



Economic Regulation Authority

Western Australia

**Decision on Generation Licence
Application for EDWF Holdings 1 Pty
Ltd and Griffin Windfarm Pty Ltd
trading as Emu Downs Wind Farm
Joint Venture**

A handwritten signature in black ink, appearing to be 'R. Owen'.

ECONOMIC REGULATION AUTHORITY

10 June 2005

FINAL DECISION

1. On 14 April 2005, EDWF Holdings 1 Pty Ltd and Griffin Windfarm Pty Ltd trading as Emu Downs Wind Farm Joint Venture (**the Applicant**) made an application to the Economic Regulation Authority (**Authority**) for a Generation Licence in relation to a proposed construction of a Wind Farm at Emu Downs in the Shire of Dandaragan (**the Application**).
2. The Application was made pursuant to section 10 of the *Electricity Industry Act 2004* (Act).
3. The Authority consulted upon the proposed grant of the licence in accordance with the "Electricity Industry Guideline: Information for Licence Applicants".
4. Pursuant to section 19 of the Act, the Authority approves the grant of a Generation Licence to the Applicants to supply electricity subject to, and in accordance with, the terms set out in the Licence.

STATEMENT OF REASONS

5. Section 19 of the Act sets out the factors governing the Authority's decision to grant, renew, or transfer an electricity supply licence. Subsections (1) and (2) are reproduced below:
 - (1) *Subject to section 9, the Authority must grant, renew or approve the transfer of a licence if it is satisfied that applicant –*
 - (a) *has, and is likely to retain; or*
 - (b) *will acquire within a reasonable time after the grant, renewal or transfer, and is then likely to retain,*

the financial and technical resources to undertake the activities authorised, or to be authorised by the licence.
 - (2) *The Authority must take reasonable steps to make a decision in respect of an application for –*
 - (a) *the grant or renewal of a licence; or*
 - (b) *approval to transfer a licence,*

within 90 days after the application is made.

Further section 9 of the Act states the Authority must not exercise a power conferred by Division 3 of the Act (General licensing provisions) unless the Authority is satisfied that it would not be contrary to the public interest.

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6. The Authority engaged consultant 2020 Global to examine the financial capacity of the Applicants to undertake activities authorised by the licence and sought advice from the Director of Energy Safety regarding the technical capability of the Applicants. The Authority's advisers concluded that the Applicant met the requirements imposed by section 19(1) of the Act.
7. Office of Energy was also consulted on the Application and was asked to determine if the granting of a Licence to the Applicants is contrary to the public interest. Advice received has indicated that the application was not contrary to the public interest and the office is supportive of the granting of a licence.
8. The Authority has considered the Application, the advisers' reports and is satisfied that the requirements of sections 9(1) and 19(1) of the Act have been met by the Applicants. It has therefore decided to issue a decision to grant a Generation Licence to EDWF Holdings 1 Pty Ltd and Griffin Windfarm Pty Ltd trading as Emu Downs Wind Farm Joint Venture in relation to the proposed construction of a Wind Farm at Emu Downs in the Shire of Dandaragan.
9. As required by section 23(1) of the Act, the Authority will publish notice of its approval of the Application in the *Government Gazette* as soon as is practicable.