

## Part 18 Natural Gas Services Bulletin Board

### Division 1 Interpretation and application

#### 141 Interpretation

- (1) In this Part:

**actual BB costs** in relation to an invoice period means the sum of:

- (a) AEMO's actual costs of operating and maintaining the Bulletin Board in accordance with this Part during the invoice period, including the amounts paid or payable by AEMO under Division 10 for aggregation and information services provided during that invoice period; and
- (b) AEMO's actual costs incurred during the invoice period in providing information under rule 186,

less the sum of any information retrieval fees paid to AEMO under rule 186 during the invoice period.

**aggregated delivery nominations** for a BB pipeline for a gas day means the sum of nominations for that gas day received by the pipeline operator from BB shippers on that pipeline.

**aggregated forecast deliveries** for a BB pipeline for a gas day means the sum of forecast deliveries in respect of that gas day received by the pipeline operator from BB shippers on that pipeline.

**aggregation and information services** means the services provided by a pipeline operator in aggregating and providing information to AEMO in compliance with rules 173 and 196.

**aggregation and information services costs** means the costs incurred by a pipeline operator in providing aggregation and information services.

**authorised representative** means a person duly authorised by a Minister of a participating jurisdiction to perform the role of an authorised representative under this Part 18 of the Rules.

**BB facility** means a BB pipeline, a BB storage facility or a BB production facility.

**BB participant** means a person that is registered by AEMO under rule 148.

**BB pipeline** means a BB transmission pipeline:

- (a) that was specified as an initial BB pipeline in Schedule 2 to the Rules; or
- (b) that is commissioned after the commencement of these Rules; or

**Note:**

Section 12 of the *NGL* defines “commission”.

(c) that is declared to be a BB pipeline under rule 153,

and that is not the subject of an exemption declaration under rule 149.

**BB production facility** means a production facility:

(a) that was specified as an initial BB production facility in Schedule 2 to the Rules; or

(b) that commences operation after the commencement of these Rules; or

(c) that is declared to be a BB production facility under rule 153,

and that is not the subject of an exemption declaration under rule 151.

**BB shipper** means a user or non-scheme pipeline user who:

(a) is a party to a contract with a service provider of a BB pipeline under which that service provider provides or intends to provide a pipeline service to that person by means of a BB pipeline; or

(b) has a right under an access determination to be provided with a pipeline service by means of a BB pipeline.

**BB storage facility** means a gas storage facility:

(a) that was specified as an initial BB storage facility in Schedule 2 to the Rules; or

(b) that commences operation after the commencement of these Rules; or

(c) that is declared to be a BB storage facility under rule 153,

and that is not the subject of an exemption declaration under rule 150.

**BB storage provider** means a storage provider who operates a BB storage facility.

**BB terms of use** means the terms and conditions on which BB users are granted access to the Bulletin Board and which are set out in the BB Procedures.

**BB transmission pipeline** means:

(a) a pipeline that is a transmission pipeline; or

(b) a pipeline that would be likely to be classified in accordance with the pipeline classification criterion as a transmission pipeline.

**BB user** means:

- (a) a BB participant; and
- (b) any other person

who accesses information on the Bulletin Board.

**Bulletin Board** means the Natural Gas Services Bulletin Board.

**daily capacity** means:

- (a) for a BB production facility or a BB storage facility, the quantity of natural gas that can be injected into one or more BB pipelines from the facility on a gas day for that facility; and
- (b) for a BB pipeline, the quantity of natural gas that can be transported through that BB pipeline on a gas day for that pipeline.

**daily production data** means:

- (a) for a production facility, the quantity of natural gas that is metered as having been, or estimated in good faith by the production facility operator to have been, injected into one or more BB pipelines from the facility on a gas day for that facility; and
- (b) for a gas storage facility:
  - (i) the quantity of natural gas that is metered as having been, or estimated in good faith by the BB storage provider to have been, injected into one or more BB pipelines from the facility on a gas day; and
  - (ii) the total quantity of natural gas that is metered as having been, or estimated in good faith by the BB storage provider to have been, injected from one or more BB pipelines into the facility on a gas day.

**default interest rate** has the meaning given to it in rule 3.

**demand zone** means a region defined in accordance with the BB Procedures.

**detailed facility information** means:

- (a) in respect of a production facility operator, the information specified in subrule 164A(1);
- (b) in respect of a BB storage provider, the information specified in subrule 167A(1); and
- (c) in respect of a pipeline operator, the information specified in subrule 170A(1).

**distribution system** means a system of distribution pipelines and associated equipment that supplies natural gas withdrawn from one or more BB pipelines to multiple end users, but excludes a transmission pipeline.

**eligible BB participant** means:

- (a) a user or non-scheme pipeline user in respect of a BB transmission pipeline;
- (b) a producer;
- (c) a large end user;
- (d) a gas-fired electricity generator;
- (e) a service provider of a pipeline connected to a BB facility;
- (f) a storage provider;
- (g) a user or non-scheme pipeline user which retails gas to end users by means of a distribution pipeline;
- (h) a member of NGERAC;
- (i) a Minister of a participating jurisdiction;
- (j) an authorised representative;
- (k) the AER;
- (l) the ERA; and
- (m) the AEMC.
- (n) **[Deleted]**

**exemption cancellation date** means the date specified in a notice under rule 152 as the date with effect from which the relevant exemption declaration is revoked.

**exemption declaration** means a declaration made by AEMO under rule 149, 150 or 151 as the case may be.

**gas day** means:

- (a) in respect of a BB pipeline, the 24 hour period for which daily nominations are provided, commencing at the time advised by the pipeline operator under rule 175; and
- (b) in respect of a BB production facility or a BB storage facility, the 24 hour period commencing at the time advised by the relevant operator under rule 175.

**gas-fired electricity generator** means a scheduled generator (as defined in the NER) that operates a generating system for which the primary energy input is natural gas.

**gas storage facility** means a facility that stores natural gas for injection into a BB pipeline.

**gate station** means a delivery point that serves a distribution system.

**IAMA Expert Determination Rules** means the rules for expert determinations published by the Institute of Arbitrators & Mediators, Australia as amended from time to time.

**interest rate** has the meaning given to it in rule 3.

**invoice period** means:

- (a) the period from the commencement date of these Rules to 30 June 2009 (both dates inclusive); and
- (b) each subsequent period commencing on 1 July in a year and ending on 30 June in the next year (both dates inclusive).

**large end user** means an end user that can reasonably demonstrate to AEMO that it consumes more than 500TJ of natural gas per annum.

**LCA flag** for a BB pipeline for a gas day means a green, amber or red flag indicating the actual or expected capability of the BB pipeline to meet the aggregated delivery nominations for the BB pipeline for that gas day based on the pipeline's linepack and capacity.

**Note:**

The meaning of a green, amber or red flag is specified in the BB Procedures.

**medium term capacity outlook** for a BB facility means information that the operator of that facility issues to relevant BB shippers about matters expected to affect the daily capacity of the facility, including the information required under rule 175A, for an outlook period extending beyond the current short term capacity outlook provided by the relevant operator and includes any updates to information previously issued.

**nameplate rating** has the meaning given to it in rule 141(2).

**NER** means the National Electricity Rules within the meaning of the National Electricity Law as set out in the schedule to the *National Electricity (South Australia) Act 1996* of South Australia.

**NGERAC** means the National Gas Emergency Response Advisory Committee established under the Memorandum of Understanding dated 26 October 2005 in relation to the National Gas Emergency Response Protocol.

**nominations** means natural gas quantities nominated by BB shippers to the pipeline operator to be delivered by the BB pipeline.

**pipeline operator** means a service provider or a gas market operator of a BB pipeline.

**primary pipeline capacity** means firm capacity on a BB pipeline that is sold by a pipeline operator to a BB shipper, giving the buyer the right to transport an agreed quantity of natural gas on that pipeline for an agreed period.

**production facility** means a facility at which natural gas is produced so that it is in a form suitable for injection into one or more BB pipelines.

**production facility operator** means a producer, user or non-scheme pipeline user who operates a BB production facility.

