



Electricity

**Licence**



## Electricity Generation Licence

Pacific Hydro Clements Gap Pty Ltd

ACN 109 911 097

Issued by the Essential Services Commission on 3 June 2005.

Last varied by the Essential Services Commission on 16 October 2019.

## Variation history

Amendment number	Variation date	Reason	
ESCOSA01	16 October 2019	Licence varied to reflect amendments to the Act and update outdated references.	

# 1 Definitions and interpretation

- 1.1 Words appearing in bold like **this** are defined in part 1 of the schedule.
- 1.2 This licence must be interpreted in accordance with the rules set out in part 2 of the schedule.

# 2 Grant of licence

- 2.1 The **Licensee** is licensed under Part 3 of the **Act**, and subject to the conditions set out in this licence, to generate electricity at the generating plant listed in the Annexure.

# 3 Term

- 3.1 This licence commences on the date it is issued and continues until:
  - (a) it is surrendered by the **Licensee** under section 29 of the **Act**; or
  - (b) it is suspended or cancelled by the **Commission** under section 37 of the **Act**.

# 4 Access

- 4.1 The **Licensee** must:
  - (a) in accordance with, and to the extent required by, the **Electricity Transmission Code**, grant to an **electricity entity** holding a **transmission licence** or a **distribution licence**, rights to use, or have access to, those parts of the **Licensee's** electricity generating plant that are interconnected or interface with the **electricity entity's** assets for the purpose of ensuring the proper integrated operation of the South Australian power system and the proper conduct of the operations authorised by that **electricity entity's** **transmission licence** or **distribution licence**; and
  - (b) in the absence of agreement as to the terms on which such rights are to be granted, comply with a determination of the **Commission** as to those terms.

# 5 Dispute resolution

- 5.1 A dispute relating to the granting of rights to use or have access to the inter-connecting assets of the **Licensee's** generating plant referred to in clause 4 shall be resolved in accordance with a **Code** developed by the **Commission** for the resolution of disputes.
- 5.2 Clause 5.1 does not apply to the extent the dispute is subject to resolution in accordance with or under the **National Electricity Rules**.

# 6 Compliance with industry codes

- 6.1 The **Licensee** must:
  - (a) comply with all applicable provisions of the **Electricity Transmission Code**, the **Electricity Distribution Code** and the **Electricity Metering Code**;
  - (b) comply with all applicable provisions of any other **industry code** or **rule** made by the **Commission** from time to time; and



- (c) notify the **Commission** if it commits a material breach of the **Electricity Transmission Code**, the **Electricity Distribution Code** or the **Electricity Metering Code** within 3 days after becoming aware of that breach.

## 7 Safety, reliability, maintenance and technical management plan

### 7.1 The licensee must:

- (a) prepare, maintain and periodically revise a safety, reliability, maintenance and technical management plan dealing with matters prescribed by **regulation**;
- (b) obtain the approval of the **Technical Regulator**:
  - (i) to the plan (prior to commencement of the operation of the electricity generating plant to which the plan relates); and
  - (ii) to any revision of the plan;
- (c) comply with the plan as approved from time to time in accordance with clause 7.1(b); and
- (d) undertake audits of its compliance with the plan from time to time and report the results of those audits to the **Technical Regulator**, in the form required by the **Technical Regulator**.

## 8 Planning council and AEMO

8.1 The **Licensee** must, following a request from **AEMO**, provide to **AEMO** such documents and information as **AEMO** may reasonably require for the performance of its functions under the **Act**.

8.2 The **Licensee** must comply with any directions given to it by the **System Controller**.

## 9 National electricity market

9.1 The **Licensee** must hold and comply with the conditions of any registration required under the **National Electricity Rules** granted by **AEMO** (or the person responsible for the granting of such registrations under the **National Electricity Law** or the **National Electricity Rules**) at all times that such registration is required for the operations authorised by this licence.

## 10 Information to the Commission

10.1 The **Licensee** must, from time to time, provide to the **Commission**, in a manner and form determined by the **Commission**:

- (a) details of the **Licensee's** financial, technical and other capacity to continue the operations authorised by this licence; and
- (b) such other information as the **Commission** may require from time to time.

10.2 The **Licensee** must notify the **Commission** of any changes to its **officers**, and (if applicable) major shareholders, within 30 days of that change.

## 11 Operational and compliance audits

- 11.1 The Licensee must undertake periodic audits of the operations authorised by this licence and of its compliance with its obligations under this licence and any applicable industry codes in accordance with the requirements of Energy Industry Guideline No. 4 issued by the Commission.
- 11.2 The Licensee must also conduct any further audits at a frequency and in manner approved by the Commission.
- 11.3 The results of audits conducted under this clause must be reported to the Commission in a manner approved by the Commission.
- 11.4 The Commission may require the licensee to use an independent expert approved by the Commission to conduct audits under this clause.

## 12 Confidentiality

The Licensee must, unless otherwise required by law, this licence, a Code, or the National Electricity Rules, comply with any rules made by the Commission from time to time relating to the use of information acquired by the Licensee in the course of operating the business authorised by this licence.

