



USER ACCESS GUIDE

ATCO'S NON-SCHEME GAS DISTRIBUTION SYSTEMS IN ALBANY AND KALGOORLIE

GAS DIVISION

ATCO Gas Australia Pty Ltd

17/05/2021

Contents

1.	REQUIREMENTS OF A USER ACCESS GUIDE	1
2.	ABOUT ATCO AND ITS NON-SCHEME GAS DISTRIBUTION SYSTEMS	2
2.1	ATCO'S NON-SCHEME GAS DISTRIBUTION SYSTEMS.....	2
2.2	INFORMATION DISCLOSURE AND ARBITRATION FRAMEWORK	2
3.	CONTACT DETAILS.....	3
4.	REQUESTING SERVICES.....	4
4.1	PRELIMINARY ENQUIRIES.....	4
4.2	FORMAL ACCESS REQUEST.....	4
4.3	ACCESS OFFER	5
5.	FURTHER INVESTIGATIONS.....	6
6.	CONFIDENTIALITY	7
7.	GOOD FAITH NEGOTIATIONS.....	8
8.	ACCESS NEGOTIATION INFORMATION	9
9.	ACCESS REQUEST FORM.....	10

1. REQUIREMENTS OF A USER ACCESS GUIDE

ATCO has developed this guide for prospective users of our gas distribution systems that are not 'covered' pipeline systems under the National Gas Rules. These are referred to in this guide as our "non-scheme gas distribution systems".

The guide is intended to help users obtain access to our services and includes:

- A brief description of our non-scheme distribution systems;
- Contact details for our gas distribution teams;
- How to request access

If you would like to discuss your specific requirements or require further clarification, we encourage you to contact our commercial team using the contact details outlined in Section 3.

2. ABOUT ATCO AND ITS NON-SCHEME GAS DISTRIBUTION SYSTEMS

2.1 ATCO's non-scheme gas distribution systems

ATCO owns two non-scheme gas distribution systems in Western Australia: the Kalgoorlie Gas Distribution System and the Albany Gas Distribution System (Table 2.1).

Table 2.1: ATCO's non-scheme gas distribution system

Gas distribution system	Service provider
Kalgoorlie Gas Distribution System (Goldfields gas supply area)	ATCO Gas Australia Pty Ltd
Albany Gas Distribution System (Great Southern gas supply area)	ATCO Gas Australia Pty Ltd

2.2 Information disclosure and arbitration framework

These two non-scheme gas distribution systems are subject to the gas pipeline information disclosure and arbitration framework in Part 23 of the National Gas Rules.

The objective of the framework is to facilitate access to pipeline services on reasonable terms that, as far as practicable, reflect the outcomes of a workably competitive market.

The framework emphasises information disclosure to support timely and effective commercial negotiations, backed up by rights to binding commercial arbitration if these negotiations are unsuccessful.

We are committed to working with prospective users of our non-scheme gas distribution systems to negotiate a mutually beneficial commercial arrangement.

ATCO has been granted a 'Category 3' exemption by the Economic Regulation Authority for both of our non-scheme gas distribution systems. This means we are exempt from the obligations to publish information under Division 2 of Part 23 of the National Gas Rules, other than pipeline information (rule 553(2)) and pipeline service information (rule 553(3)).

This information is available on ATCO's website at: www.atco.com.au

Part 23 of the National Gas Rules can be accessed in full on the website of the Australian Energy Market Commission: <https://www.aemc.gov.au/regulation/energy-rules/national-gas-rules/current>.

3. CONTACT DETAILS

The relevant contact details for each of ATCO's non-scheme gas distribution systems are set out below.

Kalgoorlie Gas Distribution System (Goldfields gas supply area)

Kapz Malhotra
General Manager, Customer and Innovation
13 13 56 (or direct on +61 428 327 124)
kapz.malhotra@atco.com