**production zone** means a region defined in accordance with the BB Procedures.

**scheduled injection** has the same meaning as in rule 200.

**scheduled withdrawal** has the same meaning as in rule 200.

**secondary pipeline capacity** means capacity on a BB pipeline that is available for sale by a BB shipper to another BB shipper, giving the buyer the right to transport an agreed quantity of natural gas on that pipeline for an agreed period.

**secondary pipeline capacity trading platforms** means computer system-supported electronic trading platforms that assist buyers and sellers to trade secondary pipeline capacity; but does not include a gas trading exchange that is operated by AEMO, or by another person that AEMO has appointed in accordance with rule 535.

**secondary trade data** for a BB pipeline means information related to the sale of secondary pipeline capacity, which is derived from a secondary pipeline capacity trading platform and collated in accordance with any requirements specified in the BB Procedures.

**short term capacity outlook** means, on any gas day, the BB storage provider's, production facility operator's or pipeline operator's (as the case may be) good faith estimate of the daily capacity of the relevant BB facility for each of the next 7 gas days.

**tax invoice** has the meaning given to it in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

**TJ** means terajoule.

**total estimated BB costs** in relation to an invoice period means the amount calculated by AEMO in accordance with rule 189.

**uncontracted primary pipeline capacity** means primary pipeline capacity that is available for sale by a pipeline operator.

**uncontracted storage capacity** means in respect of a BB storage facility the combination of:

- (a) the capacity in the BB storage facility;

- (b) the capacity for injection of gas into the BB storage facility; and
  - (c) the capacity for withdrawal of gas from the BB storage facility
- that is available for sale by a BB storage provider.
- (2) In this Part the term **nameplate rating**:
- (a) when used in the context of a BB pipeline, means the maximum quantity of natural gas that can be transported through that BB pipeline on a gas day under normal operating conditions;
  - (b) when used in the context of a production facility, means the maximum daily capacity of the production facility under normal operating conditions;
  - (c) when used in the context of a gas storage facility means either:
    - (i) the maximum daily capacity of the gas storage facility under normal operating conditions (the **production nameplate rating**);
    - (ii) the maximum quantity of natural gas that the storage facility can receive and process into storage on a gas day under normal operating conditions (the **refill nameplate rating**); or
    - (iii) the maximum quantity of natural gas that the storage facility can hold in storage (the **storage nameplate rating**); and
  - (d) when used in the context of a gate station means the maximum quantity of natural gas that can be transported through that gate station on a gas day under normal operating conditions.
- (3) In this Part a reference to a quantity of natural gas is to an energy quantity (expressed in whole TJ), rather than a volumetric or other quantity.

## 142 Purpose of the Bulletin Board

The purpose of the Bulletin Board is to:

- (a) facilitate trade in natural gas and markets for natural gas services through the provision of system and market information which is readily available to all interested parties, including the general public; and
- (b) assist in emergency management through the provision of system and market information.

## 143 This Part does not apply in Western Australia

This Part does not apply in Western Australia until the day fixed in an order under section 20A of the National Gas Access (Western Australia) Law within the meaning of the *National Gas Access (WA) Act 2009* of Western Australia.

## **Division 2            Bulletin Board**

### **144            Operation of Bulletin Board**

AEMO must maintain the Bulletin Board in accordance with the *NGL*, the Rules and BB Procedures.

### **145            Publication of information by AEMO**

Except where provided to the contrary in the Rules, information or notices provided to AEMO under Divisions 5 or 7, and information that AEMO is required to publish on the Bulletin Board under Division 6, must be published by AEMO on the Bulletin Board in the time and manner specified in the BB Procedures.

### **146            Information on compliance**

AEMO must, in accordance with any memorandum of understanding established between AEMO and the AER, notify the AER of any breaches, or possible breaches, of this Part that AEMO becomes aware of.

## **Division 3            Registration**

### **147            Requirement to register**

- (1) Within 10 business days after the commencement of this Part, each pipeline operator, BB storage provider, production facility operator and BB shipper must apply to AEMO for registration under this Part.
- (2) If a person becomes a pipeline operator, BB storage provider, production facility operator or BB shipper after the commencement of this Part, then that person must apply to AEMO for registration under this Part as soon as practicable.
- (3) An eligible BB participant who is not registered under this Part may apply to AEMO at any time to be so registered.
- (4) A BB participant may apply to AEMO at any time for its registration under this Part to be revoked and AEMO must accept that application if it believes on reasonable grounds that the BB participant would not be required, at the time of such application, to apply for registration under this Part.
- (5) If AEMO has reasonable grounds to believe that a person who is registered under this Part is not a pipeline operator, a BB storage provider, a production facility operator, a BB shipper or an eligible BB participant then AEMO may, by notice in writing to that person, revoke the registration of that person under this Part, such revocation taking effect as from the registration revocation date which date is to be no earlier than 20 business days after the date of the notice.
- (6) If AEMO revokes the registration of a person under subrule (5), AEMO must:



- (a) give its written reasons for that *decision* to the person at the same time as it notifies the person of that revocation under subrule (5); and
  - (b) publish those written reasons on its website.
- (7) AEMO may cancel the notice referred to in subrule (5) at any time prior to the registration revocation date:
- (a) of its own motion; or
  - (b) on application made before that date by the person whose registration is to be cancelled,
- if AEMO is satisfied that its notice was based on a mistake as to the facts or otherwise should not have been issued in all the circumstances.
- (8) A BB participant must give written notice to AEMO as soon as practicable after that person becomes aware that it may no longer be a pipeline operator, a BB storage provider, a production facility operator, a BB shipper or an eligible BB participant
- (9) In this rule **registration revocation date** means the date specified in a notice under subrule (5) as the date with effect from which the registration of a person under this Part is revoked

## 148 Applications for registration

- (1) An application for registration under this Part must be in the form specified by AEMO on the Bulletin Board.
- (2) If requested by AEMO an applicant for registration must provide further information in support of its application as soon as practicable after receiving the request. AEMO must make any request under this subrule within 10 business days after receiving the registration application.
- (3) If AEMO reasonably considers that any further information it receives in response to a request under subrule (2) is not sufficient to enable it to accept the application for registration then it may request further information from the applicant and the applicant must provide this information as soon as practicable after receiving the request.
- (4) AEMO must notify an applicant for registration in writing whether or not its registration application has been accepted, and register the applicant accordingly, within 10 business days after the later of:
  - (a) receiving the registration application; and
  - (b) receiving the information requested by AEMO under subrule (2) or (3) (as the case may be).

- (5) Subrules (2) to (4) do not apply in respect of an applicant for registration who is a person referred to in any of paragraphs (h) to (m) of the definition of 'eligible BB participant' in rule 141(1). Providing that person's application complies with subrule (1), AEMO must, within 10 business days after receiving the application, notify that person in writing that its application has been accepted and register the person accordingly.
- (6) Subject to subrule (5), AEMO may only reject an application for registration if:
  - (a) AEMO has requested the applicant to provide further information in support of its application under subrule (2) or (3) (as the case may be) and the applicant has not provided the information requested within 10 business days after the request; or
  - (b) in the case of an applicant who purports to be an eligible BB participant, AEMO reasonably considers that the applicant has not provided it with reasonable evidence that the person is an eligible BB participant.
- (7) If AEMO rejects an application for registration under this rule, AEMO must give its written reasons for that *decision* to the applicant at the same time as it notifies the applicant of that rejection under this rule.
- (8) AEMO must maintain an up-to-date register of BB participants in the form specified in the BB Procedures and publish the register on the Bulletin Board.

## **149 Applications for exemption of pipeline**

- (1) A pipeline operator may apply to AEMO to have a BB pipeline in respect of which it is the service provider or gas market operator declared exempt.
- (2) A person who intends to be service provider or gas market operator of a BB pipeline may apply to AEMO to have that pipeline declared exempt in which case, if that application is granted, the exemption declaration will take effect from the later of the day that person commissions the BB pipeline and the day the exemption declaration is made.
- (3) An application for an exemption declaration under subrule (1) or (2) must be in the form specified in the BB Procedures.
- (4) AEMO must:
  - (a) make an exemption declaration in respect of a BB pipeline or proposed BB pipeline under this rule if the application for that exemption declaration is in the form required by subrule (3) and AEMO believes on reasonable grounds that the BB pipeline meets, or in the case of a proposed BB pipeline will meet, the criteria in subrule (5); and
  - (b) refuse to make an exemption declaration in respect of a BB pipeline or proposed BB pipeline under this rule if either of the requirements in subrule (4)(a) are not satisfied.

