

## Part 11 Facilitation of, and request for, access

### Division 1 Obligations on scheme pipeline service providers

#### 106A Inconsistency with access arrangement

This Division 1 prevails over anything inconsistent in an applicable access arrangement.

#### 107 Availability of applicable access arrangement and other information

- (1) A *scheme pipeline service provider* must ensure that the applicable access arrangement is accessible on the service provider's website.
- (2) At the request of a prospective user, the AER may, by notice to a *scheme pipeline service provider*, require the service provider to provide specified information the prospective user reasonably requires to decide whether to seek access to a pipeline service provided by the service provider and, if so, how to go about applying for access.
  - (2a) The AER may refuse to issue a notice under subrule (2) in respect of all or part of the requested information if, in the AER's reasonable opinion:
    - (a) the prospective user has not attempted to request the information from the *scheme pipeline service provider*;
    - (b) the prospective user has requested the information from the *scheme pipeline service provider* but the *scheme pipeline service provider* has not had sufficient time to respond to the prospective user;
    - (c) the information is otherwise already available to the prospective user; or
    - (d) the information is not reasonably required by the prospective user in order to:
      - (i) decide whether to seek access; or
      - (ii) apply for access,to a pipeline service provided by the service provider.
- (3) A notice under subrule (2) may require the provision of specified information to prospective users generally, prospective users of a particular class, or a particular prospective user.
- (4) The service provider must provide the required information (free of charge) to a prospective user:
  - (a) within a time limit fixed by the AER in its notice; or
  - (b) if the notice does not fix a time limit – within 5 business days after the prospective user requests the information.
- (5) A copy of an applicable access arrangement, or information, may be provided:

- (a) by giving or sending it to the recipient in documentary form; or
  - (b) by faxing it to the recipient's fax address; or
  - (c) by transmitting it, in electronic form, to the recipient's email address.
- (6) A service provider incurs, by providing information required under this rule, no liability for breach of contract or breach of confidence or any other civil liability.

**Note:**

This rule is classified as a civil penalty provision under the National Gas (South Australian) Regulations. See clause 6 and Schedule 3 of the National Gas (South Australian) Regulations.

**Note:**

This rule is classified as a conduct provision under the National Gas (South Australia) Regulations. See clause 7 and Schedule 4 of the National Gas (South Australia) Regulations.

## 108 Information about tariffs

- (1) A prospective user that reasonably requires the provision of a pipeline service that a *scheme pipeline service provider* is in a position to provide, but for which the service provider has published no tariff, may (by written request) ask the service provider:
- (a) to fix a tariff for the service; and
  - (b) to notify the prospective user of the tariff for the service.
- (2) A *scheme pipeline service provider* who is in a position to provide the service to which the request relates must, as soon as practicable after receiving a request from a prospective user for the tariff, inform the prospective user, in writing, of the relevant tariff.
- (3) A service provider is in a position to provide a particular service if it is commercially and technically feasible for the service provider to provide the service.

**Note:**

This rule is classified as a civil penalty provision under the National Gas (South Australian) Regulations. See clause 6 and Schedule 3 of the National Gas (South Australian) Regulations.

**Note:**

This rule is classified as a conduct provision under the National Gas (South Australia) Regulations. See clause 7 and Schedule 4 of the National Gas (South Australia) Regulations.

## 109 Prohibition of bundling of services

- (1) A *scheme pipeline service provider* must not make it a condition of the provision of a particular pipeline service to a prospective user that the prospective user accept another non-gratuitous service from the service provider unless the bundling of the services is reasonably necessary.
- (2) The description of pipeline services in an access arrangement must conform with this principle.

**Note:**

This rule is classified as a civil penalty provision under the National Gas (South Australian) Regulations. See clause 6 and Schedule 3 of the National Gas (South Australian) Regulations.

**Note:**

This rule is classified as a conduct provision under the National Gas (South Australia) Regulations. See clause 7 and Schedule 4 of the National Gas (South Australia) Regulations.

