

## Part 15A Registered participants

### Division 1 Registration

#### 135A Participation in declared wholesale gas market of adoptive jurisdiction

A person participates, in a registrable capacity, in the declared wholesale gas market of an adoptive jurisdiction as follows:

- (a) Registrable capacity: declared transmission system service provider

The service provider for the declared transmission system.

- (b) Registrable capacity: Distributor

The service provider for a declared distribution system.

- (c) Registrable capacity: Producer

A producer that injects natural gas into the declared transmission system.

- (d) Registrable capacity: Market Participant – Producer

A producer that buys or sells natural gas in the declared wholesale gas market.

- (e) Registrable capacity: Storage provider

A storage provider whose storage facility is connected to the declared transmission system.

**Note:**

Under section 91B of the *NGL*, this will include a declared LNG storage provider.

- (f) Registrable capacity: Market Participant – Storage provider

A storage provider that buys or sells natural gas in the declared wholesale gas market.

- (g) Registrable capacity: interconnected transmission pipeline service provider

A service provider for a transmission pipeline that is connected to the declared transmission system.

- (h) Registrable capacity: Transmission Customer

An end user that withdraws natural gas from the declared transmission system.

- (i) Registrable capacity: Market Participant – Transmission Customer

An end user that:

- (i) buys natural gas in the declared wholesale gas market; and
  - (ii) withdraws natural gas from the declared transmission system.
- (j) Registrable capacity: Market Participant – Distribution Customer

An end user that:

- (i) buys natural gas in the declared wholesale gas market; and
  - (ii) withdraws natural gas from a declared distribution system.
- (k) Registrable capacity: Market Participant – Retailer

A *retailer* that sells natural gas that has been transported through the declared transmission system.

- (l) Registrable capacity: Market Participant - Trader

Any other person that buys or sells natural gas in the declared wholesale gas market.

### **135AB Retail market participation**

- (1) A person participates, in a registrable capacity, in the retail gas market of New South Wales and the Australian Capital Territory as follows:

- (a) Registrable capacity: network operator

A service provider that holds, or is required to hold, a reticulator's authorisation under the *Gas Supply Act 1996* of New South Wales or a corresponding licence, approval or authorisation under the *Utilities Act 2000* of the Australian Capital Territory.

- (b) Registrable capacity: user

A user or non-scheme pipeline user that is a *retailer*.

- (c) Registrable capacity: self contracting user

A user or non-scheme pipeline user that:

- (i) is a party to a contract with a service provider for the provision of haulage services in New South Wales or the Australian Capital Territory (or both); and
- (ii) is an end user; and
- (iii) is not a *retailer*.

- (2) A person participates, in a registrable capacity, in the retail gas market of Queensland as follows:
- (a) Registrable capacity: distributor
    - (i) A service provider that holds, or is required to hold, an area distribution authority under the *Gas Supply Act 2003* of Queensland; or
    - (ii) A service provider that holds, or is required to hold, a reticulator's authorisation under the *Gas Supply Act 1996* of New South Wales for the Tweed local government area.

**Note:**

The APT Allgas Distribution Network – South Coast Region as described in the Access Arrangement for APT Allgas Energy Pty Ltd (ACN 009 656 446) and approved by the Queensland Competition Authority in July 2006 extends into the Tweed local government area in NSW.

- (b) Registrable capacity: retailer

A user or non-scheme pipeline user that is a *retailer*.
  - (c) Registrable capacity: self contracting user

A user or non-scheme pipeline user that:

    - (i) is a party to a contract for the provision of haulage services with a service provider that participates in the retail gas market of Queensland with the registrable capacity of distributor; and
    - (ii) is an end user; and
    - (iii) is not a *retailer*.
- (3) A person participates, in a registrable capacity, in the retail gas market of South Australia as follows:
- (a) Registrable capacity: network operator

A service provider that holds, or is required to hold, a gas distribution licence under the *Gas Act 1997* (SA).
  - (b) Registrable capacity: network operator (Mildura region)

Envestra Limited (ACN 078 551 685) and any successor to Envestra as service provider for the distribution pipelines that *serve* Mildura and its environs.
  - (c) Registrable capacity: user

A user or non-scheme pipeline user that is a *retailer*.

