



*Electricity Supply Industry Act 1995*

**Notice of Amendment  
No. 1**

to the

**ELECTRICITY TRANSMISSION LICENCE**

issued to

**TRANSEND NETWORKS PTY LTD**

ACN 082 586 892

on 21 December 2008

**16 January 2009**

## 1. BACKGROUND

Pursuant to the *Electricity Supply Industry Act 1995* (ESI Act), the Regulator is responsible for administering the licensing system for electricity entities. The Regulator has the authority to consider and determine licence applications for the generation, transmission, distribution and retailing of electricity.

Pursuant to section 28 of the ESI Act, the Regulator has the authority to amend the terms or conditions of an electricity entity's licence with the electricity entity's agreement or after giving the electricity entity reasonable notice of the proposed amendment and allowing a reasonable opportunity for it to respond.

Transend Networks Pty Ltd (Transend) is the holder of a transmission licence issued for ten years on 18 December 1998. The licence was renewed for a further ten years on 21 December 2008.

On 27 November 2008 the Regulator received a request from Transend to amend its licence.

## 2. AMENDMENT REQUEST

Transend sought an amendment to its licence to include the new Tamar Valley transmission line as part of the 'authorised transmission network' that it is licensed to operate.

## 3. REGULATOR'S ASSESSMENT

### **Suitable person**

The Regulator is satisfied that the amendment to Transend's licence does not change the position of Transend as a suitable person to hold a transmission licence, pursuant to section 19 of the ESI Act.

The amendment does not affect the technical, human and financial resources available to Transend, nor does it go to its previous commercial dealings and the standard of honesty and integrity shown in those dealings.

### **Safe transmission of electricity**

The Regulator is satisfied that the amendment does not affect the necessary capacity of the transmission network to transmit electricity safely.

### **Regulator's objectives**

The Regulator is satisfied that the amendments to Transend's licence are not inconsistent with the objectives of the ESI Act or the objectives of the Regulator in exercising his powers and functions under the ESI Act.

#### **4. REGULATOR'S DECISION**

In exercise of the power conferred by section 28 of the ESI Act, the Regulator will, subject to any valid written objections from interested parties, amend Transend's licence issued on 21 December 2008, effective 30 January 2009. The amendment is contained in mark-up form in Schedule 1 of the licence attached to this Notice.

Glenn Appleyard

**REGULATOR**

16 January 2009



*ELECTRICITY SUPPLY INDUSTRY ACT 1995*

**ELECTRICITY SUPPLY INDUSTRY  
TRANSMISSION LICENCE**

issued to

**TRANSEND NETWORKS PTY LTD  
ACN 082 586 892**

Effective Date

21 December 2008

# Tasmanian Electricity Transmission Licence

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## 1 Grant of licence

- 1.1 The **Regulator**, in exercise of the powers conferred by section 19 of the **Act**, authorises the **Licensee** to undertake the transmission of electricity over the **authorised transmission system** and thereby authorises the **Licensee** to operate that transmission system.
- 1.2 The **Regulator** issues this licence accepting that technical and other information supplied by the **Licensee** in support of its application for this licence, and otherwise as required by this licence, is true and correct, the **Licensee** having made full and diligent inquiry in that regard.

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## 2 Definitions and Interpretation

- 2.1 In this licence, words and phrases appearing italicised in bold type:
  - 2.1.1 which are defined in the *Electricity Supply Industry Act 1995*, have the same meaning when used in this licence; and
  - 2.1.2 which are not defined in the *Electricity Supply Industry Act 1995*, have the meaning ascribed to them in Part 1 of Schedule 2.
- 2.2 This licence must be interpreted in accordance with Part 2 of Schedule 2.

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## 3 Compliance with Laws and Other Requirements

- 3.1 The **Licensee** must comply with the **Act** and the **Code**.
- 3.2 The **Licensee** must comply with the **National Electricity Rules**. In the event that the **National Electricity Rules** are inconsistent with the **Code**, then the **National Electricity Rules** prevail to the extent of such inconsistency.
- 3.3 For the avoidance of doubt, the **statutory licence conditions** are deemed to form part of this licence and the **Licensee** must comply with the **statutory licence conditions**.

- 3.4 The **Licensee** must use best endeavours to ensure that each contractor engaged by it complies with the terms and conditions of this licence, to the extent that such terms and conditions are relevant to that contractor.

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## 4 Term of Licence

Subject to this licence and the **Act**, this licence takes effect on and from 21 December 2008 for a period of ten (10) years.

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## 5 Payment of Fees and Charges

The **Licensee** must pay to the **Regulator** fees and charges in accordance with clause 2.4.2 of the **Code**.

