

Part 7 Light regulation determinations

Division 1 Making and effect of light regulation determinations

34 Application for light regulation determination (Section 112(2) of the NGL)

- (1) An application for a light regulation determination must:
 - (a) be in writing; and
 - (b) identify the pipeline that provides, or is to provide, the services for which the determination is sought and include a reference to a website at which a description of the pipeline can be inspected; and
 - (c) include a description of all pipeline services provided or to be provided by means of the pipeline; and
 - (d) include the applicant's reasons for asserting that the pipeline services should be light regulation services; and
 - (e) include other information and materials on which the applicant relies in support of the application.
- (2) The application must also include the following information:
 - (a) the capacity of the pipeline and the extent to which that capacity is currently utilised; and
 - (b) for a transmission pipeline, a description of:
 - (i) all locations *served* by the pipeline (i.e. all locations at which *receipt or delivery points* for natural gas carried by the pipeline exist); and
 - (ii) all pipelines that currently *serve* the same locations; and
 - (iii) all pipelines that currently pass within 100 km of any location *served* by the pipeline; and
 - (c) for a distribution pipeline, a description of:
 - (i) the geographical area *served* by the pipeline; and
 - (ii) the points at which natural gas is, or is to be, injected into the pipeline; and
 - (d) a description of the pipeline services provided, or to be provided, by the pipeline; and

- (e) an indication of any other sources of energy available to consumers of gas from the pipeline; and
- (f) the identity of the parties with an interest in the pipeline and the nature and extent of each interest; and
- (g) a description of the following relationships:
 - (i) any relationship between the owner, operator and controller of the pipeline (or any 2 of them);
 - (ii) any relationship between the owner, operator or controller of the pipeline and a user of pipeline services or a supplier or consumer of gas in a location or geographical area *served* by the pipeline;
 - (iii) any relationship between the owner, operator or controller of the pipeline and the owner, operator or controller of any other pipeline *serving* any one or more of the same locations or the same geographical area; and
- (h) an estimate of the annual cost to the service provider of regulation on the basis of light regulation and on the basis of full regulation; and
- (i) any other information the applicant considers relevant to the application of the National Gas Objective or the form of regulation factors in the circumstances of the present case.

35 NCC's decision on the application (Sections 113 and 114 of the NGL)

- (1) In deciding an application for a light regulation determination, the NCC must:
 - (a) proceed in accordance with the *standard consultative procedure*; and
 - (b) consult with the AER.
- (2) A light regulation determination or a *decision* not to make a light regulation determination must:
 - (a) identify the pipeline, and the pipeline services, to which the determination or *decision* relates; and
 - (b) include a reference to a website at which a description of the pipeline, and the pipeline services, can be inspected; and
 - (c) state the terms of the determination or *decision* and the reasons for it.

36 Service provider must publish terms and conditions of access to light regulation services

- (1) A service provider providing pipeline services by means of a *light regulation pipeline* must publish on its website:
 - (a) the prices on offer for light regulation services; and
 - (b) the other terms and conditions of access to those services.
- (2) If, however, a limited access arrangement is in force and is accessible on the service provider's website, the terms and conditions of access (other than price) need not be separately published on the 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.)

37 Service provider must provide information about access negotiations for light regulation services

- (1) A service provider providing pipeline services by means of a *light regulation pipeline* must report to the AER on access negotiations relating to light regulation services.
- (2) A report under this rule:
 - (a) must be made in a manner and form determined or approved by the AER; and
 - (b) must state the result of the negotiations and include other information required by the AER; and
 - (c) must be made (at least annually) at times specified by the AER.
- (3) The AER may, from time to time, publish an assessment of information reported to it by service providers under this rule.

Note:

This rule is a civil penalty provision for the purposes of the *NGL*. (See the Regulations, Clause 6 and Schedule 3.)

Division 2 Revocation of light regulation determinations

38 Application for revocation of light regulation determination (Section 118(2) of the NGL)

An application for the revocation of a light regulation determination must:

- (a) state the applicant's name and *contact details*; and

- (b) identify the light regulation determination to which the application relates; and
- (c) identify the service provider; and
- (d) identify the covered pipeline; and
- (e) state the applicant's reasons for asserting that light regulation determination should be revoked; and
- (f) include any information and materials on which the applicant relies.

39 NCC's decision on application (Sections 119 and 120 of the NGL)

- (1) In deciding an application for revocation of a light regulation determination, the NCC must:
 - (a) proceed in accordance with the *standard consultative procedure*; and
 - (b) consult with the AER.
- (2) A *decision* on an application for revocation of a light regulation determination must:
 - (a) be in writing; and
 - (b) identify the light regulation determination; and
 - (c) identify the service provider and the covered pipeline; and
 - (d) describe the pipeline services affected by the *decision*; and
 - (e) state the terms of the *decision* and the reasons for it.