

## RBP queuing requirements

The following outlines the current views of AER staff on queuing requirements. This does not represent the final decision of the AER Board.

[This document has been updated following the teleconference the AER held in conjunction with APTPPL and users on 10 July 2012. A record of this teleconference is available on the AER website at <http://www.aer.gov.au/node/5197>.](#)

### 1.1 Submissions

[Interested parties are invited to make written submissions on this document by COB Wednesday 18 July 2012. Submissions can be sent electronically to \[rbp@er.gov.au\]\(mailto:rbp@er.gov.au\).](#)

[The AER prefers all submissions to be publicly available to facilitate an informed and transparent consultative process. The AER will treat submissions as public documents unless otherwise requested. The AER will publish all non-confidential submissions on its website.](#)

### 1.2 Summary of proposed revisions

AER staff consider that APTPPL's proposed revised queuing requirements are preferable to the first-come-first-served approach of the earlier access arrangement. However, AER staff are of the view alternatives exist which may better satisfy the NGL and the NGR, and may promote more efficient outcomes in accordance with the NGO and the revenue and pricing principles.<sup>1</sup>

[Table 1.1 outlines the proposed revisions to the queuing requirements, while the detailed proposed revisions to the clauses of the access arrangement are at attachment A.](#)

**Table 1.1 AER staff proposed queuing requirements, as updated following the teleconference with APTPPL and users on 10 July 2012.**

Element	APTPPL revised proposal	AER staff alternative view
<b>Existing capacity</b>		
Cost to enter the queue	User pay a deposit of 10% of a year's capacity sought	Costless. Applications must be signed by the company CEO
Remaining in the queue	Users must notify APTPPL on a quarterly basis that they wish to remain in the queue	As in the earlier access arrangement—APTPPL may confirm with users quarterly that they wish to remain in the queue
Exiting the queue (when the user has not commenced negotiations with APTPPL)	A user loses all of the deposit	Costless

<sup>1</sup> NGL, ss 23 and 24.

Element	APTPL revised proposal	AER staff alternative view
When capacity becomes available	APTPL offers spare capacity to users in sequential order	
	After receiving the offer a user has 10 business days to notify APTPL whether they are:	
	<ul style="list-style-type: none"> <li>Exiting the queue, and forfeiting the entire deposit</li> </ul>	<ul style="list-style-type: none"> <li>Exiting the queue without penalty</li> </ul>
	<ul style="list-style-type: none"> <li>Where an offer is made which meets part of a user's request, a user may decline the offer as it does not meet their request, and remaining in the same position in the queue</li> </ul>	
	<ul style="list-style-type: none"> <li>Accepting the offer and requesting to enter negotiations</li> </ul>	
Entering negotiations	<p><a href="#">APTPL will notify the user that it is required to pay one of the following relevant deposits:</a></p> <ul style="list-style-type: none"> <li><a href="#">If the capacity is available more than two years after the offer—deposit of 2% of a year's capacity sought</a></li> <li><a href="#">If the capacity is available two years or less after the offer—deposit of 5% of a year's capacity sought</a></li> <li><a href="#">a user has paid the 2% deposit above, time passes and the capacity will now be available two years or less after the original offer—further deposit of 3% of a year's capacity sought</a></li> </ul>	
	<p>A user has 20 business days <a href="#">to pay the relevant deposit, after it accepts an offer and</a> from when it receives <a href="#">notification</a> to pay. <a href="#">This period may be extended by APTPL</a></p>	
	<p>APTPL and users will be required to negotiate in good faith</p>	
Successful negotiations	A user's deposit plus interest will be credited toward the amount payable under the user's transportation agreement	
Failed negotiations	A user loses all the deposit unless it lodges an access dispute	
<b>Developable capacity</b>		
Registrations of interest	Users may submit registrations of interest at any time, before or during the open season	
Order of priority	None	The order of priority for developable capacity is based on the order in which registrations of interest are submitted
Open season	When APTPL determines that developable capacity may be made available it may hold an open season	

Element	APTPPL revised proposal	AER staff alternative view
Negotiations	APTPPL will bilaterally negotiate with users	APTPPL may negotiate with multiple users in any order, provided that users of higher priority are not ultimately disadvantaged
		APTPPL and users and required to negotiate in good faith
<b>Transitional arrangements</b>		
Existing capacity	Users will be given a period of time to meet any new requirements	
		The existing capacity queue will be grandfathered and operate in accordance with the earlier access arrangement until after the period allowed for users to meet any new requirements
Developable capacity	The developable capacity queue will be grandfathered	

## 1.2.2 Existing capacity

AER staff consider that the proposed use of first-come-first-served and the use of a deposit meets the requirements of r. 103 of the NGR. This is because an order of priority is established, and users are likely to be treated on an equal basis. However, AER staff are of the view that the following alternatives may be preferable to APTPPL's revised proposal, as they may be more likely to promote the efficient use of an investment in the pipeline.

