

**Victorian Third Party Access Code
for Natural Gas Pipeline Systems:
Access Arrangement
by Transmission Pipelines Australia Pty Ltd
and Transmission Pipelines Australia
(Assets) Pty Ltd for
Principal Transmission System**

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**ACCESS ARRANGEMENT BY
TRANSMISSION PIPELINES AUSTRALIA PTY LTD AND
TRANSMISSION PIPELINES AUSTRALIA (ASSETS) PTY LTD
FOR PRINCIPAL TRANSMISSION SYSTEM**

1. Introduction

1.1 Purpose of this document

This *Access Arrangement* (“Access Arrangement”) was submitted on 3 November 1997 by Energy Projects Division of the Department of Treasury and Finance, Government of Victoria (“EPD”), on behalf of Transmission Pipelines Australia Pty Ltd ACN 079 089 268 and Transmission Pipelines Australia (Assets) Pty Ltd ACN 079 136 413, (together “TPA” or the “Service Provider”), to the Australian Competition and Consumer Commission (the “Regulator”) in accordance with section 2.2 of the Victorian Third Party Access Code for Natural Gas Pipelines (the “Victorian Access Code”).

The Regulator delivered a draft decision on this Access Arrangement on 28 May 1998 and a Final Decision 1 (in accordance with section 2.16(b) of the Victorian Access Code) on 6 October 1998. An amended Access Arrangement was submitted by EPD on behalf of the Service Provider on 30 November 1998 and was approved by the Regulator in Final Decision 2 (in accordance with section 2.19 of the Victorian Access Code) on 16 December 1998.

This Access Arrangement describes the terms and conditions on which TPA will grant access to the *Principal Transmission System* to third parties.

Victorian Energy Networks Corporation (“VENCorp”) as the operator of the *Principal Transmission System*, has submitted a separate Access Arrangement in relation to that system.

The Victorian Access Code provides for application to multiple Service Providers in respect of a *Covered Pipeline*. Section 9.2 provides as follows:

Section 9.2

Where:

- (a) *there is more than one Service Provider in connection with a Covered Pipeline;*
 - (b) *one is the owner and another is the operator; and*
 - (c) *responsibility for complying with the obligations imposed by this Code on the Service Provider is allocated among them by their Access Arrangements, or their Access Arrangement Information,*
- each Service Provider is responsible only for complying with the obligations allocated to it.*

Pursuant to section 9.2 of the Victorian Access Code, there has been an allocation of obligations between TPA and VENCorp which is reflected in their respective access arrangements.

The wording of each section of the Victorian Access Code is reproduced in italics and then followed by a statement explaining where the particular section is satisfied in this Access Arrangement.

1.2 Composition of Access Arrangement

This Access Arrangement comprises this document together with the description of *Principal Transmission System* and maps contained in Appendix 1 and the sections of the *Tariff Order* to which this Access Arrangement refers.

In addition, *Access Arrangement Information* (“Access Arrangement Information”) was submitted by the Service Provider in accordance with section 2.2 of the Victorian Access Code.

1.3 Effective Date

This Access Arrangement will come into effect on:

- (a) the date on which the Regulator’s decision to approve this Access Arrangement takes effect; or
 - (b) the date on which the *MSO Rules* commence,
- whichever is later.

2. Interpretation

In this Access Arrangement, where a word or phrase is italicised it has:

- (a) the definition given to that word or phrase in the Victorian Access Code; or
- (b) the definition given to that word or phrase below,

unless the context otherwise requires.

“**Economic Feasibility Test**” means, subject to section 8.16(a) of the Victorian Access Code, that the *Anticipated Incremental Revenue* generated by the *New Facility* exceeds the *New Facilities Investment*;

“**expansion**” means the process of upgrading the capacity or service potential of a *transmission pipeline* by:

- (a) replacing or enhancing existing plant or equipment; or
- (b) adding new plant or equipment;

“**extension**” means extending a *pipeline* to enlarge the area to which *gas* may be or is supplied, including (for the avoidance of doubt) extensions which connect together pre-existing *pipeline* systems;

“**initial regulatory period**” means the period from the date the Regulator’s decision approving this Access Arrangement takes effect to 31 December 2002;

