

GAS SERVICES INFORMATION ACT 2012
GAS SERVICES INFORMATION REGULATIONS 2012
Gas Services Information Rules (GSI Rules)

IMO AMENDING RULES GRC_2014_01 MADE ON 2 December 2014
These Amending Rules commence at 8:00 AM on 1 January 2015

The following clauses are amended (~~deleted wording~~, new wording):

36 Deciding application for deregistration of Registered Participants

...

- (3) In deciding to deregister a Registered ~~Shipper~~Participant, the IMO may impose obligations on the deregistered party, who must comply with those obligations.

Note: This subrule is a civil penalty provision for the purposes of the GSI Regulations. (See the GSI Regulations, regulation 15 and Schedule 1).

- (4) Without limitation, an obligation imposed on a deregistered party under subrule (3) may:

- (a) require compliance with specified requirements of the Rules, with any modifications specified by the IMO; and
- (b) require payment of any outstanding fees payable under the Rules by a Registered Shipper or Registered Production Facility Operator.

...

114 IMO may recover GSI Services costs

For each Financial Year, the IMO may recover from Registered Shippers and Registered Production Facility Operators an amount equal to the Approved Annual Revenue for that Financial Year.

...

115A Calculation of Aggregated Daily Actual Flow Data

- (1) The IMO must calculate the Aggregated Daily Actual Flow Data for each Registered Production Facility Operator for each GSI Invoice Period, within 20 Business Days after the end of the period.
- (2) Aggregated Daily Actual Flow Data must include the quantities injected for each Gas Day that starts in that GSI Invoice Period.
- (3) If the Registered Participant providing the Daily Actual Flow Data for a Registered Production Facility under either rule 60 or subrule 73(1) becomes aware of a change to the Daily Actual Flow Data for a Registered Production Facility for a particular GSI Invoice Period (but no later than one year after the

end of that period) then the operator must provide the IMO with an updated version of the relevant quantities for that period as soon as practicable.

Note: This subrule is a civil penalty provision for the purposes of the GSI Regulations. (See the GSI Regulations, regulation 15 and Schedule 1).

116 Basis for calculation of GSI Fees for Registered Shipper

(1) The GSI Fee F for a Registered Shipper s for GSI Invoice Period p in Financial Year y is calculated as:

$$F(s,p) = ((\text{Budget}(y) * \text{days in } p / \text{days in } y) + U(p) - UR(p)) * DG(s,p) / TG(p)$$

The GSI Fees F for the GSI Invoice Period p in Financial Year y is calculated as:

$$F(p) = \text{Budget}(y) \times \frac{\text{days in } p}{\text{days in } y} + U(p) - UR(p)$$

Where:

Budget(y) Budget (y) is:

- (a) if the Minister has approved the GSI Budget Proposal for Financial Year y, the Approved Annual Revenue for Financial Year y; or
- (b) if the Minister has not yet approved the GSI Budget Proposal for Financial Year y, the Approved Annual Revenue for the previous Financial Year;

U(p) U(p) is the sum of any GSI Fees invoiced for preceding GSI Invoice Periods but unpaid at the time GSI Fees for GSI Invoice Period p are invoiced and which the IMO reasonably believes it will not be able to recover from the party invoiced (and has not been previously reallocated to Registered Shippers as a U(p) amount); and

UR(p) UR(p) is the sum of any amounts included in the calculation of U for a preceding GSI Invoice Period which have been recovered since the GSI Fees for GSI Invoice Period p-1 were invoiced;

(2) The GSI Fee for the GSI Invoice Period p for a Registered Shipper s is calculated as:

$$f(s,p) = 0.5 \times F(p) \times \frac{DG(s,p)}{TDG(p)}$$

Where:

DG(s,p) DG(s,p) is the total of the Aggregated Shipper Delivery Quantities for each Registered Shipper s and GSI Invoice Period p from all GBB Pipelines that provided the shipper with a pipeline service in GSI Invoice Period p; and

$TDG(p)$ is the sum of the $DG(s,p)$ quantities for all Registered Shippers- for GSI Invoice Period p .