- A non-refundable deposit to commence negotiations rather than APTPPL's requirement for a non-refundable deposit to enter the queue:
  - ensures non-genuine users drop out when capacity actually becomes available
  - fewer issues around refunds
  - significantly lower administration requirements
  - users will not lose their funds for extended periods of time.
- The following deposits rather than APTPPL's proposed 10 per cent to create the appropriate incentives without being overly onerous for users:
  - Where the capacity is available more than two years after the offer, a deposit of 2% of a year's capacity sought—a lower level deposit for capacity that is far into the future to compensate for uncertainty.
  - Where the capacity is available two years or less after the offer, deposit of 5% of a year's capacity sought—reasonable deposit when a user can be more certain that they are able to accept the capacity offered.

- Where a user has paid the 2% deposit above, after the period of time when the capacity will now be available two years or less after the original offer—further deposit of 3% of a year's capacity sought (bringing the "balance" of the deposit to 5%).
- Once a user has accepted an offer to enter negotiations, APTPPL will notify the user that it is required to pay the relevant deposit above. Users have 20 business days from that notification to pay the deposit (which may be extended by APTPPL).
- The option for APTPPL to confirm quarterly with users whether they wish to remain in the queue rather than APTPPL's proposal to require users to notify APTPPL quarterly—it is preferable for the service provider to have discretion in managing the queue.

Further, AER staff consider that the revised queuing requirements could also require:

- Applications to enter the queue must be signed off by their company CEO or equivalent—to discourage non-genuine users from queue sitting
- APTPPL and users to negotiate in good faith—to ensure parties act appropriately, given the deposit funds are now at risk.

### 1.2.3 Developable capacity

AER staff consider that APTPPL's proposed developable capacity queuing requirements may not satisfy r. 103 of the NGR as no order of priority would be established between users. However, AER staff accept that an open season approach is favourable to the first-come-first-served approach of the earlier access arrangement and is likely to promote more efficient operation, use of, and investment in, the pipeline.

AER staff are of the view the open season approach could be retained, but with an order of priority established based on the order in which registrations of interest are submitted. APTPPL could then hold an open season, and negotiate with multiple users in any order, as long as users with a higher priority are not ultimately disadvantaged.

### 1.2.4 Transitional arrangements

For existing capacity the transitional requirements would be different under AER staff's alternative:

- Where a user is not currently in negotiations the user must provide signoff from its company CEO or equivalent to remain in the queue.
- Where a user is currently in negotiations they will not be required to meet any new requirements.

For developable capacity AER staff consider that the current developable capacity queue should be grandfathered.

# Attachment A—APTPPL’s revised proposal marked-up with AER staff proposed revisions

## 6 Queuing requirements

### 6.1 Existing Capacity Queues

- (a) Where there is insufficient Existing Capacity to satisfy a Request for Services to be provided by Existing Capacity in full or part, a queue will be formed (Existing Capacity Queue).

### 6.2 Forming the Existing Capacity Queue

- (a) An Existing Capacity Queue will include all relevant Requests for Services to be provided by Existing Capacity which cannot be satisfied from the spare capacity of the covered pipeline and in respect of which a request has been made for that Request to be entered on the Existing Capacity Queue.
- (b) A request to be placed on the Existing Capacity Queue must be signed by the Prospective User’s company CEO (or equivalent). Any Request to be placed on the Existing Capacity Queue that has not been signed in accordance with clause 6.2(b) will not be entered into the Existing Capacity Queue.
- (e) Requests to be entered on the Existing Capacity Queue will be placed on the Existing Capacity Queue in the order in which they are received and, subject to subparagraph (f) this order determines the order of priority between them for Services to be provided by Existing Capacity.
- (f) A Request for a Reference Service will have priority over a request for a similar Service at a tariff less than the Reference Tariff. Otherwise, the priority of a Request depends upon its priority date.
- (g) Where Service Provider determines that two or more Requests relate to the same tranche of capacity for the same Delivery Point, then those Requests will have the priority date of the earliest Request.
- (h) At the time a Request is placed in the Existing Capacity Queue, Service Provider will advise the Prospective User of:
  - (i) the date the Request was placed in the Existing Capacity Queue;
  - (ii) its position on the Existing Capacity Queue; and
  - (iii) the aggregate capacity sought under Requests which are ahead on the Existing Capacity Queue.

