



**ELECTRICITY INDUSTRY ACT 2000
APPLICATION FOR ELECTRICITY GENERATION AND SALE LICENCE**

Berrybank 2 Asset Pty Ltd (ACN 642 735 288)

RECORD OF DECISION

29 June 2022

SUMMARY

In accordance with section 19(1) of the Electricity Industry Act 2000 (Vic) (Industry Act) the Essential Services Commission (the commission) has granted Berrybank 2 Asset Pty Ltd (ACN 642 735 288) (Berrybank 2) a licence to generate electricity for supply or sale, and to sell electricity at the Berrybank 2 wind farm located in Wallinduc in southwest Victoria.

BACKGROUND

Section 16(1) of the Industry Act provides that a person must not engage in the generation of electricity for supply or sale or the transmission, distribution, supply or sale of electricity unless the person is:

- (a) the holder of a licence authorising the relevant activity; or
- (b) exempted from the requirement to obtain a licence in respect of the relevant activity.

Section 18(1) of the Industry Act provides that a person may apply to the commission for a licence authorising the person to generate electricity for supply or sale and to sell electricity.

On 20 April 2022, Berrybank 2 applied to the commission for a licence to generate electricity for supply or sale, and to sell electricity to the wholesale electricity market at the Berrybank 2 wind farm.

Consistent with the requirements of the commission's 'Guide to Applications for Electricity Industry and Gas Industry Licences', Berrybank 2 provided the commission with necessary documentation supporting the application.

On 20 April 2022, the commission published a copy of the application, and invited interested parties to make submissions in respect of the application. The commission did not receive any submissions regarding the application.

DECISION

Section 19(1) of the Industry Act provides that the commission may grant or refuse the application for any reason it considers appropriate, having regard to the objectives of the commission under the provisions of the Industry Act and the Essential Services Commission Act 2001 (Vic) (Commission Act).

The commission is satisfied that:

- Berrybank 2 has the technical capacity to comply with the conditions of the licence to be granted; and
- Berrybank 2 is a fit and proper person to hold a licence to be granted.

Section 19(3) of the Industry Act provides that the commission does not have to be satisfied as to the applicant’s financial viability if the applicant is applying for a licence which includes a condition requiring compliance with the National Electricity Rules and the Rules include prudential requirements; which is the case with respect to the licence granted to Berrybank 2.

In accordance with Section 19(1) of the Industry Act, and having regard to its objectives under the Commission Act and the Industry Act, the commission has decided to grant Berrybank 2 a licence to generate electricity for supply or sale, and to sell electricity to the wholesale electricity market at the Berrybank 2 wind farm in Wallinduc in southwest Victoria.

THE COMMON SEAL
of the ESSENTIAL
SERVICES COMMISSION
was affixed pursuant to the
authority of the commission
on 30 June 2022

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A handwritten signature in blue ink, appearing to be "Kate Symons".

Kate Symons
Chairperson