



Electricity

Licence



Electricity Generation, Distribution and Retail Licence

Dalfoam Pty Ltd

ACN 008 078 797

This licence was issued by the **Commission** on 21 June 2007 and last varied on the date specified below.



Kim Weimer
Acting Chief Executive Officer and Commission authorised signatory

10 August 2023

Date

Variation history

Amendment number	Variation date	Reason
ESCOSA01	16 October 2019	Licence varied to reflect amendments to the Act and update outdated references.
ESCOSA02	April 2022	Licence varied to reflect changes following the implementation of the SSNI to remove operational and annual return reporting requirements, together with minor administrative variations to update outdated references and formatting.
ESCOSA03	August 2023	Licence varied to: <ul style="list-style-type: none">• remove clauses now covered by the Small-Scale Electricity Networks Code• include mandatory licence conditions, and• update outdated references and formatting.

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:
 - (a) generate electricity using the **electricity generating plant** as specified in ANNEXURE 1
 - (b) operate the distribution network at the locations described in ANNEXURE 2, and
 - (c) retail electricity to any person for consumption at the localities specified in ANNEXURE 3.

3 Term of licence

- 3.1 This licence commences on 1 July 2007 and continues until it is:
 - (a) surrendered by the **licensee** under section 29 of the **Act**; or
 - (b) suspended or cancelled by the **Commission** under section 37 of the **Act**.

4 Switching manual

- 4.1 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**.

5 Variation

- 5.1 This licence may only be varied in accordance with section 27 of the **Act**.

6 Transfer

- 6.1 This licence may only be transferred in accordance with section 28 of the **Act**.

7 Compliance with applicable laws

- 7.1 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**.

- 7.2 The **licensee** must comply with any **codes** or **rules** made by the **Commission** from time to time, as required under the relevant **code** or **rule** and/or where the **Commission** has advised the **licensee** in writing that the **licensee** is required to comply with the relevant **code** or **rule**.

8 Ombudsman and disputes

- 8.1 The **licensee** must, if requested by the **Commission** by written notice, participate in an **Ombudsman Scheme**.
- 8.2 The **licensee** must also implement procedures for the management and resolution of **customer** disputes which, as a minimum, ensure that the basic procedures of AS 10002-2022 "Guidelines for complaint management in organisations" (or any Australian Standard or Australian and New Zealand Standard which supersedes or replaces this standard) are followed.

9 Information

- 9.1 The **licensee** must, from time to time, in a manner and form determined by the **Commission**, provide to 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.
- 9.2 If the **licensee** commits a **material breach** of a provision of an applicable law (as specified in clause 7), the **licensee** must notify the **Commission** of that breach within three days of becoming aware of that breach.
- 9.3 The **licensee** must, following a request from **AEMO** provide to **AEMO**, such documents and information as **AEMO** may reasonably require to perform its functions and exercise its power under the **Act**.

10 Operational and compliance audits

- 10.1 The **licensee** must undertake periodic audits of:
- (a) the operations authorised by this licence; and
 - (b) the **licensees** compliance with its obligations under this licence; and
 - (c) any applicable **codes**; and
 - (d) any other matter relevant to the operations authorised by this licence as specified by the **Commission**,
- at the request of, and in accordance with the requirements specified by the **Commission**.
- 10.2 The results of each audit conducted under clause 10.1 must be reported to the **Commission** in a manner approved by the **Commission**.

11 Confidentiality

- 11.1 The **licensee** must, unless otherwise required or permitted by law, this licence, or a **code**:
- (a) 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; and
 - (b) ensure that information concerning a **customer** is not disclosed without the prior express consent of, or as agreed in writing with, the **customer**.
- 11.2 The **licensee** must not disclose confidential information to an intelligence or law enforcement agency unless requested to do so by an intelligence or law enforcement agency on the basis that:
- (a) disclosure is necessary under the terms of a warrant issued under Division 2 of the Australian Security Intelligence Organisation Act 1979 or under the terms of any other court order; or
 - (b) disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty or for the protection of the public revenue; or
 - (c) disclosure is necessary to safeguard the national security of Australia.
- 11.3 The **licensee** may accept an assertion of an intelligence or law enforcement agency, without making further enquiry, for the purposes of clause 11.2(b) and clause 11.2(c).

12 Taking over operations

- 12.1 Where the **licensee** becomes the subject of a proclamation under section 38 of the **Act**, it must participate in the development and implementation of arrangements under section 38 for another person to take over the operations authorised by this licence (including, but not limited to, arrangements to ensure the remuneration of that person).

13 Safety, reliability, maintenance and technical management plan

- 13.1 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 transmission or distribution system, or the **electricity generating plant**, to which the plan relates); and
 - (ii) to any revision of the plan;
 - (c) comply with the plan as approved in accordance with clause 13.1(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**.