### 6.3 Conditions Applicable on the Existing Capacity Queue

- (a) A Prospective User may reduce, but not increase, the capacity sought in a Request which is in the Existing Capacity Queue.
- (b) At intervals of no more than three months, Service Provider may seek confirmation from a Prospective User that it wishes to proceed with its Request to remain on the Existing Capacity Queue. If a Prospective User fails to provide confirmation within 14 Days, the Request will lapse.
- (c) A Prospective User will advise Service Provider if it does not wish to proceed with a Request to remain on the Existing Capacity Queue. The Service Provider may then remove the Request from the Existing Capacity Queue.

**Comment [A1]:** CEO sign off to enter the queue.

**Deleted:** accompanied by the relevant existing capacity queue deposit (Existing Capacity Queue Deposit), which is calculated in accordance with the following formula:  
 $\text{Existing Capacity Queue Deposit} = \text{Volume of capacity sought} \times \text{Reference Tariff} \times 365 \times 10\%$   
(c) . Subject to clause 6.4(f), the Existing Capacity Queue Deposit is nonrefundable.  
(d)

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**Comment [A2]:** Reverted to the current access arrangement, where APTPL may seek confirmation from users.

**Deleted:** A Prospective User must confirm with Service Provider, a

**Deleted:** that it wishes to proceed with a Request and remain on the Existing Capacity Queue. If no confirmation is made within three months after that Request was first placed in the Existing Capacity Queue (or subsequently, within three months of the previous confirmation), the Request will be removed from the Existing Capacity Queue.

- (d) A Prospective User may only assign a Request on the Existing Capacity Queue to:
  - (i) a bona fide purchaser of the Prospective User's business and/or assets;
  - (ii) a bona fide supplier of gas to the Proposed User's identified or assumed end-user; and
  - (iii) subject to the Prudential Requirements.
- (e) A Request may lapse if, on assignment of a controlling interest in the shares of the Prospective User, the assignee fails to provide a guarantee as required by Service Provider or to meet the Prudential Requirements.
- (f) Any lapsed Request will be removed from the Existing Capacity Queue and priority will be lost.
- (g) A Request will not lapse and will retain its priority in the Existing Capacity Queue in the event of a dispute being notified, until that dispute has been resolved in accordance with the National Gas Rules.
- (h) Where an Existing Capacity Queue exists, a Prospective User must on request demonstrate to Service Provider that the Prospective User will have access to supply of gas at the time it is anticipated that the Prospective User will be offered access to the Service and where the Prospective User does not do so, its Request will lapse.
- (i) When the position of a Request changes relative to other Requests which are ahead in the Existing Capacity Queue (such as where a Request ceases to be on the Existing Capacity Queue) Service Provider will provide revised information to the Prospective User.
- (j) Service Provider will not provide information to a Prospective User where providing that information would involve the release or disclosure of confidential information about another User or Prospective User.

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**6.4 Procedure when Capacity can be made available for Services provided by the Existing Capacity**

- (a) When capacity can be made available which meets the requirements (in part or in full) of any Request in the Existing Capacity Queue that capacity will be progressively offered to each Prospective User in the Existing Capacity Queue in order of priority (notwithstanding that such capacity is not sufficient to meet the needs of that Prospective User).
- (b) Any Prospective User that receives an offer of capacity pursuant to subparagraph (a) must notify Service Provider within 10 Business Days as to whether it wishes to accept that offer or not.
- (c) If a Prospective User does not notify Service Provider within that period of 10 Business Days that it wishes to accept the capacity offered to it, then:
  - (i) the Request in respect of which that offer was made will be removed from the Existing Capacity Queue (to the extent that it will be satisfied by the capacity offered); and
  - (ii) Service Provider will send that Prospective User a contract setting out the terms and conditions on which Service Provider will provide that Prospective User with the services requested by that Prospective User.
- (d) If the Prospective User does not execute the contract and return it to Service Provider within 10 Business Days after it was received by that Prospective [User under subparagraph \(c\)\(ii\)](#) (or such longer period as Service Provider may allow), then the offer of capacity to that Prospective User will lapse and that capacity will become available for offer in accordance with this clause 6.4, to other Prospective Users on the Existing Capacity Queue.
- (e) Where a Prospective User is offered part of the capacity in a Request:

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- (i) but declines it because the Prospective User wants all the capacity requested or nothing; or
- (ii) accepts the capacity offered but the Prospective User wants to remain in the Queue for the remainder of the requested capacity the Prospective User will not lose priority in respect of any capacity requested but not taken provided that it notifies Service Provider that it wishes to remain in the Existing Capacity Queue.

(f) Where a Prospective User notifies Service Provider that it wishes to accept the capacity offered, the Service Provider will notify the Prospective User that it must pay the relevant existing capacity queue deposit (Existing Capacity Queue Deposit), in accordance with the following:

**Comment [A3]:** Deposit to accept an offer and enter negotiations.

(i) Where the capacity being offered will be made available more than two years after the date the offer was made by Service Provider:

**Comment [A4]:** 2% deposit when the capacity being offered will be available more than 2 years out.

Existing Capacity Queue Deposit = Volume of capacity sought x Reference Tariff x 365 x 2%

(ii) Where the capacity being offered will be made available two years or less after the date the offer was made by Service Provider:

**Comment [A5]:** 5% deposit when the capacity being offered will be available more than 2 years out.

Existing Capacity Queue Deposit = Volume of capacity sought x Reference Tariff x 365 x 5%

(iii) Where a Prospective User has paid the Existing Capacity Queue Deposit pursuant to subparagraph (f)(i), and after a period such that the capacity being offered will be made available two years or less after the date the original offer was made by Service Provider pursuant to paragraph (a):

**Comment [A6]:** If a user already paid the 2% deposit because the capacity was available more than 2 years out, then when time has passed such that the capacity is now available in less than 2 years, the user pays a further 3% deposit (making their deposit 5% in total).

Existing Capacity Queue Deposit = Volume of capacity sought x Reference Tariff x 365 x 3%

(iv) For subparagraphs (f)(i) to (f)(iii):

**Comment [A7]:** Units to be used in the deposit calculations.

The Existing Capacity Queue Deposit is in dollars

the volume of capacity sought is the daily fixed volume of capacity in a Request measured in GJ

the Reference Tariff to be used is the Reference Tariff at the time that the deposit is calculated, in dollars. This is the capacity reservation component of the Reference Tariff only, not both the capacity and throughput components.

(g) If the Prospective User does not pay the relevant Existing Capacity Queue Deposit within 20 Business Days (or such longer period as Service Provider may allow) of being notified by Service Provider pursuant to paragraph (f) to pay the Existing Capacity Queue Deposit, then Service Provider may withdraw the offer. The Prospective User's Request will be removed from the Existing Capacity Queue.

**Comment [A8]:** Users will have 20 days from being notified, to pay any deposit.

This is in addition to any time taken to decide whether or not to accept the offer.

This may also be extended by APTPPL.

(h) Subject to clause 6.4(i), the Existing Capacity Queue Deposit is non-refundable.

(i) Service Provider and a Prospective User must negotiate in good faith to reach agreement on the terms and conditions of the Transportation Agreement in relation to a Request in the Existing Capacity Queue.

**Comment [A9]:** APTPPL and users will negotiate in good faith.

(j) Where a Prospective User enters into a Transportation Agreement in relation to a Request in the Existing Capacity Queue (and upon that Transportation Agreement becoming unconditional), Service Provider will credit toward the amount payable by the Prospective User under that Transportation Agreement, the Existing Capacity Queue Deposit plus interest calculated by reference to the Commonwealth Bank corporate overdraft reference rate as varied from time to time

