

Making of National Electricity Rules

National Electricity (South Australia) Law – Section 90B

I, Patrick Conlon, Minister for Energy for the Crown in right of the State of South Australia, as the Minister administering the *National Electricity (South Australia) Act 1996* of South Australia, hereby make the National Electricity (Australian Energy Market Operator) Amendment Rules under section 90B(1) of the National Electricity (South Australia) Law on the recommendation of the Ministerial Council on Energy.

These Rules have been signed by me for the purposes of identification as the National Electricity (Australian Energy Market Operator) Amendment Rules 2009 and commence operation on 1 July 2009.



**HON PATRICK CONLON MP
MINISTER FOR ENERGY**

Dated 25 June 2009

NATIONAL ELECTRICITY (AUSTRALIAN ENERGY MARKET OPERATOR)
AMENDMENT RULES 2009

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NATIONAL ELECTRICITY (AUSTRALIAN ENERGY MARKET OPERATOR)
AMENDMENT RULES 2009

1 Citation

These rules may be cited as the *National Electricity (Australian Energy Market Operator) Amendment Rules 2009*.

2 Amendment of *National Electricity Rules*

The *National Electricity Rules* are amended in accordance with the Schedules to these rules.

Note

The amendments come into force on 1 July 2009. (See Ministerial notice under section 90B of the *National Electricity Law* published in the South Australian Government Gazette on 25 June 2009.)

Schedule 1 Amendments relevant to AEMO's role as provider of shared transmission services

Clause 3.13.3, after paragraph (v)

Insert

- (w) In relation to the *declared transmission system* of an *adoptive jurisdiction*:
- (1) *AEMO* must maintain the register referred to in paragraph (d); and
 - (2) a *declared transmission system operator* must provide *AEMO* with information reasonably required by *AEMO* for maintaining the register and keeping it up to date.

Clause 5.1.2

After paragraph (c) *insert*

- (d) Subject to paragraphs (e) and (g), the following rules apply in the application of this Chapter to transmission services provided by means of, or in connection with, the *declared transmission system* of an *adoptive jurisdiction*:
- (1) a reference to a *Network Service Provider* is, in relation to the provision of *connection services*, to be read as a reference to a *declared transmission system operator*, and
 - (2) a reference to a *Network Service Provider* is, in relation to the provision of *shared transmission services*, to be read as a reference to *AEMO*.
- (e) A reference in any of the following provisions to a *Network Service Provider* will, in relation to the *declared transmission system* of an *adoptive jurisdiction*, be construed as a reference to *AEMO*:
- (1) clause 5.2.3(b);
 - (2) clause 5.6.1;
 - (3) clause 5.6.2;
 - (4) clause 5.6.2A (except 5.6.2A(b)(2));
 - (5) clause 5.7.6;
 - (6) clause 5.7.7 (except 5.7.7(c));

- (7) Schedule 5.1, clause S5.1.2.3;
- (8) Schedule 5.3 clause S5.3.5.
- (f) A reference in any of the following provisions to a *Transmission Network Service Provider* will, in relation to the *declared transmission system* of an *adoptive jurisdiction*, be construed as a reference to *AEMO*:
 - (1) clause 5.6.6;
 - (2) clause 5.6.6A;
 - (3) clause 5.6.6B;
- (g) A reference in any of the following provisions to a *Network Service Provider* will, in relation to the *declared transmission system* of an *adoptive jurisdiction*, be construed as a reference to the relevant *declared transmission system operator*.
 - (1) clause 5.2.3(d)(12), (e) and (e1)(except 5.2.3(e1)(2));
 - (2) clause 5.3.4A(c) and (d);
 - (3) clause 5.9.3;
 - (4) clause 5.9.4;
 - (5) clause 5.9.6;
 - (6) Schedule 5.1, clause S5.1.10.3(a);
 - (7) Schedule 5.2 clause S5.2.3(a)(8).

New clause:

After clause 5.3.7, *insert*

5.3.7A Application for connection to declared shared network

- (a) In relation to a *declared transmission system*, the powers, functions and responsibilities of the *Network Service Provider* are divided between *AEMO* and the *declared transmission system operator* as follows:
 - (1) *AEMO* is the *Network Service Provider* in respect of the provision of *shared transmission services*; and
 - (2) the relevant *declared transmission system operator* is the

Network Service Provider in respect of the provision of *connection services*.

(b) If:

- (1) a *declared transmission system operator* receives a *connection inquiry* or an *application to connect* to a *declared shared network*; and
- (2) the inquiry or application relates in whole or part to the provision of *shared transmission services*;

the *declared transmission system operator* must pass on to AEMO the information provided by the applicant in connection with the inquiry or application.

After clause 6A.1.5

insert

6A.1.6 Application of Chapter 6A to AEMO and declared transmission system operators

- (a) This Chapter 6A applies to AEMO in respect of the provision of *shared transmission services* by means of, or in connection with, a *declared shared network* subject to the exclusions, qualifications and modifications set out in Schedule 6A.4.
- (b) This Chapter 6A does not apply to AEMO as provider of *electricity network services* in any other capacity.
- (c) This Chapter 6A applies to *declared transmission system operators* subject to the exclusions, qualifications and modifications set out in Schedule 6A.4 that expressly apply to them.

After Schedule 6A.3

insert

Schedule 6A.4—Application of this Chapter to AEMO and declared transmission system operators

S6A.4.1 Application of this Chapter to AEMO etc

- (a) For the purpose of applying this Chapter, AEMO will be regarded as a *Transmission Network Service Provider* providing *shared transmission services*.

- (b) However, in the application of this Chapter to *transmission services* provided by means of, or in connection with, the *declared transmission system of an adoptive jurisdiction*, a reference to a *Transmission Network Service Provider* is, in relation to the provision of *entry services*, *exit services* or *shared network capability services* to be read as a reference to a *declared transmission system operator*.

S6A.4.2 Exclusions, qualifications and modifications

- (a) This Chapter will be read subject to the following exclusions, qualifications and modifications.

(b) **Part A (Introduction)**

Clause 6A.1.4(b) is excluded.

(c) **Part B (Transmission Determinations Generally)**

This Part applies subject to the following exclusions, qualifications and modifications:

Clause 6A.2.2 (Components of transmission determinations):

- (1) A *transmission determination* for AEMO will not include a *revenue determination*.
- (2) However, AEMO must have a revenue methodology (which will not be subject to the AER's approval) setting out the method for calculating AEMO's *maximum allowed revenue* for the provision of *prescribed transmission services* for each *regulatory year*.
- (3) In formulating its revenue methodology, or an amendment to its revenue methodology, AEMO must consult with the public.
- (4) AEMO's *maximum allowed revenue* consists of:
 - (i) so much of the *aggregate annual revenue requirement* of each *declared transmission system operator* for AEMO's *regulatory year* as relates to the provision to AEMO of *shared network capability services*; and
 - (ii) the other costs forecast to be incurred by AEMO in the same *regulatory year* for the provision of *prescribed shared transmission services*.

Note

The costs under subparagraph (ii) might include the cost of *electricity network services* provided by a *declared transmission system operator* where those services are, from the standpoint of the

operator, not *prescribed transmission services*.

- (5) The revenue methodology must include a description of:
- (i) the categories of costs to be recovered; and
 - (ii) the method (which must be consistent with the *Cost Allocation Principles*) for allocating costs to *prescribed transmission services* and *negotiated transmission services*; and
 - (iii) how under and over recovery of revenue in a particular *regulatory year* is to be treated.
- (6) The revenue methodology must be consistent with section 52 of the *National Electricity Law* and the provisions of Chapter 2 of these Rules applicable to *AEMO*.
- (7) *AEMO* must comply with its revenue methodology.
- (8) Before the commencement of the *regulatory year* to which *AEMO's* revenue methodology applies, *AEMO* must *publish*:
- (i) the revenue methodology; and
 - (ii) a report on how it has applied its revenue methodology for the purpose of determining prices for the ensuing *regulatory year*.
- (9) However, for the *regulatory year* commencing on 1 July 2009, *AEMO* may, instead of formulating and publishing its own revenue methodology, adopt as its revenue methodology relevant provisions of the *transmission determination* that would have applied to VENCORP for that *regulatory year* if the legislative and regulatory changes that took effect at the commencement of that *regulatory year* had not been made.

(d) **Part C (Regulation of Revenue – Prescribed Transmission Services)**

This Part is not applicable to *AEMO*.

This Part applies to a *declared transmission system operator* with the following modification of clause 6A.7.1:

If a *declared transmission system operator* is directed by *AEMO*, or is required by or agrees with a *Connection Applicant*, to construct an *augmentation*, clause 6A.7.1 applies as if:

- (1) the direction, requirement or agreement were an event in respect of which the *declared transmission system operator*

were unconditionally authorised under clause 6A.7.1(a) to apply to the *AER* for revocation and substitution of a *revenue determination*; and

- (2) clause 6A.7.1(a)(1) to (7) were inapplicable to an application founded on such an event; and
- (3) the following were added after clause 6A.7.1(d):

(da) If a *declared transmission system operator* is directed by *AEMO*, or is required by or agrees with a *Connection Applicant*, to construct an *augmentation*, and the operator applies to the *AER* for revocation of a *revenue determination* on that ground, the *AER* must revoke the *revenue determination*.

