



TRANSMISSION LICENCE
MURRAYLINK TRANSMISSION
COMPANY PTY LIMITED
(ACN 089 875 605)

Issued by the South Australian Independent Industry Regulator
on 20 December 1999

Last varied by the
Essential Services Commission of South Australia
on 22 July 2008

ELECTRICITY

VARIATION HISTORY

<i>Amendment Number</i>	<i>Variation Date</i>
1 (SAIR)	20/12/1999
2 (ESCOSA)	31/10/2003
3 (ESCOSA)	7/11/2007
4 (ESCOSA)	22/07/2008

TRANSMISSION LICENCE

1. DEFINITIONS AND INTERPRETATION

- 1.1 Words appearing in italics 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* to operate a *transmission network* constructed in the corridor marked on the plan set out in the Annexure, subject to the conditions set out in this licence.

3. TERM

- 3.1 This licence continues until:
- (a) it is surrendered by the *licensee* under section 29 of the *Act*;
 - (b) it is cancelled by the *Commission* under section 37 of the *Act*.

4. ACCESS TO TRANSMISSION NETWORK

- 4.1 The *licensee* must grant rights to use, or have access to, its *transmission network* (on non-discriminatory terms):
- (a) to other *electricity entities* for the transmission of electricity by the other *electricity entities*; and
 - (b) to enable other *electricity entities* and *customers* to obtain electricity from the *transmission network*.
- 4.2 The *licensee* must:
- (a) in accordance with, and to the extent required by, the *Electricity Transmission Code*, grant to an *electricity entity* holding a *generation licence* or a *distribution licence*, rights to use, or have access to, those parts of the *licensee's transmission network* 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 generation 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.

4.3 The **licensee** must not refuse to grant the rights to use or have access referred to in this clause unless the **licensee** is permitted to do so under the **National Electricity Rules** or the **Electricity Transmission Code**.

5. DISPUTE RESOLUTION

5.1 A dispute relating to the granting of rights to use, or have access to, a **transmission network** as referred to in clause 4 shall be resolved in accordance with such **industry code** (if any) as is made by the **Commission** which establishes a scheme for the resolution of disputes in relation to such rights.

5.2 Clause 5.1 does not apply to the extent that 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** (other than the service standards set out in clauses 2.3 to 2.10 (inclusive) and clauses 2.14 to 2.15 (inclusive) of that Code);
- (b) comply with any other **industry 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** within 3 days after becoming aware of that breach.

7. SAFETY, RELIABILITY, MAINTENANCE AND TECHNICAL MANAGEMENT PLAN

7.1 The **licensee** must:

- (a) when required by the **Commission**, prepare a safety, reliability, maintenance and technical management plan dealing with matters prescribed by regulation and submit the plan to the **Commission** for approval;
- (b) annually review, and if necessary update, the plan to ensure its efficient operation, and submit the updated plan to the **Commission** for approval;
- (c) comply with the plan (as updated from time to time) as approved by the **Commission**;
- (d) not amend the plan without the approval of the **Commission**; and

- (e) undertake annual audits of its compliance with its obligations under the plan and report the results to the **Technical Regulator**, in a manner approved by the **Technical Regulator**.

8. PROVISION OF INFORMATION

8.1 The **licensee** must inform:

- (a) each person who applies for, or who is in receipt of, **network services** of the terms and conditions on which those services are provided by the **licensee** (including the charges for those services); and
- (b) any person who is in receipt of **network services** of any change in the terms and conditions on which those services are provided by the **licensee** (including any changes in the charges for those services).

9. OMBUDSMAN

9.1 The **licensee** must participate in the **Industry Ombudsman Scheme**.

9.2 The **licensee** must not do anything to bring about the amendment of the constituent documents of the **Industry Ombudsman Scheme** without the prior written consent of the **Commission**.

10. ACCOUNTS AND SEPARATE BUSINESSES

10.1 The **licensee** must:

- (a) maintain accounting records and prepare accounts for the business of the operation of the **transmission network** authorised by this licence in a manner and form approved by the **Commission**; and
- (b) keep the business of the operation of the **transmission network** authorised by this licence, and the accounts for that business, separate from any other business operated by the **licensee** and from any business operated by any other person, in accordance with the **licensee's** obligations under the **National Electricity Rules** to comply with the Transmission Ring-Fencing Guidelines issued by the **AER**.

11. NATIONAL ELECTRICITY MARKET

11.1 At all times during the term of this licence, the **licensee** must hold and comply with the conditions of any registration required under the **National Electricity Code** granted by **NEMMCO** (or by the person responsible for the granting of such registrations under the **National Electricity Law** or the **National Electricity Rules**).

12. INFORMATION TO THE COMMISSION

- 12.1 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 its operations authorised by this licence; and
 - (b) such other information as the **Commission** may require.
- 12.2 The **licensee** must notify the **Commission** of any changes to its **officers** or major shareholders within 30 days of that change.
- 12.3 The **licensee** must consult annually with the **Commission** on the method it proposes to use in the following year, pursuant to relevant provisions of the **National Electricity Rules**, to allocate the aggregate annual revenue requirement, an amount not exceeding the maximum allowable revenue (as determined by the **AER** and as adjusted in accordance with any determination of the **AER** or under the **National Electricity Rules**) associated with the **transmission network** authorised by this licence between the South Australian and Victorian regions.