**110 Information to be provided by users about unutilised contracted capacity**

- (1) A user must, within 10 business days after receiving a request from any person for information about the user's unutilised contracted capacity (if any), provide the person with the following information:
  - (a) whether unutilised contracted capacity is, or is likely to become, available; and
  - (b) if so:
    - (i) the quantity of the unutilised contracted capacity that is, or is likely to become, available; and
    - (ii) the nature of the unutilised contracted capacity (ie whether it is firm or interruptible and whether it is forward or backhaul); and
    - (iii) when the unutilised contracted capacity will be, or is likely to become, available nominating, if possible, a specific date; and
    - (iv) the terms and conditions (which may include price) on which the user would be prepared to transfer the unutilised capacity; and
  - (c) whether technical or safety considerations might limit the utilisation of the user's unutilised contracted capacity and, if so, the nature of those considerations.
- (2) On providing information under subrule (1), a user must immediately notify the service provider of the provision of the information:
  - (a) stating the name and *contact details* of the person to whom the information was provided; and
  - (b) giving full details of the information provided.
- (3) A user incurs, by providing information under this rule, no liability for breach of contract or breach of confidence or any other civil liability.

**Note:**

This rule is classified as a civil penalty provision under the National Gas (South Australian) Regulations. See clause 6 and Schedule 3 of the National Gas (South Australian) Regulations.

**Note:**

This rule is classified as a conduct provision under the National Gas (South Australia) Regulations. See clause 7 and Schedule 4 of the National Gas (South Australia) Regulations.

**111 [Deleted]**

**112 Requests for access**

- (1) A prospective user may request a *scheme pipeline service provider* to provide a pipeline service for the prospective user. For the purposes of this rule 112, the date that the prospective user's access request is received by the service provider is referred to as the "**access request date**".
- (2) The request must be made in writing and must:
  - (a) state the time or times when the pipeline service will be required and the capacity that is to be utilised; and
  - (b) identify the entry point where the user proposes to introduce natural gas to the pipeline or the exit point where the user proposes to take natural gas from the pipeline or, if the requested service is a haulage service, both entry and exit point; and
  - (c) state the relevant technical details (including the proposed gas specification) for the connection to the pipeline, and for ensuring safety and reliability of the supply of natural gas to, or from, the pipeline.
- (3) The service provider must:
  - (a) within 5 business days after the access request date, acknowledge receipt of the request; and
  - (b) within 10 business days after the access request date, inform the prospective user:
    - (i) that it is able to provide the requested pipeline service;
    - (ii) that it needs to carry out further investigation to determine whether it can provide the requested pipeline service and provide the prospective user with a statement of the nature of the investigation and the reasonable costs of the investigation the prospective user would be required to meet; or
    - (iii) that it is unable to provide the requested pipeline service.
- (4) If the service provider is unable to provide the requested pipeline service, it must:
  - (a) provide the prospective user with written reasons explaining why the requested pipeline service cannot be provided; and
  - (b) if there is some prospect that it will become possible to provide the requested service at some time in the future – give details (which must be as specific as the circumstances reasonably allow) of when capacity to provide the requested service is likely to become available and, if possible, nominate a specific date.
- (5) If the service provider is able to provide the service, it must, within 25 business days of the access request date, provide the terms and conditions on which the service provider is prepared to provide the requested pipeline service (the **access proposal**).

- (6) If the service provider needs to carry out further investigation to determine whether it can provide the requested pipeline service and the prospective user agrees to the reasonable costs specified by the service provider under subrule 3(b)(ii), it must carry out the investigation and then, within 25 business days of the access request date, inform the prospective user:
  - (a) that it is able to provide the requested service; or
  - (b) that it is unable to provide the requested service.
- (7) If the service provider is unable to provide the requested pipeline service it must include in its notification under subrule (6) the information specified in subrule (4).
- (8) If the service provider is able to provide the service, it must, within 15 business days of providing the notice under subrule (6)(a), provide the terms and conditions on which the service provider is prepared to provide the requested pipeline service (the **access proposal**).
- (9) If the prospective user:
  - (a) wants to seek access to the pipeline service based on the access proposal provided by the service provider under subrules (5) or (8), it must notify the service provider within 15 business days of receiving the access proposal; or
  - (b) wants to request amendments to the access proposal provided by the service provider under subrules (5) or (8), it must notify the service provider within 15 business days of receiving the access proposal and provide its requested amendments.
- (10) Following the prospective user's response under subrule (9)(b), the service provider must respond within 15 business days. If the parties have not agreed on the service provider's proposal (or some negotiated modification of it) within a further 20 business days after the date of the service provider's response under this subrule, then the service provider is taken to have rejected the prospective user's request.
- (11) The timeframes specified in subrules (5) to (11) may be extended if the relevant service provider and prospective user agree in writing.

**Note:**

This rule is classified as a civil penalty provision under the National Gas (South Australian) Regulations. See clause 6 and Schedule 3 of the National Gas (South Australian) Regulations.