(e) **Part D (Negotiated Transmission Services)**

Part D applies subject to the following qualification:

Clause 6A.9.1 applies to *AEMO* as if the reference in paragraph (1) to "principles and policies set out in the *Cost Allocation Methodology* for the relevant *Transmission Network Service Provider*" were a reference to principles and policies set out in *AEMO's* revenue methodology.

(f) **Part E (Revenue determinations, negotiating frameworks and pricing methodologies)**

Part E applies subject to the following exclusions, qualifications and modifications:

1. Clause 6A.10.1 (Submission of proposal, framework, pricing methodology and information)

Clause 6A.10.1 applies to *AEMO* as if for paragraphs (a), (b) and (c) the following were substituted:

- (a) *AEMO* must, as and when required by the *AER*, submit to the *AER*:
 - (1) a proposed *pricing methodology* relating to *shared transmission services* that are *prescribed TUOS services* or *prescribed common transmission services* (***prescribed shared transmission services***); and
 - (2) a proposed *negotiating framework* relating to *shared transmission services* that are *negotiated transmission services*.

(b) *AEMO's pricing methodology*.

- (1) must be designed to recover no more than *AEMO's maximum allowed revenue* for the provision of *prescribed shared transmission services*; and
 - (2) must set out the principles on which prices for *prescribed shared transmission services* are to be determined.
- (c) Exact equivalence is not required between the costs of providing a service and the revenue derived from providing the service in a particular *regulatory year* if there are reasonable grounds to believe that costs will over time approximate revenue.
- (ca) The proposed *negotiating framework* must comply with the requirements of, and must contain or be accompanied by the information required by, the *submission guidelines* so far as they are relevant.
2. Clause 6A.10.2 (Submission guidelines)

The *submission guidelines* apply to *AEMO* only insofar as they are relevant to *AEMO's* proposed *negotiating framework*.
 3. Clause 6A.11.1 (Preliminary examination and determination of non-compliance with relevant requirements)

Clause 6A.11.1 applies to *AEMO* only insofar as relevant to a *negotiating framework* or *pricing methodology*.
 4. Clause 6A.11.2 (Resubmission of proposal, framework, pricing methodology or information)

Clause 6A.11.2 applies to *AEMO* only insofar as relevant to a *negotiating framework* or *pricing methodology*.
 5. Clause 6A.11.3 (Resubmission of proposal, framework, pricing methodology or information)

Clause 6A.11.3 applies to *AEMO* only insofar as relevant to a *negotiating framework* or *pricing methodology*.
 6. Rule 6A.12 (Draft decision and further consultation)

This Rule applies to *AEMO* only insofar as relevant to a decision on a *negotiating framework* or a *pricing methodology*.
 7. Rule 6A.13 (Final decision)

This Rule applies to *AEMO* only insofar as relevant to a decision on a *negotiating framework* or a *pricing methodology*.

8. Rule 6A.14 (Requirements relating to draft and final decisions)

- (a) This Rule applies to *AEMO* only insofar as relevant to a decision on a *negotiating framework* or a *pricing methodology*.
- (b) Clause 6A.14.3(e) (which requires the *AER* to approve a *regulatory control period* of 5 *regulatory years*) is inapplicable to *AEMO*.

Note

The rule is thus largely inapplicable. Of clause 6A.14.1 only paragraphs (6), (7) and (8) are applicable. Clause 6A.14.2 requires the AER to give reasons setting out the basis and rationale of its decision. This requirement is relevant to a decision on a pricing methodology or negotiating framework but the matters of detail mentioned in paragraphs (1) to (4) would, as a general rule, be irrelevant to such a decision. Of clause 6A.14.3 only paragraphs (f) to (i) would be relevant.

9. Rule 6A.15 (Revocation of revenue determination or amendment of pricing methodology for wrong information or error)

This Rule applies to *AEMO* only insofar as relevant to the amendment of a *pricing methodology*.

10. Rule 6A.16 (Miscellaneous)

This Rule applies as if it included the following additional paragraphs:

- (g) *AEMO* must, on or before 15 May in each year, *publish* its prices for *prescribed shared transmission services* for its next *regulatory year*.
- (h) A *declared transmission system operator* must notify *AEMO* of its revenue requirement for the provision of *shared network capability services* for *AEMO's* next *regulatory year* in sufficient time to enable *AEMO* to calculate prices in accordance with the approved *pricing methodology* and meet its obligations under paragraph (g).

(g) **Part F (Information Disclosure)**

This Part is not applicable to *AEMO*.

(h) **Part G (Cost Allocation)**

AEMO's revenue methodology must be consistent with the *Cost Allocation Principles* set out in this Part: see S6A.4.2(c)(5). This Part applies to *AEMO* only insofar as it is relevant to that requirement.

(i) **Part H (Transmission Consultation Procedures)**

No exclusions, qualifications or modifications are prescribed.

(j) **Part I (Ring-Fencing Arrangements for Transmission Network Service Providers)**

This Part is not applicable to *AEMO*.

(k) **Part J (Prescribed Transmission Services – Regulation of Pricing)**

Part J applies subject to the following exclusions, qualifications and modifications:

1. Rule 6A.23 (Pricing Principles for Prescribed Transmission Services)

Clause 6A.23.3 applies as if it included the following additional paragraphs:

(g) In relation to the *declared transmission system* of an *adoptive jurisdiction*:

(1) *AEMO* is responsible for allocating the *ASRR* for *prescribed TUOS services* and *prescribed common transmission services*; and

(2) the relevant *declared transmission system operator* is responsible for allocating the *ASRR* for *prescribed entry services* and *prescribed exit services*.

(h) A *declared transmission system operator* must:

(1) allocate costs between *shared network capability services* and *prescribed connection services*; and

(2) notify *AEMO* of its allocation (and the basis on which it was made) in sufficient time to calculate prices for *AEMO's* next *regulatory year* in accordance with its *pricing methodology*; and

(3) provide *AEMO* (as and when requested by *AEMO*) with the information *AEMO* reasonably requires to allocate *ASRR* for *prescribed TUOS services* and *prescribed common transmission services*.

Clause 6A.23.4 applies as if it included the following additional paragraph:

(k) A *declared transmission system operator* is not required to develop separate prices for recovery of the *ASRR* referable to *shared network capability services*.

2. Rule 6A.24 (Pricing Methodology)

Clause 6A.24.1 applies as if the following paragraphs were substituted for paragraphs (e) and (f):

- (e) Subject to express provisions of these rules to the contrary, a *pricing methodology*:
 - (1) applies for the duration of the relevant *regulatory control period*; and
 - (2) may not be amended during the *regulatory control period*.
- (f) However, the *AER* may, on an application made by AEMO during the *regulatory year* commencing on 1 July 2009, amend *AEMO's pricing methodology* as it applies to the setting of prices for the *regulatory year* commencing on 1 July 2010 and later *regulatory years*.

- 3. Clause 6A.26.1 (Agreements for prudent discounts for prescribed transmission services)

Clause 6A.26.1 applies as if:

- (1) the power under paragraph (b) to agree to charge lower prices for *prescribed TUOS services* and *prescribed common transmission services* were vested in *AEMO* to the exclusion of the relevant *declared transmission system operator*; and
 - (2) additional provisions to the following effect were included:
 - (i) *AEMO* must obtain the written consent of the relevant *declared transmission system operator* before exercising that power;
 - (ii) the relevant *declared transmission system operator* and *AEMO* must negotiate in good faith whenever either of them asks the other to consider a proposal for the exercise of that power in a particular manner.
- 4. Clause 6A.26.2 (Application to *AER* for approval of proposed prudent discount amounts)

Clause 6A.26.2 (k) is not applicable to *AEMO*.

- 5. Clause 6A.29.1 (Multiple Transmission Network Service Providers within a region)

Clause 6A.29.1 applies as if it included the following additional paragraph:

(g) *AEMO is (without appointment under clause 6A.29.1(a)) the Co-ordinating Network Service Provider for a region that includes the whole or the major part of the declared shared network.*

(l) **Part K (Commercial arbitration for disputes about terms and conditions of access for prescribed and negotiated transmission services)**

This Part does not apply to a dispute that can be resolved by the AER under section 50H of the *National Electricity Law*.

(m) **Schedule S6A.1 (Contents of Revenue Proposals)**

This Schedule is not applicable to *AEMO*.

(n) **Schedule S6A.2 (Regulatory Asset Base)**

This Schedule is not applicable to *AEMO*.

Clause S6A.2.3(a)(3)(i) is not applicable to a *declared transmission system operator*.

(o) **Schedule S6A.3 (CRNP methodology and modified CRNP methodology)**

This Schedule applies without exclusion, qualification or modification.

