Consultation Draft

E-Control Regulation Commission Ordinance Setting the Natural Gas System Charges (Gas System Charges Ordinance 2013)

In exercise of section 70 *Gaswirtschaftsgesetz* (Natural Gas Act) 2011, *BGBl.* (Federal Law Gazette [FLG]) I no 107/2011, in conjunction with section 12 para. 2 item 1 *Energie-Control-Gesetz* (E-Control Act), FLG I no 110/2010, as published in FLG I no 107/2011, the following Ordinance is issued:

Title 1

Principles

Regulatory Matter

Section 1. The present Ordinance sets the following transmission system charges:

1. a system utilisation charge;
2. a system admission charge; and
3. a system provision charge.

Definitions

Section 2. (1) For the purpose of this Ordinance, the term

1. "dynamically allocable capacity" means capacity that can only be offered on a firm basis in combination with certain entry/exit points and functions as interruptible capacity in combination with all other entry/exit points and the virtual trading point (section 3 para. 2 item 2 *Gas-Marktmodell-Verordnung* [Gas Market Model Ordinance] 2012, FLG II no 171/2012);
2. "invoiced calorific value" means the calorific value in kWh/m^3 used to determine the amount of energy to be invoiced to injecting and withdrawing parties. In the eastern market area, it is 11.19 kWh/Nm^3.

(2) In addition to the above, the definitions in section 7 *Gaswirtschaftsgesetz* (Natural Gas Act) 2011, section 2 Gas Market Model Ordinance 2012 and Article 2 of Regulation (EC) No 715/2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005, OJ L 211, 14.08.2009, apply.

Title 2

Transmission Network Charges

System Utilisation Charge for Injecting and Withdrawing Parties

Section 3. (1) The system utilisation charges for feeding into and taking off from the transmission network take the shape of rates stated in EUR/kWh/h, unless explicitly provided otherwise, per year and per entry/exit point. System users must pay such charges even if the booked capacity is not nominated or only partially nominated.

(2) The rates for system utilisation for entry into the transmission network at the below entry points payable for firm, freely allocable entry capacity booked by way of contracts with a term of at least one year are:

1. Baumgarten (BOG; TAG; GCA): 0.45
2. Oberkappel: 3.14

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3. Überackern (ABG, SUDAL): 6.91
4. Arnoldstein: 2.07

(3) The rates for system utilisation for exits from the transmission network at the below exit points payable for firm, freely allocable exit capacity booked by way of contracts with a term of at least one year are:

1. Baumgarten (BOG): 1.15
2. Oberkappel: 3.85
3. Arnoldstein: 5.26
4. Murfeld: 4.86
5. Mosonmagyaróvár: 2.28
6. Petrzalka: 1.97
7. Distribution area: 0.65
8. Überackern: 6.91

(4) The rates for system utilisation for entry into the transmission network at the below entry points, at which injection is not physically possible and transports can only be offered on an interruptible basis, payable for entry capacity booked by way of contracts with a term of at least one year are:

1. Murfeld: 2.08
2. Mosonmagyaróvár: 2.28
3. Petrzalka: 1.97

(5) The rates for system utilisation for entry into the transmission network at the below entry points payable for dynamically allocable entry capacity (the exit points to be combined with for firm rights are indicated in brackets) that has been booked by way of contracts with a term of at least one year are:

1. Baumgarten (Oberkappel): 0.40
2. Baumgarten (Überackern): 0.40
3. Oberkappel (Überackern): 0.21
4. Oberkappel (Baumgarten): 2.83
5. Baumgarten (MAB): 0.21
6. Arnoldstein (distribution area): 0.56
7. Überackern (Oberkappel): 2.62
8. Arnoldstein (SOL): 0.56

(6) The rates for system utilisation for exits from the transmission network at the below exit points payable for dynamically allocable exit capacity (the entry points to be combined with for firm rights are indicated in brackets) that has been booked by way of contracts with a term of at least one year are:

1. Baumgarten (Oberkappel): 0.75
2. Baumgarten (MAB): 0.21
3. Oberkappel (Baumgarten): 3.46
4. Überackern (Oberkappel): 2.62
5. Oberkappel (Überackern): 0.21
6. Distribution area (Baumgarten): 0.63
7. Distribution area (Oberkappel): 0.63

(7) As a rule, the rates for interruptible capacity are the same as those for the corresponding firm capacity. System users shall be compensated if interruptions occur. Such compensations shall take the form of reductions of the charge payable for the respective service month. The amount of such reduction (E_{Rm}) is calculated by the transmission system operator by applying the formula in annex 1. There shall be no compensation in the case of interruptible transports on the basis of dynamically allocable capacity.

(8) The rates for system utilisation for entry into and exits from the transmission network payable for capacity booked by way of contracts with a term of less than one year are derived from the rates (E) in paras 2 to 7 above by applying the following formulae:

1. for quarterly products: (E/365)*90*1.25;
2. for monthly products: (E/365)*30*1.5;
3. for daily products: (E/365)*1.75.

(9) The rates for system utilisation for interconnection points in the transmission network at the below exit points payable for exit capacity booked by way of contracts between the transmission system operators with a term of at least one year are:

1. Weitendorf/SOL: 2.78

2. Oberkappel/Pentawest: 4.29

(10) In the event of transport restrictions caused by unplanned maintenance activities in line with the general terms and conditions for transmission network access approved pursuant to section 32 *Gaswirtschaftsgesetz* (Natural Gas Act) 2011, the charges payable by system users shall be reduced in accordance with the duration and extent of the restriction. This shall take the form of reductions of the charge payable for the respective service month. The amount of such reduction (E_{km}) is calculated by the transmission system operator by applying the formula in annex 2. The hourly capacity to be used in the calculation is the one made available by the transmission system operator, even if the system user does not use such capacity or does not use it to its full extent.