“**MSO Rules**” means the Market and System Operations Rules (as amended from time to time) made under section 48N of the Gas Industry Act 1994;

“**Principal Transmission System**” means the Gas Transmission System as defined in the Gas Industry Act 1994 excluding any significant *extensions* in respect of which a notice under clause 5.7.1(c) of this Access Arrangement has been given even if an agreement under section 5(3) of the Gas Industry Act 1994 has been entered into in respect of that *extension*;

“**subsequent access arrangement period**” means the period of five calendar years from 1 January 2003;

“**System-Wide Benefits Test**” means, subject to section 8.16(a) of the Victorian Access Code, that the Regulator is satisfied that a *New Facility* has system wide benefits which justify the approval of a higher *Reference Tariff* for all *Users*.

“**Tariff Order**” means the Order in Council (Victorian Gas Industry Tariff Order 1998, as amended from time to time) made under section 48A of the Gas Industry Act 1994.

“**tariffed transmission service**” means making the *Principal Transmission System* available to VENCORP, for VENCORP to operate in accordance with the *MSO Rules*,

except to the extent that:

- (a) before the start of the *initial regulatory period*, *GTC* or *TPA* and a *User* have agreed in writing that specific pricing applies to that service;
- (b) after the start of the *initial regulatory period*, *TPA* and a *User* agree in writing or as otherwise approved by the Regulator that the service is not to be a *tariffed transmission service*;
- (c) the services are provided to a *transmission transfer point*.

“**transmission transfer point**” has the meaning given to that phrase in the *Tariff Order*.

3. Contact Details

The contact officer for further details on this Access Arrangement is:

General Counsel and Regulatory Manager
Transmission Pipelines Australia
180 Greens Road
DANDENONG VIC 3175

Telephone: (03) 9797 5222

Facsimile: (03) 9797 5189

4. Prior contractual rights

Notwithstanding anything to the contrary contained in this Access Arrangement, no provision in this Access Arrangement deprives any person of a contractual right which was in existence prior to 3 November 1997 (being the date on which this Access Arrangement was first submitted to the Regulator) other than an *exclusivity right* which arose on or after 30 March 1995.

5. Elements set out in Section 3 of the Victorian Access Code

This section, in compliance with section 2.5 of the Victorian Access Code, includes the elements set out in sections 3.1 to 3.22 of the Victorian Access Code which are applicable to the Service Provider.

5.1 Access Arrangement

Section 3.1 *An Access Arrangement submitted by a Service Provider to the Relevant Regulator must be in writing and may specify Relevant Regulatory Instruments or a class of Relevant Regulatory Instruments with which the Service Provider will comply. Except where the Relevant Regulatory Instrument or the Access Arrangement expressly provides otherwise, an amendment to, or a supplementation or replacement of, a Relevant Regulatory Instrument specified in an Access Arrangement by a Service Provider under section 3.1 is not a change to the Access Arrangement for the purposes of section 2.49.*

Section 3.2 *Without limiting the effect of section 3.1, a Service Provider must have sufficient rights in respect of the Covered Pipeline the subject of its Access Arrangement to enable the Service Provider to make available its Services in accordance with its Access Arrangement.*

5.1.1. The Service Provider will comply with the following *Relevant Regulatory Instruments* (where applicable):

- (a) the Victorian Access Code;
- (b) the *MSO Rules*; and
- (c) the *Tariff Order*.

5.1.2 The Service Provider has sufficient rights in respect of the *Principal Transmission System* (including under the Pipelines Act 1967 (Vic), Gas Industry Act 1994 (Vic) and (in relation to Transmission Pipelines Australia Pty Ltd) the lease between it and Transmission Pipelines Australia (Assets) Pty Ltd) to enable it to make available its *Services* in accordance with this Access Arrangement.

5.1.3 In the event that the *MSO Rules* become subject to an exemption under section 51(1) of the Trade Practices Act 1974, any amendment to, or supplementation or replacement of, the *MSO Rules* will, to the extent to which the *MSO Rules* are part of this Access Arrangement, constitute a change for the purposes of the Victorian Access Code and will not be effective to change this Access Arrangement unless and until the procedure in section 2 of the Victorian Access Code is followed.