Amendments to Chapter 9 (Jurisdictional Derogations and Transitional Arrangements)

Clause 9.3.1(2)

*Omit the definitions of **Information requirements guidelines, maximum allowable aggregate revenue, Regulated owner, relevant regulatory period, shared network services, shared transmission network use charges, SPI PowerNet, statutory electricity transmission-related costs, Tariff Order, transmission exemption, transmission licence, Victorian Switching Operator, Victorian Transmission Network***

Insert

Victorian Transmission Network The *declared shared network of Victoria.*

Clause 9.3.2

Omit

Clause 9.7.2

Omit

Clause 9.8.4(a)(2)

Omit

Clause 9.8.4

After paragraph (a) *insert*:

- (b) *AEMO* must, in allocating revenue to be recovered from each *Distributor* to which it provides *prescribed TUOS services* and *prescribed common transmission services* by means of, or in connection with a *declared shared network* in each *financial year* of a *relevant regulatory period*, adjust the allocation in accordance with paragraph (a)(3).

Clauses 9.8.4A, 9.8.4B, 9.8.4C, 9.8.4D, 9.8.4F, 9.8.4G

Omit

Amendment of Chapter 10 (Glossary)

Chapter 10

Definition of **maximum allowed revenue**

Omit

Insert (in alphabetical order)

changeover date

Has the meaning given in the *National Electricity Law*.

declared shared network

Has the meaning given in the *National Electricity Law*.

declared transmission system operator

Has the meaning given in the *National Electricity Law*.

maximum allowed revenue

For a *Transmission Network Service Provider*, the amount calculated as such for a *regulatory year* of a *regulatory control period* in accordance with rule 6A.3.

For *AEMO*: the amount calculated as such for a *regulatory year* of a *regulatory control period* in accordance with clause S6A.4.2(c)(4).

NTP functions

Has the meaning given in the *National Electricity Law*.

prescribed connection services

Services that are either *prescribed entry services* or *prescribed exit services*.

prescribed shared transmission services

Shared transmission services that are *prescribed TUOS services* or *prescribed common transmission services*.

shared network capability service

Has the meaning given in the *National Electricity Law*.

Definition of regulatory year

At the end of the present definition, *insert*

For *AEMO*, each *financial year* is a *regulatory year*.

Schedule 2 Amendments relevant to AEMO's role as National Transmission Planner

Amendment of Chapter 3 (Market Rules)

Clause 3.13.3(q)

omit "31 October"

substitute "31 August"

Clause 3.13.3(r)(1) & (2)

omit, substitute

- (1) projections of aggregate MW demand and *energy* requirements for each *region*; or
- (2) generating capabilities of existing *generating units* and *generating units* for which formal commitments have been made for construction or installation; or
- (3) planned *plant* retirements,

Clause 3.13.3(s)

omit, substitute

- (s) *AEMO* may by written notice request a *jurisdictional planning body* to provide *AEMO* with information that *AEMO* requires for the preparation of a *statement of opportunities* and the *jurisdictional planning body* must comply with that notice.

After clause 3.13.3(w)

insert

- (x) A *jurisdictional planning body* must provide assistance *AEMO* reasonably requests in connection with the preparation of a report under paragraph (u).

Amendment of Chapter 5 (Network Connection)

Clause 5.2.3(h1), (h2) & (h3)

Omit

Clause 5.6.2(b)

Omit, substitute

- (b) Each *Transmission Network Service Provider* must conduct an

annual planning review with each *Distribution Network Service Provider connected to its transmission network within each region*. The annual planning review must:

- (1) incorporate the forecast *loads* as submitted or modified in accordance with clause 5.6.1; and
- (2) include a review of the adequacy of existing *connection points* and relevant parts of the *transmission system* and planning proposals for future *connection points*; and
- (3) take into account the most recent *NTNDP*; and
- (4) consider the potential for *augmentations*, or non-network alternatives to *augmentations*, that are likely to provide a net economic benefit to all those who produce, consume and transport electricity in the *market*.

Clause 5.6.2(c)

Omit, substitute

- (c) Where the need for an *augmentation* or a non-network alternative is identified (either by the annual planning review or independently of that review), the relevant parties must undertake joint planning in order to determine plans for consideration by relevant *Registered Participants, AEMO and interested parties*. For this purpose, the relevant parties are:
 - (1) for the *declared shared network* of an *adoptive jurisdiction* – the relevant *declared transmission system operator, the relevant Distribution Network Service Provider, AEMO* and any *interested party* that has informed *AEMO* of its interest in the joint planning process; and
 - (2) for any other case – the relevant *Network Service Providers*.

Clause 5.6.2(n)

Omit “the Inter-Regional Planning Committee, and to other”

Clause 5.6.2A(b)(4)(v)

Omit “the Inter-Regional Planning Committee” (wherever occurring)

Insert “AEMO” (in each case)

Omit “clause 5.6.3(i)”

Insert “clause 5.6.3(b)”

Clause 5.6.2A(b)(5)

Omit, substitute

- (5) the manner in which the proposed *augmentations* relate to the most recent *NTNDP* and the development strategies for current or potential *national transmission flow paths* that are specified in that *NTNDP*.

Clause 5.6.3

Omit, substitute

5.6.3 AEMO's obligation to publish information and guidelines and provide advice

- (a) In carrying out its *NTP functions*, *AEMO* must:
 - (1) *publish* an objective set of criteria for assessing whether a proposed *transmission network augmentation* is reasonably likely to have a *material inter-network impact*; and
 - (2) prepare and *publish augmentation technical reports* on proposed *transmission network augmentations* that are reasonably likely to have a *material inter-network impact*; and
 - (3) *publish* guidelines to assist *Registered Participants* to determine when an *inter-network test* may be required; and
 - (4) provide advice to the *AEMC* as requested about the exercise of the *last resort planning power*.
- (b) *AEMO* must develop and *publish*, and may vary from time to time, an objective set of criteria for assessing whether a proposed *transmission network augmentation* is reasonably likely to have a *material inter-network impact*. In developing (or varying) the objective set of criteria, *AEMO* must:
 - (1) proceed in accordance with the *Rules consultation procedures*; and
 - (2) have regard to:
 - (i) the relevant guiding objectives and principles provided by the *AEMC*; and
 - (ii) the advice of *jurisdictional planning representatives*.
- (c) The *AEMC* must provide *AEMO* with guiding objectives and principles for the development by *AEMO* of the objective set of

criteria for assessing whether or not a proposed *transmission network augmentation* is reasonably likely to have a *material inter-network impact*.

- (d) If AEMO receives a written request for an *augmentation technical report* on a proposed *transmission network augmentation* that is reasonably likely to have a *material inter-network impact*, or AEMO decides in the course of exercising its functions under Chapter 8, Part H, that a proposed *transmission network augmentation* is reasonably likely to have a *material inter-network impact*, AEMO must:
- (1) immediately undertake a review of all matters referred to it by the *Transmission Network Service Provider* in order to assess the proposed *augmentation*; and
 - (2) consult with, and take into account the recommendations of, the *jurisdictional planning representatives* in relation to the proposed *augmentation*; and
 - (3) make a determination as to:
 - (i) the performance requirements for the equipment to be *connected*; and
 - (ii) the extent and cost of *augmentations* and changes to all affected *transmission networks*; and
 - (iii) the possible material effect of the new *connection* on the *network power transfer capability* including that of other *transmission networks*; and
 - (4) within 90 *business days* of the date of the request or decision (or some other period agreed between the *Transmission Network Service Provider* and AEMO), AEMO must *publish* an *augmentation technical report* that sets out:
 - (i) AEMO's determination; and
 - (ii) the reasons for the determination (including a statement of any information and assumptions on which the determination is based).

A request for an *augmentation technical report* on a proposed *transmission network augmentation* must be accompanied by sufficient information to enable AEMO to make a proper assessment of the proposed *augmentation* and AEMO's reasonable fees covering the direct costs and expenses of preparing the report.

- (e) AEMO may, for the purpose of preparing an *augmentation technical report*, by written notice request a *Transmission Network Service*

Provider to provide *AEMO* with additional information reasonably available to it and the *Transmission Network Service Provider* must comply with the request.

- (f) The period for *AEMO* to *publish an augmentation technical report* will be automatically extended by the time taken by the *Transmission Network Service Provider* to provide additional information requested by *AEMO*.
- (g) If the objective set of criteria developed and published under paragraph (b) is changed after a project assessment draft report has been made available to *Registered Participants* and *AEMO*, the relevant *Transmission Network Service Provider* is entitled to choose whether the new criteria, or the criteria that existed when the project assessment draft report was made available to *Registered Participants* and *AEMO*, are to be applied.