- (5) The criteria for an exemption declaration under subrule (4) are:
- (a) the nameplate rating of the BB pipeline is, or (in the case of a proposed BB pipeline) will be, less than 20TJ of natural gas per gas day; or
  - (b) the BB pipeline does not, or (in the case of a proposed BB pipeline) will not, transport natural gas between a production zone and a demand zone, between demand zones or between production zones; or
  - (c) the BB pipeline only delivers, or (in the case of a proposed BB pipeline) will only deliver, natural gas to an injection point on the BB pipeline.

**Note:**

A gathering line is part of a gathering system and as such is excluded from the definition of BB pipeline by reason of paragraph (f) of the definition of “pipeline” in section 2 of the *NGL*. A gathering line that collects coal seam methane will be similarly excluded.

- (6) AEMO must:
- (a) give to the applicant for an exemption declaration under this rule its written reasons for either making or refusing to make that exemption declaration; and
  - (b) publish those written reasons on its website.

## **150 Application for exemption of storage facility**

- (1) A BB storage provider may apply to AEMO to have a BB storage facility it operates declared exempt.
- (2) A person who intends to operate a BB storage facility may apply to AEMO to have that gas storage facility declared exempt in which case, if that application is granted, the exemption declaration will take effect from the later of the day that person commences to operate the BB storage facility and the day the exemption declaration is made.
- (3) An application for an exemption declaration under subrule (1) or (2) must be in the form specified in the BB Procedures.
- (4) AEMO must:
  - (a) make an exemption declaration in respect of a BB storage facility or proposed BB storage facility under this rule if the application for that exemption declaration is in the form required by subrule (3) and AEMO believes on reasonable grounds that the BB storage facility meets, or in the case of a proposed BB storage facility will meet, the criteria in subrule (5); and
  - (b) refuse to make an exemption declaration in respect of a BB storage facility or proposed BB storage facility under this rule if either of the requirements in subrule (4)(a) are not satisfied.

- (5) The criteria for an exemption declaration under subrule (4) are:
  - (a) the production nameplate rating of the BB storage facility is, or (in the case of a proposed BB storage facility) will be, less than 20TJ of natural gas per gas day; or
  - (b) **[Deleted]**
  - (c) the BB storage facility is not, or (in the case of a proposed BB storage facility) will not be, connected to a BB pipeline.
- (6) AEMO must:
  - (a) give to the applicant for an exemption declaration under this rule its written reasons for either making or refusing to make that exemption declaration; and
  - (b) publish those written reasons on its website.

## **151 Application for exemption of production facility**

- (1) A production facility operator may apply to AEMO to have a BB production facility it operates declared exempt.
- (2) A person who intends to operate a BB production facility may apply to AEMO to have that production facility declared exempt in which case, if that application is granted, the exemption declaration will take effect from the later of the day that person commences to operate the BB production facility and the day the exemption declaration is made.
- (3) An application for an exemption declaration under subrule (1) or (2) must be in the form specified in the BB Procedures.
- (4) Subject to subrules (5) and (6), AEMO must:
  - (a) make an exemption declaration in respect of a BB production facility or proposed BB production facility under this rule if the application for that exemption declaration is in the form required by subrule (3) and AEMO believes on reasonable grounds that the BB production facility meets, or in the case of a proposed BB production facility will meet, the criteria in subrule (7); and
  - (b) refuse to make an exemption declaration in respect of a BB production facility or proposed BB production facility under this rule if either of the requirements in subrule (4)(a) are not satisfied.
- (5) Notwithstanding that a BB production facility or proposed BB production facility meets the criteria in subrule (7), AEMO may refuse to make an exemption declaration in respect of that BB production facility if:

- (a) the BB production facility is, or (in the case of a proposed BB production facility) will be, one of two or more production facilities in a production zone operated by a common production facility operator; and
  - (b) the aggregate of the nameplate ratings of all the production facilities operated by the common production facility operator in the relevant production zone (including the nameplate rating of the proposed BB production facility, if any) is (or will be) 20TJ of natural gas per gas day or more.
- (6) Notwithstanding that a BB production facility or proposed BB production facility meets the criteria in subrule (7), if requested by AEMO, the production facility operator of that BB production facility or the person who intends to operate that BB production facility (as the case may be) must comply with the obligations under rule 164 as if the BB production facility or proposed BB production facility were not exempt.
- (7) The criteria for an exemption declaration under subrule (4) are:
- (a) the natural gas from the BB production facility does not, or (in the case of a proposed BB production facility) will not, flow (directly or indirectly) into a BB pipeline; or
  - (b) the nameplate rating of the BB production facility is, or (in the case of a proposed BB production facility) will be, less than 20TJ of natural gas per gas day.
- (8) AEMO must:
- (a) give to the applicant for an exemption declaration under this rule 151 its written reasons for either making or refusing to make that exemption declaration; and
  - (b) publish those written reasons on its website.

## **152 AEMO may cancel exemption of pipeline or facility**

- (1) If AEMO has reasonable grounds to believe that:
- (a) a BB pipeline, BB storage facility or BB production facility, that has been declared under rule 149, 150 or 151 exempt, no longer meets the criteria for exemption specified in rule 149(5), 150(5) or 151(7) (as the case may be); or
  - (b) a production facility operator has failed to comply with rule 151(6),

then AEMO may revoke the exemption declaration by notice in writing to the relevant operator, such revocation taking effect as from the exemption cancellation date which date is to be no earlier than 20 business days after the date of the notice.

**Note:**

A consequence of this is that the relevant service provider or operator will need to apply for registration under rule 147(2). Where a pipeline or facility ceases to be exempt by virtue of this rule other persons (e.g. production facility operators who inject gas into that pipeline or BB shippers on that pipeline) may also need to apply for registration under rule 147(2).

- (2) If AEMO revokes an exemption declaration under subrule (1), AEMO must:
  - (a) give its written reasons for that *decision* to the relevant service provider or operator at the same time as it notifies that person of that revocation ; and
  - (b) publish those written reasons on its website.
- (3) AEMO may cancel the notice referred to in subrule (1) at any time prior to the exemption cancellation date:
  - (a) of its own motion; or
  - (b) on application made before that date by the person whose exemption is to be cancelled

if AEMO is satisfied that its notice was based on a mistake as to the facts or otherwise should not have been issued in all the circumstances.

- (4) A person who is the service provider or operator of a pipeline or facility that is the subject of an exemption declaration must give written notice to AEMO as soon as practicable after that person becomes aware that the pipeline or facility may no longer meet the criteria for exemption specified in rule 149(5), 150(5) or 151(7) (as the case may be).

**153 AEMO may declare pipeline or facility to be BB facility**

- (1) If AEMO has reasonable grounds to believe that a transmission pipeline, gas storage facility or production facility that:
  - (a) is not a BB pipeline, BB storage facility or BB production facility; and
  - (b) is not the subject of an exemption declaration,does not meet the criteria in rule 149(5), 150(5) or 151(7) (as relevant), such criteria applying as if:
  - (c) references in rule 149(5) and related provisions to a BB pipeline were references to the transmission pipeline;
  - (d) references in rule 150(5) and related provisions to a BB storage facility were references to the gas storage facility; and
  - (e) references in rule 151(7) and related provisions to a BB production facility were references to the production facility

then AEMO may, by notice in writing to the relevant service provider or operator (as the case may be), declare that transmission pipeline, gas storage facility or production facility to be a BB pipeline, BB storage facility or BB production facility (as the case may be), such declaration taking effect as from the facility declaration date which date is to be no earlier than 20 business days after the date of the notice.

**Note:**

A consequence of this is that the relevant service provider or operator will need to apply for registration under rule 147(2). Where a pipeline becomes a BB pipeline by virtue of this rule, other persons (e.g. production facility operators who input gas into that pipeline) may also need to apply for registration under rule 147(2).