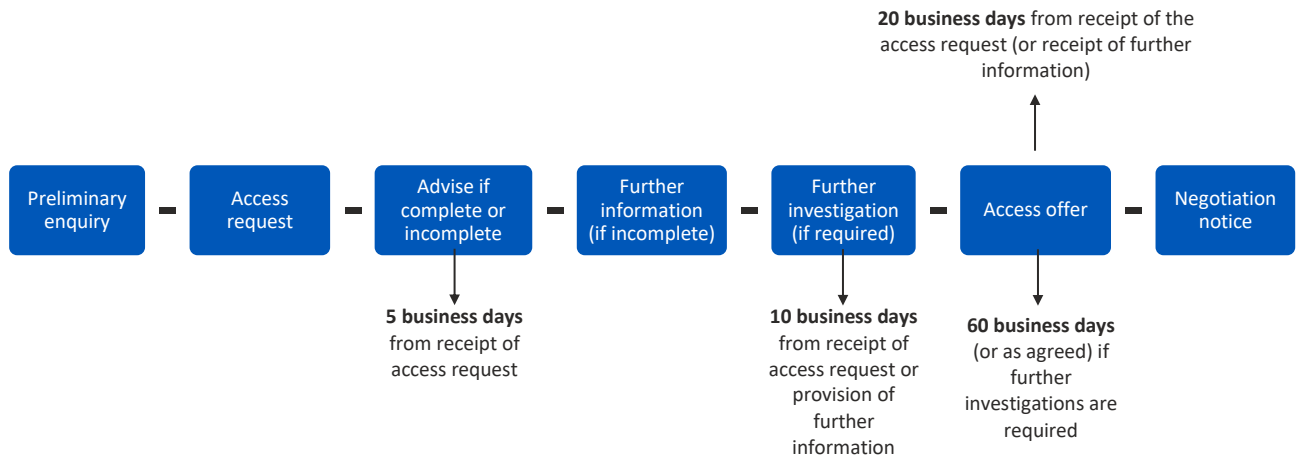
Albany Gas Distribution System (Great Southern gas supply area)

Kapz Malhotra
General Manager, Customer and Innovation
13 13 56 (or direct on +61 428 327 124)
kapz.malhotra@atco.com

4. REQUESTING SERVICES

The process and associated responses times for submitting a User Access Request are summarised in Figure 4.1 below.

Figure 4-1: Service request stages and response times



4.1 Preliminary enquiries

ATCO encourages all prospective users of our non-scheme gas distribution systems to make preliminary enquiries by discussing their requirements with the contact person in Section 3 of this guide.

4.2 Formal access request

ATCO is confident that we can tailor a suitable offer through commercial negotiations.

However, at any time, you may submit an access request for one of our non-scheme gas distribution systems by following the process outlined above in Figure 4.1.

An access request must be submitted using the form in Appendix 1 of this guide. It must include sufficient information that is reasonably required to enable us to prepare an offer in relation to the request or to determine whether further investigation is required before making a determination.

In particular, the access request must specify:

- The quantity and duration of capacity required and a date when commencement of access is required;
- The delivery point(s) at which you require gas to be received into the distribution network;
- Evidence of creditworthiness, such as credit ratings/reports (must be a minimum of A- by Standard & Poors, A3 by Moody's or B from Fitch ICBA), a copy of the latest audited financial accounts, and contact details for three credit referees; and
- Contain such other information as is required by the user access guide or which the service provider might otherwise reasonably require, from time to time, in order to assess the prospective users request.

We will notify you within 5 business days whether your access request is complete or incomplete.

If it is complete, it will be a Complying Access Request. If an access request is incomplete, we will notify you and specify the information required to complete the access request. Once you have provided the specified information, we will tell you within 5 business days whether it is a Complying Access Request.

We will notify you within 10 business days of receiving a Complying Access Request if we need to undertake further investigations in relation to your access request (See Section 5).

You may amend the details of the Complying Access Request with our consent.

4.3 Access offer

Following receipt of a complying access request and assuming no further investigation is required, we will prepare an offer that:

- sets out the price and other terms and conditions upon which our offer is made;
- contains the details of any works to be undertaken by us and you (where relevant) and any applicable technical and performance specifications; and
- is in a form capable of acceptance by you so as to constitute a new access contract.

We must make you an access offer within the period agreed by us or if no period is agreed between us:

- a) within 20 business days after receiving the complying access request unless paragraph (b) applies;
- b) within 60 business days after receiving the complying access request if we are required to carry out further investigations in relation to your access request.

However, we are not required to make an access offer in relation to a non-scheme gas distribution network if:

- a) the complying access request has been withdrawn;
- b) we have concluded that it is not technically feasible or consistent with the safe and reliable operation of the non-scheme gas distribution network to provide the pipeline service requested by you, having used all reasonable efforts to accommodate your requirements; or
- c) the provision of the non-scheme gas distribution network service requested by you would require the extension of our pipeline or network.