Clause 5.6.4

Heading immediately preceding clause 5.6.4(e)

Omit “**the Inter-regional Planning Committee**”

Insert “**AEMO**”

Clause 5.6.4(e)

Omit “the *Inter-regional Planning Committee*”

Insert “*AEMO*”

Clause 5.6.4(f)

Omit

Clause 5.6.4(g)(1)

Omit “the *Inter-regional Planning Committee*”

Insert “*AEMO*”

Clause 5.6.4(g)(2)

Omit, insert

(2) the *NTNDP* for the current and the previous year;

Clause 5.6.4(o)(2)

Omit

Clause 5.6.4(o)(3) & (4)

Omit "the *Inter-regional Planning Committee*" wherever it occurs

Insert "AEMO" in each case

Clause 5.6.5

Omit

Clause 5.6.6(c)(5), (d), (j)(2)(ii), and (j)(4)

Omit "the *Inter-regional Planning Committee*" wherever it occurs

Insert "AEMO" in each case

Clause 5.6.6B(b)(3)

Omit "the *Inter-regional Planning Committee*" wherever it occurs and *insert* in each case "AEMO"

Omit "in accordance with clause 5.6.3(j)" and "in accordance with clause 5.6.3(i)"

After rule 5.6 *insert*

5.6A National Transmission Planning

5.6A.1 Preliminary consultation

- (a) By no later than 30 January each year, *AEMO* must *publish*:
- (1) a document that sets out the *NTNDP inputs* that it proposes to use for the preparation or revision of the *NTNDP* for the following calendar year; and
 - (2) a document (the ***statement of material issues***):
 - (i) summarising the issues *AEMO* considers to be the material issues involved in the preparation or revision of the *NTNDP* for the following calendar year; and
 - (ii) giving an indication of *AEMO*'s preliminary views on how those issues should be resolved.
- (b) At the same time as it *publishes* the documents referred to in paragraph (a), *AEMO* must *publish* an invitation for written submissions to be made to *AEMO* within a period (at least 30 *business days*) specified in the invitation on:
- (1) the proposed *NTNDP inputs*; and

- (2) the content of the *NTNDP* as it applies for the current year, including the location of the current and potential *national transmission flow paths* identified in the *NTNDP*; and
 - (3) the issues raised in the *statement of material issues*.
- (c) A person may make a written submission to *AEMO* on the proposed *NTNDP inputs*, the content of the *NTNDP* as it applies for the current year, or an issue raised in the *statement of material issues* within the period specified in the invitation.

5.6A.2 Publication of NTNDP

- (a) By no later than 31 December each year, *AEMO* must *publish* the *NTNDP* for the following year.
- (b) In preparing the *NTNDP* that is to be *published* under paragraph (a), *AEMO* must:
 - (1) take into account the submissions made in response to the invitation referred to in clause 5.6A.1(b); and
 - (2) consider the following matters:
 - (i) the quantity of electricity that flowed, the periods in which the electricity flowed, and *constraints* on the *national transmission flow paths* over the previous year;
 - (ii) the forecast quantity of electricity that is expected to flow, the periods in which the electricity is expected to flow, and the magnitude and significance of future *network losses* and *constraints*, on the current and potential *national transmission flow paths* over the year in which the *NTNDP* is to apply or some other period to which a scenario that is used for the purposes of the *NTNDP* applies;
 - (iii) the projected capabilities of the *national transmission grid*, and the *network control ancillary services* required to support the existing and future capabilities of the *national transmission grid*, under each of the scenarios that is being used for the purposes of the *NTNDP*;
 - (iv) relevant intra-jurisdictional developments and any incremental works that may be needed to co-ordinate *national transmission flow path* planning with intra-jurisdictional planning;
 - (v) such other matters as *AEMO*, in consultation with the *participating jurisdictions*, considers appropriate; and

- (3) have regard to the following documents:
 - (i) the most recent *Annual Planning Reports* that have been *published*;
 - (ii) the most recent *statement of opportunities* that has been *published*;
 - (iii) the most recent gas statement of opportunities published under the National Gas Law;
 - (iv) the current revenue determination for each *Transmission Network Service Provider*;
 - (v) any other documents that *AEMO* considers relevant.
- (c) An *NTNDP* that is published under paragraph (a) must:
 - (1) consider and assess an appropriate course for the efficient development of the *national transmission grid* for a planning horizon of at least 20 years from the beginning of the year in which the *NTNDP* applies; and
 - (2) take into account all *transmission elements* which are part of, or materially affect, the transmission capability of any current or potential *national transmission flow paths*; and
 - (3) identify a range of credible scenarios for the geographic pattern of the demand for, and supply of, electricity for the planning horizon of the *NTNDP*; and
 - (4) identify the location of current *national transmission flow paths* and specify their transmission capability; and
 - (5) identify the location of the potential *national transmission flow paths* over the planning horizon of the *NTNDP* under each of the scenarios referred to in subparagraph (3); and
 - (6) specify a development strategy for each current and potential *national transmission flow path* in accordance with clause 5.6A.3; and
 - (7) include a summary of the information specified in rule 3.7A in relation to congestion on each current *national transmission flow path*; and
 - (8) include a consolidated summary of the *augmentations* proposed by each *Transmission Network Service Provider* in the most recent *Annual Planning Reports* they have *published* and an analysis of the manner in which the proposed *augmentations* relate to the *NTNDP* and any previous

NTNDP; and

- (9) summarise the material issues arising from the submissions received in response to the invitation referred to in clause 5.6A.1(b), explain how those issues have been addressed in the *NTNDP* and give reasons for not addressing any of those issues in the *NTNDP*.
- (d) *AEMO* must *publish* the first *NTNDP* (the *NTNDP* for 2011) no later than 31 December 2010.
- (e) If, after the *publication* of the most recent *NTNDP*, *AEMO* becomes aware of information that shows the *NTNDP* to be incorrect in a material respect, *AEMO* must *publish* a correction of the *NTNDP* as soon as practicable.

5.6A.3 Development strategies for national transmission flow paths

A development strategy for a current or potential *national transmission flow path* that is specified in accordance with clause 5.6A.2(c)(6) must:

- (1) be proposed for each of the scenarios referred to in clause 5.6A.2(c)(3); and
- (2) to the extent reasonably practicable and appropriate, be consistent with:
 - (i) the co-optimisation of *network* and non-*network* investment; and
 - (ii) the maximisation of net economic benefit to all those who produce, consume and transport electricity to the *market*; and
 - (iii) the service standards that are linked to the technical requirements of schedule 5.1 or in *applicable regulatory instruments*; and
- (3) take into account the following matters:
 - (i) the current or likely capacity of the *national transmission flow path*, and the need to increase that capacity to relieve current or likely *constraints* and congestion points; and
 - (ii) technically feasible *network* and non-*network* options (including additional *generation* and demand side options) for relieving current or likely *constraints* or congestion points; and

- (iii) possible market benefits associated with each of the options identified under subparagraph (ii); and
- (4) include a high level assessment as to:
 - (i) which of the options, or combination of options, identified under paragraph(3)(ii) provides the most efficient strategy for the development of the *national transmission grid* under each of the scenarios referred to in clause 5.6A.2(c)(3); and
 - (ii) the manner in which each such option, or combination of options, relates to the overall development of the *power system*.

5.6A.4 NTNDP database

- (a) *AEMO* must establish, maintain and make available to the public a database (the ***NTNDP database***) that includes *NTNDP inputs* used by it in preparing the most recent *NTNDP*.
- (b) The *NTNDP inputs* for an *NTNDP* include:
 - (1) assumptions made about the cost of fuel used for the generation of electricity (including gas and coal); and
 - (2) the conversion factors used to relate the consumption of a given quantity of fuel to the production of electricity using that quantity of fuel; and
 - (3) assumptions about the capital costs associated with the generation of electricity; and
 - (4) prevailing location of generation capacity; and
 - (5) assumptions about the price of carbon; and
 - (6) electricity demand forecasts.
- (c) *AEMO* may establish a part of the database for the inclusion of *confidential information*.
- (d) A part of the database established for *confidential information* is not to be accessible to the public.

Note

The disclosure of *protected information* to the public may however be authorised under the *National Electricity Law*.

5.6A.5 Jurisdictional planning bodies and jurisdictional planning representatives

- (a) A *jurisdictional planning body* must provide assistance *AEMO* reasonably requests in connection with the performance of its *NTP functions*.
- (b) If there is no *jurisdictional planning body* or no *jurisdictional planning representative* for a *participating jurisdiction*, *AEMO* may assume the functions of such a body or representative under the *Rules*.

Clause 5.7.7(a)

Omit (from column 1, row 5 of chart 1) “the *Inter-regional Planning Committee* or”

Clause 5.7.7(f) to (s)

Omit, insert

- (f) If *AEMO* receives a notice under clause 5.7.7(e), then it must provide a copy of the notice to each *jurisdictional planning representative* and consult with each *jurisdictional planning representative* about the potential impact of the development or activity.
- (g) *AEMO* or the *Relevant TNSP* for a development or activity may notify the *Proponent* of the development or activity that *AEMO* or the *Relevant TNSP* believes an *inter-network test* is required for that development or activity.
- (h) *AEMO* or the *Relevant TNSP* may only give a notice under clause 5.7.7(g) if:
 - (1) *AEMO* or the *Relevant TNSP* considers that the development or activity may have a material impact on the magnitude of the *power transfer capability* of more than one *transmission network* and, in the circumstances, an *inter-network test* is required; or
 - (2) an *inter-network test* is required having regard to guidelines *published* under clause 5.7.7(k) and the surrounding circumstances.
- (i) If the *Relevant TNSP* gives a notice under clause 5.7.7(g), then it must also promptly give a copy of the notice to *AEMO*.
- (j) A *Registered Participant* undertaking a development or activity listed in chart 1 must provide information reasonably requested by *AEMO* or the *Relevant TNSP* for making an assessment under this

clause.