5.2 Services Policy

Section 3.4 *The Services Policy must comply with the following principles:*

- (a) *The Access Arrangement must include a description of one or more Services that the Service Provider will make available to Users or Prospective Users, including:*
 - (i) *one or more Services that are likely to be sought by a significant part of the market; and*
 - (ii) *any Service or Services which, in the Regulator's opinion, should be included in the Services Policy.*
- (b) *To the extent practicable and reasonable, a User or Prospective User must be able to obtain a Service which includes only those elements that the User or Prospective User wishes to be included in the Service.*

(c) *To the extent practicable and reasonable, a Service Provider must provide a separate Tariff for an element of a Service if this is requested by a User or Prospective User.*

5.2.1 Transmission Pipelines Australia (Assets) Pty Ltd as owner of the *Principal Transmission System* will lease the *Principal Transmission System* under a short term operating lease to Transmission Pipelines Australia Pty Ltd, thereby enabling TPA to offer the *Services*, being services provided from TPA's transmission pipelines, described in this Access Arrangement.

5.2.2 TPA will make the *tariffed transmission service* available to VENCORP as *User* at the *Reference Tariffs*, on the terms and conditions and in accordance with the *Reference Tariff Policy* described in clauses 5.3 and 5.4 below.

5.2.3 The *Services* are likely to be sought by a significant part of the market.

5.3 Reference Tariffs and Reference Tariff Policy

Reference Tariffs

Section 3.5 *An Access Arrangement must include a Reference Tariff for:*

- (a) *at least one Service that is likely to be sought by a significant part of the market; and*
- (b) *each Service that is likely to be sought by a significant part of the market and for which the Regulator considers a Reference Tariff should be included.*

Section 3.6 *Unless a Reference Tariff has been determined through a competitive tender process as outlined in sections 3.23 and 3.40, an Access Arrangement and any Reference Tariff included in an Access Arrangement must, in the Regulator's opinion, comply with the Reference Tariff Principles described in section 8.*

5.3.1 *Reference Tariffs*

- (a) The initial *Reference Tariffs* are the transmission tariffs (as defined in the *Tariff Order*), being the tariffs for *tariffed transmission services* as set out in Schedule 1, paragraph 1 of the *Tariff Order*.
- (b) Any change to the *Reference Tariffs* will not be incorporated in this Access Arrangement unless and until the procedure in section 2 of the Victorian Access Code is followed.

The *Reference Tariff Policy* is set out below.

Reference Tariff Policy

Section 3.7 *An Access Arrangement must also include a policy describing the principles that are to be used to determine a Reference Tariff (a **Reference Tariff Policy**). A Reference Tariff Policy must, in the Regulator's opinion, comply with the Reference Tariff Principles described in section 8.*

5.3.2 *CPI-X Price Path*

The CPI - X price path approach is set out in clause 6.1 of the *Tariff Order* and in the formula in part A of schedule 5 of the *Tariff Order*. A CPI-X approach is consistent with section 8.3 of the Victorian Access Code.

5.3.3 *New Facilities Investment*

TPA may at its discretion undertake *New Facilities Investment* that does not satisfy the requirements of section 8.16 of the Victorian Access Code. The *Extensions/Expansions* Policy in clause 5.7.2 below explains how *New Facilities Investment* in relation to a *New Facility* which is to be treated as part of the *Covered Pipeline* will affect *Reference Tariffs*.

Clause 5.3.4 below sets out the principles of a *Speculative Investment Fund* which TPA may operate in relation to *New Facilities Investment* that does not satisfy the requirements of section 8.16 of the Victorian Access Code.

5.3.4 *Speculative Investment Fund*

(Refer also clause 5.7.2 below).

The amount of the *Speculative Investment Fund* at any time is equal to:

- (a) the difference between the *New Facilities Investment* and the amount which satisfies section 8.16 of the Victorian Access Code, less any amount the Service Provider notifies the Regulator (at the time the expenditure is incurred) that it has elected to recover through a *Surcharge* under section 8.25 of the Victorian Access Code; plus
- (b) an annual increase in that amount calculated on a compounded basis at a risk adjusted *Rate of Return* approved by the Regulator; less
- (c) any part of the *Speculative Investment Fund* previously added to the *Capital Base* due to the type and volume of services provided using the increase in *Capacity* attributable to the *New Facility* change such that any part of the *Speculative Investment Fund* would then satisfy the requirements of section 8.16 of the Victorian Access Code.