If we do not make an access offer for the reason specified above, we will give you:

- a) written reasons explaining why the requested non-scheme gas distribution network service cannot be provided; and
- b) details of when the requested non-scheme gas distribution network service is likely to become available if there is some prospect that it will become possible to provide the requested non-scheme gas distribution network service at some time in the future.

5. FURTHER INVESTIGATIONS

As outlined in Section 4, if investigations are required to be undertaken prior to responding to the access request, we will outline a proposal to you for carrying out the further investigations.

The proposal for further investigations will include:

- a) a statement of the nature and scope of work of the investigation;
- b) a plan (including a time schedule) for carrying out and completing the investigation;
- c) a statement of the reasonable costs of the investigation you would be required to meet; and
- d) any other information reasonably required by us for the purposes of the investigation.

Where further investigations are required, an access offer will be made within 60 business days after receiving the complying access request unless a later period is agreed between you and us.

6. CONFIDENTIALITY

Consistent with our usual practice, we will treat the information provided to us in relation to a preliminary enquiry, informal or formal access Request as confidential (except to the extent it is in or enters the public domain) and will only use that information for the purpose for which it was disclosed.

If a prospective user requests negotiations under Part 23 by written notice, consistent with Rule 561(8) and (9), both the prospective user and ATCO must not disclose confidential information except:

- to the Economic Regulation Authority or arbitrator in an arbitration;
- with the consent of the other party;
- to a professional or other advisor of ATCO or the potential customer who agrees to maintain confidentiality;
- if required or necessary for purposes of the National Gas Law or Rules; and
- to comply with a court order or subpoena, or authorised or required by law or a regulatory body, and we give you details of and reasons for the disclosure.

7. GOOD FAITH NEGOTIATIONS

ATCO and the prospective user must negotiate in good faith with each other as to whether access can be granted and the terms and conditions for the provision of that access. Prospective users are encouraged to familiarise themselves with Rule 561 in Part 23 which provides a framework for these negotiations.

Prospective users also have the right to refer an access dispute to arbitration under section 216J of the National Gas Law.

Further, Rule 559(7) in the National Gas Rules requires a service provider and a prospective user must negotiate in good faith about the terms and conditions on which further investigations will be carried out, including the basis for determining reasonable costs of the further investigations to be paid by the prospective user and any reasonable extension to the time period in Rule 560(2) to enable the further investigations to be completed.

8. ACCESS NEGOTIATION INFORMATION

The National Gas Rules set out the requirements for parties involved in negotiations about access to a non-scheme distribution network.

Prospective users are encouraged to familiarise themselves with Rule 562 in Part 23 which provides a process by which the information exchanged by the parties during negotiations will form the basis of an arbitration.

The key elements of the access negotiation process are:

- the parties have a duty to negotiate in good faith;
- a prospective user may request access offer information on notice to ATCO;
- access offer information must be provided in the form and within the timeframe specified;
- each party may request information from the other on notice; and
- there are some exclusions on having to provide access offer information on grounds of confidentiality and legal professional privilege.

9. ACCESS REQUEST FORM

ACCESS REQUEST FORM

This is an access request form in accordance with the User Access Guide for non-scheme distribution systems. The terms and conditions for the non-scheme gas distribution network access are subject to negotiation between ATCO and the prospective user.

Section 1: Prospective user details	
Name:	
ABN	
Telephone number	
Email	
Nominated representative	
Section 2: Service details	
Requested service	<ul style="list-style-type: none"> Haulage services
Non-scheme gas distribution network	<ul style="list-style-type: none"> Albany Kalgoorlie
Delivery point and expected gas volume (refer to pipeline map on ATCO's website for current delivery points)	
Requested service start date	
Requested service end date	
Section 3: Creditworthiness	
Information to support the creditworthiness of the prospective user. <ul style="list-style-type: none"> Attach a copy of the company's latest audited financial accounts. Attach evidence of the company's credit rating (Minimum of A- from Standard & Poors, A3 from Moody's, or B from Fitch ICBA). If not rated, provide evidence of ability to provide a bank guarantee, letter of credit, or some other form of prudential assurance from an entity with a minimum rating of A- from Standard & Poors, A3 from Moody's, or B from Fitch ICBA. 	
Section 4: Confidentiality	
Attach a signed copy of ATCO's Confidentiality Agreement to this access request form. A copy of ATCO's Confidentiality Agreement can be obtained by contacting the person listed in Section 3 of the User Access Guide.	
Section 5: Signature	
Signature of authorised company representative:	
Name and position:	
Date (dd/mm/yy):	