- (k) *AEMO* may develop, *publish* and amend from time to time, in accordance with the *Rules consultation procedures*, a set of guidelines to assist *Registered Participants* to determine when an *inter-network test* may be required.
- (l) *AEMO* and the *Relevant TNSP* must consider any relevant guidelines in determining whether an *inter-network test* is required.
- (m) If *AEMO* or the *Relevant TNSP* gives notice under clause 5.7.7(g), then the *Proponent* must, in consultation with *AEMO*, prepare a draft *test program* for the *inter-network test* and provide it to *AEMO*, each *jurisdictional planning representative* and the *Relevant TNSP* (if the *Relevant TNSP* gave the notice).
- (n) However, if *AEMO* determines that an *inter-network test* is required for a reason contemplated in item 5 or 6 of chart 1, then it must prepare a draft *test program* for the *inter-network test* in consultation with the *jurisdictional planning representatives* and provide that draft *test program* to each *jurisdictional planning representative*.
- (o) If a *jurisdictional planning representative* considers that any changes should be made to a draft *test program*, the *jurisdictional planning representative* must, within 10 *business days* after being provided with the draft *test program*, make a recommendation to *AEMO* that identifies the changes it proposes should be made to the draft *test program*.
- (p) *AEMO* must:
 - (1) *publish* a copy of the draft *test program* and any relevant changes recommended by any *jurisdictional planning representative* and invite interested *Registered Participants* to make written submissions; and
 - (2) only accept as valid submissions received not later than the closing date for submissions specified in the notice *publishing* the copy of the draft *test program* (not to be less than 14 days after the date of *publication*); and
 - (3) provide the *jurisdictional planning representatives* with copies of all valid submissions and seek any further recommendations they may have.
- (q) *AEMO* must determine and *publish* in accordance with clause 3.13.13 the *test program* for an *inter-network test* after taking into account the recommendations of the *jurisdictional planning representatives* and any valid submissions received from *Registered Participants*.

(r) In determining the *test program*, AEMO must so far as practicable have regard to the following principles:

- (1) *power system security* must be maintained in accordance with Chapter 4; and
- (2) the variation from the *central dispatch* outcomes that would otherwise occur if there were no *inter-network test* should be minimised; and
- (3) the duration of the tests should be as short as possible consistently with test requirements and *power system security*; and
- (4) the test facilitation costs to be borne by the *Proponent* under paragraph (aa) should be kept to the minimum consistent with this paragraph.

Clause 5.7.7(ad)

Omit "the *Inter-regional Planning Committee*" wherever it occurs

Insert "AEMO" in each case

Clause 5.8.3(d)

Omit "the *Inter-regional Planning Committee* whose majority decision"

Insert "AEMO whose decision"

Schedule, clause S5.1.2.3

Omit "clauses 5.6.5 and 5.6.6 of the *Rules*"

Insert "rules 5.6 and 5.6A"

Amendment of Chapter 6A (Economic Regulation of Transmission Services)

Clause 6A.6.6(e)

After subparagraph (10) *insert*

- (11) the most recent *NTNDP* and any submissions made by AEMO, in accordance with the *Rules*, on the forecast of the *Transmission Network Service Provider's* required operating expenditure.

Clause 6A.6.7(e)

After subparagraph (10) *insert*

- (11) the most recent *NTNDP* and any submissions made by *AEMO*, in accordance with the *Rules*, on the forecast of the *Transmission Network Service Provider's* required capital expenditure.

Clause 6A.10.1

After paragraph (e) *insert*

- (f) The *Revenue Proposal* must also include a statement of whether it is consistent with the most recent *NTNDP* and, if it is inconsistent, identify and give reasons for the inconsistency.

Amendment of Chapter 9 (Jurisdictional Derogations and Transitional Arrangements)

Clause 9.28.3

Omit

Clause 9.29A

Omit, substitute

9.29A Monitoring and reporting

- (a) This clause applies to information about *interconnectors* into South Australia or consisting of South Australian market data that is:
- (1) within *AEMO's* control; and
 - (2) reasonably required by a relevant South Australian authority to fulfil obligations under:
 - (i) a relevant protocol on the use of emergency powers; or
 - (ii) regulations under the *Electricity Act 1996 (SA)*.
- (b) *AEMO* must, at the request of a relevant South Australian authority, provide the authority with information to which this clause applies.
- (c) The information must be provided by way of a real time data link or, if such a link is not available, by the most expeditious means reasonably practicable in the circumstances.
- (d) If the cost incurred by *AEMO* in providing information under this clause exceeds the cost usually incurred in providing a *Market Participant* with information in accordance with the *Rules*, the

relevant South Australian authority that requested the information must pay the excess.

(e) In this Rule:

relevant protocol on the use of emergency powers means the National Electricity Market Memorandum of Understanding on the Use of Emergency Powers (as amended from time to time) and includes any later protocol on the use of emergency powers agreed between jurisdictions participating in the National Electricity Market.

relevant South Australian authority means:

- (a) the Technical Regulator; or
- (b) an officer of the South Australian Public Service nominated by the SA Minister to be a responsible officer for the purpose of fulfilling obligations under:
 - (i) a relevant protocol on the use of emergency powers; or
 - (ii) regulations under the *Electricity Act 1996* (SA).

Technical Regulator means the person holding or acting in the office of Technical Regulator under section 7 of the *Electricity Act 1996* (SA).

New clause

After clause 9.30.1, *insert*

9.30.2 Participant fees related to additional advisory functions

- (a) This clause applies to costs related to the performance of *AEMO's* additional advisory functions in South Australia for the first year after the changeover date.
- (b) AEMO may recover, as a component of the *participant fees* payable by *Registered participants* of the relevant class, a reasonable estimate of the costs to which this clause applies without budgeting for those costs or otherwise complying with the requirements of these *Rules* for the fixing or recovery of *participant fees*.
- (c) In this clause:

additional advisory functions means the functions described in section 50B of the *National Electricity Law*.

relevant class – a *Registered participant* belongs to the relevant class if it is a *regulated transmission system operator* for a

transmission system in South Australia.

Amendment of Chapter 10 (Glossary)

Omit the following definitions

annual national transmission review or ANTS review

Annual National Transmission Statement or ANTS

augment, augmentation

augmentation technical report

Convener

Inter-regional Planning Committee

Insert (in alphabetical order)

augmentation

Has the meaning given in the *National Electricity Law*,

augmentation technical report

A report on *augmentation* under clause 5.6.3.

jurisdictional planning body

The entity nominated by the relevant *Minister* of a *participating jurisdiction* as having *transmission system* planning responsibility in that *participating jurisdiction*.

jurisdictional planning representative

The *representative* from the *jurisdictional planning body* for a *participating jurisdiction* nominated by that *jurisdictional planning body* as the *jurisdictional planning representative* for that *participating jurisdiction*.

national transmission grid

Has the meaning given in the *National Electricity Law*.

NTNDP

The National Transmission Network Development Plan as defined in the *National Electricity Law*.

NTNDP database

The database that *AEMO* is required to establish and maintain under clause 5.6A.4.

NTNDP inputs

Has the meaning given in clause 5.6A.4.

Amendment of Chapter 11 (Savings and Transitional Rules)

After rule 11.27 *insert*

Part U National Transmission Planning

11.28 Rules consequential on the making of the *National Electricity (Australian Energy Market Operator) Amendment Rules 2009*

11.28.1 Definitions

In this rule:

amending rules means the *National Electricity (Australian Energy Market Operator) Amendment Rules 2009*.

commencement date means the date Schedule 2 of the amending rules comes into operation.

new National Electricity Rules the National Electricity Rules as in force after the commencement date.

old National Electricity Rules the National Electricity Rules as in force before the commencement date.

11.28.2 Jurisdictional planning bodies and representatives

- (a) The former responsible planning entity for a *participating jurisdiction* is taken to be the *jurisdictional planning body* for the *participating jurisdiction* until the relevant *Minister* nominates a different entity under the new National Electricity Rules.
- (b) The *representative* from the former responsible planning entity for a *participating jurisdiction* who was a member of the *Inter-regional Planning Committee* immediately before the commencement date is taken to be the *jurisdictional planning representative* for that *participating jurisdiction* under the new National Electricity Rules until another person is nominated under the new National Electricity Rules.
- (c) This clause does not apply to a jurisdiction for which *AEMO* is the *jurisdictional planning body*.
- (d) In this clause:

former responsible planning entity for a *participating jurisdiction* means the entity that was treated, for the purposes of clause 5.6.3(b)(2) of the old National Electricity Rules, as having *transmission system* planning responsibility in the *participating jurisdiction*.

