

Part 11 Facilitation of, and request for, access

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) The AER may, by notice to a *scheme pipeline service provider*, require the service provider to provide, at the request of a prospective user, 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.
- (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 both a civil penalty provision and a conduct provision for the purposes of the *NGL*. (See the Regulations, Clauses 6 & 7 and Schedules 3 & 4.)

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 both a civil penalty provision and a conduct provision for the purposes of the *NGL*. (See the Regulations, Clauses 6 & 7 and Schedules 3 & 4.)

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 both a civil penalty provision and a conduct provision for the purposes of the *NGL*. (See the Regulations, Clauses 6 & 7 and Schedules 3 & 4.)

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 both a civil penalty provision and a conduct provision for the purposes of the *NGL*. (See the Regulations, Clauses 6 & 7 and Schedules 3 & 4.)

111 Public registers of spare capacity

- (1) This rule applies to:
- (a) a *scheme pipeline service provider* that provides pipeline services by means of a transmission pipeline; and
 - (b) a *scheme pipeline service provider* that:
 - (i) provides pipeline services by means of a distribution pipeline; and
 - (ii) is, by determination of the AER, a service provider to which this rule applies.
- (2) In deciding whether this rule should apply to a distribution service provider, the AER must have regard to whether it is technically feasible and commercially reasonable for the service provider to maintain a register of spare capacity.
- (3) A service provider to which this rule applies must establish and maintain a register of spare capacity.
- (4) The register of spare capacity must include the following information:
- (a) information about the spare capacity that the service provider reasonably believes exists for the haulage of natural gas between defined receipt and delivery points; and
 - (b) information about spare capacity that the service provider reasonably believes will exist for the haulage of natural gas between defined receipt and

- delivery points including information about planned developable capacity and expected additions to spare capacity; and
- (c) information (which must be as specific as the circumstances reasonably allow) about when the spare capacity is, or will become, available; and
 - (d) information notified to the service provider by a user about unutilised contracted capacity including:
 - (i) the quantity and type of the unutilised contracted capacity and when it will be available; and
 - (ii) proposed terms and conditions (which may include the price) for the sale of the unutilised contracted capacity.
- (5) If the relevant covered pipeline consists of one or more trunk or mains pipelines and a subordinate pipeline or pipelines, the information contained in the register may be confined to the trunk or mains pipeline or pipelines.
- (6) The receipt and delivery points defined in the register must be likely to be commercially significant for a significant number of prospective users and as numerous as is commercially and technically reasonable.
- (7) Information about planned developable capacity or other expected additions of spare capacity need not be included in the register if disclosure of the information would be unduly harmful to the legitimate business interests of the service provider or of a user or prospective user.
- (8) The service provider must ensure that the register of spare capacity is accessible on the service provider's website.

Note:

This rule is both a civil penalty provision and a conduct provision for the purposes of the *NGL*. (See the Regulations, Clauses 6 & 7 and Schedules 3 & 4.)

112 Requests for access

- (1) A prospective user may request a *scheme pipeline service provider* to provide a pipeline service for the prospective user.
- (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, within 20 business days after the date of the request, respond to the request:
 - (a) by informing the prospective user:
 - (i) whether the service provider can provide the requested pipeline service; and
 - (ii) if so, the terms and conditions on which the service provider is prepared to provide the requested pipeline service;
 - (b) by informing the prospective user that the service provider needs to carry out further investigation to determine whether it can provide the requested pipeline service and setting out a proposal for carrying out the further investigation including:
 - (i) a statement of the nature of the investigation; and
 - (ii) a plan (including a time schedule) for carrying out and completing the investigation; and
 - (iii) a statement of the reasonable costs of the investigation the prospective user would be required to meet.
- (4) If the service provider informs the prospective user that it cannot provide the requested pipeline service, the service provider 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 responds to the request by proposing further investigation, the following provisions apply:
 - (a) if the parties have not agreed on the service provider's proposal or some negotiated modification of it within 20 business days after the date of the response – the service provider is taken to have rejected the prospective user's request; and
 - (b) if the parties agree on the service provider's proposal or on some negotiated modification of it within 20 business days after the date of the response – the service provider must carry out the investigation in accordance with the

agreement and, on the conclusion of the investigation, inform the prospective user whether it can, or cannot, provide the requested pipeline service and comply with other relevant requirements of this rule.

Note:

This rule is both a civil penalty provision and a conduct provision for the purposes of the *NGL*. (See the Regulations, Clauses 6 & 7 and Schedules 3 & 4.)