



Economic Regulation Authority

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NOTICE

Notice Under Section 4.68(b) of the Electricity Networks Access Code

On 5 February 2009, the Economic Regulation Authority (**Authority**) issued a notice to Western Power under section 51 of the *Economic Regulation Authority Act 2003* (**Act**) requiring Western Power to provide certain specified information and documents to the Authority to assist the Authority in the assessment and approval of proposed access arrangement revisions (**section 51 notice**).

In accordance with section 4.68(a) of the *Electricity Networks Access Code 2004* (**Access Code**), the Authority formed the view that a suspension of the deadline for the publication of a draft decision in accordance with section 4.12 of the Access Code was essential to enable the Authority to give due consideration to all the matters relevant to the decision, and on 6 February 2009, published a notice suspending the deadline for the draft decision.

Whilst the Authority has received some of the requested information and documents from Western Power identified in the section 51 notice, the Authority is of the view that there has not been full compliance with the section 51 notice. Notwithstanding the Authority's view that the section 51 notice is yet to be fully complied with, and whilst the Authority remains of the view that the full scope of the information requested in the section 51 notice may assist the Authority in performing its functions with respect to assessment and approval of revisions to access arrangements, the Authority has proceeded to prepare the attached draft decision for publication on the basis of the information it currently has available to it.

Accordingly, pursuant to section 4.68(b) of the Access Code, by this notice the Authority hereby ends the suspension of the deadline for publication of its draft decision, and publishes its draft decision. The Authority does so without prejudice to the operation of, and its rights and interests in connection with, the section 51 notice. The section 51 notice (and any obligations of Western Power thereunder) remain unaffected by this notice under section 4.68(b) and the Authority reserves all rights it may have with respect to enforcing compliance with the section 51 notice.

LYNDON ROWE
CHAIRMAN

16 July 2009