- (3) The GSI Fee for the GSI Invoice Period p for a Registered Production Facility Operator x is calculated as:

$$f(x,p) = 0.5 \times F(p) \times \frac{PG(x,p)}{TPG(p)}$$

Where:

$PG(x,p)$ is the total of the Aggregated Daily Actual Flow Data for Registered Production Facility Operator x and for the GSI Invoice Period p as calculated by the IMO under rule 115A; and

$TPG(p)$ is the sum of the $PG(x,p)$ quantities for all Registered Production Facility Operators and for the GSI Invoice Period p .

117 **IMO to issue GSI Invoice**

...

- (3) Where the IMO is able to calculate the Aggregated Daily Actual Flow Data under rule 115A within 20 Business Days after the end of the relevant GSI Invoice Period, the IMO must, within 30 Business Days of the end of that period:
- (a) calculate the GSI Fee for each Registered Production Facility Operator for that period in accordance with rule 116; and
 - (b) issue a GSI Invoice to each Registered Production Facility Operator for that period.
- (4) Where the IMO is not able to calculate the Aggregated Daily Actual Flow Data under rule 115A within 20 Business Days after the end of the relevant GSI Invoice Period, the IMO may:
- (a) issue a GSI Invoice later than the time specified in subrule (3); or
 - (b) calculate the GSI Fees and issue GSI Invoices in accordance with subrule (3) based on the best data available to the IMO.

118 **Obligation to pay GSI Invoice**

- (1) Subject to subrules (2) and (4), a Registered Shipper or Registered Production Facility Operator must pay a GSI Invoice within 10 Business Days after the receipt of the invoice, regardless of whether there is a dispute regarding the invoice under rule 120.

Note: This subrule is a civil penalty provision for the purposes of the GSI Regulations. (See the GSI Regulations, regulation 15 and Schedule 1).

...

- (3) A Registered Shipper or Registered Production Facility Operator must pay a replacement invoice within 10 Business Days after receipt of the invoice, regardless of whether there is a dispute regarding the invoice under rule 120.

Note: This subrule is a civil penalty provision for the purposes of the GSI Regulations. (See the GSI Regulations, regulation 15 and Schedule 1).

- (4) A Registered Shipper or Registered Production Facility Operator is not required to pay a GSI Invoice if the invoice is for an amount of less than one dollar.

119 Review of GSI Fee calculation

...

- (2) The IMO may also, subject to subrule (3), recalculate the GSI Fees for a GSI Invoice Period at any other time if it considers it appropriate in all the circumstances.

Note: For example, this could be a manifest error in the original calculations, or notification of a significant change to Aggregated Shipper Delivery Quantities or Aggregated Daily Actual Flow Data.

...

- (4) Where the IMO recalculates GSI Fees for a GSI Invoice Period, the IMO must send an Adjustment GSI Invoice to each Registered Shipper or Registered Production Facility Operator, as applicable.

- (5) A Registered Shipper or Registered Production Facility Operator must, within 10 Business Days of receiving an Adjustment GSI Invoice, pay any amounts owing.

Note: This subrule is a civil penalty provision for the purposes of the GSI Regulations. (See the GSI Regulations, regulation 15 and Schedule 1).

- (6) Where an Adjustment GSI Invoice reduces the amount payable by a Registered Shipper or Registered Production Facility Operator, the IMO must credit the relevant amount to the next GSI Invoice issued under rule 117 to ~~that shipper~~ the relevant Registered Participant.

- (7) Where a Registered Shipper or Registered Production Facility Operator is no longer registered with the IMO and has a credit balance, the IMO must, as soon as practicable, pay the amount ~~to the shipper~~ by direct bank transfer to an account nominated by ~~the Shipper~~ the relevant Gas Market Participant.