- (d) Registrable capacity: self contracting user  
A user or non-scheme pipeline user that:
    - (i) is a party to a contract with a service provider for the provision of haulage services in South Australia; and
    - (ii) is an end user; and
    - (iii) is not a *retailer*.
  - (e) Registrable capacity: transmission system operator  
A service provider for a transmission pipeline in South Australia.
  - (f) Registrable capacity: swing service provider  
A person that is a swing service provider within the meaning of the Procedures governing the operation of the regulated retail gas market of South Australia.
  - (g) Registrable capacity: shipper  
A person that is a shipper within the meaning of the Procedures governing the operation of the regulated retail gas market of South Australia.
- (4) A person participates, in a registrable capacity, in the retail gas market of Victoria as follows:
- (a) Registrable capacity: transmission system service provider
    - (i) The service provider for the declared transmission system.
    - (ii) A service provider for a transmission pipeline in Victoria that does not form part of the declared transmission system.
  - (b) Registrable capacity: distributor
    - (i) A service provider for a declared distribution system.
    - (ii) A service provider for a distribution pipeline in Victoria that does not form part of a declared distribution system.
    - (iii) The Albury Gas Co Limited (ACN 000 001 249) and any successor to that company as service provider for the distribution pipelines that *serve* Albury and its environs (the **Albury gas distribution system**).
  - (c) Registrable capacity: market participant – retailer
    - (i) A *retailer* that is a user of a declared distribution system.

- (ii) A *retailer* that is a user or non-scheme pipeline user of a distribution pipeline in Victoria, that does not form part of a declared distribution system.
- (iii) A *retailer* that is a user of the Albury gas distribution system.
- (d) Registrable capacity: market participant-other
  - (i) A user of the declared transmission system.
  - (ii) A user or non-scheme pipeline user of a transmission pipeline in Victoria that does not form part of the declared transmission system.

### **135ABA Short term trading market participation**

- (1) A person participates, in a registrable capacity, in a short term trading market as follows:
  - (a) Registrable capacity: STTM Shipper

A person that:

    - (i) is a user or non-scheme pipeline user under a contract with a service provider for the transmission of natural gas to or from an STTM hub;
    - (ii) is a party to a contract with a storage provider or a producer for the delivery of natural gas to an STTM hub from a storage or production facility that is directly connected to that STTM hub;
    - (iii) holds rights subcontracted from a person referred to in paragraph (i) or (ii) for the use of services provided under the relevant contract; or
    - (iv) is a producer or storage provider who supplies natural gas on its own behalf to an STTM hub from its production or storage facility that is directly connected to that STTM hub.
  - (b) Registrable capacity: STTM User

A person that:

    - (i) is a user under a contract with the service provider for a distribution pipeline at an STTM hub; or
    - (ii) is a user under a contract with the service provider for a transmission pipeline, under which the person withdraws natural gas from that pipeline at an STTM hub for consumption at a facility that is directly connected to the pipeline.
- (2) A person that participates in a short term trading market in a registrable capacity must apply for registration for each STTM hub in respect of which it participates in that capacity.

### **135AC General requirements for registration**

To be registered as a Registered participant, a person:

- (a) must be resident or permanently established in Australia; and
- (b) must not be an externally-administered body corporate (as defined in the *Corporations Act 2001* of the Commonwealth) or under a similar form of administration under the laws of some other jurisdiction; and
- (c) must not be immune from liabilities incurred as a Registered participant (except to the extent the immunity is conferred under the *NGL* or these rules); and
- (d) must be capable of being sued in its own name in a court of competent jurisdiction; and
- (e) must be participating, or proposing to participate, in a registrable capacity in a regulated gas market; and
- (f) must have adequate financial resources:
  - (i) for participation in the market in the relevant capacity; and
  - (ii) to meet creditworthiness requirements imposed by these rules or the Procedures governing the relevant market; and
- (g) must have the expertise and other resources necessary for compliance with these rules and the Procedures governing the relevant market; and
- (h) must comply with any other requirements imposed by these rules or the Procedures governing the relevant market, or determined by AEMO to be appropriate to a participant in the relevant market in the relevant registrable capacity.

### **135AD Application for registration**

- (1) An application for registration:
  - (a) must be in the form, and contain the information, required by AEMO; and
  - (b) must be accompanied by the fee determined by AEMO.
- (2) AEMO may, within 5 business days of receiving an application, ask the applicant to provide further information or clarification in support of the application if, in AEMO's reasonable opinion, the application:
  - (a) is incomplete; or
  - (b) requires clarification.