- (2) If AEMO makes a declaration under subrule (1), AEMO must:
  - (a) give its written reasons for that *decision* to the relevant service provider or operator at the same time as it notifies the operator of that declaration under subrule (1); and
  - (b) publish those written reasons on its website.
- (3) AEMO may cancel the notice referred to in subrule (1) at any time prior to the facility declaration date:
  - (a) of its own motion; or
  - (b) on application made before that date by the relevant service provider or operator,

if AEMO is satisfied that its notice was based on a mistake as to the facts or otherwise should not have been issued in all the circumstances.
- (4) A person who operates a transmission pipeline, gas storage facility or production facility that satisfies subrules (1)(a) and (b) must give written notice to AEMO as soon as practicable after that person becomes aware that the pipeline or facility may not meet the criteria specified in rule 149(5), 150(5) or 151(7) (as the case may be).
- (5) In this rule **facility declaration date** means the date specified in a notice under subrule (1) as the date with effect from which the relevant pipeline or facility is declared to be a BB pipeline, BB storage facility or BB production facility.

**154 AEMO to maintain register of BB facilities and notify changes of status**

- (1) AEMO must maintain up-to-date registers of BB facilities, and BB facilities that have been declared under rule 149, 150 or 151 exempt, in the form specified in the BB Procedures and publish the registers on the Bulletin Board.
- (2) Where for any reason:

- (a) a BB facility ceases to be a BB facility;
- (b) **[Deleted]**
- (c) a transmission pipeline, a gas storage facility or a production facility becomes a BB facility at any time after the commencement of Divisions 2 and 3 (including because of the revocation of an exemption declaration in respect of that BB facility under rule 152 or the making of a declaration under rule 153),

AEMO must publish a notice of that change on its website as soon as practicable after it becomes aware of that change.

## 155 Expert review

- (1) If a person (an **aggrieved party**) wishes to object to a *decision* of AEMO to:
  - (a) revoke the registration of a person under rule 147(5); or
  - (b) make an exemption declaration; or
  - (c) refuse to make an exemption declaration; or
  - (d) revoke an exemption declaration under rule 152; or
  - (e) make a declaration under rule 153,

then the aggrieved party must, within 10 business days after the publication on AEMO's website of its written reasons for that *decision*, give AEMO a notice in writing specifying its objection to the *decision* (an **objection notice**).

- (2) Where an aggrieved party gives AEMO an objection notice in accordance with subrule (1), AEMO and the aggrieved party must each nominate a representative and those representatives must seek to resolve the objection within 20 business days after the giving of that notice. In order to resolve the objection AEMO may, but is not required to, make another *decision* in substitution for the *decision* the subject of the objection, in which case that *decision* must be made in accordance with the relevant provisions of this Part and this Part applies mutatis mutandis to that substitute *decision* as if the original *decision* had not been made.
- (3) If the objection is not resolved within 20 business days after the giving of an objection notice in respect of it in accordance with subrule (1) and the aggrieved party still wishes to dispute the *decision* of AEMO, then the aggrieved party must refer the dispute to expert determination by *-serving* a notice of dispute on AEMO in accordance with the IAMA Expert Determination Rules.
- (4) The IAMA Expert Determination Rules apply in respect of any dispute referred to in subrule (3) as if this Part constituted an agreement between AEMO and the aggrieved party, and except to the extent that any provision of this Part is inconsistent with those rules in which case the former shall prevail.



- (5) Subject to subrule (6), AEMO and the aggrieved party must agree both the person who is to act as the expert for the purposes of determining a dispute referred to in subrule (3) and the expert's fee.
- (6) If AEMO and the aggrieved party have not agreed upon the expert and the expert's fee within 10 business days after the date on which the notice of dispute is *served* on AEMO under subrule (3):
  - (a) the expert is the person nominated by the AER (with that person's agreement) as the expert; and
  - (b) the fee of the expert is the amount or rate determined by the AER (with the expert's agreement).

The AER is to be taken to be the Institute for the purposes of rule 2(1)(b) of the IAMA Expert Determination Rules.

- (7) Subject to subrule (8), and unless otherwise agreed by them, each party to a dispute referred to in subrule (3) must:
  - (a) bear its own costs of or incidental to the determination of the dispute; and
  - (b) pay the other costs of or incidental to the determination of the dispute (including the expert's fee) in equal shares.
- (8) Where an expert appointed to determine a dispute referred to in subrule (3) considers it appropriate to do so, the expert may, as part of its determination, require one or more parties to the dispute to pay any of the following:
  - (a) some or all of the costs of another party to the dispute; and
  - (b) a share of the costs referred to in subrule (7)(b) that is different to the share referred to in that rule.
- (9) An aggrieved party that *served* a notice of dispute on AEMO under subrule (3) may, at any time prior to final determination of the dispute by the expert, withdraw that notice by notice in writing to AEMO in which case AEMO and the aggrieved party must cancel the expert determination. If an expert determination is so cancelled the fees due to the expert up until the time of the cancellation must be borne by the aggrieved party or, if there was more than one aggrieved party that *served* a notice to withdraw, by those parties in equal shares.

**Division 4 [Deleted]**

**156 [Deleted]**

**157 [Deleted]**

**158 [Deleted]**

**159 [Deleted]**

**160 [Deleted]**

**161 [Deleted]**

**162 [Deleted]**

**Division 5 Obligations of the BB facility operators to provide information (Section 223 of the NGL)**

**163 Provision of information by BB facility operators**

- (1) Subject to subrule (4), where this Part requires a production facility operator, a BB storage provider or a pipeline operator to provide information to AEMO, the information must be provided by that person by the time and in the manner specified in the BB Procedures.
- (2) A person need not provide information to AEMO in accordance with this Division until 10 business days after the commencement of this Part.
- (3) **[Deleted]**
- (4) A production facility operator, a BB storage provider or a pipeline operator need not comply with rules 165, 168, 171, 172 and 173 where the BB Procedures provide for both an exemption to the relevant obligation and a default value to be posted on the Bulletin Board.
- (5) To avoid doubt, the BB Procedures may require information about a gas day referred to in rules 165, 168, 169C, 171, 172 and 173 to be provided in advance of that gas day.

**164 Obligation on production facility operators to provide nameplate rating information**

- (1) A production facility operator must provide AEMO with the nameplate rating of each BB production facility that it operates.

- (2) The production facility operator must provide the information specified in subrule (1) to AEMO annually, by the date specified in the BB Procedures.
- (3) If a production facility operator becomes aware that the nameplate rating information it has provided under subrule (1) is no longer accurate due to changes in the production capacity of the BB production facility that are likely to impact the BB production facility for more than one year, the production facility operator must notify AEMO of the updated information as soon as practicable after it becomes aware that the information is no longer accurate.

**164A Obligation on production facility operators to provide detailed facility information**

- (1) A production facility operator must provide AEMO with the following information (**detailed facility information**) for each BB production facility that it operates:
  - (a) each BB pipeline to which the facility is connected; and
  - (b) the *receipt or delivery points* at which the facility is connected.
- (2) The production facility operator must provide the detailed facility information to AEMO in accordance with the BB Procedures.
- (3) If a production facility operator becomes aware that the detailed facility information it has provided under subrule (1) is no longer accurate, the production facility operator must notify AEMO of the updated information as soon as practicable after it becomes aware that the information is no longer accurate.

**165 Obligation on production facility operators to provide capacity outlooks**

In accordance with the BB Procedures and rule 175A and subject to rule 163(4), a production facility operator must provide to AEMO, for each BB production facility that it operates:

- (a) a short term capacity outlook on each gas day; and
- (b) a medium term capacity outlook on each date the production facility operator issues a medium term capacity outlook to BB shippers.

**166 Obligation on production facility operators to provide actual production data**

In accordance with the BB Procedures, a production facility operator must provide AEMO with the daily production data for each BB production facility that it operates.

**Note:**

The daily production data provided to AEMO is not intended to be of settlements quality

**167      Obligation on BB storage providers to provide nameplate rating information**

- (1) A BB storage provider must provide AEMO with the production nameplate rating, refill nameplate rating and storage nameplate rating of each BB storage facility that it operates.
- (2) The BB storage provider must provide the information specified in subrule (1) to AEMO annually, by the date specified in the BB Procedures.
- (3) If a BB storage provider becomes aware that the nameplate rating information it has provided under subrule (1) is no longer accurate due to changes in the storage capacity of the BB storage facility that are likely to impact the BB storage facility for more than one year, the BB storage provider must notify AEMO of the updated information as soon as practicable after it becomes aware that the information is no longer accurate.