5.3.5 *Capital redundancy*

As set out in the *Fixed Principle* in clause 9.2(a)(3) of the *Tariff Order*, the Regulator may review, and if necessary, adjust the *Capital Base* (as at the start of the *subsequent access arrangement period*) to take account of wholly or partially redundant assets.

5.3.6 *Fixed Principles*

Section 8.47 of the Victorian Access Code provides for a *Reference Tariff Policy* to provide for certain *Fixed Principles*. A *Fixed Principle* is an element of the *Reference Tariff Policy* which cannot be changed when the *Service Provider* submits reviews to an Access Arrangement, without the agreement of the *Service Provider*. The *Fixed Principles* applying to this Access Arrangement are set out in clause 9.2(a) of the *Tariff Order*.

The *Fixed Principles* in clause 9.2(a) of the *Tariff Order* can not be changed at the 1 January 2003 review of *Reference Tariffs*, and will apply for the duration of the *subsequent access arrangement period*, which is 5 years.

5.3.7 *Incentive mechanism*

An incentive mechanism that permits TPA to retain a share of any returns from the sale of *Reference Services* during the *initial regulatory period* that exceed the level of returns expected at the beginning of the *initial regulatory period* is set out in the *Tariff Order* in:

- (a) clause 6.1 and Part A of schedule 5 (the CPI-X formula for TPA), which provide that the “price path” for the *Reference Tariffs*, which is determined at the beginning of the *initial regulatory period* based on forecasts of all relevant variables, is not adjusted to account for subsequent events until the commencement of the *subsequent access arrangement period*;
- (b) clause 9.2(a)(4), which provides for a sharing of the benefits of efficiency gains between TPA and users if, in the *initial regulatory period*, TPA has achieved efficiencies greater than the values implied by the value of X in the CPI-X formula; and
- (c) clause 9.2(a)(7), which provides that the benefits of efficiency gains may be shared both in the *subsequent access arrangement period* and in *access arrangement periods* after the *subsequent access arrangement period*.

5.3.8 *Change in tax pass-through*

The *Reference Tariffs* may be varied as a result of a change in certain taxes (which are defined as relevant taxes in clause 10.1 of the *Tariff Order*). If an event occurs which is defined as a change in taxes event in clause 10.1 of the *Tariff Order*, the *Reference Tariffs* may be adjusted in accordance with the procedures set out in clause 7 of the *Tariff Order*.

5.4 **Terms and Conditions**

Section 3.8 *An access arrangement must include the terms and conditions on which the Service Provider will supply each Reference Service. The terms and conditions included must, in the Relevant Regulator’s opinion, be reasonable.*

Section 3.9 *To the extent permitted by the law of a jurisdiction outside Victoria, the terms and conditions of the Access Arrangement of a Service Provider who provides Services by means of a Covered Pipeline or system of Covered Pipelines which are situated both in Victoria and in another jurisdiction:*

- (a) *must not differentiate between that part of the Covered Pipeline or Covered Pipelines situated in Victoria and that part of the Covered Pipeline or Covered Pipelines situated outside Victoria merely because they are situated in different jurisdictions; and*
- (b) *must comply with the provisions of the Code.*

5.4.1 TPA will make the *Principal Transmission System* available to VENCORP as *User* in accordance with its obligations under the TPA Service Envelope Agreement. VENCORP will then provide services to *Users* of the *Principal Transmission System* in accordance with the *MSO Rules*. In order to access the *Principal Transmission System*, *Prospective Users* will register as Market Participants under the *MSO Rules*. *Users* will be required to enter into a Gas Transportation Deed with VENCORP, under which

they will agree to pay certain market fees to VENCORP, as well as transmission charges which VENCORP will direct *Users* to pay directly to TPA.

- 5.4.2 Details of the terms and conditions on which TPA will supply each *Reference Service* are contained in clauses 2.1 and 2.2 and Schedule 1, paragraph 1 of the *Tariff Order* which set out the initial *Reference Tariffs*, and Part A of Schedule 5 of the *Tariff Order*, which outlines the tariff control formula applicable to the *Reference Tariffs*.
- 5.4.3 No part of the Gas Transmission System is situated outside of Victoria, except the Interconnect more particularly described in clause 5.7.1(f) of this Access Arrangement.