## 13 Community service

- 13.1 The Licensee must comply with the requirements of any scheme approved and funded by the Minister for the provision by the State of customer concessions or the performance of community service obligations by the electricity entities.

## 14 Compatibility

- 14.1 The Licensee must not do anything to its electricity generating plant affecting the compatibility of its electricity generating plant with any distribution network or transmission network so as to prejudice public safety or the security of the power system of which the electricity generating plant forms a part.

## 15 Insurance

- 15.1 The Licensee must undertake and maintain during the term of this licence insurance against liability for causing bush fires.
- 15.2 The Licensee must annually provide to the Commission a certificate of the insurer or the insurance broker by whom the insurance was arranged (in a form acceptable to the Commission) to the effect that such insurance is adequate and appropriate, given the nature of the Licensee's activities conducted under this licence and the risks associated with those activities.

## 16 Compliance with laws

- 16.1 The Licensee must comply with all applicable laws including, but not limited to, any technical or safety requirements or standards contained in regulations made under the Act.

## 17 Switching Manual

17.1 The licensee must:

- (a) prepare and maintain an internal switching manual in accordance with the regulations; and
- (b) comply with any other requirements relating to switching prescribed in the regulations.

## 18 Variation

18.1 This licence may only be varied in accordance with section 27 of the Act.

## 19 Transfer

19.1 This licence may only be transferred in accordance with section 28 of the Act.

This licence was issued by the Commission on 3 June 2005 and last varied on 16 October 2019.

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ESSENTIAL SERVICES )  
COMMISSION of South )  
Australia was hereunto )  
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ESSENTIAL SERVICES )  
COMMISSION and in the )  
presence of: )



Brett Howie

Commissioner

16 October 2019

Date



# Schedule: Definitions and Interpretation

## 1. Definitions

In this licence:

**Act** means the *Electricity Act 1996* (SA);

**AEMO** means the Australian Energy Market Operator Ltd (ACN 072 010 327);

**business day** means a day on which banks are open for general banking business in Adelaide, excluding a Saturday or Sunday;

**Commission** means the Essential Services Commission established under the *ESC Act*;

**distribution licence** means a licence to operate a **distribution network** granted under Part 3 of the *Act*;

**distribution network** has the meaning given to that term under the *Act*;

**Electricity Distribution Code** means the **industry code** of that name made by the **Commission** under section 28 of the *ESC Act* which regulates connections to a **distribution network** and the supply of electricity by distributors;

**electricity entity** means a person who has been granted a licence under Part 3 of the *Act* to carry on operations in the electricity supply industry;

**Electricity Metering Code** means the **industry code** of that name made by the **Commission** under section 28 of the *ESC Act* which regulates the installation, maintenance and testing of meters;

**Electricity Transmission Code** means the **industry code** of that name made by the **Commission** under section 28 of the *ESC Act*;

**ESC Act** means the *Essential Services Commission Act 2002* (SA);

**generator** means a holder of a licence to generate electricity granted under Part 3 of the *Act*;

**industry code** means any code made by the **Commission** under section 28 of the *ESC Act* from time to time;

**Licensee** means Pacific Hydro Clements Gap Pty Ltd (ACN 109 911 097);

**Minister** means the person who is responsible for the administration of the *Act*;

**National Electricity Code** means the Code, as defined in the *National Electricity Law*;

**National Electricity Law** means the *National Electricity Law* referred to in the *National Electricity (South Australia) Act 1996* (SA);

**regulation** means a regulation made under the *Act*

**rule** means any rule issued by the **Commission** under section 28 of the *ESC Act*;

**System Controller** means the person licensed under Part 3 of the *Act* to exercise system control over a power system;

**Technical Regulator** means the person holding the office of Technical Regulator under Part 2 of the *Act*;

**transmission licence** means a licence to operate a **transmission network** granted under Part 3 of the *Act*; and

**transmission network** has the meaning given to that term under the *Act*.



## 2. Interpretation

In this licence, unless the context otherwise requires:

- (a) headings are for convenience only and do not affect the interpretation of this licence;
- (b) words importing the singular include the plural and vice versa;
- (c) words importing a gender include any gender;
- (d) an expression importing a natural person includes any company, partnership, trust, joint venture, association, corporation or other body corporate and any governmental agency;
- (e) a reference to any statute, regulation, proclamation, order in council, ordinance or by-law includes all statutes, regulations, proclamations, orders in council, ordinances or by-laws varying, consolidating, re-enacting, extending or replacing them and a reference to a statute includes all regulations, proclamations, orders in council, ordinances, by-laws and determinations issued under that statute;
- (f) a reference to a document or a provision of a document includes an amendment or supplement to, or replacement or novation of, that document or that provision of that document;
- (g) an event which is required under this licence to occur on or by a stipulated day which is not a **business day** may occur on or by the next **business day**.

## ANNEXURE

1. Clements Gap wind farm
  - Maximum installed capacity 57.8MW.



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