**167A      Obligation on BB storage providers to provide detailed facility information**

- (1) A BB storage provider must provide AEMO with the following information (**detailed facility information**) for each BB storage facility that it operates:
  - (a) each BB pipeline to which the facility is connected; and
  - (b) the *receipt or delivery points* at which the facility is connected.
- (2) The BB storage provider must provide the detailed facility information to AEMO in accordance with the BB Procedures.
- (3) If a BB storage provider becomes aware that the detailed facility information it has provided under subrule (1) is no longer accurate, the BB storage provider must notify AEMO of the updated information as soon as practicable after it becomes aware that the information is no longer accurate.

**168      Obligation on BB storage providers to provide capacity outlooks**

In accordance with the BB Procedures and rule 175A and subject to rule 163(4), a BB storage provider must provide to AEMO, for each BB storage facility that it operates:

- (a) a short term capacity outlook on each gas day; and
- (b) a medium term capacity outlook on each date the BB storage provider issues a medium term capacity outlook to BB shippers.

**169      **Obligation on BB storage providers to provide actual storage production data****

In accordance with the BB Procedures, a BB storage provider must provide AEMO with the daily production data for each BB storage facility that it operates.

**Note:**

The daily production data provided to AEMO is not intended to be of settlements quality

**169A      **Obligation on BB storage providers to provide 12 month outlook of uncontracted storage capacity****

- (1) A BB storage provider must provide to AEMO, for each BB storage facility that it operates, an outlook of uncontracted storage capacity in the BB storage facility for each of the next 12 months (a **12 month uncontracted storage capacity outlook**).
- (2) A BB storage provider must provide a 12 month uncontracted storage capacity outlook to AEMO monthly, by the date specified, and otherwise in accordance with, the BB Procedures.

**169B      **Obligation on BB storage providers to provide actual quantity of natural gas held in storage****

In accordance with the BB Procedures, a BB storage provider must provide to AEMO, on each gas day and for each BB storage facility that it operates, the actual quantity of natural gas held in the BB storage facility on the previous gas day.

**169C      **Obligation on BB storage providers to provide nominated and forecast flow data****

- (1) Subject to subrule (2), in accordance with the BB Procedures, a BB storage provider must provide to AEMO on each gas day, and in respect of each of its BB storage facilities, the following data:
  - (a) the aggregate quantity of natural gas nominated by BB shippers to be withdrawn from each delivery point on one or more BB pipelines and injected into the BB storage facility for that gas day;
  - (b) the aggregate quantity of natural gas nominated by BB shippers to be withdrawn from the BB storage facility and injected into each receipt point on one or more BB pipelines for that gas day;
  - (c) the aggregate quantity of natural gas forecast by BB shippers to be withdrawn from each delivery point on one or more BB pipelines and injected into the BB storage facility for each of the next 7 gas days if the BB storage provider has been provided with forecast quantities by BB shippers using the BB storage facility under contract or applicable market rules; and

- (d) the aggregate quantity of natural gas forecast by BB shippers to be withdrawn from the BB storage facility and injected into each receipt point on one or more BB pipelines for each of the next 7 gas days if the BB storage provider has been provided with forecast quantities by BB shippers using the BB storage facility under contract or applicable market rules.
- (2) Subrule (1) does not apply to a BB storage facility which is used solely as part of a production facility.
- (3) If a BB storage provider becomes aware that the information it has provided to AEMO under subrule (1) has changed, the BB storage provider must notify AEMO of the updated information as soon as practicable after becoming aware that the information has changed.

**170      Obligation on pipeline operators to provide nameplate rating information**

- (1) A pipeline operator must provide AEMO with:
  - (a) the nameplate rating of each of its BB pipelines;
  - (b) the nameplate rating for each gate station owned, controlled or operated by the BB pipeline operator and connected to each of its BB pipelines; and
  - (c) for each gate station connected to each of its pipelines which is not owned, controlled or operated by the pipeline operator:
    - (i) the name of the person who owns, controls or operates the gate station; and
    - (ii) the nameplate rating of the gate station if that nameplate rating has been provided to the pipeline operator by the person who owns, controls or operates the gate station.
- (2) The pipeline operator must provide the information specified in subrule (1) to AEMO annually, by the date specified in the BB Procedures.
- (3) If a pipeline operator becomes aware that the nameplate rating information it has provided under subrule (1)(a) is no longer accurate due to changes in the capacity of the BB pipeline that are likely to impact the BB pipeline for more than one year, the pipeline operator must notify AEMO of the updated information as soon as practicable after it becomes aware that the information is no longer accurate.
- (4) If a pipeline operator becomes aware that the nameplate rating information it has provided under subrules (1)(b) and (1)(c) is no longer accurate, the pipeline operator must notify AEMO of the updated information as soon as practicable after it becomes aware that the information is no longer accurate.

**170A Obligation on pipeline operators to provide detailed facility information**

- (1) A pipeline operator must provide AEMO with the following information (**detailed facility information**) for each BB pipeline that it operates:
  - (a) all *receipt or delivery points* on that pipeline and any production facilities, storage facilities and transmission pipelines to which those *receipt or delivery points* connect; and
  - (b) all gate stations on that pipeline.
- (2) The pipeline operator must provide the detailed facility information to AEMO in accordance with the BB Procedures.
- (3) If a pipeline operator becomes aware that the detailed facility information it has provided under subrule (1) is no longer accurate, the pipeline operator must notify AEMO of the updated information as soon as practicable after it becomes aware that the information is no longer accurate.

**170B Obligation on pipeline operators to provide information about BB shippers**

- (1) A pipeline operator must provide AEMO with a list of BB shippers who have contracted primary pipeline capacity for each BB pipeline that it operates.
- (2) If a pipeline operator becomes aware that the information it has provided under subrule (1) is no longer accurate, the pipeline operator must notify AEMO of the updated information as soon as practicable after it becomes aware that the information is no longer accurate.
- (3) Subrule (1) does not apply to a pipeline operator in its capacity as pipeline operator of a declared transmission system.

**170C Obligation on pipeline operators to provide secondary trade data**

- (1) If a pipeline operator owns, controls or operates a secondary pipeline capacity trading platform, the pipeline operator must provide AEMO with secondary trade data for each BB pipeline that it operates which is listed on the secondary pipeline capacity trading platform.
- (2) The pipeline operator must provide the information specified in subrule (1) to AEMO each week for the immediately preceding week, in accordance with the BB Procedures.

**171 Obligation on pipeline operators to provide capacity outlooks**

In accordance with the BB Procedures and rule 175A and subject to rule 163(4), a pipeline operator must provide to AEMO, for each BB pipeline that it operates:

- (a) a short term capacity outlook on each gas day; and
- (b) a medium term capacity outlook on each date the pipeline operator issues a medium term capacity outlook to BB shippers.

**171A Obligation on pipeline operators to provide 12 month outlook of uncontracted primary capacity**

- (1) In accordance with the BB Procedures, a pipeline operator must provide to AEMO, for each BB pipeline that it operates, an outlook of uncontracted primary pipeline capacity on the BB pipeline for each of the next 12 months (a **12 month uncontracted primary pipeline capacity outlook**).
- (2) The pipeline operator must provide a 12 month uncontracted primary pipeline capacity outlook to AEMO monthly, by the date specified in the BB Procedures.
- (3) Subrule (1) does not apply to a pipeline operator in its capacity as pipeline operator of a declared transmission system.

**172 Obligation on pipeline operators to provide linepack/capacity adequacy indicator**

- (1) In accordance with the BB Procedures and subject to rule 163(4), a pipeline operator must provide to AEMO, on each gas day, the LCA flag for each of its BB pipelines for each of the next 3 gas days.
- (2) If at any time a pipeline operator determines that the current LCA flag for a BB pipeline provided under subrule (1) for a gas day no longer reflects the pipeline operator's view of the actual or expected capability of the BB pipeline to meet the aggregated delivery nominations for the BB pipeline on that gas day, then the pipeline operator must provide AEMO with an updated LCA flag for the BB pipeline for the relevant gas day as soon as practicable.