System Utilisation Charge for Storage System Operators

Section 4. (1) The system utilisation charges for exits from the transmission network into storage take the shape of rates stated in EUR/kWh/h, unless explicitly provided otherwise, per year and per exit point. Storage system operators must pay such charges even if the booked capacity is not nominated or only partially nominated.

(2) The rates for system utilisation for exits from the transmission network into storage at the below exit points payable for firm, freely allocable exit capacity booked by way of contracts with a term of one year are:

1. Storage facility 7-fields: 0.36
2. Storage facility MAB: 0.36

(3) The rates for system utilisation for exits from the transmission network into storage at the below exit points payable for dynamically allocable exit capacity (the entry points to be combined with for firm rights are indicated in brackets) that has been booked by way of contracts with a term of one year are:

1. Storage facility 7-fields (Oberkappel): 0.28
2. Storage facility MAB (Baumgarten): 0.28

(4) As a rule, the rates for interruptible capacity are the same as those for the corresponding firm capacity. System users shall be compensated if interruptions occur. Such compensations shall take the form of reductions of the charge payable for the respective service month. The amount of such reduction (E_{Rm}) is calculated by the transmission system operator by applying the formula in annex 1. There shall be no compensation in the case of interruptible transports on the basis of dynamically allocable capacity.

(5) In the event of transport restrictions caused by unplanned maintenance activities in line with the general terms and conditions for transmission network access approved pursuant to section 32 *Gaswirtschaftsgesetz* (Natural Gas Act) 2011, the charges payable by system users shall be reduced in accordance with the duration and extent of the restriction. This shall take the form of reductions of the charge payable for the respective service month. The amount of such reduction (E_{km}) is calculated by the transmission system operator by applying the formula in annex 2. The hourly capacity to be used in the calculation is the one made available by the transmission system operator, even if the system user does not use such capacity or does not use it to its full extent.

Transmission System Admission Charge

Section 5. The system admission charge compensates the transmission system operator for all reasonable cost, considering normal market prices, directly arising from connecting a facility to a transmission system for the first time or altering a connection to account for a system user's increased connection capacity. The system admission charge is a one-off payment; the system user shall be informed of how it is made up in a transparent and understandable manner. In cases where connection costs are borne by system users themselves, the system admission charge shall be reduced accordingly. The system admission charge shall be cost-reflective; the transmission system operator may set a uniform rate for similar system users.

Transmission System Provision Charge

Section 6. The rate for system provision for load-metered facilities at transmission level is: 3.00 EUR/kWh/h.

Equalisation Payments

Section 7. (1) The payments for equalisation among the transmission system operators are stated as net annual amounts payable in twelve equal instalments, one per month.

(2) The equalisation payments are:

1. Gas Connect Austria GmbH shall pay EUR 4 084 668.02 to TAG GmbH;
2. TAG GmbH shall pay EUR 8 548 795.3 to BOG GmbH.

Auctions

Section 8. (1) Where capacity is to be auctioned pursuant to section 6 *Gas-Marktmodell-Verordnung* (Gas Market Model Ordinance) 2012, the rates stated in section 3 serve as the reserve price. For day-ahead capacity pursuant to section 6 para. 3 Gas Market Model Ordinance 2012, the reserve price is (E/365)*1. For bundled capacity at cross-border interconnection points, pursuant to section 4 Gas Market Model Ordinance 2012, the rates stated in section 3 form part of the reserve price.

(2) For capacity to be auctioned pursuant to section 6 para. 1 Gas Market Model Ordinance 2012, system users shall pay both the reserve price and the difference between the reserve price and the clearing price of the auction (premium) for the duration of their contract. If the rates according to section 3 change during the contract term, the payable price, consisting of the reserve price and the premium, shall be adjusted for the difference between the original and the revised reserve price.

Entry Into Force

Section 9. (1) This Ordinance shall come into force on 1 January 2013.

Energie-Control Austria für die Regulierung der Elektrizitäts- und Erdgaswirtschaft
Regulation Commission

Chairman
Dr Schramm
Vienna, #### 2012

Non-binding English version, E-Control

Annex 1 (concerning section 3 para. 7 and section 4 para. 4)

$$E_{Rm} = \left(\frac{E_m * rf}{h_m * q} \right) * \left(\sum_{R=1}^{h_R} q_{diffR} * h_R \right) \leq E_m$$

where:

E_{Rm} = the reduction of the monthly charge

E_m = the monthly charge

rf = the compensation factor, with rf ≥ 1

h_m = the total number of hours of the month during which the interruption occurs

q = the hourly capacity offered

h_R = the number of hours in the service month that were affected by the interruption

q_{diffR} = the difference between the hourly capacity offered and the actually available hourly capacity during each hour affected by the interruption

Annex 2 (concerning section 3 para. 10 and section 4 para. 5)

$$E_{Km} = \left(\frac{E_m}{h_m * q} \right) * \left(\sum_{K=1}^{h_K} q_{diffK} * h_K \right)$$

where:

E_{Km} = the reduction of the monthly charge;

E_m = the monthly charge;

h_m = the total number of hours of the month during which the restriction occurs;

q = the contracted hourly capacity at the exit point;

q_{diffK} = the difference between the hourly capacity contracted at the exit point and the actually available hourly capacity at that point during each hour affected by the restriction;

h_K = the number of hours in the service month that were affected by the restriction.