5.5 Capacity Management Policy

Section 3.10 *An Access Arrangement must include a statement (a **Capacity Management Policy**) that the Covered Pipeline is either:*

- (a) *a Contract Carriage Pipeline; or*
- (b) *a Market Carriage Pipeline.*

- 5.5.1 The *Principal Transmission System* is a *Market Carriage Pipeline*.

5.6 Queuing Policy

Section 3.14 *An Access Arrangement must include a policy for determining the priority that a Prospective User has, as against any other Prospective User, to obtain access to a Service provided by means of a Covered Pipeline and the Developable Capacity of a Covered Pipeline (and to seek dispute resolution under section 6) (a **Queuing Policy**).*

Section 3.15 *The Queuing Policy must:*

- (a) *set out sufficient detail to enable Users and Prospective Users to understand in advance how the Queuing Policy will operate;*
- (b) *accommodate, to the extent reasonably possible, the legitimate interests of the Service Provider and of Users and Prospective Users; and*
- (c) *generate, to the extent reasonably possible, economically efficient outcomes.*

Section 3.16 *The Regulator may require the Queuing Policy to deal with any other matter the Regulator thinks fit, taking into account the matters listed in section 2.24.*

Section 3.17 *Notwithstanding anything else contained in this Code, the Service Provider must comply with a Queuing Policy specified in the Service Provider's Access Arrangement.*

- 5.6.1 Consistent with section 9.2(c) of the Victorian Access Code, responsibility for complying with the obligation imposed by sections 3.14 to 3.17 of the Victorian Access Code to include a queuing policy in an *access arrangement*, is allocated to VENCORP.

5.7 Extensions/Expansions Policy

Section 3.18 *An Access Arrangement must include a policy (an **Extensions/Expansions Policy**) which sets out:*

- (a) *the method to be applied to determine whether any extension to, or expansion of the capacity of, the Covered Pipeline:*
 - (i) *should be treated as part of the Covered Pipeline for all purposes under the Code; or*
 - (ii) *should not be treated as part of the Covered Pipeline for any purpose under the Code;*

(for example, the Extensions/Expansions Policy could provide that the Service Provider may, with the Relevant Regulator's consent, elect at some point in time whether or not an extension or expansion will be part of the Covered Pipeline or will not be part of the Covered Pipeline);

- (b) *specify how any extension or expansion which is to be treated as part of the Covered Pipeline will affect Reference Tariffs;*

(for example, the Extensions/Expansions Policy could provide:

- (i) *Reference Tariffs will remain unchanged but a Surcharge may be levied on Incremental Users where permitted by sections 8.25 and 8.26; or*
- (ii) *specify that a review will be triggered and that the Service Provider must submit revisions to the Access Arrangement pursuant to section 2.28);*
- (c) *if the Service Provider agrees to fund New Facilities if certain conditions are met, a description of those New Facilities and the conditions on which the Service Provider will fund the New Facilities.*

The Relevant Regulator may not require the Extensions/Expansions Policy to state that the Service Provider will fund New Facilities unless the Service Provider agrees.

5.7.1 Coverage

- (a) Subject to clause 5.7.1(c), an *extension* or *expansion* to the *Principal Transmission System* is covered by this Access Arrangement.
- (b) Prior to an *extension* or *expansion* coming into service, TPA will give notice to the Regulator specifying:
 - (1) the location of the *extension* or *expansion*;
 - (2) its costs;
 - (3) its length;
 - (4) any other matter TPA considers relevant.

- (c) Subject to clause 5.7.1(d), a significant *extension* will not be covered by this Access Arrangement if TPA gives written notice to the Regulator (which notice may be given together with a notice under clause 5.7.1(b)) before the *extension* comes into service that the *extension* will not form part of this Access Arrangement.
- (d) Clause 5.7.1(c) does not apply where:
 - (1) a party successfully seeks *coverage* of the *extension* under section 1 of the Victorian Access Code; or
 - (2) the *extension* was assumed and included in the calculation of the *Reference Tariffs*.
- (e) For the purposes of clause 5.7.1(c), a significant *extension* is an *extension* where:
 - (1) the cost of the *New Facility* which comprises the *extension* is greater than \$5 million; or
 - (2) the *extension* exceeds 10 kilometres in length.
- (f) Notwithstanding any of the preceding provisions of this clause 5.7.1, the *extension* representing the natural gas pipeline extending from Barnawartha (Vic) to Culcairn (NSW) (“the Interconnect”) shall be dealt with in the following way:
 - (1) a notice under paragraph 5.7.1(b) shall be deemed to have been given;
 - (2) no notice under paragraph 5.7.1(c) shall be given.

