



Electricity

Licence

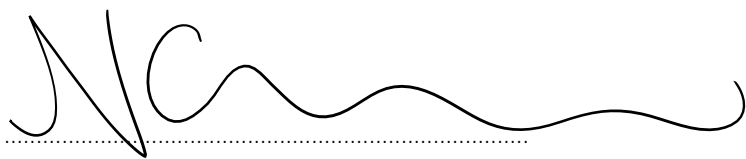


Electricity Generation Licence

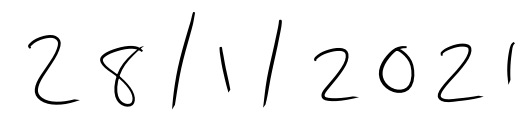
Vibe Energy Pty Ltd

ACN 136 551 703

This licence was issued by the **Commission** on 19 October 2010 and last varied on the date specified below.



Natasha Cheshire
Acting Chief Executive Officer and Commission authorised signatory



Date

Variation history

Amendment number	Variation date	Reason
ESCOSA01	8/11/2011	Addition of Blue Lake Milling generation plant.
ESCOSA02	29/05/2013	Addition of a third Market Non-Scheduled Generating System (limited to 4MW export capacity) at Bordertown.
ESCOSA03	16/10/2019	Licence varied to reflect amendments to the Act and update outdated references
ESCOSA04	January 2021	Licence varied to remove from the authorised operations a diesel generator located at Blue Lake Milling, Bordertown.

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 plants 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 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 any other **Code** or **rule** made by the **Commission** from time to time, relevant to the **Licensee**; 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 System controller 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 **Codes** in accordance with the requirements of Electricity 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

12.1 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. The **Licensee** must 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**.

20 Information to AEMO

20.1 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.

21 Fees

21.1 The **Licensee** must pay the applicable licence fees in accordance with section 20 of the **Act**.

Schedule: Definitions and Interpretation

Part 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;

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

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 **code** of that name 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 **code** of that name which regulates the installation, maintenance and testing of meters;

Electricity Transmission Code means the **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**;

Licensee means Vibe Energy Pty Ltd (ACN 136 551 703);

National Electricity Rules has the meaning given to that term in the **National Electricity Law**;

National Electricity Law means the National Electricity Law referred to in the *National Electricity (South Australia) Act 1996 (SA)*; **officer** means a director or secretary;

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.

Part 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**; and

ANNEXURE

1. Diesel (or Bio-diesel) generator within the Tatiara Meat Company, Meatworks Road, Bordertown - maximum capacity of approximately 480kW.
2. Generation plant, adjacent Bordertown Zone Substation, Pigeon Flat Road, Bordertown - maximum export capacity, limited by design and SA Power Networks agreement to 4MW, comprising:
 - ▶ Four 1MW diesel generators
 - ▶ One 1.2MW diesel generator
 - ▶ 100 kW Solar photovoltaic generating unit



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