- (3) If AEMO asks for further information or clarification under subrule (2), the application is taken to have been made when the further information or clarification is provided to AEMO's satisfaction.
- (4) If the further information or clarification is not provided to AEMO's satisfaction within 15 business days of the request, the application lapses.

### **135AE Registration**

- (1) If AEMO is satisfied that an applicant meets the requirements for registration, AEMO must:
  - (a) register the applicant as a Registered participant in the relevant registrable capacity or capacities; and
  - (b) give the applicant a notice specifying the date on which each registration takes effect.
- (2) If AEMO is not satisfied that an applicant meets the requirements for registration, AEMO must:
  - (a) refuse the application; and
  - (b) give the applicant written reasons for the refusal.
- (3) AEMO must decide an application within 15 business days after the date of the application.

### **135AF Intending participants**

- (1) AEMO may register an applicant as an Intending participant if satisfied that the applicant intends to participate in a registrable capacity but does not require registration immediately.
- (2) A person registered as an Intending participant has the rights and obligations of a Registered participant to the extent determined by AEMO in accordance with relevant guidelines issued by AEMO.

### **135AG Exemption from registration**

- (1) AEMO may:
  - (a) grant an exemption from registration to a person who applies for such an exemption; or
  - (b) grant, by notice published on its website, a general exemption from registration in favour of a class of persons defined in the notice.
- (2) An exemption must be consistent with:

- (a) the national gas objective; and
  - (b) relevant guidelines issued from time to time by AEMO.
- (3) An application for an exemption:
- (a) must be in the form, and contain the information, required by AEMO; and
  - (b) must be accompanied by the fee determined by AEMO.
- (4) AEMO may, within 5 business days of receiving an application, ask the applicant to provide further information or clarification in support of the application if, in AEMO's reasonable opinion, the application:
- (a) is incomplete; or
  - (b) requires clarification.
- (5) AEMO may:
- (a) grant an exemption unconditionally; or
  - (b) grant an exemption on specified conditions; or
  - (c) refuse an application for an exemption.
- (6) AEMO must decide an application for an exemption within 15 business days after the date of the application unless AEMO asks for further information or clarification under subrule (4); in that case:
- (a) AEMO must decide the application within 15 business days after the further information or clarification is provided to AEMO's satisfaction; and
  - (b) if the further information or clarification is not provided to AEMO's satisfaction within 15 business days of the date of the request, the application lapses.
- (7) If AEMO refuses an application for an exemption, or grants an exemption on conditions, AEMO must give the applicant written reasons for its *decision*.

### **135AH Revocation of registration or exemption**

- (1) AEMO may revoke a registration or exemption if:
- (a) the Registered participant or the holder of the exemption applies in writing for, or consents in writing to, the revocation; and
  - (b) there is, in AEMO's opinion, no good reason why the registration or exemption should continue in force.
- (2) AEMO may revoke a registration or exemption if:



- (a) the Registered participant or the holder of the exemption:
    - (i) no longer qualifies for the registration or exemption; or
    - (ii) contravenes a condition of the registration or exemption; or
  - (b) the registration or exemption is liable to revocation under some other provision of these rules.
- (3) If AEMO proposes:
- (a) to refuse an application for revocation of a registration or exemption under subrule (1); or
  - (b) to revoke a registration or exemption under subrule (2),

it must give the holder of the registration or exemption a reasonable opportunity to make representations.

Exception:

AEMO may, but is not required to, give a Registered participant an opportunity to make representations if the Registered participant's registration is liable to revocation under rule 260(9) or rule 488(9)

- (4) If, after considering representations (if any) from the holder of the registration or exemption, AEMO decides to refuse an application for revocation of a registration or exemption under subrule (1), or to revoke a registration or exemption under subrule (2), AEMO must give the holder of the registration or exemption written reasons for the *decision*.
- (5) If AEMO revokes a registration or exemption under subrule (2), AEMO must as soon as practicable:
  - (a) publish a notice of the revocation on AEMO's website; and
  - (b) comply with any additional notice requirements in these rules or the Procedures governing the relevant regulated gas market.

### **135AI Liability after revocation**

The revocation of a registration or exemption does not affect a liability that had accrued under these rules or the Procedures before the revocation.

## **Division 2 Register**

### **135B Obligation to keep register**

- (1) AEMO must establish and maintain a register of Registered participants and persons exempted from registration.