**173 Obligation on pipeline operators to provide nominated and forecast delivery information**

- (1) A pipeline operator (other than the pipeline operator of a declared transmission system) must, in accordance with the BB Procedures and in respect of each of its BB pipelines, provide AEMO with:
  - (a) in respect of each gas day and for each demand zone or production zone (if applicable), the aggregated delivery nominations for the BB pipeline for that gas day; and



- (b) in respect of each demand zone or production zone (if applicable), the aggregated forecast deliveries for the BB pipeline for subsequent gas days if it has been provided with forecast deliveries by BB shippers on the BB pipeline under contract or applicable market rules.
- (2) The pipeline operator of a declared transmission system must, in accordance with the BB Procedures, provide AEMO with the aggregated scheduled injections less the aggregated scheduled withdrawals in each production zone and for the New South Wales Victoria interconnect at Culcairn.
- (3) For the avoidance of doubt the aggregated information provided under this rule is only an aggregation of information provided by BB shippers to the relevant pipeline operator and does not represent the pipeline operator's forecast of demand on the relevant pipeline.
- (4) For the purposes of this rule, the BB Procedures may specify the default directions which are to be assigned to natural gas flows for each BB pipeline and the manner in which reverse flows of natural gas are to be treated.

#### **174 Obligation on pipeline operators to provide actual pipeline gas receipt and delivery information**

- (1) Each gas day a pipeline operator (other than the pipeline operator of a declared transmission system) must, in accordance with the BB Procedures and in respect of each of its BB pipelines, provide AEMO with the actual receipts and deliveries of natural gas from that BB pipeline to each demand zone and production zone (if applicable) on the previous gas day, such receipts and deliveries being as determined by the pipeline operator on the basis of operational metering data.
- (2) Each gas day the pipeline operator of a declared transmission system must, in accordance with the BB Procedures, provide AEMO with the aggregated actual injections of natural gas less the aggregated actual withdrawals of natural gas in each production zone and for the New South Wales Victoria interconnect at Culcairn, such injections and withdrawals being as determined by the pipeline operator on the basis of operational metering and (in the case of the interconnect) as metered at Culcairn.

**Note:**

The pipeline gas flows determined by the pipeline operator and provided to AEMO under this rule are not intended to be of settlements quality.

- (3) A pipeline operator may at any time (but is not required to) provide AEMO with updates to the information provided under subrule (1) or (2) (as the case may be).

**Note:**

It is anticipated that pipeline operators will update pipeline gas delivery information provided under this rule if there were substantive changes to that data.

**174A Obligation on pipeline operators to provide AEMO with information in relation to AEMO's Bulletin Board monitoring of data accuracy function**

- (1) For the purposes of section 219(f) of the *NGL*, AEMO has, in its capacity as operator of the Bulletin Board, the function of monitoring the accuracy of data provided by relevant persons in connection with the Bulletin Board registration and reporting requirements, in accordance with this rule.
- (2) AEMO's function in subrule (1) includes monitoring and reviewing the capacity of a BB transmission pipeline and the trends in demand for the injection of gas into, and the withdrawal of gas from, that pipeline.
- (3) A pipeline operator must, in respect of each of its BB pipelines, provide AEMO with reports describing the actual receipts and deliveries of natural gas for each *receipt or delivery point* for each gas day.
- (4) Subrules (1) and (2) do not apply to AEMO to the extent they would involve the performance of a function that is also a declared system function.
- (5) Subrule (3) does not apply to a pipeline operator in its capacity as pipeline operator of a declared transmission system.
- (6) A pipeline operator to whom subrule (3) applies must provide the information specified in subrule (3) to AEMO on a monthly basis, in accordance with the BB Procedures.
- (7) Information provided to AEMO by a pipeline operator in accordance with subrule (3) is confidential information.
- (8) AEMO must not publish on the Bulletin Board information provided to it by a pipeline operator in accordance with subrule (3).
- (9) In this rule 174A:
  - (a) **Bulletin Board registration and reporting requirements** means any provision of the Rules relating to:
    - (i) registration by AEMO under this Part; and
    - (ii) the obligation on BB facility operators to provide information under this Part.
  - (b) **relevant person** means a BB Participant, or a person who is required to be registered by AEMO under rule 147.

## **175 Obligation to notify AEMO of time that gas day starts**

- (1) A pipeline operator must provide AEMO with the time at which the gas day starts for each of its BB pipelines (e.g. 6am EST).
- (2) A production facility operator and BB storage provider must provide AEMO with the time at which the gas day starts for each BB production facility and each BB storage facility that it operates (e.g. 6am EST).
- (3) If the start time for the gas day for a BB pipeline, BB production facility or BB storage facility changes, the relevant pipeline operator, production facility operator or BB storage provider must notify AEMO of the updated information as soon as practicable.
- (4) AEMO must publish the start time for the gas day for each BB pipeline, BB production facility and BB storage facility on the Bulletin Board.

## **175A Content of medium term capacity outlooks**

A medium term capacity outlook provided to AEMO in accordance with subrules 165(b), 168(b) or 171(b) must identify the BB facility to which the outlook relates and must contain the following information:

- (1) the expected start and end dates of the activity expected to affect the daily capacity of the BB facility;
- (2) a description of the activity expected to affect the daily capacity of the BB facility; and
- (3) the expected daily capacity of the BB facility during the period it is affected by the activity referred to in subrules (1) and (2).

### **Note**

Rules 165, 168 and 171 require that the outlook is made in accordance with the BB Procedures.

## **176 BB Participants may indicate spare capacity available for purchase or capacity requirements**

- (1) At any time, a BB participant may notify other BB users that it has spare capacity for purchase by providing details of the spare capacity to AEMO in the form required by the BB Procedures.
- (2) At any time, a BB participant may notify other BB users that it wishes to purchase spare capacity by providing details of the capacity it wishes to purchase to AEMO in the form required by the BB Procedures.
- (3) For the avoidance of doubt, a notice given under subrule (1) or (2) and posted on the Bulletin Board by AEMO is an invitation to treat and not an offer capable of acceptance by another person.

**177 BB participants may indicate gas available for purchase or gas requirements**

- (1) At any time, a BB participant may notify other BB users that it has natural gas available for purchase by providing details of the natural gas available for purchase to AEMO in the form required by the BB Procedures.
- (2) At any time, a BB participant may notify other BB users that it wishes to purchase natural gas by providing details of the natural gas it wishes to purchase to AEMO in the form required by the BB Procedures.
- (3) For the avoidance of doubt, a notice given under subrule (1) or (2) and posted on the Bulletin Board by AEMO is an invitation to treat and not an offer capable of acceptance by another person.

**178 Provision of contact details**

- (1) Each pipeline operator, BB storage provider, production facility operator, BB shipper and registered producer must provide AEMO with *contact details* for posting on the Bulletin Board.
- (2) Any other person may provide AEMO with *contact details* for posting on the Bulletin Board.
- (3) *Contact details* provided pursuant to subrule (1) or (2) must be up to date at the time of their provision and kept up to date at all times thereafter. Any person who has provided their *contact details* shall advise AEMO as soon as reasonably practicable of any changes to those details.
- (4) The BB Procedures may specify the form and content of the *contact details* (the **BB contact details**) required or provided pursuant to this rule.
- (5) In this rule **registered producer** means a producer that is a BB participant.

**179 Ability of BB participants to use free text facility**

A BB participant may, when it provides information to AEMO under this Division, provide comments in the free text facility on the Bulletin Board, subject to any restrictions specified in the BB Procedures.

**179A BB facility operators not required to give information confidential to an individual BB shipper to AEMO in medium term capacity outlook**

Despite rules 165(b), 168(b) and 171(b), a production facility operator, BB storage provider or pipeline operator (as the case may be) is not required to give AEMO as part of a medium term capacity outlook any information that is confidential to an individual BB shipper unless that information is aggregated with information from other BB shippers.