11.28.3 Criteria and guidelines published by Inter-regional Planning Committee

- (a) The old transmission network augmentation criteria continue in force, subject to revocation or variation by *AEMO*, as if they had been *published* by *AEMO* under clause 5.6.3(b) of the new National Electricity Rules.
- (b) The old inter-network test guidelines continue in force, subject to revocation or variation by *AEMO*, as if they had been *published* by *AEMO* under clause 5.7.7(k) of the new National Electricity Rules.
- (c) In this clause:

old inter-network test guidelines means guidelines for assisting *Registered Participants* to determine when an *inter-network test* may be required that were *published* by the *Inter-regional Planning Committee* under clause 5.7.7(k) of the old National Electricity Rules and were applicable immediately before the commencement date.

old transmission network augmentation criteria means criteria for assessing whether a proposed *transmission network augmentation* is reasonably likely to have a *material inter-network impact* that were *published* by the *Inter-regional Planning Committee* under clause 5.6.3(i) of the old National Electricity Rules and were applicable immediately before the commencement date.

11.28.4 Augmentation technical reports

If a request for an *augmentation technical report* was made under clause 5.6.3 of the old National Electricity Rules, but proceedings based on, or related to, the request had not been completed by the commencement date, the proceedings are to be continued and completed by *AEMO* as if anything done under the old National Electricity Rules had been done under the corresponding provisions of the new National Electricity Rules.

11.28.5 Last Resort Planning Power

For the purposes of clause 5.6.4(g)(2) of the new National Electricity Rules, a reference to an *NTNDP* extends to:

- (1) the *National Transmission Statement* published under clause 11.27.4;
- (2) an *Annual National Transmission Statement* published under clause 5.6.5 of the old National Electricity Rules .

11.28.6 Inter-network power system tests

- (a) Proceedings commenced before the commencement date under clause 5.7.7 of the old National Electricity Rules may be continued and completed under clause 5.7.7 of the new National Electricity Rules.
- (b) Anything validly done before the commencement date under clause 5.7.7 of the old National Electricity Rules is taken to have been validly done under the corresponding provision of clause 5.7.7 of the new National Electricity Rules.

11.28.7 Control and protection settings for equipment

- (a) A matter referred to the *Inter-regional Planning* Committee under clause 5.8.3(d) of the old National Electricity Rules that remained undecided at the commencement date must be decided by *AEMO* within 20 *business days* after the commencement date.
- (b) *AEMO's* decision is final.

11.28.8 Revenue Proposals

Clauses 6A.6.6(e)(11) and 6A.6.7(e)(11) of the new National Electricity Rules only apply in respect of a *Revenue Proposal* submitted to the *AER* under clause 6A.10.1 of the new National Electricity Rules more than 20 *business days* after the commencement date.

Schedule 3 Miscellaneous amendments

Amendment of Chapter 2 (Registered Participants and Registration)

Clause 2.11.1

After clause 2.11.1(a), *insert*

- (ab) In determining *Participant fees*, *AEMO* must have regard to the *national electricity objective*.

Clause 2.11.1(b)(2)(i)

Omit, insert

- (i) 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 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*;

Clause 2.11.1(b)(2)(iii)

Omit, insert

- (iii) costs of transition are recovered over a period of 4 years from the *changeover date*.

Clause 2.11.1(ba)(1), (2) and (3)

Omit, insert

- (1) a major reform or development (including an anticipated reform or development) of the *market*; or
- (2) a major change (including an anticipated change) to a function, responsibility, obligation or power of *AEMO* under the *Rules*; or

- (3) 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 the *Rules*.

Clause 2.11.1(c)

After subparagraph (5), *insert*

- (5A) *NTP function* fees to recover *AEMO*'s budgeted revenue requirement as described in clause 2.11.3(b)(4A);
- (5B) *additional advisory function* fees to recover *AEMO*'s budgeted revenue requirement as described in clause 2.11.3(b)(4B);

Clause 2.11.3(b)

After subparagraph (4), *insert*:

- (4A) *AEMO*'s expenditures in carrying out *NTP functions*;
- (4B) *AEMO*'s expenditures in carrying out *additional advisory functions*;

Clause 2.11.3(b)(5)

Omit, substitute

- (5) *AEMO*'s other expenditure requirements, operating costs and margin so far as they relate to the electricity industry;
- (5A) the proportion of *AEMO*'s residual expenditures allocated to the electricity industry under paragraph (c).

Clause 2.11.3

After paragraph (b), *insert*

- (c) *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:
 - (1) ensures that the total amount of the residual expenditures is allocated appropriately between the electricity and the gas industries; and
 - (2) ensures that each industry bears an allocation at least equal

to the amount by which residual expenditures would be reduced if services were no longer provided to that industry; and

- (3) promotes the efficient use of electricity and gas services.
- (d) *AEMO's expenditures in carrying out declared network functions are to be recovered through fees charged as a Transmission Network Service Provider and not through participant fees.*

Amendment of Chapter 2A (Regional structure)

Clause 2A.2.7(f)(2)

Omit, substitute

- (2) information (excluding *confidential information*) provided by AEMO in accordance with paragraph (b); and

Clause 2A.3.2(b)

Omit, substitute

- (b) The *AEMC* is not required to publish *confidential information* provided to it under this clause.

Clause 2A.5.2(d)(2)

Omit, substitute

- (2) information (excluding *confidential information*) provided by AEMO in accordance with paragraph (b),

Amendment of Chapter 3 (Market Rules)

Clause 3.6.5(a)(5)(iv)

Omit "1 July 2009"

Substitute "1 July 2012"

Clause 3.13.12(k)(4)

Omit, substitute

- (4) precludes *AEMO* from disclosing *confidential information* in the circumstances in which the disclosure of *confidential information* is permitted under the *National Electricity Law* or these *Rules*; and

Clause 3.17.2

Omit

Amendment of Chapter 6 (Economic Regulation of Distribution Services)

Clause 6.19.2(a)

Omit “and must be treated in accordance with rule 8.6”

Amendment of Chapter 7 (Metering)

Clause 7.7(d)

Omit “and subject to clause 8.6”

Amendment of Chapter 8 (Administrative Functions)

Clause 8.1.3

Omit, insert

Part A Introductory

8.1.3 Structure of this Chapter

- (a) This Chapter describes some of the key processes and obligations associated with the administration of the *Rules* and deals also with *augmentations*.
- (b) It is divided into Parts as follows:
 - (1) this Part is introductory;
 - (2) Part B deals with dispute resolution;
 - (3) Part C deals with the obligations of *Registered Participants* to maintain confidentiality;
 - (4) Part D deals with monitoring and reporting;
 - (5) Part E deals with the structure and responsibilities of the *Reliability Panel*;
 - (6) Part F sets out the *Rules consultation procedures*;
 - (7) Part G deals with funding for the Consumer Advocacy Panel;
 - (8) Part H deals with *augmentations*.

Heading

Before rule 8.2, *insert*

Part B Disputes

Clause 8.2.1(h)

After subparagraph (5) *insert*

(5A) a decision by *AEMO* with regard to the preparation or publication of a budget;

(5B) the formulation by *AEMO* of its revenue methodology or an amendment to its revenue methodology;

Clause 8.2.6C(e) and (f)

Omit, substitute

(e) *A DRP:*

(1) must determine the real questions in controversy between the parties; and

(2) is not bound by the parties' formulation of those questions.

(f) *A DRP:*

(1) is not bound by the rules of evidence and may inform itself in any way it thinks fit; but

(2) must observe the rules of natural justice.

Clause 8.2.7(a)

Omit “, but must not use a legal representative as its primary advocate except with the agreement of all other parties”.

Clause 8.2.12

Omit

Clause 8.2A.2(n)

Omit “clauses 8.2.6B(b) and 8.6.2(B)(c)”

Insert “clause 8.2.6B(b)”

Heading

Before rule 8.6, *insert*

Part C Registered Participants' confidentiality obligations

Clause 8.6.1(a)

Omit, insert

- (a) Each *Registered Participant* must use all reasonable endeavours to keep confidential any *confidential information* that comes into the possession or control of the *Registered Participant* or of which the *Registered Participant* becomes aware.

Clause 8.6.1(b)

Omit "Recipient"

Insert "Registered Participant"

Clause 8.6.1(c)

Omit "Recipient" wherever occurring

Insert "Registered Participant" in each case

Clause 8.6.2(a), (b), and (d)

Omit "Recipient" wherever occurring

Insert "Registered Participant" in each case

Clause 8.6.2(d1)

Omit

Clause 8.6.2(h) and (i)

Omit "Recipient" wherever occurring

Insert "Registered Participant" in each case

Clause 8.6.2(n) and (o)

Omit

Clause 8.6.3

Omit "the Recipient who wishes"

Insert "the Registered Participant that wishes"

Heading

Before rule 8.7, *insert*

Part D Monitoring and reporting

Clause 8.7.1(c)(4)

Omit, insert

- (4) subject to confidentiality obligations, are publicised or available to the public.

Heading

Before rule 8.8, *insert*

Part E Reliability panel

Clause 8.8.3(k)

Omit, substitute

- (k) The *AEMC* must, within 10 days of receiving the written report of the *Reliability Panel*, make the report publicly available (with the exclusion of material that cannot be disclosed consistently with the *AEMC*'s obligations of confidentiality).