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## 6.5 Developable Capacity

- (a) Prospective Users may at any time provide Service Provider with an expression of interest regarding interest it would have in Developable Capacity.
- (b) Expressions of interest regarding Developable Capacity will have an order of priority for Services to be provided by Developable Capacity based on the order in which they are received.
- (c) Where Service Provider determines that two or more expressions of interest relate to the same tranche of capacity for the same Delivery Point, then those Requests will have the priority date of the earliest Request.
- (d) At the time an expression of interest is accepted, Service Provider will advise the Prospective User of:
- (i) the number of expressions of interest received ahead of that Prospective User;
  - (ii) the aggregate capacity sought under expressions of interest ahead of that Prospective User;
  - (iii) its estimate of when capacity may become available; and
  - (iv) whether investigations are required to determine whether capacity is or can be made available ("Investigations")
- (e) When the order of priority of an expression of interest changes relative to other expressions of interest which are ahead in the Queue (such as where an expression of interest is withdrawn) or where the timing of availability of a new tranche of Developable Capacity changes, APTPPL will provide revised information to the Prospective User.
- (f) APTPPL will not provide information to a Prospective User where providing that information would involve the release or disclosure of confidential information about another User or Prospective User.
- (g) Where Service Provider considers that Developable Capacity alternatives may be able to address demand for Services, Service Provider may conduct an open season process in respect of that Developable Capacity alternative by:
- (i) providing all Prospective Users who are on the Developable Capacity Queue, the Existing Capacity Queue, as well as other Prospective Users who may be interested in Services that could be provided by the Developable Capacity alternative, with a notice containing details of the Developable Capacity alternative and the date by which registrations of interests should be received; and
  - (ii) publishing on Service Provider's website a notice containing details on the Developable Capacity alternative and the date by which registrations of interest should be received.
- (h) The date by which registrations of interest should be received must be a date not less than 30 Days after the date that Service Provider provides a notice pursuant to (a)(i) or the date that the notice is published on Service Provider's website (whichever is the latter).
- (i) A Prospective User who has an expression of interest currently submitted pursuant to paragraph (b):
- (i) May choose not to participate in the open season, and retain their expression of interest and order of priority.
  - (ii) May notify Service Provider that they wish to participate in the open season, within the period specified in paragraph (c). The Prospective User will retain the order of priority assigned to their expression of interest submitted before the open season. The Prospective User will also have priority over any registrations of interest submitted pursuant to paragraph (i).

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**Comment [A10]:** Paragraphs (b) to (f)—an order of priority for developable capacity

These clauses are taken from the current queuing requirements

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**Comment [A11]:** Users who already have an expression of interest in can choose to participate in the open season or not.

They will retain their order of priority if they do enter the open season



(i) Prospective Users who do not have an expression of interest submitted pursuant to paragraph (b), may submit registrations of interest in the open season. These will have an order of priority assigned based on the order in which they are received, subject to paragraph (c) and subparagraph (i)(ii).

**Comment [A12]:** New users can enter the open season, with the order of priority based on the order in which they register.

These users will have a lower priority than any users who already had an expression of interest in before the open season.

(k) Registrations of interest are to be in the form set out in Schedule 6B. (e) Following the closing date for registrations of interest and investigations to determine the availability of Developable Capacity (if any), Service Provider will determine whether a Developable Capacity alternative should be pursued. In making this determination Service Provider will offer Services provided by means of that Developable Capacity to Prospective Users. Service Provider may deal with one or more Prospective Users in any order, provided that a Prospective User is not ultimately disadvantaged compared to Prospective Users with a lower priority than that Prospective User.

**Comment [A13]:** Negotiations can be done any way, but users of a higher priority must not be ultimately disadvantaged.

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(l) Service Provider and Prospective Users must negotiate in good faith to reach agreement on the terms and conditions of any Transportation Agreement in relation to a registration of interest for services to be provided by Developable Capacity.

**Deleted:** in a manner that seeks to achieve optimal design of the Developable Capacity alternative and achievement of efficiency in the structure and level of tariffs. For the avoidance of doubt, this is regardless of any position that the Prospective User may have on the Existing Capacity Queue