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## 6 Communications

- 6.1 A **communication** must be in **writing**.
- 6.2 A **communication** is to be regarded as having been given by the sender and received by the addressee:
- 6.2.1 when delivered in person to the addressee;
  - 6.2.2 where sent by post, on the 4<sup>th</sup> **business day** after the date of posting, if the **communication** is posted within Australia;
  - 6.2.3 where sent by post, on the 7<sup>th</sup> **business day** after the date of posting, if the **communication** is posted outside Australia; or
  - 6.2.4 when, according to the sender's transmission report, received by facsimile transmission by the addressee.

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## 7 Provision of Information

- 7.1 The **Licensee** must provide to the **Regulator**, in the manner and form advised by the **Regulator**, such information as the **Regulator** may from

time to time require and which is, in the opinion of the **Regulator**, relevant to the **Regulator's** functions under the **Act**.

- 7.2 If the **Licensee** becomes aware of any material breach of the **Act**, the **Code**, the **National Electricity Rules** or this licence, the **Licensee** must notify the **Regulator** of the breach as soon as practicable and provide such information as the **Regulator** requires in relation to the breach.

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## 8 Advice to the Regulator

The **Licensee** must report to the **Regulator** as soon as possible the occurrence of any of the following circumstances:

- 8.1 the **Licensee** is put under external administration as defined in the *Corporations Act 2001* (Cwth); and
- 8.2 the **Licensee's** circumstances change such that the **Licensee's** ability to meet its obligations under the **Act**, the **Code**, the **National Electricity Rules** or this licence may be materially affected.

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## 9 Management Plans and Compliance Plan

- 9.1 The **Licensee** must develop and submit to the **Regulator**, in accordance with the **Code**, **management plans**.
- 9.2 The **Licensee** must develop and submit to the **Regulator**, in accordance with the **Code**, a **compliance plan**.

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## 10 Emergency Management

The **Licensee** must develop, maintain and implement an emergency management plan in accordance with any **guideline** issued by the **Jurisdictional System Security Co-ordinator**.

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## 11 Management and Operating Contracts

- 11.1 The **Licensee** must advise the **Regulator** of the entering into, by the **Licensee**, of any contract under the terms of which another person assumes, or will assume, operational responsibility for carrying out any substantive part of the operations authorised by this licence.
- 11.2 The **Licensee** must submit to the **Regulator** not less than 14 days prior to the commencement of any contract referred to in clause 11.1:
- 11.2.1 the identity and contact details of the other person; and
  - 11.2.2 details of the qualifications and experience of the other person.

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## 12 Assistance to the Reliability and Network Planning Panel

The **Licensee** shall provide such information or other assistance as may be requested and required by the **Reliability and Network Planning Panel**.

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## 13 Connection Agreements

The **Licensee** must provide details of any committed connection to any other **transmission system**.

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## 14 System Development

- 14.1 The **Licensee** shall procure all transmission system augmentations or other works or services on mainland Tasmania that are shown to satisfy the **regulatory test**.
- 14.2 The **Licensee** must plan, propose and procure augmentations required to meet the **Licensee's** service obligations, including obligations imposed by **jurisdictional transmission planning criteria**.



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## 15 Annual Planning Statement

The *Licensee* shall publish an Annual Planning Statement that shall provide such information and analysis as may be specified by the *Regulator* in any relevant *guideline*.

**SIGNED** by Jane Hyland,                    )  
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**DELEGATE OF REGULATOR**            )     Signed  
  )  
on 3 October, 2008                         )

## Schedule 1 – Description of Authorised Transmission System

The **authorised transmission system** is the **transmission system** which conveys electricity:

- from the **connection points** for the Generation Sites and Transmission Sites listed in Table 1, to the **connection points** for the Demand Sites and Transmission Sites listed in Table 1 (the **connection point** and **connection assets** associated with the **transmission system** are described in the relevant **connection agreement**);

**Table 1**

Generation Sites	Demand Sites	Transmission Sites
Bell Bay	Arthurs Lake	North Hobart
Butlers Gorge	Avoca	Norwood
Catagunya	Boyer	Palmerston
Cethana	Bridgewater	Port Latta
Cluny	Burnie	Que
Devils Gate	Chapel Street	Queenstown
Farrell	Comalco	Railton
Fisher	Creek Road	Risdon
Gordon	Derby	Rokeby
John Butters	Derwent Bridge	Rosebery
Lake Echo	Devonport	Savage River
Lemonthyme	Electrona	Scottsdale
Liapootah	Emu Bay	Starwood
Mackintosh	Fisher	Smithton
Meadowbank	George Town	Sorell
Paloona	Gordon	St Marys
Poatina	Hadspen <sup>1</sup>	Temco
Reece	Hampshire	Trevallyn
Repulse	Huon River <sup>2</sup>	Triabunna
<a href="#">Tamar Valley</a>	Kermandie	Tungatinah
Tarraleah	Kingston	Ulverstone
Trevallyn	Knights Road	Waddamana
Tribute	Lindisfarne	Wayatinah
Tungatinah	Meadowbank	Wesley Vale
Wayatinah	Mowbray <sup>3</sup>	
Wilmot	New Norfolk	
Woolnorth	Newton	

<sup>1</sup>Commissioning 2006

<sup>2</sup>Commissioning 2007

<sup>3</sup>Commissioning 2005

<sup>4</sup>Commissioning 2006

and

2. through the **electricity infrastructure** listed in Table 2, which is operated under contract by the **Licensee** and is more particularly described in the Operation and Maintenance Agreement between the **Licensee** and the third party owner.