13. SYSTEM CONTROLLER AND PLANNING COUNCIL

- 13.1 The **licensee** must, following a written request from the **Planning Council**, provide to the **Planning Council** information in the **licensee's** possession that the **Planning Council** reasonably requires for the performance of the **Planning Council's** functions under the **Act**, any other Act or the **National Electricity Rules**.
- 13.2 If the **licensee** considers any of the information to be provided to the **Planning Council** under this clause 13:
- (a) could affect the commercial position of the **licensee**, or
 - (b) is commercially sensitive for some other reason,
- then the **licensee** may, by written notice, request the **Planning Council** to preserve the confidentiality of that information in accordance with the provisions of section 6O of the **Act**.
- 13.3 The **licensee** must permit the **Planning Council** and its authorised representatives, if the **Planning Council** requires, at reasonable times and having given the **licensee** reasonable notice, to inspect any part of its **transmission network** but, in exercising these rights of inspection, such representatives:
- (a) must not interfere with the operations or business of the **licensee**;
 - (b) will be subject to the same limitations upon any conditions of access as apply to any third party visitor to the site; and

(c) must comply with all safety requirements and other reasonable directions of the **licensee** in relation to such access.

13.4 The **licensee** must comply with any directions given to it by the **System Controller**.

14. OPERATIONAL AND COMPLIANCE AUDITS

14.1 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 code** in accordance with the requirements of Energy Industry Guideline No. 4 issued by the **Commission**.

14.2 The **licensee** must also conduct any further audits at a frequency and in manner approved by the **Commission**.

14.3 The **Commission** may require the **licensee** to use an independent expert approved by the **Commission** to conduct audits under this clause.

14.4 The results of such audits must be reported to the **Commission** in a manner approved by the **Commission**.

15. ACCESS FOR TELECOMMUNICATIONS PURPOSES

15.1 The **licensee** must comply with the requirements of the **Electricity Transmission Code** relating to:

- (a) other bodies having access to the **licensee's transmission network** for telecommunications purposes; and
- (b) concerning the resolution of disputes relating to the access and use of the **licensee's transmission network** referred to in paragraph (a).

16. CONFIDENTIALITY

16.1 The **licensee** must, unless otherwise required by law, this licence, an **industry code** or the **National Electricity Rules**:

- (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** or any other person connected to the **licensee's transmission network** is not disclosed without the **explicit informed consent** of that **customer** or other person.

16.2 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 disclosure:

- (a) 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) 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) is necessary to safeguard the national security of Australia.
- 16.3 The **licensee** may accept an assertion of an intelligence or law enforcement agency, without making further enquiry, for the purposes of paragraph 16.2(b) and 16.2(c) above.
- 16.4 Except as required by law or the **National Electricity Rules**, the **licensee** must ensure that any information received from, or provided to, any other **electricity entity** (including the **System Controller**) is only received or provided on non-discriminatory commercial terms.

17. COMMUNITY SERVICE

- 17.1 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 **electricity entities**.

18. COMPATIBILITY OF NETWORK

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

19. INSURANCE

- 19.1 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** operations carried out under this licence and the risks associated with those operations.

20. COMPLIANCE WITH LAWS

20.1 The *licensee* must comply with all applicable laws including, but not limited to, any technical or safety requirements or standards in regulations made under the **Act**.

21. VARIATION

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

22. TRANSFER

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

This licence was issued by the Treasurer acting in the office of Industry Regulator under section 9 of the *Independent Industry Regulator Act 1999* on 20 December 1999, and varied by the **Commission** on 31 October 2003, 7 November 2007 and 22 July 2008.

THE COMMON SEAL OF)
THE ESSENTIAL SERVICES)
COMMISSION OF SOUTH)
AUSTRALIA was hereunto affixed)
by authority of the Chairperson)
and in the presence of:)



.....
Witness

.....
22/07/2008.....

Date

SCHEDULE: DEFINITIONS AND INTERPRETATION

1. DEFINITIONS

In this licence:

AER means the Australian Energy Regulator established under Part IIIAA of the *Trade Practices Act 1974 (Cth)*;

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

“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 *Essential Services Commission Act*, as in force from time to time;

“Commission” means the Essential Services Commission established under the *Essential Services Commission Act 2002*;

“customer” has the meaning given to that term under the **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 made by the **Commission** under section 28 of the *Essential Services Commission 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 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*;

“explicit informed consent” has the same meaning as is given to that term in the *Energy Transfer and Consent Code* made by the **Commission** under section 28 of the *ESC Act*;

“industry code” means any code made by the **Commission** under section 28 of the **Act**;

“Industry Ombudsman Scheme” means an ombudsman scheme the terms and conditions of which are approved by the **Commission**;

“licensee” means Murraylink Transmission Company Pty Limited (ACN 089 875 605);

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

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

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

“NEMMCO” means the National Electricity Market Management Company Limited (ACN 072 010 327);

“network services” means:

- (a) the transmission of electricity between **electricity entities** and from **electricity entities** to **customers** (including connection to the **transmission network**); and
- (b) controlling and regulating the quality of electricity;

“officer” means a director or secretary;

“Planning Council” means the Electricity Supply Industry Planning Council established under Part 2 of the **Act**;

“rule” means any rule, made by the **Commission** under section 28 of the *Essential Services Commission Act*, as in force from time to time;

“System Controller” means the person (if any) licensed under Part 3 of the **Act** to exercise system control over the power system of which the **licensee’s** electricity generating plant forms a part;

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

“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