## **Division 6            Publication of annual projections of gas demand**

### **180            AEMO to publish peak demand day information**

- (1) Subject to subrules (2) and (3), AEMO must, following consultation with the authorised representatives in each participating jurisdiction, use its reasonable endeavours to estimate and publish on the Bulletin Board the following information for each participating jurisdiction:
  - (a) the total forecast demand for natural gas (in TJ) on the peak demand day in the period from May to September for each demand zone (or that part of a demand zone) that is in that participating jurisdiction; and
  - (b) the total forecast demand for natural gas (in TJ) on the peak demand day in the period from November to March for each demand zone (or that part of a demand zone) that is in that participating jurisdiction.
- (2) The information specified in subrules (1)(a) and (b) must be published annually by no later than the date specified in the BB Procedures.
- (3) This rule does not require AEMO to publish information in relation to the following participating jurisdictions:
  - (a) the Commonwealth; or
  - (b) the Northern Territory while there are no BB facilities in that participating jurisdiction.

## **Division 7            [Deleted]**

**181            [Deleted]**

**182            [Deleted]**

**183            [Deleted]**

**184            [Deleted]**

## **Division 8            Access to the Bulletin Board**

### **185            BB users bound by terms of use**

Each and every time a person accesses the Bulletin Board, that person is deemed to agree to the BB terms of use.

**186 BB user requests access to archive information (Section 222 of the NGL)**

- (1) A BB user may request AEMO to provide it with any information that was previously but is not, at the time of the request, published on the Bulletin Board.
- (2) If practicable, AEMO must provide the service requested under subrule (1) and, unless it determines otherwise, charge the BB user an information retrieval fee for providing the service.
- (3) For the purposes of subrule (2), AEMO must publish on the Bulletin Board a schedule of information retrieval fees which must be calculated on the basis of recovering only the costs incurred in processing requests.
- (4) AEMO may use the *expedited consultation procedure* or any other consultation procedure it determines is appropriate in all the circumstances (including but not limited to the *standard consultative procedure*) to consult with BB participants with respect to the formulation of the schedule of information retrieval fees.

**Note:**

See rules 8 and 9

**187 [Deleted]**

**Division 9 Cost recovery by AEMO in respect of access to the Bulletin Board (Section 222 of the NGL)**

**188 Calculation of BB operating costs**

- (1) No later than 60 business days after the start of an invoice period, AEMO must determine:
  - (a) the total estimated BB costs for that invoice period; and
  - (b) the actual BB costs for the previous invoice period.
- (2) AEMO may use the *expedited consultation procedure* or any other consultation procedure it determines is appropriate in all the circumstances (including but not limited to the *standard consultative procedure*) to consult with BB participants with respect to the determinations required by subrule (1) or otherwise required by this Division.

**Note:**

See rules 8 and 9

- (3) **[Deleted]**

## 189 Total estimated BB costs

- (1) The total estimated BB costs for an invoice period must be calculated by AEMO as the sum of:
- (a) AEMO's good faith estimate of its costs of operating and maintaining the Bulletin Board in accordance with this Part during the invoice period, including those amounts specified in subrule (2); and

(b) the reconciliation amount for the invoice period,

calculated in accordance with the following formulas:

$T = E_p + R$ , where

$R = A_{p-1} - E_{p-1} + U - UR$

and where:

T means the total estimated BB costs for the invoice period

R means the reconciliation amount applicable to the invoice period;

$E_p$  means the estimated costs of operating and maintaining the Bulletin Board for the invoice period;

$E_{p-1}$  means the estimated costs of operating and maintaining the Bulletin Board for the previous invoice period;

$A_{p-1}$  means the actual costs of operating and maintaining the Bulletin Board for the previous invoice period;

U means any amounts invoiced under this Division in respect of the previous invoice period but unpaid at the time that costs are estimated for the current invoice period under rule 188 and which AEMO reasonably believes it will not be able to recover from the party invoiced; and

UR means any amounts included in the calculation of U for a preceding invoice period which have been recovered since the estimated BB costs for an invoice period were last determined under rule 188.

- (2) For the purposes of subrule (1)(a) the following costs may be included in AEMO's estimate of costs:
- (a) the reasonable budgeted internal costs of AEMO operating and maintaining the Bulletin Board during the invoice period, including costs of management time and information technology system costs;
  - (b) the reasonable budgeted costs of reimbursing third parties for services to be provided in relation to the operation and maintenance of the Bulletin Board during the invoice period, including fees payable to suppliers, external advisers and consultants; and

- (c) the estimated costs, as provided to AEMO under Division 10, of pipeline operators providing aggregation and information services during the invoice period, but only to the extent AEMO considers such estimates to be reasonable.

## 190 **AEMO to maintain records of costs**

AEMO must:

- (a) maintain in auditable form records of all expenses incurred by it and amounts recovered by it (including amounts invoiced to fee paying users and information retrieval fees) in operating and maintaining the Bulletin Board, separate from its other financial records; and
- (b) prepare a budget of costs for each invoice period and provide the budget to fee paying users on request.

## 191 **Basis for recovery of BB operating costs**

In respect of each invoice period, AEMO is entitled to recover from each BB shipper an amount calculated in accordance with the following formulas:

$$F = (E_p + U - UR) \times UG_{p-1}/TG_{p-1} + TR_{p-1} \text{ where}$$

$$TR_{p-1} = A_{p-1} \times UG_{p-1}/TG_{p-1} - E_{p-1} \times UG_{p-2}/TG_{p-2}$$

and where:

F means the BB shipper's fee for the invoice period;

$TR_{p-1}$  means the BB shipper's true-up amount for the previous invoice period

$UG_{p-1}$  means the total gas delivery allocated to the BB shipper from all BB pipelines which provided it with a pipeline service in the previous invoice period; and

$UG_{p-2}$  means the total gas delivery allocated to the BB shipper from all BB pipelines which provided it with a pipeline service in the invoice period preceding the previous invoice period;

$TG_{p-1}$  means the total gas delivered from all BB pipelines in the preceding invoice period.

$TG_{p-2}$  means the total gas delivered from all BB pipelines in the invoice period preceding the previous invoice period.

$E_p$ ,  $E_{p-1}$ , U, UR, and  $A_{p-1}$  have the same meanings as in rule 189(1)

## 192 **BB Procedures may specify certain matters with respect to the formulae in rules 189 and 191**

The BB Procedures may specify:



- (a) what are the estimated or actual costs of operating and maintaining the Bulletin Board;
- (b) how such costs are to be calculated, estimated or otherwise determined;
- (c) the components of such costs;
- (d) how the components of those costs are to be calculated, estimated or otherwise determined;
- (e) how any allocation required by the formulae in rules 189 and 191 is to be effected;
- (f) how any input to or for any of the defined terms in those formulae is to be calculated, estimated or otherwise determined;
- (g) how any other amount, matter or thing required for the purposes of calculating, estimating or determining those terms is to be calculated, estimated or otherwise determined;
- (h) how roundings are to dealt with;
- (i) what levels of accuracy are required for the calculations, estimations or determinations required by the formulae;
- (j) how total gas deliveries are allocated where a BB shipper has been subsumed by another person or has ceased to be a BB shipper; and
- (k) any other amount, matter or thing required for the purposes of the calculations, estimations or determinations required by the formulae.

### **193 Recovery of BB operating costs**

No later than 65 business days after the start of an invoice period, AEMO must:

- (a) notify each BB shipper of:
  - (i) the estimated BB costs for that invoice period;
  - (ii) estimated costs of operating and maintaining the Bulletin Board for the previous invoice period;
  - (iii) the actual costs of operating and maintaining the Bulletin Board for the previous invoice period;
  - (iv) the BB shipper's 'true-up' amount for the previous invoice period; and
  - (v) that BB shipper's percentage share of the estimated BB costs under rule 191 for that invoice period; and
- (b) issue the BB shipper with a tax invoice showing:

- (i) the amount of estimated BB costs that the BB shipper is being charged for the applicable invoice period as calculated under rule 191; and
- (ii) any other information specified in the BB Procedures.