5.7.2 Effect of Extension/Expansion on Reference Tariffs

- (a) Where the *New Facilities Investment* passes the *Economic Feasibility Test*, the *New Facility* is included in the *Capital Base* and is charged the *Reference Tariffs*.
- (b) Where the *New Facilities Investment* does not pass the *Economic Feasibility Test*, the standard procedure is that:
 - (1) a proportion of the *New Facility* corresponding to the proportion of the *New Facilities Investment* that passes the *Economic Feasibility Test* is included in the *Capital Base* and is charged the *Reference Tariffs*; and
 - (2) the proportion of the *New Facilities Investment* that does not pass the *Economic Feasibility Test* may, at TPA’s election, be -
 - (A) recovered by a *Surcharge* approved by the *Regulator* under section 8.25 of the Victorian Access Code and levied on *Users of Incremental Capacity*;
 - (B) recovered by a *Capital Contribution* a *User* agrees to pay TPA which may be assumed to be a *Surcharge*;
 - (C) included in a *Speculative Investment Fund* under clause 5.3.4 of the *Reference Tariff Policy*; or
 - (D) recovered by a combination of these options.

- (c) *New Facilities Investment* that does not pass the *Economic Feasibility Test* may be recovered outside the standard procedure in clause 5.7.2(b) where:
- (1) TPA and/or *Users* satisfy the Regulator that the *New Facilities Investment* passes the *System-Wide Benefits Test*, in which case the Regulator may approve higher *Reference Tariffs* for all *Users* and the *New Facility* may be included in the *Capital Base*; or
 - (2) the *New Facility* is able to be included in the *Capital Base* on grounds that it is necessary to maintain the safety, integrity or contracted capacity of the Reference Services.

5.7.3 Submissions to vary an Access Arrangement

For the avoidance of doubt:

- (a) if, pursuant to the *Extension/Expansion Policy* set out in the clauses above, an *extension* or *expansion* becomes covered by this Access Arrangement, that coverage shall not be deemed to be a change to this Access Arrangement;
- (b) if pursuant to this clause or to the *Extension/Expansion Policy* set out in the clauses above, a *Surcharge* is to be applied, the application of that *Surcharge* shall not be deemed to be a change to this Access Arrangement;
- (c) notwithstanding clause 5.7.3(b) above, solely for the purposes of public consultation, a notice given under section 8.25 of the Victorian Access Code, shall be treated with as if it were the submission of a revision under section 2.28 of that Code; and
- (d) where any submission to vary this Access Arrangement has the consequence that Reference Tariffs will be changed, section 2 of the Victorian Access Code shall apply.

5.8 Review of the Access Arrangement

Section 3.19 *An Access Arrangement must include:*

- (a) *a date upon which the Service Provider must submit revisions to the Access Arrangement (a **Revisions Submission Date**); and*
- (b) *a date upon which the next revisions to the Access Arrangement are intended to commence (a **Revisions Commencement Date**).*

In approving the Revisions Submissions Date and Revisions Commencement Date, the Regulator must have regard to the objectives in section 8.1, and may:

- (a) *determine an earlier Revisions Submission Date and Revisions Commencement Date than proposed by the Service Provider in its proposed Access Arrangement;*
- (b) *define specific major events that trigger an obligation on the Service Provider to submit revisions prior to the Revisions Submission Date.*

Section 3.20 *An Access Arrangement Period accepted by the Relevant Regulator may be of any length. However, except in the case of an initial Access Arrangement which has a review date before 1 January 2003, if the Access Arrangement Period is more than five years, the Regulator must not approve the Access Arrangement without considering whether mechanisms should be included to address the risk of forecasts on which the terms of the Access Arrangement were based and approved proving incorrect. These mechanisms may include:*