Heading

Before rule 8.9, *insert*

Part F Rules consultation procedures

Rule 8.9(g)

Omit "subject to the provisions of rule 8.6"

Substitute "subject to its confidentiality obligations"

Rule 8.9(k)

Omit "subject to the provisions of rule 8.6"

Substitute "subject to its confidentiality obligations"

Heading

Before rule 8.10, *insert*

Part G Consumer Advocacy Panel

Rule 8.10

Omit, substitute

8.10 Consumer advocacy funding obligation

- (a) *AEMO* must pay to the *AEMC*, as required under the relevant Act, the amount of its consumer advocacy funding obligation for each financial year.
- (b) *AEMO* may recover the costs of meeting its consumer advocacy funding obligation from *participant fees* and may allocate the costs to market customers.
- (c) In this rule:

consumer advocacy funding obligation means any costs allocated to *AEMO* by the *AEMC* in accordance with section 44 of the relevant Act.

Consumer Advocacy Panel means the Consumer Advocacy Panel established under the relevant Act.

relevant Act means the *Australian Energy Market Commission Establishment Act 2004* (SA).

After rule 8.10

Insert

Part H Augmentations

8.11.1 Application

This Part applies only to, and in relation to, the *declared transmission system* of an *adoptive jurisdiction* in which *AEMO* is authorised to exercise its *declared network functions*.

8.11.2 Object

The objects of this rule are:

- (1) to establish the distinction between *contestable augmentations* and *augmentations* that are not contestable; and
- (2) to regulate the process for calling, receiving and evaluating tenders for the construction and operation of a *contestable augmentation*; and

- (3) to facilitate the construction and operation of *augmentations*; and
- (4) to provide guidance on risk allocation and other commercial principles to be reflected in *network agreements* and *augmentation connection agreements*; and
- (5) to make provision for certain matters with respect to AEMO's planning of the *declared shared network*.

8.11.3 Definitions

In this Part:

augmentation connection agreement has the meaning given in the *National Electricity Law*.

augmentation direction means a direction given by AEMO to an *incumbent declared transmission system operator* to construct an *augmentation* of a *declared shared network* that is not a *contestable augmentation*.

contestable augmentation means an *augmentation* classified as a contestable augmentation under clause 8.11.6.

contestable provider means a person responsible for the construction or operation of a *contestable augmentation*.

incumbent declared transmission system operator means the *declared transmission system operator* that owns or operates the part of the *transmission system* to which the *augmentation* will connect.

potential contestable provider means a person who responds positively to a call for expressions of interest in constructing and operating a *contestable augmentation* under clause 8.11.7(b).

relevant limit means \$10 million.

separable augmentation means an *augmentation* that satisfies both the following criteria:

- (a) the *augmentation* will result in a distinct and definable service to be provided by the *contestable provider* to AEMO;
- (b) the *augmentation* will not have a material adverse effect on the *incumbent declared transmission system operator's* ability to provide services to AEMO under any relevant *network agreement*.

8.11.4 Planning criteria

- (a) AEMO must *publish* the planning criteria that it proposes to use in performing its *declared network functions*.
- (b) The planning criteria:
 - (1) must outline the principles on which *AEMO* will carry out a cost benefit analysis of a proposed *augmentation* under section 50F of the *National Electricity Law*; and
 - (2) must describe how *AEMO* proposes to apply a probabilistic approach in determining the benefit of a proposed *augmentation*; and
 - (3) must describe the kind of circumstances in which a probabilistic approach will be regarded as inappropriate; and
 - (4) may deal with any other aspect of planning inherent in, or related to, *AEMO's declared network functions*.

8.11.5 Construction of augmentation that is not a contestable augmentation

- (a) An *incumbent declared transmission system operator* must, at *AEMO's* written request, provide *AEMO* with information and assistance that *AEMO* reasonably requires to decide:
 - (1) whether to give an *augmentation direction*; and
 - (2) if so, the terms of the direction.
- (b) If *AEMO* gives an *augmentation direction*, *AEMO* and the *incumbent declared transmission system operator* must negotiate in good faith with a view to reaching agreement on the terms of an appropriate amendment to the operator's *network agreement* covering:
 - (1) the operation of the *augmentation*; and
 - (2) the use of the *augmentation* to provide *shared network capability services*; and
 - (3) the basis on which *AEMO* will pay for *shared network capability services* provided by means of the *augmentation*.

Note

If there is a dispute about the proposed amendment, the *AER* may resolve the dispute and determine the terms of the amendment under section 50H and 50J of the *National Electricity Law*.

- (c) An *incumbent declared transmission system operator* that is required by, or agrees with, a *Connection Applicant* to construct an

augmentation that is not a *contestable augmentation*, must negotiate with the *Connection Applicant* in good faith with a view to reaching agreement on the terms of an appropriate amendment to their *connection agreement*.

- (d) However, if the *incumbent declared transmission system operator* applies for revocation and substitution of its *revenue determination* on the basis of an *augmentation direction*, or a requirement by or agreement with a *Connection Applicant* to construct an *augmentation* that is not a *contestable augmentation*, negotiations are not required on a matter to which the application relates.

8.11.6 Contestable augmentations

- (a) Subject to paragraph (b), an *augmentation* of a *declared shared network* is a *contestable augmentation* if:
 - (1) the capital cost of the *augmentation* is reasonably expected to exceed the *relevant limit*; and
 - (2) the *augmentation* is a *separable augmentation*.
- (b) An *augmentation* of a *declared shared network* is not a *contestable augmentation* if:
 - (1) AEMO classifies the *augmentation* as non-contestable because the delay in implementation that would necessarily result from treating the *augmentation* as a *contestable augmentation* would unduly prejudice system security; or
 - (2) AEMO classifies the *augmentation* as non-contestable because it does not consider it economical or practicable to treat the *augmentation* as a *contestable augmentation*.

8.11.7 Construction and operation of contestable augmentation

- (a) For the purpose of procuring the construction and operation of a *contestable augmentation*, AEMO must:
 - (1) publish a generally applicable tender and evaluation process that accords with best practice as currently understood and may include, but need not be limited to:
 - (i) typical timetables for the tender and evaluation process; and
 - (ii) details of typical evaluation criteria; and
 - (iii) indications of the way in which different matters are to be or might be weighted for evaluation purposes; and

- (iv) provision for declaration and management of conflicts of interest; and
 - (v) provision for the debriefing of unsuccessful tenderers; and
- (2) *publish* a register of persons who have from time to time expressed interest in being *contestable providers* and keep the register up to date to reflect the developing market.
- (b) For each *contestable augmentation*, AEMO must:
- (1) call for expressions of interest from persons who may be interested in constructing and operating the proposed *contestable augmentation*; and
 - (2) prepare, in consultation with the *incumbent declared transmission system operator*, a timetable allowing AEMO and the *incumbent declared transmission system operator* a reasonable time to comply with their respective obligations and allowing a reasonable construction period having regard to the nature and extent of the *augmentation*; and
 - (3) prepare, in consultation with the *incumbent declared transmission system operator*, a detailed tender specification setting out the scope of the work involved in the *augmentation*, including details of the technical interface required for the *augmentation*; and
 - (4) prepare and issue an invitation to tender setting out details of the *contestable augmentation* and the tender and evaluation process – details that must (without limitation):
 - (i) provide as much certainty as is reasonably practicable to tenderers regarding the terms and conditions subject to which they are invited to tender for the work involved in the *contestable augmentation*; and
 - (ii) identify the relevant land (if any) that is available for or in connection with the *contestable augmentation*, including (to the extent reasonably practicable) details of current usage and, if available, a geotechnical and environmental report on the land; and
 - (iii) specify (to the extent reasonably practicable) the services to be provided under the *network agreement*;
 - (5) make available to *potential contestable providers* a copy of any proposed *augmentation connection agreement* or *network agreement*.
- (c) The *incumbent declared transmission system operator* must:

- (1) provide, within a reasonable period specified by *AEMO*, information and assistance reasonably required by *AEMO* for the preparation of the tender documents such as information about the technical interface and information required for the preparation of the tender specification; and
 - (2) negotiate in good faith with a *potential contestable provider* about changes to the proposed *augmentation connection agreement* that are sought or suggested by that *potential contestable provider*.
- (d) The *incumbent declared transmission system operator* may tender for work involved in a *contestable augmentation*.
 - (e) *AEMO* must evaluate, assess and negotiate responses to the invitation to tender in accordance with the published tender and evaluation process.
 - (f) After completing the tender and evaluation process, *AEMO* must notify all persons who submitted tenders of the successful tender.
 - (g) *AEMO* may only proceed with a *contestable augmentation* on the basis of a tender accepted after evaluation and assessment in accordance with the published tender and evaluation process.
 - (h) The successful tenderer:
 - (1) must enter into an agreement with *AEMO*, based on the successful tender, for the construction of the *augmentation*; and
 - (2) must (unless the *incumbent declared transmission system operator* is itself the successful tenderer) enter into an *augmentation connection agreement* with the *incumbent declared transmission system operator*.
 - (i) This clause does not apply to a *funded augmentation* unless *AEMO* and the *Connection Applicant* agree to the conduct of a tender process.

