
- (h) Notwithstanding paragraph (b), the value of 'f' referred to in clause 3.6.4.1 of the Electricity Distribution Code is to be taken to be calculated as follows for each *financial year* commencing on or after 1 July 2010:

$$f_t = \$135/\text{kVA} \times \text{CPI}_t / \text{CPI}_0$$

where:

f_t is the value of 'f' in the *financial year* t;

CPI_t is the *CPI* for the quarter ending 31 March in the *financial year* immediately preceding *financial year* t; and

CPI_0 is the *CPI* for the quarter ending 31 March 2009.

- (i) Notwithstanding paragraph (b), the discount rate to be used in calculating the value of 'F' referred to in clause 3.6.4.2(b) of the Electricity Distribution Code and the Electricity Distribution Connection Guideline is to be taken to be 8.5% per annum until the *AER* specifies a different discount rate for that purpose or approves a different method for calculating the value of 'F'.
- (j) For the purposes of this clause 9.28.3, references in the Electricity Distribution Code and the Electricity Distribution Connection Guideline to the *National Electricity Code* are to be taken to be references to the *Rules*.
- (k) All things done (including approvals, instructions, guidance and determinations given or made) by the Commission prior to 1 July 2010 for the purposes of the Electricity Distribution Code or the Electricity Distribution Connection Guideline are to be taken to have been done by the *AER* for the purposes of the Electricity Distribution Code Provisions.
- (l) This clause expires on the earlier of:
 - (1) 30 June 2015; and
 - (2) the date notified by the South Australian Minister in the South Australian Government Gazette as the date on which the customer connection rules that are included in the law, regulations and rules that are collectively known as the 'National Energy Customer Framework' apply in South Australia.

END OF RULE AS MADE