## **194 Payment of invoices**

- (1) Subject to subrule (2), a BB shipper must pay a tax invoice received from AEMO under rule 193(b) within 10 business days after receipt of the invoice, regardless of whether the invoice is disputed under rule 195.
- (2) Where there is a manifest error in a tax invoice received from AEMO under rule 193(b), AEMO must issue a replacement tax invoice under rule 193(b) as soon as practicable after it becomes aware of that manifest error, and the BB shipper must pay that replacement tax invoice within 10 business days after receipt of the invoice, regardless of whether the invoice is disputed under rule 195.
- (3) If AEMO becomes aware that a tax invoice which it has issued under rule 193(b):
  - (a) is for an amount that is greater than the amount which should have been included on that invoice, and the BB shipper has paid that invoice, then AEMO must re-pay that excess amount (at the option of the BB shipper) either by way of a credit on the tax invoice issued under rule 193(b) for the next invoice period or by a payment made to the BB shipper within 20 business days after the day AEMO becomes aware of that overcharge, together with interest on that excess amount at the interest rate, calculated as simple interest on a daily basis, until the relevant tax invoice is issued or the relevant payment is made (as the case may be);
  - (b) is for an amount that is less than the amount which should have been included on that invoice then, if AEMO wishes to recover that underpayment, AEMO must promptly give written notice to the BB shipper of the underpayment and give the BB shipper the option of:
    - (i) having that underpayment included on the tax invoice issued under rule 193(b) for the next invoice period, together with interest calculated on that amount at the interest rate, calculated as simple interest on a daily basis, until that tax invoice is issued; or
    - (ii) paying the amount of that underpayment within 20 business days after the day that notice is given to the BB shipper.

If the BB shipper does not make the payment referred to in subrule (3)(b)(ii) within the 20 business day period referred to in that rule then, in the absence of any agreement to the contrary with AEMO, the BB shipper will be deemed to have chosen the option referred to in subrule (3)(b)(i).

- (4) Where a tax invoice is not disputed and the whole or any part of the amount included in that tax invoice has not been paid by the due date, the BB shipper

must pay interest on that unpaid amount at the default interest rate, calculated as simple interest on a daily basis, until that amount has been paid.

## **195 Disputed invoices**

- (1) If a BB shipper wishes to dispute a tax invoice received from AEMO under rule 193(b), it must notify AEMO of the disputed invoice within 60 business days after receiving the invoice and the BB shipper and AEMO must seek to resolve that dispute in accordance with the dispute resolution process set out in this rule.
- (2) To resolve the dispute:
  - (a) the BB shipper must, when notifying the dispute to AEMO, inform AEMO of the reasons for it disputing the relevant tax invoice;
  - (b) AEMO must provide sufficient information to the BB shipper regarding the calculation of the disputed amount within 10 business days of the dispute being notified;
  - (c) a nominated representative of each of the BB shipper and AEMO must seek to resolve the dispute within 10 business days of AEMO providing the necessary information to the BB shipper;
  - (d) if the dispute is not resolved by the nominated representatives as referred to in subrule (2)(c):
    - (i) where AEMO and BB shipper can agree on a means of resolving the dispute by mediation, expert determination or some other similar alternative dispute resolution mechanism, AEMO and the BB shipper must use that mechanism; or
    - (ii) in the event that AEMO and BB shipper are unable to agree on a dispute resolution mechanism, they must ask the AER to nominate a dispute resolution mechanism which will apply.
- (3) If, as a result of the resolution of a disputed tax invoice under subrule (1), AEMO is obliged to re-pay part or the whole of an amount received under rule 194 to a BB shipper, then AEMO must re-pay the amount (at the option of the BB shipper) either by way of a credit on the tax invoice issued under rule 193(b) for the next invoice period or by a payment to the BB shipper within 20 business days after the day resolution is reached, together with interest on that amount at the interest rate, calculated as simple interest on a daily basis, until the relevant tax invoice is issued or the relevant payment is made (as the case may be).

## **196 Information requirements for cost recovery**

- (1) Each pipeline operator must, by no later than 20 business days after the commencement of an invoice period, provide the following information to AEMO to enable it to calculate a BB shipper's share of estimated BB costs under rule 191 for that invoice period:

- (a) the name of each BB shipper on each BB pipeline operated by the pipeline operator during the previous invoice period;
  - (b) for each such BB shipper, the total gas delivery allocated to that shipper from all BB pipelines that it operated during the previous invoice period; and
  - (c) the total gas delivered from all BB pipelines that it operated during the previous invoice period.
- (2) The BB Procedures may specify the manner in which the amounts referred to in subrules (1)(b) and (c) are to be determined.
  - (3) To avoid doubt, the information about each BB shipper's gas usage provided under this rule is not to be published on the Bulletin Board.

## **Division 10            Cost recovery by pipeline operators**

### **197            Pipeline operator to provide aggregation and information services costs**

- (1) No later than 20 business days after the start of an invoice period, each pipeline operator that wishes to recover its aggregation and information services costs must provide to AEMO:
  - (a) an estimate of its aggregation and information services costs during that invoice period; and
  - (b) a tax invoice in relation to its aggregation and information services costs during the previous invoice period.
- (2) A pipeline operator must in accordance with the BB Procedures provide AEMO with reasonable evidence to demonstrate that:
  - (a) the estimate referred to in subrule (1)(a) is reasonable; and
  - (b) it has incurred the costs specified in its tax invoice issued under subrule (1)(b).
- (2A) AEMO must, within 5 business days after receipt of any estimate and evidence received under subrules (1)(a) and (2)(a), publish the estimate and evidence on its website.
- (2B) If at any time a pipeline operator expects that its actual aggregation and information services costs in any period will vary materially from the costs specified in its estimate for that period under subrule (1), the pipeline operator must give AEMO a revised estimate and a statement of reasons for the variation as soon as practicable, and AEMO must publish that revised estimate and statement on its website.

- (3) A pipeline operator must not issue a tax invoice to AEMO under subrule (1)(b) which includes an amount that it has recovered, or is entitled to recover, from a BB shipper or any other person either at law (other than under this Part or the *Law*) or under any contract, arrangement or understanding, or pursuant to an access arrangement.

## **198 Payment of aggregation and information services costs**

- (1) AEMO must, within 5 business days after receipt of a tax invoice and evidence received under rule 197(1)(b) and (2)(b):
  - (a) publish on its website the invoice and evidence, subject to the provisions of the *Law* about the disclosure of protected information; and
  - (b) specify a period of at least 10 business days during which any person may provide AEMO with comments on the invoice, including any objection to the payment of that invoice.

### **Note**

Information identified as confidential and given to AEMO is protected information: See section 91G of the *NGL*. Under section 91GE of the *NGL* AEMO is authorised to disclose documents with the omission of protected information.

- (2) AEMO must, within 5 business days after the end of the period referred to in subrule (1)(b), give the AER:
  - (a) a copy of the tax invoice and evidence provided to it under rule 197(1)(b) and (1A)(b);
  - (b) a copy of any comments received under subrule (1); and
  - (c) any comment by AEMO on either the invoice or evidence received under subrule (1).
- (3) The AER must, within 30 business days after receipt of documents under subrule (2), determine the amount payable to a pipeline operator in respect of the tax invoice received under rule 197(2) by reviewing whether the costs specified in that invoice:
  - (a) have been incurred; and
  - (b) are reasonablehaving regard to:
  - (c) the evidence provided under rule 197(2);
  - (d) any comments received by AEMO, including objections to the payment of the invoice, under subrule (1);
  - (e) any comments from AEMO;

- (f) any information received in accordance with a request or relevant notice issued by the AER;
  - (g) any other relevant information; and
  - (h) whether the likely costs of undertaking an assessment of the costs specified in the invoice outweigh the public benefit resulting from such an assessment.
- (3A) In making a determination under subrule (3), the AER must:
- (a) either approve or reject the amount specified in the invoice; and
  - (b) if it rejects the amount specified in the tax invoice, undertake an assessment to determine an amount payable that, in the AER's opinion, is reasonable for the aggregation and information services in respect of that invoice.
- (3B) The AER must publish the reasons for its determination under subrule (3) on its website.
- (3C) In relation to the time limits fixed in subrule (3), any period taken by a person to provide information to the AER pursuant to a notice or request issued under subrule (3)(f) is to be disregarded for the purposes of calculating elapsed time.
- (4) AEMO must pay the pipeline operator:
- (a) if the AER has approved the amount specified in the invoice, that amount;  
or
  - (b) otherwise, the amount assessed by the AER in lieu of the invoice amount,
- as determined under subrule (3), within 10 business days of the AER publishing its determination on its website.