**Comment [A14]:** APTPL and users will negotiate in good faith.

## 6.6 Investigations to Determine if Developable Capacity is Available

- (a) Service Provider may advise Prospective Users who have lodged registrations of interest that investigations are required to determine whether Developable Capacity could be made available. Service Provider will also advise the Prospective Users of the nature, likely duration and cost of the investigations. Where there is more than one Prospective User considering participating in the investigation Service Provider will advise the Prospective User of its share of the estimated cost of the investigations. This will be determined as the proportion that their MDQ bears to the total MDQ of all Prospective Users participating in the investigation. The Prospective User may then determine whether it wants Service Provider to undertake the investigations.
- (b) In the event that Service Provider considers that an investigation may be undertaken pursuant to subparagraph (a), Service Provider may, upon request, provide Prospective Users with a general indication of the range of tariffs which may be applicable in relation to any capacity expansion or extension (Indication). An Indication will be provided for the sole purpose of assisting Prospective Users to consider whether they share the costs of an investigation, will be confidential and will not be binding on either party.
- (c) Service Provider will not be liable to the Prospective User for any cost, loss, expense or other matter arising from the provision of an Indication, or from the Prospective User's use of or reliance on an Indication, including where any tariff subsequently offered to the Prospective User or any other person is greater or less than the Indication.
- (d) Service Provider is only obliged to undertake Investigations if one or more Prospective Users agree to bear the costs of the investigation.
- (e) Where a Prospective User declines to meet the cost of investigations, that Prospective User's Request may be accorded a lower priority than Requests where the Prospective Users have agreed to bear the costs of the investigation.
- (f) A Prospective User who has paid for an investigation will, on entering into appropriate confidentiality arrangements, receive a written report which:
  - (i) describes the options considered to provide the Capacity; and
  - (ii) describes Service Provider's preferred option to provide Capacity or provides reasons why no recommendation is made.
- (g) Where a Prospective User bears the costs of an investigation and the Prospective User decides not to proceed with the Request, that Prospective User may assign:

- (i) the registration of interest to which the investigation relates, and
- (ii) information in the possession of that Prospective User relevant to the Investigation to a bona fide assignee; and
- (iii) that assignee may use the results of the Investigation provided that the assignment does not disclose confidential information without the consent of persons to whom such information relates.

### 6.7 Transitional arrangements

- (a) Service Provider must, within one month after the commencement of this Access Arrangement, send a notification to all Prospective Users on the Existing Capacity Queue and the Developable Capacity Queue advising of the amendments to the queuing requirements in this Access Arrangement.
- (b) Service Provider must require a Prospective User who wishes to remain entered on the Existing Capacity Queue and to retain their position in the Existing Capacity Queue, to provide company CEO (or equivalent) signoff in accordance with 6.2(b).
- (c) Service Provider must notify Prospective Users on the Existing Capacity Queue of the requirement to provide company CEO (or equivalent) signoff within one month after the commencement of this Access Arrangement.
- (d) A Prospective User must, within 28 Days of receiving a notification from Service Provider that payment of the Existing Capacity Queue Deposit to retain their current position in the Existing Capacity Queue is required to provide company CEO (or equivalent) signoff.
- (e) If company CEO (or equivalent) signoff pursuant to paragraph (b) is not made by the end of the 28 Day period, the Prospective User will lose their place in the Existing Capacity Queue and be removed from the Existing Capacity Queue by Service Provider.
- (f) Service Provider may not send the notification pursuant to paragraph (c) before the commencement of this Access Arrangement.
- (g) The Existing Capacity Queue will function in accordance with the access arrangement preceding this Access Arrangement during the period of one month and 28 days after the commencement of this Access Arrangement.
- (h) Prospective Users with Requests on the Developable Capacity Queue immediately prior to this Access Arrangement commencing will retain their order of priority for Developable Capacity after the commencement of this Access Arrangement.

**Comment [A15]:** Paragraphs (b) to (e)—users currently in the queue must provide CEO signoff to remain in the queue.

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**Deleted:** pay the relevant Existing Capacity Queue Deposit (and the amount of that deposit)

**Deleted:** be paid, pay to Service Provider the amount of the Existing Capacity Queue Deposit

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**Comment [A16]:** The existing capacity queue will be grandfathered and function as normal until after the period allowed for users to meet new requirements.

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**Comment [A17]:** The developable capacity queue's order of priority will be grandfathered to the new developable capacity order of priority.

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**Deleted:** The Developable Capacity Queue as it existed on the day before the commencement of this Access Arrangement is dissolved as at the commencement of this Access Arrangement and no rights accrue to the Prospective Users on the Developable Capacity Queue (as defined in the immediately preceding Access Arrangement) by virtue of their position on that Developable Capacity Queue upon it being dissolved.