**Note:**

This rule is classified as a conduct provision under the National Gas (South Australia) Regulations. See clause 7 and Schedule 4 of the National Gas (South Australia) Regulations.

## **Division 2            Provision of information by full regulation distribution pipelines**

### **112A    Definitions and interpretation**

- (1) In this this Division:

**access information standard** is defined in rule 112B.

**application date** means:

- (a) in relation to a pipeline that is a full regulation distribution pipeline on the commencement date – the date falling 3 months after the commencement date;
- (b) in relation to a pipeline that becomes a full regulation distribution pipeline within 3 months after the commencement date – the date falling 3 months after the commencement date; and
- (c) in relation to any other pipeline, the later of:
  - (i) the date the pipeline is commissioned; and
  - (ii) the date the pipeline becomes a full regulation distribution pipeline.

**Note:**

Section 12 of the NGL defines when a pipeline is commissioned.

**business day** means a day that is not a Saturday, Sunday or public holiday in any participating jurisdiction or in relation to a pipeline in Western Australia that jurisdiction alone.

**commencement date** means 21 March 2019.

**daily flow data** means, for a large full regulation distribution pipeline:

- (a) the quantity of natural gas that is metered as having been, or estimated by the pipeline operator to have been, injected at each receipt point on the pipeline on a gas day; and
- (b) the quantity of natural gas that is metered as having been, or estimated by the pipeline operator to have been, withdrawn at each delivery point on the pipeline on the gas day.

**flow rate** means the rate at which gas flows past a point on a pipeline in an hour, expressed in GJ/hour.

**full regulation distribution pipeline** means a *full regulation pipeline* that is a distribution pipeline.

**hourly flow data** means, for a large full regulation distribution pipeline:

- (a) the quantity of natural gas that is metered as having been, or estimated by the pipeline operator to have been, injected at each receipt point on the pipeline in each hour of the gas day; and
- (b) the quantity of natural gas that is metered as having been, or estimated by the pipeline operator to have been, withdrawn at each delivery point on the pipeline in each hour of the gas day.

**information** includes data.

**large full regulation distribution pipeline** means a full regulation distribution pipeline or part of a full regulation distribution pipeline that has a maximum daily capacity under normal operating conditions of >10TJ/day and a maximum pressure capability under normal operating conditions of >4MPa.

**meter** means a device that measures and records quantities of gas by reference to volume, mass or energy content.

**pipeline information** is defined in rule 112D(2).

**pipeline service information** is defined in rule 112D(3).

**service and access information** is defined in rule 112D.

**service availability information** is defined in rule 112D(5).

**service provider** has the meaning in section 8 of the *NGL*.

**service usage information** is defined in rule 112D(4).

## **112B Access information standard**

- (1) A service provider required by rules 112C and 112D to prepare, publish and maintain information must do so in accordance with the access information standard.
- (2) The **access information standard** means that the information:
  - (a) is not false or misleading in a material particular;
  - (b) in relation to information of a technical nature, is prepared, published and maintained in accordance with the practices, methods and acts that would reasonably be expected from an experienced and competent person engaged in the ownership, operation or control of a pipeline in Australia acting with all due skill, diligence, prudence and foresight; and
  - (c) in relation to a forecast or estimate, is supported by a statement of the basis of the forecast or estimate and:
    - (i) is arrived at on a reasonable basis; and
    - (ii) represents the best forecast or estimate possible in the circumstances.
- (3) Where a service provider becomes aware that information required to be published by it under rules 112C and 112D does not comply with the access information standard or rules 112C and 112D, the service provider must publish information that does comply as soon as practicable after the service provider becomes aware of the non-compliance.
- (4) Information published under rules 112C and 112D must include the date of publication, the date to which the information is current and, if the information replaces an earlier version as provided for by subrule (3), notice of that fact.

## **112C Service provider for full regulation distribution pipelines must publish information**

- (1) A service provider for a full regulation distribution pipeline must prepare, maintain and publish on its website:
  - (a) the service and access information specified in rule 112D(1)(a) to (c);
  - (b) if the full regulation distribution pipeline is or includes a large full regulation distribution pipeline, then in respect of the large full regulation

distribution pipeline only, the service and access information specified in rule 112D(1)(d),

in accordance with the *NGL* and this Division.