120 Disputes regarding GSI Invoices

- (1) If a Registered Shipper or Registered Production Facility Operator wishes to dispute a GSI Invoice received from the IMO, it must notify the IMO of the disputed invoice within 10 Business Days after receiving the invoice and the Registered Shipper Participant and the IMO must seek to resolve that dispute in accordance with the dispute resolution process set out in this rule.
- (2) To resolve the dispute:
 - (a) ~~the Registered Shipper~~ the relevant Registered Participant must, when notifying the dispute to the IMO, inform the IMO of the reasons for it disputing the GSI Invoice;
 - (b) the IMO must provide sufficient information to ~~the Registered Shipper~~ the relevant Registered Participant regarding the calculation of the disputed amount, within 10 Business Days of the dispute being notified;
 - (c) a nominated representative of ~~each of the Registered Shipper~~ the relevant Registered Participant and the IMO must seek to resolve the dispute within 10 Business Days of the IMO providing the necessary information to the Registered ~~Shipper~~ Participant; and
 - (d) if the dispute is not resolved by the nominated representatives as referred to in subrule (2)(c):
 - (i) where the IMO and ~~the Registered Shipper~~ the relevant Registered Participant can agree on a means of resolving the dispute by mediation, expert determination or some other similar alternative dispute resolution mechanism, the IMO and ~~the Registered Shipper~~ the relevant Registered Participant must use that mechanism; or
 - (ii) in the event that the IMO and ~~the Registered Shipper~~ the relevant Registered Participant are unable to agree on a dispute resolution mechanism, either party may commence proceedings before a court of competent jurisdiction in relation to the dispute.
- (3) If, as a result of the resolution of a dispute regarding a GSI Invoice, the IMO is obliged to repay to a Registered Shipper or Registered Production Facility Operator part or the whole of an amount received under rule 118, then the IMO must repay the amount (at the option of ~~the Registered Shipper~~ the relevant Gas Market Participant) either:
 - (a) by way of a credit on the next GSI Invoice issued under rule 117 for a GSI Invoice Period; or
 - (b) by a payment to ~~the Registered Shipper~~ the relevant Gas Market Participant within 10 Business Days after the day resolution is reached.
- (4) If as a result of the resolution of a dispute regarding a GSI Invoice, there is a finding that the GSI Invoices for one or more Registered Shippers or Registered

Production Facility Operators were incorrectly calculated, the IMO must recalculate the GSI Fees for the relevant GSI Invoice Period for all Registered Shippers or Registered Production Facility Operators in accordance with rule 119.

...

Schedule 1 - Glossary

Adjustment GSI Invoice means an invoice that is sent to a Registered Shipper or Registered Production Facility Operator after:

- (a) recalculation of the GSI Fees payable for a GSI Invoice Period under rule 119; or
- (b) an adjustment to the GST amount payable for a GSI Invoice Period under rule 124.

Aggregated Daily Actual Flow Data means, for a Registered Production Facility Operator, the quantity of natural gas that has been injected from that Facility into GBB Pipelines for the relevant GSI Invoice Period determined from data provided under rule 60 or subrule 73(1).

Aggregated Shipper Delivery Quantity means, for a Registered Shipper and a GBB Pipeline, the delivery quantities for that Shipper aggregated for all Delivery Points on the GBB Pipeline, except those Delivery Points feeding into another GBB Pipeline or GBB Storage Facility (see rule 115).

...

Daily Actual Flow Data means, for a Gas Day:

- (a) for a GBB Pipeline, the actual flows on that Gas Day for each Receipt Point and each Delivery Point on that pipeline, determined by the Registered Pipeline Operator on the basis of operational metering data where available or otherwise, where such data is not available, estimated by the Registered Pipeline Operator ~~or estimated by the operator;~~
- ...
- (c) for a GBB Production Facility, the quantity of natural gas that ~~is metered (based on operational metering data) as having been, or estimated by the Registered Production Facility Operator to have been,~~ has been injected from the fFacility into each relevant Receipt Point on a GBB Pipeline on that Gas Day determined on the basis of operational metering data where available or otherwise, where such data is not available, estimated by the Registered Production Facility Operator.

...

GSI Fee means the fee payable by a Registered Shipper or Registered Production Facility Operator to the IMO and calculated under rule 116.

GSI Invoice means an invoice issued to a Registered Shipper or Registered Production Facility Operator by the IMO, and includes an Adjustment GSI Invoice.