



20 March 2009

Mr Paul Kelly
Electricity Customer Consultative Committee Chairman
Level 6, Governor Stirling Tower
197 St George's Tce
PERTH WA 6000

Dear Paul

SUBMISSION ON THE DRAFT REVIEW REPORT OF THE REVIEW OF THE CODE OF CONDUCT FOR THE SUPPLY OF ELECTRICITY TO SMALL USE CUSTOMERS 2008

Thank you for the opportunity to comment on the draft review report for the 2009 review of the *Code of Conduct for the Supply of Electricity to Small Use Customers 2008* (the **Code**).

The Office of Energy is broadly supportive of the draft review report. However, we draw your attention to the following point.

Recommendation 3 – Definition of a customer

The Office of Energy takes the view that the definition of "customer" in the *Electricity Industry Act 2004* (the **Act**) is not ambiguous. It is clear that a person who consumes an aggregate of more than 160 MWh of electricity at multiple exit points is not a 'customer' for the purpose of Part 6 of the Act. Furthermore, the Office of Energy takes the view that a change to the definition in the Code could lead to ambiguity, rather than clarity. As such, the Office of Energy does not support this recommendation.

Should you require further information, please contact Ms Chloe Upton on 9420-5668 or Chloe.Upton@energy.wa.gov.au.

Yours sincerely

PETER HAWKEN
A/DIRECTOR, MARKETS AND REGULATORY POLICY BRANCH