



Notice

20 April 2015

Proposed revised access arrangement for the Mid-West and South-West Gas Distribution Systems

CALCULATION OF TIME FOR PUBLICATION OF THE FINAL DECISION

The Economic Regulation Authority (**ERA**) is required to publish a final decision on the revisions proposed by ATCO Gas Australia Pty Ltd (**ATCO**) to the Mid-West and South-West Gas Distribution Systems (**GDS**). The ERA is now expecting to publish its final decision in mid-May 2015.

The National Gas Rules (**NGR**) require the final decision to be published within a six month period unless the ERA extends the time allowed or disregards time as permitted by the NGR. The ERA has previously disregarded time for this purpose and as a matter of formality the ERA has decided to disregard further time relating to the submission period for the discussion paper on the return on debt released on 4 March 2014.

However, there is also an overall time limit of 13 months which cannot be extended. In accordance with the overall time limit, the ERA's final decision was due to be published by 17 April 2015. The ERA is unable to publish its final decision by this date due to the complexity of issues raised and delays experienced in receiving information. Despite exceeding this overall time limit, the ERA's final decision will still be a valid decision under the National Gas Law (**NGL**).

Background

ATCO lodged proposed revisions to its access arrangement on 17 March 2014. As a result, without any extensions of time or disregarding of time, the ERA would have had to publish its final decision on 17 September 2014.

Rule 11 of the NGR lists the periods of time that may be disregarded, which include:

- any period allowed for the proponent to correct or revise the proposal (rule 11(1)(a)); and
- any period allowed for public submissions on the proposal or the ERA's draft decision (rule 11(1)(c)).

In its notice published on 17 September 2014, the ERA outlined the periods of time that it would disregard for the purposes of calculating time. The ERA also outlined its intention to disregard the time provided to ATCO for the revision period and the public consultation period on the draft decision. In a subsequent notice published on 14 October 2014, the ERA indicated it would publish its final decision no later than 17 March 2015. The ERA further disregarded time as a result of extending the revision period for ATCO and the public consultation period on the draft decision. Given the disregarding of time for the submissions period for the discussion paper on the return on debt noted above, the final decision would need to be published by 30 April 2015 in the absence of the overall 13 month time limit.

As the ERA is unable to meet the requirements of rule 13(2) of the NGR, the ERA will be required under rule 14 of the NGR to provide a report regarding the delay to the Ministerial Council of Energy (**MCE**). The ERA proposes to publish its report to the MCE as soon as practicable after it is given to the MCE. Pursuant to section 332(1) of the National Gas Law, the ERA's final decision will remain valid as if it had been made within the time limit.

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