

Decision on Amendment to EIRL1

EDL NGD Pty Ltd

28 November 2012

Economic Regulation Authority

WESTERN AUSTRALIA

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DECISION

1. In accordance with section 21 of *the Electricity Industry Act 2004* (**Electricity Act**) the Economic Regulation Authority (**Authority**) has amended EIRL1 held by EDL NGD (WA) Pty Ltd (**EDL NGD**).
2. Reference to the following generating works has been removed from EIRL1:
 - Derby (10.63 megawatts (**MW**));
 - Looma (1.00 MW);
 - Fitzroy Crossing (1.09 MW); and
 - Halls Creek (2.49 MW).
3. As required by section 23(1) of the Electricity Act, the Authority will publish a notice of the amendments in the Government Gazette as soon as is practicable.

REASONS

4. On 1 November 2012, EDL NGD applied to have the following generating works removed from EIRL1:
 - Derby (10.63 MW);
 - Looma (1.00 MW);
 - Fitzroy Crossing (1.09 MW);
 - Halls Creek (2.49 MW).
5. EDL NGD made the application having regard to section 3 of the *Electricity Industry Exemption Order 2005*, which exempts a person from the requirement for a generation licence under the Electricity Act, if the generation capacity of the generating works concerned is less than 30 MW at each connection point.
6. The application was made in accordance with the requirements of section 21 of the Electricity Act.
7. The Authority notes that each of the generating works is below the 30 MW threshold in accordance with the requirements of section 3 of the *Electricity Industry Exemption Order 2005*.
8. The Authority's *Public Consultation Guidelines - For Electricity, Gas & Water Licences and Electricity & Gas Standard Form Contracts (July 2006)* provide that if, in the Authority's view, an amendment to a licence is minor, subject to its legislative obligations, the Authority will not generally engage in public consultation.
9. The Authority has considered the proposed amendments and is of the view that they are minor. Therefore, the Authority has not undertaken public consultation on the proposed amendments.

10. Section 9(1) of the Electricity Act states that the Authority must not exercise a power conferred by Part 2, Division 3 of the Electricity Act unless the Authority is satisfied that it would not be contrary to the public interest to do so.
11. Section 9(2) of the Electricity Act provides that, when determining whether the exercise of the power would not be contrary to the public interest, the Authority must, without limiting the other matters that may be taken into account, take into account the matters referred to in section 8(5) of the Electricity Act.
12. The Authority has not found any evidence that the proposed amendments would be contrary to the public interest. Accordingly, the Authority has decided to amend EIRL1 in accordance with the proposed amendments.