

Electricity Reform Act 2000

SECTION 87 EXEMPTION – SMALL SCALE GENERATION POWER PURCHASE AGREEMENTS

1. In this exemption, the term small scale generation (SSG) power purchase agreement means an agreement for the sale of electricity between:
 - (a) a person who owns and operates electricity generating plant that is located at a site (being premises or a lot of land) owned by another person; and
 - (b) the owner or occupier of the relevant site or adjoining sites.
2. This exemption applies to the following operations (SSG power purchase agreement operations):
 - (a) operating electricity generating plant that is subject to a SSG power purchase agreement where the maximum capacity of the electricity generating plant installed at the relevant site or adjoining sites is two megawatts (2 MW) or less; and
 - (b) selling electricity to the owner or occupier of the site on which the electricity generating plant is located or adjoining sites.
3. Pursuant to sections 14(2) and 87 of the *Electricity Reform Act 2000* (the Act), a person carrying on SSG power purchase agreement operations is exempt from the requirement to hold a licence for the generation of electricity and selling electricity in relation to the SSG power purchase agreement operations.
4. In accordance with section 87(1) of the Act, the exemption granted in this document is subject to the following conditions:
 - (a) the exempt person must register their existing SSG power purchase agreement operations with the Commission no less than 3 months from commencement of this exemption or, for new SSG power purchase agreement operations, within 3 months from commencement of those operations;
 - (b) the exempt person must provide electricity of a quality comparable to that supplied through the distribution network;
 - (c) electricity sold to an end-user must be sold under contract;
 - (d) any electricity surplus to on-site requirements and exported to the distribution network must be sold under contract to a licensed electricity entity;
 - (e) the exempt person must comply with all relevant safety and technical requirements of the Act, *Electrical Safety Act 2022* and associated regulations;
 - (f) the exempt person must comply with clauses 11.4 (Standard complaints and dispute procedures) and 11.5 (Complaints made to retailer or network provider for internal resolution) of the Electricity Retail Supply Code (as amended from time to time) as if that person were licensed by the Commission under Part 3 of the Act to operate as a retailer;

- (g) the exempt person must, from time to time, provide the Commission, in a manner and form and timeframe to be determined by the Commission, such information as the Commission may request in the performance of its functions under any applicable laws.
- 5. Registration is to be made by email to utilities.commission@nt.gov.au providing the following information:
 - (a) full legal name and ABN/ACN of the exempt person;
 - (b) name, title and contact details (telephone, email) of a nominated and alternative contact officer on behalf of the exempt person; and
 - (c) details of the parties contracted to buy electricity under the SSG power purchase agreement.
- 6. If a person operating electricity generating plant and selling electricity from that generating plant through a SSG power purchase agreement fails to adhere to the conditions of this exemption, that person and their operations are not covered by this exemption and that person will be operating without a licence, which may result in a penalty under the Act.
- 7. Under section 87(3) of the Act, this exemption document may be varied or revoked by the Commission, with the approval of the Minister, by notice in writing.
- 8. This exemption document will remain in force until it is varied or revoked by the Commission by notice in writing.

Date: 25 November 2024

THE COMMON SEAL of UTILITIES)
COMMISSION is duly affixed in the)
presence of:)

Kimberlee McKay
Signature of authorised person

DIRECTOR Utilities Commission
Office held

Kimberlee McKay
Name of authorised person (block letters)



Approved, in accordance with section 87 of the *Electricity Reform Act 2000*:

Gerard Maley
Hon Gerard Maley
Minister for Mining and Energy

6 NOV 2024