



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

**FERGUSON WIND FARM PTY LTD
ACN 608 631 321**

RECORD OF DECISION

13 February 2024

SUMMARY

Pursuant to the provisions of section 19(1) of the Electricity Industry Act 2000 (Vic) (Industry Act) the Essential Services Commission (the commission) has granted Ferguson Wind Farm Pty Ltd (ACN 608 631 321) (Ferguson Wind Farm) a licence to generate electricity for supply or sale at the Ferguson North and South Wind Farms (which are located in the vicinity of Simpson, Victoria and have an aggregate nameplate capacity of 10.8MW) and to sell the generated electricity through the wholesale electricity market.

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:

- (a) is the holder of a licence authorising the relevant activity;
- (b) is exempted from the requirement to obtain a licence in respect of the relevant activity; or
- (c) is the holder of a trial waiver 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 (under subsections (1)(a) and (d)).

On 12 July 2023, Ferguson Wind Farm applied to the commission for a licence authorising it to generate electricity for supply or sale and to sell the generated electricity through the wholesale electricity market.

Consistent with the requirements of the commission's electricity generation licence application form and 'Guideline: Applications for electricity and gas industry licences', Ferguson Wind Farm provided the commission with necessary documentation supporting the application.

On 30 October 2023, 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.

CONSIDERATION OF THE APPLICATION

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).

DECISION

The commission is satisfied that:

- Ferguson Wind Farm has the technical capacity to comply with the conditions of the licence to be granted; and
- Ferguson Wind Farm is a fit and proper person to hold a licence to generate electricity for supply or sale, and to sell the generated electricity through the wholesale electricity market in Victoria.

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 Ferguson Wind Farm a licence to generate electricity for supply or sale and to sell electricity through the wholesale electricity market. The authorisation granted by the licence is limited to the generation of electricity at the Ferguson North and South Wind Farms located in the vicinity of Simpson, Victoria, and the sale of electricity generated by these facilities through the wholesale electricity market.

THE COMMON SEAL
of the ESSENTIAL
SERVICES COMMISSION
was affixed pursuant to the
authority of the commission
on 16 February 2024

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A handwritten signature in blue ink, appearing to read "Kate Symons", with a long horizontal flourish extending to the right.

Kate Symons
Chairperson