- (2) The register must include for each Registered participant:
  - (a) the name and *contact details* for the Registered participant; and
  - (b) the registrable capacity or capacities in which the Registered participant is registered; and
  - (c) the gas market for which the Registered participant is registered; and
  - (d) any further information required by these rules or the Procedures; and
  - (e) any further information determined by AEMO.
  
- (3) The register must include for each Intending participant:
  - (a) the name and *contact details* for the Intending participant; and
  - (b) the registrable capacity or capacities in which the Intending participant is registered; and
  - (c) a statement of the extent to which the Intending participant has the rights and obligations of a Registered participant; and
  - (d) the gas market for which the Intending participant is registered; and
  - (e) any further information required by these rules or the Procedures; and
  - (f) any further information determined by AEMO.
  
- (4) The register must include for each person exempted from registration:
  - (a) the name and *contact details* of the person; and
  - (b) the registrable capacity or capacities in which the person has been exempted from registration; and
  - (c) if the exemption is related to a particular gas market - the gas market to which the exemption relates; and
  - (d) the conditions (if any) of the exemption; and
  - (e) any further information required by these rules or the Procedures; and
  - (f) any further information determined by AEMO.
  
- (4A) A Registered participant or a person exempted from registration must notify AEMO as soon as practicable if any information in the register about that Registered participant or person is or becomes incorrect, and must give AEMO the correct information.
  
- (5) The register must be published on AEMO's website.

## Division 3 Participant fees

### 135C Definitions

In this Division:

**interested party** means a person that:

- (a) has, in AEMO's opinion, an interest in the structure of participant fees; or
- (b) identifies itself to AEMO as having an interest in the structure of participant fees.

**participant fees** means fees payable by Registered participants under this Division.

### 135CA Development of participant fee structure

- (1) AEMO must develop, review and publish, in consultation with Registered participants, interested parties and such other persons as AEMO thinks appropriate, the structure (including the introduction and determination) of participant fees for such periods as AEMO considers appropriate.
- (2) The participant fees should be sufficient to cover AEMO's budgeted revenue requirements.
- (3) AEMO must consult on its proposed fee structure in accordance with the *extended consultative procedure*.
- (4) In determining the structure of participant fees, AEMO:
  - (a) must have regard to the national gas objective; and
  - (b) must have regard to the following principles:
    - (i) the fee structure should be simple;
    - (ii) the components of the fees charged to each Registered participant should be reflective of the extent to which the budgeted revenue requirements for AEMO involve that Registered participant;
    - (iii) the fee structure should not discriminate unreasonably against a category or categories of Registered participants; and
  - (c) must have regard to other fee structures that it thinks appropriate for comparison purposes.
- (5) The following principles are relevant to the recovery of recurrent expenditure:
  - (a) if AEMO recovers an excess of revenue over expenditure from the provision of a particular service in a financial year, it may roll over the excess to a

later financial year (or later financial years) so as to reduce revenue requirements in the later financial year (or later financial years);

- (b) AEMO may recover a shortfall of revenue as against expenditure for the provision of a particular service in a later financial year or later financial years;
  - (c) AEMO may take any other action it considers desirable to smooth the impact of actual or anticipated cost variations on the users of a service provided by AEMO.
- (6) Capital expenditure is to be recovered through the depreciation or amortisation of the assets acquired by the capital expenditure in a manner that is consistent with generally accepted accounting principles.

### **135CB Major gas project**

- (1) AEMO may determine any of the following projects to be a major gas project:
  - (a) a major reform or development (including an anticipated reform or development) of a regulated gas market;
  - (b) a major change (including an anticipated change) to any of AEMO's functions, responsibilities, obligations or powers under these rules or the Procedures;
  - (c) a major change (including an anticipated change) to any of the computer software or systems that AEMO uses in the performance of any of its functions, responsibilities, obligations or powers under these rules or the Procedures.
- (2) AEMO must consult on a determination under this rule in accordance with the *extended consultative procedure*.
- (3) When AEMO determines a project to be a major gas project, it must also determine the start date for recovery and the period or periods for recovery of the costs of the project.
- (4) AEMO must also determine a participant fee to be used for the recovery of the costs of the project until the next general determination of participant fees.

