

26 May 2022

Australian Energy Market Commission
GPO Box 2603
Sydney South NSW 2001

Submitted via AEMC website

Dear Edward,

Draft Rule Determination – Improving consultation procedures in the Rules – ERC0323

PLUS ES welcomes the opportunity to provide feedback to the Australian Energy Market Commission's (AEMC) Draft Rule Determination - **Improving consultation procedures in the Rules – ERC0323**

PLUS ES supports the Draft Rule Determination with the following suggestions/feedback for AEMC's consideration:

- **A new expedited consultation procedure –**
 - The initial test – “unlikely to have a significant impact to the NEM” is too broad and requires additional parameters such as impact on a class of participant to be considered.
 - Stakeholders should have the ability to request a switch to a standard process without limiting the reasons to those associated with the initial test criteria of the expedited process. They should be able to provide all their supporting reasoning to qualify their request which could incorporate other reasons. The consulting party to consider relevant information provided to ensure an informed decision is reached.
 - The determination to switch to a standard process should be an agreement reached between the proponent/facilitator of the changes and market stakeholder/s. *‘If the consulting party still considers it appropriate to use the expedited process, and publishes reasons’* is **not** appropriate without the agreement reached with stakeholder/s; even if it is an agreement to disagree and the consulting party moves forward with the expedited process.
 - The volume of requests with valid qualifying reasoning should also be a determining factor to trigger for a consultation to switch to a standard process.

- **Standard consultation process -**
 - Under the standard process, a consulting party may extend the draft or final instrument publication deadline if it involves issues that are complex or difficult.
 - PLUS ES proposes that 'complex or difficult' is also defined by lack of industry stakeholder consensus.
- **Other minor elements of the draft rule –**
 - Requires consulting parties to publish marked-up versions of draft instruments at both draft and final stages so stakeholders can easily understand the changes.
 - PLUS ES proposes that final marked up versions identify changes from current state not from the latest consultation stage.
 - In instances where consultation changes and effective dates create a 'stacking' of procedures – all consulted procedures and their mark ups should be considered as current state so stakeholders can consider the consulted changes upstream or downstream of the effective date of the current consultation.
- **General Consultation Notices –**
 - PLUS ES support the decision and initiative to create consultation registers which would improve transparency.
 - However, we would also like to highlight that the general consultation notices provided via emails, would continue to deliver the most efficient and timely notification to the industry stakeholders:
 - The volume of industry change and consultations could result in a business missing a consultation in total or limiting their review by a considerable timeframe, if they are dependent on self monitoring the various regulatory websites for consultation publications.

Self monitoring will contribute to inefficient resourcing effort to identify published consultations across the industry irrespective how efficient one's monitoring process is.
 - The newsletters are effective in communicating change proposals/consultations. They do have the potential to introduce a gap of at least a few business days from when the change was published, and the newsletter was sent/received, especially in instances where these mechanisms are delivered on a regular basis, such as a weekly frequency.



PLUS ES would welcome any further discussion in relation to this submission.

If you have any questions or wish for further discussion, please contact Helen Vassos on 0419 322 530 or at Helen.vassos@pluses.com.au.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Storey".

Frank Storey

Head of Metering - PLUS ES
(Acting)