8.11.8 Funded augmentations that are not subject to the tender process

- (a) This clause applies to a *contestable augmentation* that is a *funded augmentation* except in the case where *AEMO* and the *Connection Applicant* agree to the conduct of a tender process in accordance with clause 8.11.7.
- (b) For each *contestable augmentation* to which this clause applies, *AEMO* must:

- (1) prepare, in consultation with the *incumbent declared transmission system operator* and the *Connection Applicant*, a timetable allowing *AEMO* and the *incumbent declared transmission system operator* a reasonable time to comply with their respective obligations and allowing a reasonable construction period having regard to the nature and extent of the *augmentation*; and
 - (2) prepare, in consultation with the *incumbent declared transmission system operator* and the *Connection Applicant*, a detailed specification setting out the scope of the work involved in the *augmentation*, including details of the technical interface required for the *augmentation*; and
 - (3) make available to the *incumbent declared transmission system operator* and the *Connection Applicant* a copy of any proposed *augmentation connection agreement*.
- (c) The *incumbent declared transmission system operator* must:
- (1) provide, within a reasonable period specified by *AEMO*, information and assistance reasonably required by *AEMO* for the preparation of an agreement for the construction of proposed *contestable augmentation*; and
 - (2) negotiate in good faith with the *Connection Applicant* about any changes to the proposed *augmentation connection agreement* that are sought or suggested by the *Connection Applicant*; and
 - (3) enter into an *augmentation connection agreement* with the *Connection Applicant*.
- (d) The *Connection Applicant* must enter into an agreement with *AEMO* for the construction of the *augmentation*.

8.11.9 Contractual requirements and principles

- (a) A *network agreement* or an *augmentation connection agreement* related to a *contestable augmentation* should be consistent with the requirements and principles set out in Schedule 8.11 to this Chapter.
 - (b) If a person submits a tender for a *contestable augmentation* proposing a *network agreement* or an *augmentation connection agreement* that is not consistent with the requirements and principles set out in Schedule 8.11 to this Chapter, the person must, in responding to the invitation to tender, include a statement drawing *AEMO*'s attention to the inconsistency and explaining the reasons for it.
- (c) Despite the provisions of this clause and Schedule 8.11:

- (1) *AEMO* and the other party or parties to a *network agreement* may agree terms and conditions of an amendment that differ from the requirements and principles set out in Schedule 8.11; and
- (2) the parties to an *augmentation connection agreement* may, with *AEMO's* consent, agree terms and conditions that differ from the requirements and principles set out in Schedule 8.11.

8.11.10 Annual planning review

AEMO must in its annual planning review indicate:

- (a) which *augmentations* commenced in the previous year are *contestable augmentations*; and
- (b) which *augmentations* planned to commence in the present or future years are likely to be *contestable augmentations*.

New Schedule

Insert at the end of Chapter 8

Schedule 8.11 Principles to be reflected in agreements relating to contestable augmentations

S8.11.1 Risk allocation

- (a) This clause sets out the risk allocation principles.

- (b) **Site/Construction Risk**

Site/construction risk is the risk that unanticipated difficulties or liabilities associated with the site or the construction work will adversely affect the *contestable provider's* ability to deliver network services at the price agreed with *AEMO*. This risk comprises (for example) the risk of contamination of the land and the risk that unforeseen difficulties (such as difficulties in sourcing necessary materials) will impede the construction of the *augmentation*.

Site/construction risk is allocated to the *contestable provider*.

- (c) **Statutory approval risk**

This is the risk that a necessary planning, environmental, building or other approval will be refused or granted on conditions adversely affecting the costs of constructing or operating the *contestable augmentation*.

This risk is allocated to the *contestable provider*.

(d) **Native title risk**

This is the risk that actual or potential native title claims will adversely affect the cost of the *augmentation*.

This risk is allocated to the *contestable provider*.

(e) **Output specification risk**

This is the risk that inadequacies in the output specification will cause or contribute to design inadequacies. This risk is allocated to *AEMO* to the extent the inadequacies in the output specification are attributable to *AEMO*. To the extent the inadequacies are attributable to incorrect information provided by the *incumbent declared transmission system operator*, the risk is allocated to the operator.

(f) **Design, construction and commissioning risk**

This is the risk that an unanticipated increase in the costs of the *augmentation* will have a significant adverse impact on the viability or profitability of the *contestable augmentation*.

This risk is allocated to the *contestable provider*.

(g) **Operating risk**

This is the risk that the *contestable provider* will fail, for a reason other than force majeure or inadequate financial resources, to deliver the *electricity network services* purchased by *AEMO*. It includes (for example) the risk of systems failure.

This risk is allocated to the *contestable provider*.

(h) **Network and interface risk**

This is the risk that the interface between the *augmentation* and the *declared transmission system* will not be constructed or operated in accordance with the tender specification or to a satisfactory standard with the result that the safety, reliability or security of the supply of electricity or the national electricity system (or both) will be adversely affected.

This risk is allocated to the party whose system affects the other in an adverse way. If, however, the adverse result is directly caused by the provision of incorrect information, the risk is allocated to the party that provided the incorrect information.

(i) **Industrial relations risk**

This is the risk that industrial action will adversely affect the construction of the *augmentation* or the delivery of *electricity*

network services by means of the *augmentation*.

This risk is allocated to the *contestable provider*. If, however, industrial action directed at the *incumbent declared transmission system operator* causes the adverse effect, the risk is allocated to the operator.

S8.11.2 Minimum requirements for agreements relating to contestable augmentation

- (a) An *augmentation connection agreement* must specify:
 - (1) the technical and other details of *connection* (including the *connection point*); and
 - (2) the *performance standards* that apply to the *contestable provider*.
- (b) There should be no material difference between *performance standards* that apply to the *incumbent declared transmission system operator* and those that apply to the *contestable provider*.

S8.11.3 Matters to be dealt with in relevant agreements

- (a) A relevant agreement should (in addition to the other requirements of the *National Electricity Law* and these Rules) contain provisions with respect to:
 - (1) the risks set out in clause S8.11.1; and
 - (2) force majeure events; and
 - (3) project financing risks; and
 - (4) liabilities and indemnities; and
 - (5) any relevant *regulatory obligation or requirement*.
- (b) In this clause:

relevant agreement means:

 - (a) a *network agreement*; or
 - (b) an *augmentation connection agreement*.

Amendment of Chapter 9

After rule 9.3

Insert

9.3A Fault levels

Subject to the terms of a *connection agreement* under section 50E(1)(a) of the *National Electricity Law*, AEMO must, when planning the *declared shared network*, use its best endeavours to ensure that fault levels at a *connection point* will not, as a result of a short circuit at that *connection point*, exceed the limits set out in the following table:

FAULT LEVEL TABLE

NOMINAL VOLTAGE CONNECTION POINT	AT	THREE AND SINGLE PHASE DESIGN FAULT LEVEL
500kV		
Metro		50.0 kA
Latrobe Valley		63.0 kA
Country		40.0 kA
330kV		40.0 kA
220kV		
Metro		40.0 kA
Latrobe Valley		40.0 kA
Country		26.2 kA
66kV		21.9 kA
22kV		26.2 kA

Amendment of Chapter 10 (Glossary)

Definition of **Disclosee**

Omit “or NEMMCO (as the case may be)”

Definition of **funded augmentation**

Omit “Chapter 6”

Substitute “Chapter 6A”

Amendment of Chapter 11 (Savings and Transitional Rules)

Chapter 11, Appendix 1, Clause 6.19.2(a)

Omit “and must be treated in accordance with rule 8.6”

Schedule 4 General amendment to the National Electricity Rules

National Electricity Rules, all provisions referring to *NEMMCO*

Omit "NEMMCO" wherever occurring

Substitute "AEMO" in each case

Exceptions:

The references to *NEMMCO* in the following provisions are to remain:

- Clause 3.5.6(a)
- Rule 3.7B(d)
- Rule 3.7C(p)
- Clause 3.15.11A(d)
- Clause 3.20.7(g)
- Note to Clause 4.2.3A(f)
- Clause 4.2.3B(a)
- Rule 4.16
- Rule 4.17
- Clause S5.5.7(a)
- Clause S5.5.7(a)(3)
- Clause S5.5.7(b)
- Clause S5.5.7(b)(1)
- Clause 7.2A.5(a)(1)
- Clause 7.2A.5(a)(2)
- Note to Clause 7.14.2(b)
- Clause S7.2.2(c)
- Clause 8A.2.2(4)
- Clause 8A.2.3(b)
- Clause 8A.2A.2(c)

- Clause 8A.2A.2(d)
- Clause 8A.2A.2(e)
- Clause 8A.2A.2(f)
- Clause 8A.2A.2(g)
- Chapter 8A, Part 12, clause 1(a)
- Chapter 8A, Part 12, clause 1(b)(2)
- Clause 9.4.3(h)
- Clause 9.12.3(a)
- Clause 9.12.3(j)
- Clause 9.14.1
- Clause 9.17.2(a)(2)
- Clause 9.17.4
- Clause 9.28.1(a)
- Clause 9.28.1(b)
- Clause 9.42.1, definition of ***Third Tranche Commencement Date***
- Rule 9.43(a)
- Rule 9.43(d)
- Clause S9G1,5.1
- Rules 11.1 to 11.26
- Clause 11.27.8