### **135CC Components of participant fees**

- (1) The components of participant fees may include (but are not limited to) the following:
  - (a) registration fees comprising an annual fee for each registrable capacity in which a Registered participant is registered;
  - (b) fees for administration and operation of a declared wholesale gas market;

- (ba) fees for administration and operation of a short term trading market;
  - (bb) fees to recover the costs of establishing a short term trading market;
  - (c) fees for administration and operation of a regulated retail gas market;
  - (d) gas market planning fees including fees to recover the costs of preparing and publishing the gas statement of opportunities;
  - (e) administration fees to recover the remainder of AEMO's budgeted revenue requirements.
- (2) If the costs of providing services related to administration and operation of a regulated gas market vary materially from location to location, differential fees reflecting the difference in costs should be prepared for each location.

**Note:**

1. AEMO's expenditures for providing services as operator of the Natural Gas Services Bulletin Board are dealt with separately under Part 18.
2. The fees may reflect adjustments under rule 135CA(4).

### **135CD Publication of fee structure**

At least 3 months before implementation of the participant fee structure, AEMO must publish to Registered participants and such other persons as AEMO thinks appropriate:

- (a) the participant fee structure; and
- (b) the methods used to determine the participant fee structure; and
- (c) an assessment of the extent to which the participant fee structure complies with the principles set out in rule 135CA.

### **135CE Payment of participant fees**

- (1) AEMO may charge participant fees by giving a statement to the Registered participant setting out the relevant components of the participant fees, the amount payable by the Registered participant and the date for payment.
- (2) A Registered participant must pay to AEMO the amount stated to be payable by the specified date for payment (whether or not the Registered participant disputes the amount payable).

**Note:**

This subrule is classified as a civil penalty provision under the National Gas (South Australian) Regulations. See clause 6 and Schedule 3 of the National Gas (South Australian) Regulations.

### 135CF Budgeted revenue requirements

- (1) AEMO must prepare and publish before the beginning of each financial year a budget of AEMO's revenue requirements for that financial year.
- (2) The budget must take into account and separately identify projected revenue requirements for:
  - (a) AEMO's expenditures for the administration and operation of a declared wholesale gas market; and
  - (b) AEMO's expenditures for providing services as the operator of the Natural Gas Services Bulletin Board; and
  - (ba) AEMO's expenditures for the administration and operation of a short term trading market; and
  - (bb) AEMO's expenditures for the establishment of a short term trading market;
  - (c) AEMO's expenditures for the administration and operation of a regulated retail gas market; and
  - (d) AEMO's expenditures for gas market planning including preparing and publishing the gas statement of opportunities; and
  - (e) AEMO's other expenditure requirements, operating costs and margin associated with services provided to the gas industry; and
  - (f) AEMO's consumer advocacy funding obligation under these rules; and
  - (g) any revenue shortfall or excess carried forward from an earlier financial year; and
  - (h) the funding requirements of participant compensation funds; and
  - (i) the proportion of AEMO's residual expenditures allocated to the gas industry under subrule (3).
- (3) AEMO must allocate expenditures that cannot be specifically related to electricity activities or gas activities (**residual expenditures**) between the electricity and gas industries in a manner that:
  - (a) ensures that the total amount of the residual expenditures is divided in full between the electricity and gas industries; and
  - (b) ensures that each industry bears an allocation of the residual expenditures at least equal to the amount by which residual expenditures would be reduced if services were no longer provided to that industry; and
  - (c) promotes the efficient use of electricity and gas services.

## **Division 4 Consumer advocacy funding**

### **135D Consumer advocacy funding obligation**

- (1) AEMO must pay to ECA the amount of its consumer advocacy funding obligation for each financial year.
- (2) AEMO may recover the costs of meeting its consumer advocacy funding obligation from participant fees and may allocate the costs to users and non-scheme pipeline users (other than producers).
- (3) The amount to be paid by AEMO to ECA under subrule (1) is to be made available under a scheme agreed between AEMO and ECA or, in default of an agreement, on a quarterly basis.
- (4) In this rule:

**consumer advocacy funding obligation** means ECA's total projected expenses for a financial year, in so far as those expenses are allocated to natural gas in its final Annual Budget for that financial year, and including but not limited to:

- (a) all operational and administrative costs relating to the performance of ECA's activities relevant to consumers of natural gas; and
- (b) grant funding for any current or proposed grants relevant to consumers of natural gas.

**final Annual Budget** means ECA's final Annual Budget for a financial year, as issued by ECA in accordance with its constitution to AEMO.