- (a) *requiring the Service Provider to submit revisions to the Access Arrangement prior to the Revisions Submission Date if certain events occur, for example:*
 - (i) *if a Service Provider's profits derived from a Covered Pipeline exceed a certain amount or if the value of Services reserved in contracts with Users are outside a specified range;*
 - (ii) *if the type or mix of Services provided by means of a Covered Pipeline changes in a certain way; or*
- (b) *a Service Provider returning some or all revenue or profits in excess of a certain amount to Users whether in the form of lower charges or some other form.*

Where a mechanism is included in an Access Arrangement pursuant to this section 3.21(a), the Relevant Regulator must investigate no less frequently than once every five years whether a review event identified in the mechanism has occurred.

Section 3.21 *Nothing in section 3.20 shall be taken to imply that the Relevant Regulator may not approve an Access Arrangement Period longer than 5 years if the Relevant Regulator considers this appropriate, having regard to the objectives of section 8.1.*

Section 3.22 *An Access Arrangement submitted under section 2.3 may include a date at which time the Access Arrangement will expire. If an Access Arrangement submitted under section 2.3 expires, the Covered Pipeline the subject of the Access Arrangement, shall cease to be Covered. The Service Provider must notify the Office of the Regulator-General if a Pipeline ceases to be covered under this section and the Office of the Regulator-General must update the Public Register accordingly.*

5.8.1 The Revisions Submission Date will be 31 March 2002.

5.8.2 The Revisions Commencement Date will be 1 January 2003.

Appendix 1

Description of Principal Transmission System

The *Principal Transmission System* as at 11 December 1997 as indicatively described in the table below and by the maps (which were current as at 30 June 1997) attached.

Pipeline Licence	Location/Route	Length km	Pipe Diameter mm
Principal System			
<i>Longford to Dandenong and Wollert System</i>			
Vic:68	Healesville-Koo-Wee-Rup Rd	1.2	80
Vic:91	Anderson St, Warragul	4.8	100
Vic:107	Pound Rd to Tuckers Rd	2.0	100
Vic:50	Supply to Jeeralang	0.4	300
Vic:50	Morwell to Dandenong	126.8	450
Vic:75	Longford to Dandenong	174.2	750
Vic:117	Rosedale to Tyers	34.3	750
Vic:120	Longford to Rosedale	30.5	750
Vic:135	Bunyip to Pakenham	18.7	750
Vic:141	Pakenham to Wollert	93.1	750
Vic:121	Tyers to Morwell	15.7	500
Vic:67	Maryvale	5.4	500
<i>Wollert to Wodonga/Echuca/ Bendigo System</i>			
Vic:101	Keon Park to Wollert	14.1	600
Vic:40	Keon Park East - Keon Park West	0.6	450
Vic:101	Wollert to Wodonga	269.4	300
Vic:101	Euroa to Shepparton	34.5	200
Vic:132	Shepparton to Tatura	16.2	200
Vic:136	Tatura to Echuca	21.3	200
Vic:152	Kyabram to Echuca	30.7	150
Vic:143	Wandong to Kyneton	59.5	300
Vic:128	Mt Franklin to Kyneton	24.5	300
Vic:131	Mt Franklin to Bendigo	50.6	300
Vic:78	Ballan to Bendigo	90.8	150
Vic:125	Guildford to Maryborough	31.4	150
<i>Brooklyn to Ballarat System</i>			
Vic:76	Brooklyn to Ballan	66.6	200
Vic:78	Ballan to Ballarat	22.7	150
Vic:134	Ballan to Ballarat	22.8	300
Vic:122	Derrimut to Sunbury	24.0	150
<i>Brooklyn to Geelong System</i>			
Vic:81	Brooklyn to Corio	50.7	350
Vic:162	Laverton to BHP	1.6	150
<i>Dandenong to West Melbourne / Brooklyn System</i>			
Vic:36	Dandenong to West Melbourne	36.2	750
Vic:108	South Melbourne to Brooklyn	12.8	750
Vic:129	Princess Hwy, to Henty St	0.2	500
Vic:129	Dandenong to Princess Hwy	5.0	750
Vic:56	Princess Hwy to Regent St	0.8	200
Vic:164	Supply to Bay St To Unichema	0.4	150
Vic:124	Supply to Newport Power Station	1	450