

## Part 1 Preliminary

### 1 Citation

These rules may be cited as the *National Gas Rules 2008*.

### 2 Commencement

[Deleted]

### 3 Interpretation

In these rules:

***access arrangement information*** – See rule 42.

***access arrangement period*** for an applicable access arrangement means any of the following periods that may be applicable to the access arrangement:

- (a) the period between the commencement of the access arrangement and the commencement of the first revision of the access arrangement;
- (b) if the first revision of the access arrangement has not yet taken effect – the period between the commencement of the access arrangement and the revision commencement date for the access arrangement;
- (c) if revision of the access arrangement prior to its expiry is not contemplated – the period between the commencement of the access arrangement and the *expiry date* for the access arrangement;
- (d) the period between the commencement of the last revision of the access arrangement and the revision commencement date for the access arrangement;
- (e) if the access arrangement has been revised but further revision prior to its expiry is not contemplated – the period between revision commencement date of the last revision of the access arrangement and the *expiry date* for the access arrangement;

**Note:**

One should bear in mind that the actual date on which a revision takes effect may differ from a revision commencement date stated in the access arrangement (which is a date fixed some time in advance as the intended date for the revision to take effect). The revision commencement date is relevant to the definition of the *access arrangement period* only until the revision actually takes effect and the date thus crystallises.

***access arrangement proposal*** means:

- (a) a full or limited access arrangement submitted for the AER's approval; or
- (b) an *access arrangement revision proposal*; or
- (c) an *access arrangement variation proposal*.

***access arrangement revision proposal*** means a proposal for the revision of an access arrangement submitted for the AER's approval under rule 52.

***access arrangement variation proposal*** means a proposal for the variation of an access arrangement submitted for the AER's approval under rule 65.

**allowed imputation credits** for a regulatory year of an *access arrangement period* for an applicable access arrangement means the value of imputation credits stated, or calculated in the way stated, in the *applicable rate of return instrument*;

**allowed rate of return** for a regulatory year of an *access arrangement period* for an applicable access arrangement means the rate of return calculated in the way stated in the *applicable rate of return instrument*;

**applicable rate of return instrument** for a regulatory year of an *access arrangement period* for an applicable access arrangement means the rate of return instrument in force when the AER makes the applicable access arrangement decision.

**approved CTP process** means a tender process approved by the AER under Part 5 as a competitive tender process.

**contact details** of a person means:

- (a) the street address of the person's place of residence or business; and
- (b) the person's postal address; and
- (c) the person's telephone number; and
- (d) the person's fax number; and
- (e) if the person has a website – the website address; and
- (f) the person's email address.

**credit support** means:

- (a) for the purposes of Part 19 – see rule 200.
- (b) for the purposes of Part 20 – see rule 364.
- (c) for the purposes of Part 21 – see rule 523.

**CTP access arrangement** means the access arrangement (based on the result of an *approved CTP process*) for a *CTP pipeline*.

**CTP pipeline** means a pipeline to which an irrevocable *tender approval decision* relates.

**decision** includes a recommendation, determination or order.

**default interest rate** means a rate of 2% above the interest rate.

**distributor** means:

- (a) For the purposes of Part 12A – see rule 119A.
- (b) For the purposes of Part 15A – as set out in that Part.
- (c) For the purposes of Part 19 – see rule 200.
- (d) For the purposes of Part 20 – see the definition of STTM distributor in rule 364.
- (e) For the purposes of Part 21 – see rule 502.

**downstream location** means a location to which natural gas is delivered by means of a pipeline and includes a location to which natural gas from the pipeline is delivered by means of a branch pipeline (a **lateral**).

***element of an access arrangement proposal*** includes a part or provision of the *access arrangement proposal*.

***energy laws*** has the meaning given in section 2(1) of the *NERL*.

***exempt seller*** has the meaning given in section 2(1) of the *NERL*.

***expedited consultative procedure*** means the procedure for consultative *decision* making laid down in rule 9.

***expiry date*** means a date fixed in an access arrangement for the expiry of the access arrangement.

***extended consultative procedure*** means the procedure for consultative *decision* making laid down in rule 9A.

***full access arrangement proposal*** means an *access arrangement proposal* consisting of, or relating to, a full access arrangement.

***full regulation pipeline*** means a covered pipeline other than a *light regulation pipeline*.

***incremental services means*** pipeline services provided by means of an extension to, or expansion of the capacity of, the pipeline.

***insolvency official*** means a receiver, receiver and manager, administrator, provisional liquidator, liquidator, trustee in bankruptcy or person having a similar or analogous function.

***interest rate*** means:

- (a) the most recent 1 month Bank Bill Swap Reference Rate mid rate determined by the Australian Financial Markets Association, as identified by AEMO on its website; or
- (b) if the above rate ceases to exist, or that rate becomes, in AEMO's reasonable opinion, inappropriate, the interest rate determined and published by AEMO on its website.

***Law*** means the *NGL* and these rules.

***light regulation pipeline*** means a pipeline by means of which light regulation services are provided.

***limited access arrangement proposal*** means an *access arrangement proposal* consisting of, or relating to, a limited access arrangement.

***National Energy Retail Law*** means the National Energy Retail Law set out in the Schedule to the *National Energy Retail Law (South Australia) Act 2011* of South Australia.

***National Energy Retail Rules*** has the same meaning as in the *National Energy Retail Law*

***NER*** means the National Electricity Rules within the meaning of the National Electricity Law as set out in the schedule to the *National Electricity (South Australia) Act 1996* of South Australia.

***NERL*** means the *National Energy Retail Law*.

***NERR*** means the *National Energy Retail Rules*.

*NGL* means the National Gas Law.

*non-delegable duty* means a duty that a service provider cannot carry out through the instrumentality of another service provider under section 10 of the *NGL*.

*receipt or delivery point* means a point on a pipeline at which a service provider takes delivery of natural gas, or delivers natural gas.

*reclassification application* means an application under section 128 of the *NGL* for reclassification of a pipeline.

*reference service factors* means the criteria set out in rule 47A(15).

*reference service proposal* means, in respect of a service provider for a *full regulation pipeline*, the proposal submitted under rule 47A.

*reference tariff variation mechanism* – See rules 92 and 97.

*related body corporate* means in relation to a body corporate, a body corporate that is related to the first-mentioned body by virtue of the *Corporations Act 2001* (Cth).

*retail customer* has the same meaning as in the *NGL*.

*retailer* has the same meaning as in the *NGL*.

*retailer insolvency event* – see rule 520.

*review submission date* means a date on or before which an *access arrangement revision proposal* is required to be submitted – See rules 49 to 52.

*revision commencement date for an applicable access arrangement* means the date fixed in the access arrangement as the date on which revisions resulting from a review of an access arrangement are intended to take effect.

*scheme pipeline service provider* means a service provider for a scheme pipeline.

*serve* – a pipeline *serves* a particular location or point if there is a *receipt or delivery point* at that location or point into which natural gas is injected, or from which natural gas is delivered.

*standard consultative procedure* means the procedure for consultative *decision making* laid down in rule 8.

*tender approval decision* means a *decision* by the AER under Part 5 approving a tender process as a competitive tender process;

*upstream location* means a location at which natural gas is injected into a pipeline.