**Table 2**

<b>Electricity Infrastructure</b>	<b>Operation and Maintenance Agreement</b>
The Smithton to Woolnorth powerline known as Route 473	Transend Networks and Woolnorth Bluff Point Wind Farm Pty Ltd – 18 March 2005.
The powerline known as the Studland Bay Spur Line	Transend Networks and Woolnorth Studland Bay Wind Farm Pty Ltd – November 2006

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## Schedule 2 - Part 1

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### Definitions

“**Act**” means the *Electricity Supply Industry Act 1995* (Tas);

“**authorised transmission system**” means the **transmission system** on mainland Tasmania as described in Schedule 1 as amended from time to time;

“**business day**” means any day except a Saturday, Sunday, statutory holiday as defined in the *Statutory Holidays Act 2000* or public holiday;

“**communication**” means a notice, agreement, consent, direction, representation, advice or statement required or given pursuant to or in connection with this licence;

“**compliance plan**” has the same meaning as in the **Code**;

“**connection agreement**” has the same meaning as in the **National Electricity Rules**;

“**connection asset**” has the same meaning as in the **Code**;

“**connection point**” has the same meaning as in the **Code**;

“**guideline**” means a written statement of regulatory intent or policy for the information and guidance of **licensees**, issued by the **Regulator** or by any other relevant person determined and advised to licensees by the **Regulator**;

“**Jurisdictional System Security Co-ordinator**” has the same meaning as in the **National Electricity Law**;

“**jurisdictional transmission planning criteria**” has the same meaning as in the **Code**;

“**Licensee**” means Transend Networks Pty Ltd ACN 082 586 892;

“**licensee**” means the holder of a licence under the **Act**;

“**management plan**” has the same meaning as in the **Code** and for the purpose of this licence, the relevant schedule is Schedule 3 of this licence;

“**regulatory test**” has the same meaning as in the **National Electricity Rules**;

**“Reliability and Network Planning Panel”** has the same meaning as in the **Code**;

**“statutory licence conditions”** means the licence conditions referred to in the **Act** and applicable to this licence;

**“transmission system”** has the same meaning as in the **National Electricity Rules**;

**“writing”** includes any mode of representing or reproducing words, figures, drawings and symbols in a visible form.

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## Schedule 2 - Part 2

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### Interpretation

In this licence, unless the context otherwise requires:

- 2.1 headings are for convenience only and do not affect the interpretation of this licence;
- 2.2 words importing the singular include the plural and vice versa;
- 2.3 words importing a gender include any gender;
- 2.4 an expression importing a natural person includes any company, partnership, trust, joint venture, association, corporation or other body corporate and any governmental agency;
- 2.5 a reference to a condition, clause, schedule or part is to a condition, clause, schedule or part of this licence;
- 2.6 a reference to terms of an offer or agreement is to all terms, conditions and provisions of the offer or agreement;
- 2.7 a reference to any statute, regulation, proclamation, order in council, ordinance or by-law includes all statutes, regulations, proclamations, orders in council, ordinances or by-laws varying, consolidating, re-enacting, extending or replacing them and a reference to a statute includes all regulations, proclamations, orders in council, ordinances, by-laws and determinations issued under that statute;

- 2.8 a reference to a document or a provision of a document includes an amendment or supplement to, or replacement or novation of, that document or that provision of that document;
- 2.9 a reference to a person includes that person's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and permitted assigns;
- 2.10 when italicised, other parts of speech and grammatical forms of a word or phrase defined in this licence or in the **Act**, have a corresponding meaning;
- 2.11 a period of time:
- 2.11.1 which dates from a given day or the day of an act or event is to be calculated exclusive of that day; or
- 2.11.2 which commences on a given day or the day of an act or event is to be calculated inclusive of that day;
- 2.12 an event which is required under this licence to occur on or by a stipulated day which is not a **business day** may occur on or by the next **business day**;
- 2.13 in the event of any inconsistency between the conditions of this licence and the **Act**, the **Act** will prevail to the extent of such inconsistency; and
- 2.14 in the event of any inconsistency between the conditions of this licence and the schedules, the conditions of this licence prevail to the extent of such inconsistency.

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## Schedule 3 - Management Plans

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The aspects of the *Licensee's* operations that shall be the subject of *management plans* are:

- 1 asset management of the *authorised transmission system*, including reliability and performance of the *authorised transmission system*;
- 2 vegetation management; and
- 3 emergency management as provided for in clause 10.