- (2) The information referred to in subrule (1) must be published at the following times.

service and access information (for full regulation distribution pipeline only)	pipeline information	No later than 20 business days after the application date for the full regulation distribution pipeline.  Updated pipeline information must be published within 20 business days after there is a change.
	pipeline service information	No later than 20 business days after the application date for the full regulation distribution pipeline.  Updated pipeline service information must be published within 20 business days after a new pipeline service is added or an existing pipeline service changes or is withdrawn.
	service usage information	Each month after the application date for the full regulation distribution pipeline, by the last business day of the month for the prior month.
	service availability information	Each month after the application date for the full regulation distribution pipeline, by the last business day of the month for the next 36 or 12 months as applicable.

- (3) A service provider for a full regulation distribution pipeline must publish the information referred to in subrule (1) by making the information publicly available on the service provider's website.
- (4) A service provider for a full regulation distribution pipeline must ensure that historical service usage information for its full regulation distribution pipeline continues to be publicly available for a period of 5 years after the date the information is first published, by publishing the information in accordance with subrule (3).

**112D Service and access information for full regulation distribution pipelines**

- (1) The service and access information comprises:

- (a) the pipeline information described in subrule (2);
  - (b) the pipeline service information described in subrule (3);
  - (c) the service usage information described in subrule (4)(a);
  - (d) for large distribution pipelines only, the service usage information described in subrule (4)(b); and
  - (e) for large full regulation distribution pipelines only, the service availability information described in subrule (5).
- (2) The pipeline information in respect of a full regulation distribution pipeline, comprises:
- (a) subject to subrule (6), the quantity of natural gas that can be transported through each gate station on the distribution pipeline in any 24 hour period;
  - (b) the details of all points on the pipeline where the service provider takes delivery of natural gas; and
  - (c) a schematic map of the pipeline that shows the location on the pipeline of the points referred to in paragraph (b) and the geographic limits of the areas served by the pipeline;
  - (d) any technical or physical characteristics of the pipeline that may affect access to or use of the pipeline or the price for pipeline services on the pipeline; and
  - (e) policies of the service provider that may affect access to or use of the pipeline or the price for pipeline services on the pipeline which may include:
    - (i) queuing requirements;
    - (ii) a receipt or delivery point change policy;
    - (iii) a metering and measurement policy; and
    - (iv) a balancing policy.
- (3) The pipeline service information for a full regulation distribution pipeline comprises a list of the pipeline services available on the pipeline and for each pipeline service a description of the service having regard to the following characteristics:
- (a) the service type (for example, forward haul, backhaul, connection, park and loan);
  - (b) the priority of the service relative to other pipeline services of the same type; and
  - (c) the receipt and delivery points.
- (4) The service usage information for a full regulation distribution pipeline for a month comprises:
- (a) the total quantity of natural gas metered as having been injected into the pipeline during the month or, where metering data is not available, estimated to have been injected into the pipeline during the month; and

- (b) subject to subrule (6), for a large full regulation distribution pipeline, the following information for each entry and exit point on the large distribution pipeline that is owned, operated or controlled by the service provider or for which the service provider holds the information:
  - (i) daily flow data;
  - (ii) where a meter is installed at the relevant entry or exit point, hourly flow data;
  - (iii) minimum inlet and minimum outlet pressures over each hour; and
  - (iv) a static table or chart showing the maximum flow rate of the entry or exit point against pressure.
- (5) The service availability information for a large distribution pipeline for a month comprises:
  - (a) an outlook of the firm capacity of the pipeline that the service provider has available for sale or that it will have available for sale for each month in the following 36 month period;
  - (b) information about matters expected to affect the capacity of the pipeline (including any planned expansions of the capacity) for each month in the following 12 month period, including:
    - (i) the expected start and end dates of the matters expected to affect the capacity of the pipeline;
    - (ii) a description of the matters expected to affect the capacity of the pipeline; and
    - (iii) the expected capacity of the pipeline during the period it is affected by the matters referred to in paragraphs (i) and (ii);
  - (c) information on any other limitations on the availability of the pipeline services identified in the pipeline service information for each month in the following 12 month period.
- (6) The service and access information for a pipeline does not include:
  - (a) the information specified in subrule (2)(a) if the nameplate rating for the relevant gate station is provided to AEMO by a BB reporting entity (as defined in Part 18) under rule 168.
  - (b) the information specified in subrule (4)(b) if the relevant entry point is a gate station and daily flow data for that gate station is reported to AEMO by a BB reporting entity (as defined in Part 18) under rule 187.