14 Quality of supply

- 14.1 The **licensee** must ensure that its distribution network is designed, installed, operated and maintained so that at the **customer's supply address**:
- (a) the voltage is as set out in AS 60038 (or any Australian Standard or Australian and New Zealand Standard which supersedes or replaces this standard)
 - (b) the voltage fluctuations that occur are contained within the limits as set out in AS/NZS 61000 Parts 3.3, 3.5 and 3.7 (or any Australian Standard or Australian and New Zealand Standard which supersedes or replaces this standard), and
 - (c) the harmonic voltage distortions do not exceed the values in AS/NZS 61000 Parts 3.2 and 3.6 (or any Australian Standard or Australian and New Zealand Standard which supersedes or replaces this standard).
- 14.2 The **licensee** must ensure that any interference caused by its distribution network is less than the limits set out in AS/NZS 61000 Part 3.5 and AS/NZS 2344 (or any Australian Standard or Australian and New Zealand Standard which supersedes or replaces this standard).

15 Certificates of compliance

- 15.1 The **licensee** must retain a copy of each certificate of compliance provided to it under regulation 18(1)(d) of the *Electricity (General) Regulations 1997* for at least 12 months after that provision.
- 15.2 The **licensee** must give the **Commission, Technical Regulator** or an authorised officer any assistance reasonably requested by the **Commission, Technical Regulator** or authorised officer in inspecting certificates of compliance retained by the **licensee**.

16 Approval from Commission to adopt pre-payment metering systems

- 16.1 The **licensee** must not implement a **prepayment metering system** in respect of its **customers** unless the **licensee** has obtained the **Commission's** prior written approval for the adoption of that **prepayment metering system**.

17 Changes to Office holders and major shareholders

- 17.1 The **licensee** must advise the **Commission** within 30 **business days** of any changes to the **officer holders** and **major shareholders** of the **licensee**.

Schedule: Definitions and Interpretation

Part 1 – Definitions

In this licence:

Act means the *Electricity Act 1996 (SA)* and includes any statutory instrument made under that Act

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

best endeavours means to act in good faith and use all reasonable efforts, skill and resources

business day means a day that is not a Saturday, a Sunday or a public holiday in the State of South Australia

code means any code made by the **Commission** under section 28 of the *Essential Services Commission Act 2002 (SA)*

Commission means the Essential Services Commission established under the *Essential Services Commission Act 2002 (SA)*

connection means to form a physical link to the network

connection point means the agreed point of supply between the **customer's** electrical installation and the **distribution network**

customer means a **customer** as defined in the **Act**

electricity infrastructure means the electricity infrastructure used in connection with the operations, (but does not include an electrical installation)

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

licensee means Dalfoam Pty Ltd (ACN 008 078 797)

major shareholder means a person (including a corporation) who owns shares that provide more than ten percent (10%) of the total combined voting power of all classes of shares of the **licensee**

material breach means a breach of a regulatory obligation in respect of which:

- (a) the **Commission** has written to the **licensee** and informed the **licensee** that the **Commission** considers a breach of the particular regulatory obligation to be material
- (b) the **licensee** itself considers the breach to be material, having had regard to all relevant matters, including at least the following:
 - (i) the impact of the breach on **customers**
 - (ii) whether the breach has a financial impact on **customers**
 - (iii) the number of **customers** affected
 - (iv) the potential and actual impact on safety and risk to the public.

meter means equipment to measure, record and, in certain cases, read records of the amount of electricity (active energy and/or reactive energy) supplied through a **customer's connection point**

office holder means a director and/or secretary, or a person who makes or participates in making decisions that affect a substantial part of the business of the **licensee**, who has the capacity to

significantly affect the corporation's financial standing and/or a person whose instructions the **licensee's** directors must act in accordance with (excluding advice given in a professional capacity or as part of a business relationship with the directors or the **licensee**)

Ombudsman Scheme means an ombudsman scheme, the terms and conditions of which are approved by the **Commission**

prepayment meter system means a device, componentry, software or other mechanism associated with a **metering** installation at a **customer's connection point** which operates to permit the flow of electricity through the **meter** when activated by a card, code or some other method

quarterly means the period of days represented by 365 days divided by four

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

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

supply address means:

- (a) the address for which a **customer** purchases electricity from a **licensee** where there is only one **connection point** at that address, or
- (b) where there is more than one **connection point** at the address, each **connection point** through which the **customer** purchases electricity from the same **licensee**.

supply interruption means an interruption in electricity supply affecting any **customer** and includes a **supply interruption** occurring as a result of:

- (a) an act or omission of another person; or
- (b) an outage,

but does not include:

- (c) in respect of a **customer**, an interruption in electricity supply in accordance with an interruptible supply contract with that **customer**; or
- (d) an interruption of supply rectified by an automatic fault clearing operation.

Technical Regulator means the person holding the office of Technical Regulator under Part 2 of 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 bylaw 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
- (h) a reference to a person includes that person's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and permitted assigns.

ANNEXURE 1

Generation Plant – Yunta, South Australia

ANNEXURE 2

Distribution Network – Yunta, South Australia

ANNEXURE 3

Localities – Yunta, South Australia



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