

28 October 1998



**EASTERN  
energy**

Mr M Rawstron  
Senior Assistant Commissioner  
Electricity Group  
Australian Competition & Consumer Commission  
P O Box 1199  
DICKSON ACT 2602

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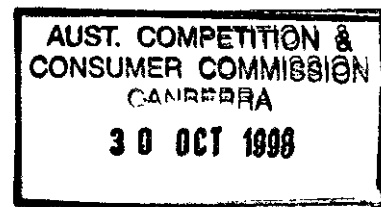
Dear Mr Rawstron

### NATIONAL ELECTRICITY MARKET: ACCESS ARRANGEMENTS

As required, on behalf of Eastern Energy Ltd (ACN 064 651 118) as a future participant in the National Electricity Market and a Network Services Provider, I enclose for your approval "SCHEDULE 5.8, UNDERTAKING GIVEN TO THE AUSTRALIAN COMPETITION AND CONSUMER COMMISSION UNDER SECTION 44ZZA OF THE TRADE PRACTICES ACT 1974", signed by Mr S E Blanch as Managing Director and witnessed by myself as Company Secretary.

Yours sincerely

  
Anthony Kelly  
Company Secretary



## SCHEDULE 5.8

### UNDERTAKING GIVEN TO THE AUSTRALIAN COMPETITION AND CONSUMER COMMISSION UNDER SECTION 44ZZA OF THE TRADE PRACTICES ACT 1974

This undertaking is given by Eastern Energy Ltd (ACN 604 651 118).

#### 1. Effective date

This undertaking has effect from the date on which it is accepted by the Australian Competition and Consumer Commission.

#### 2. Expiry date

This undertaking expires on 31 December 2010.

#### 3. Interpretation

Words appearing in italics in this undertaking have the meaning given to them by Chapter 10 of the *National Electricity Code*.

#### 4. Undertaking

On registration by NEMMCO as a *Network Service Provider*, Eastern Energy Ltd undertakes to provide access to the *network services* of its *transmission networks* and *distribution networks* on the terms and conditions set out below.

#### 5. Terms and conditions of connection and access

Eastern Energy Ltd undertakes to maintain and make available its *networks* for access to the *network services*:

(a) by *Code Participants* in accordance with the requirements of the *Code*<sup>1</sup>; and

(b) by all persons in accordance with:

(i) *applicable regulatory instruments* including:

- Electricity Industry Act 1993<sup>2</sup>;
- Electricity Industry (Further Amendment) Act 1996<sup>2</sup>;
- Electricity Industry (Miscellaneous Amendment) Act 1997<sup>2</sup>;
- Office of the Regulator-General Act 1994<sup>2</sup>;
- Office of the Regulator-General (Amendment) Act 1995<sup>2</sup>;
- State Electricity Commission Act 1958<sup>2</sup>;
- Electricity Safety Act 1998<sup>2</sup>; and
- Electric Light and Power Act, 1958<sup>2</sup>.

**Regulations made pursuant to those Acts and, in particular -**

- Electricity Industry (Non-franchise Customers) Regulations 1995<sup>3</sup>;
- Code of Practice for Powerline Clearance (Vegetation) Regulations 1996<sup>3</sup>;
- Electrical Safety (Network Asset) Regulations 1997<sup>3</sup>;
- State Electricity Commission Wiring Regulations 1992<sup>3</sup>; and
- Electricity Supply and Construction Regulations 1988<sup>3</sup>.

<sup>1</sup> A copy of this instrument will be provided by NECA

<sup>2</sup> A copy of this instrument will be provided by Victorian Power Exchange Pty Ltd/GPU PowerNet Pty Ltd.

<sup>3</sup> A copy of this instrument is annexed to this undertaking

**Orders in Council made pursuant to those Acts, including -**

- Tariff Order, dated 20 June 1995 (as amended by the Tariff Order Amendment Order dated 8 August 1995) made under Section 158A of the Electricity Industry Act 1993<sup>2</sup>
- Eastern Energy 1998/99 Network Tariffs Approved By The Office of the Regulator-General, Victoria<sup>3</sup>.

**The following Codes**

- VicPool Rules<sup>2</sup>
  - System Code<sup>2</sup>;
  - Distribution Code<sup>3</sup> ;
  - Electricity Industry Supply and Sale Code<sup>3</sup>; and
  - Retail Tariff Metering Code<sup>3</sup>.
- **Statements and Guidelines relating to the performance of the Office of the Regulator-General, Victoria's functions and the exercise of its powers published by the Office pursuant to Section 12 of the Office of the Regulator-General Act 1994 including -**
    - Electricity Industry Regulatory Statement (incorporating a Statement of Government Policy, dated 29 September 1994, declared under Section 10 of the Office of the Regulator-General Act 1994)<sup>2</sup>;
    - Electricity Industry Guideline No 1: Access to and use of Distribution Systems-Statements of Approved Charges and Charges for Other Services<sup>3</sup>;
    - Electricity Industry Guideline No 2: Distribution Systems Augmentation<sup>3</sup>;
    - Electricity Industry Guideline No 3: Regulatory Information Requirements<sup>3</sup>;
    - Electricity Industry Guideline No 4: Accounts Collection Cycle<sup>3</sup>;
    - Electricity Industry Guideline No 5: Connection and Use of System Agreements<sup>3</sup>; and
    - Electricity Industry Guideline No 9: Framework for Approving, Conducting and Reporting Audits of Licence Requirements for Licences issued under the Electricity Industry Act 1993<sup>3</sup>. (Draft).
  - Distribution Licence<sup>3</sup> issued to Eastern Energy Ltd by the Office pursuant to Sections 162 and 168 of the Electricity Industry Act 1993:
    - (ii) *good electricity industry practice and applicable Australian Standards.*

**6. Copies of amended documents**

Eastern Energy Ltd undertakes to provide the ACCC with an updated copy of an *applicable regulatory instrument* annexed to this undertaking whenever that instrument is amended.

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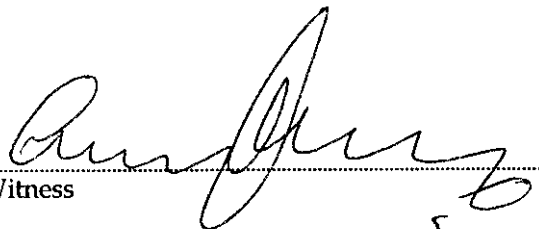
<sup>2</sup> A copy of this instrument will be provided by Victorian Power Exchange Pty Ltd/GPU PowerNet Pty Ltd.

<sup>3</sup> A copy of this instrument is annexed to this undertaking

7. **Withdrawal or variation of undertaking**

Eastern Energy Ltd may, with the consent of the Australian Competition and Consumer Commission, withdraw or vary this undertaking at any time.

SIGNED  
for Eastern Energy Ltd  
by its duly authorised representative  
in the presence of:

  
Witness

**ANTHONY KELLY**  
Company Secretary

  
Representative

**STEPHEN E BLANCH**  
Managing Director

FILE CREATION REQUEST FORM

New File

New Part

File No	Date	Officer	Branch	X Reference
CR98/230	4 NOV 98	PAUL BILYK	ELECTRICITY	CR.97/58

TITLE

28/10

NEW ACCESS UNDERTAKING - EASTERN ENERGY

Staff may suggest a file title. Final construction and arrangement is the responsibility of the RMU personnel.

ADDITIONAL KEYWORDS Suggest by project staff

ADDITIONAL KEYWORDS (do not include words which have been used in the file title)