



## **Draft National Electricity Amendment (Improving the workability of the feedback loop) Rule 2024**

The Australian Energy Market Commission makes the following Rule under the National Electricity Law to the extent applied by:

- (a) the *National Electricity (South Australia) Act 1996* of South Australia;
- (b) the *Electricity (National Scheme) Act 1997* of the Australian Capital Territory;
- (c) the *Electricity - National Scheme (Queensland) Act 1997* of Queensland;
- (d) the *National Electricity (New South Wales) Act 1997* of New South Wales;
- (e) the *Electricity - National Scheme (Tasmania) Act 1999* of Tasmania;
- (f) the *National Electricity (Victoria) Act 2005* of Victoria;
- (g) the *National Electricity (Northern Territory) (National Uniform Legislation) Act 2015* of the Northern Territory; and
- (h) the *Australian Energy Market Act 2004* of the Commonwealth.

Anna Collyer  
Chairperson  
Australian Energy Market Commission

## **Draft National Electricity Amendment (Improving the workability of the feedback loop) Rule 2024**

### **1 Title of Rule**

This Rule is the *Draft National Electricity Amendment (Improving the workability of the feedback loop) Rule 2024*.

### **2 Commencement**

This Rule commences operation on [15 March 2024].

### **3 Amendment to the National Electricity Rules**

The National Electricity Rules are amended as set out in Schedule 1.

### **4 Savings and Transitional Amendment to the National Electricity Rules**

The National Electricity Rules are amended as set out in Schedule 2.

## **Schedule 1      Amendment to the National Electricity Rules**

(Clause 3)

### **[1] Clause 5.16A.2    Cost Benefit Analysis Guidelines**

In clause 5.16A.2(c)(3), omit "and".

### **[2] Clause 5.16A.2    Cost Benefit Analysis Guidelines**

In clause 5.16A.2(c)(4)(ii), omit "." and substitute "; and".

### **[3] Clause 5.16A.2    Cost Benefit Analysis Guidelines**

After clause 5.16A.2(c)(4), insert:

- (5) the timing of any request made by a *RIT-T proponent* under clause 5.16A.5(b).

### **[4] Clause 5.16A.2    Cost Benefit Analysis Guidelines**

After clause 5.16A.2(c), insert:

- (d) The *Cost Benefit Analysis Guidelines* may provide guidance as to the timing of publication of a *project assessment conclusions report*.

### **[5] Clause 5.16A.4    Regulatory investment test for transmission procedures**

In clause 5.1A.4(i), after "paragraph (g)" insert " and subject to any timing requirements set out in the *Cost Benefit Analysis Guidelines* under clause 5.16A.2(d)".

### **[6] Clause 5.16A.5    Actionable ISP project trigger event**

In clause 5.16A.5(b), omit "obtain" and substitute "request".

### **[7] Clause 5.16A.5    Actionable ISP project trigger event**

In clause 5.16A.5(b)(1), omit "specified in the most recent *Integrated System Plan*" and substitute "specified".

### **[8] Clause 5.16A.5    Actionable ISP project trigger event**

In clause 5.16A.5(b)(1), omit "referred to in the most recent" and substitute "referred to, in the most recent draft or final".

### **[9] Clause 5.16A.5    Actionable ISP project trigger event**

In clause 5.16A.5(b)(2), omit "as updated in accordance with clause 5.22.15 where applicable" and substitute "in the most recent draft or final *Integrated System Plan*".

## **[10] New clause 5.16A.6 Feedback loop timeframes**

After clause 5.16A.5, insert:

### **5.16A.6 Feedback loop timeframes**

- (a) *AEMO* must:
  - (1) consider any request made; and
  - (2) make a decision on whether or not to provide written confirmation,  
  
under clause 5.16A.5(b), within 40 *business days* from the later of the date it receives the request and the date it receives any additional information required under paragraph (b).
- (b) *AEMO* may by written notice request a *RIT-T proponent* to provide *AEMO* with any additional information *AEMO* considers reasonably necessary to make a decision on a request made by that *RIT-T proponent* under clause 5.16A.5(b) and the *RIT-T proponent* must comply with that notice.
- (c) If *AEMO* is satisfied that making a decision on whether or not to issue written confirmation under clause 5.16A.5(b) involves issues of sufficient complexity or difficulty that the time limit fixed in paragraph (a) should be extended, *AEMO* may extend that time limit by a further period of up to 60 business days, by providing written notice to the *RIT-T proponent* of that extension no later than 10 business days before the expiry of that time limit.
- (d) If:
  - (1) the *RIT-T proponent* has requested written confirmation from *AEMO* under clause 5.16A.5(b) and made an application to the *AER* under clause 6A.8.2(a); and
  - (2) *AEMO* has notified the *RIT-T proponent* of an extension under paragraph (c),  
  
the *RIT-T proponent* must notify the *AER* of that extension within 1 *business day* of receiving notice under paragraph (c).

### **[11] Clause 6A.8.2 Amendment of revenue determination for contingent project**

In clause 6A.8.2(e)(1B), omit "and".

### **[12] Clause 6A.8.2 Amendment of revenue determination for contingent project**

In clause 6A.8.2(e)(1C), after "(as applicable)" omit ", " and substitute "; and".

**[13] Clause 6A.8.2 Amendment of revenue determination for contingent project**

After clause 6A.8.2(e)(1C), insert:

- (1D) for an *actionable ISP project*, *AEMO* has provided the written confirmation requested under clause 5.16A.5(b),

**[14] Clause 6A.8.2 Amendment of revenue determination for contingent project**

After clause 6A.8.2(i), insert:

- (i1) If:
- (1) a *Transmission Network Service Provider* has made an application to the *AER* under paragraph (a);
  - (2) the *Transmission Network Service Provider* has requested written confirmation from *AEMO* under clause 5.16A.5(b); and
  - (3) *AEMO* extends the time limit under clause 5.16A.6(c),

the period of time for the *AER* to amend a *revenue determination* under subparagraph (e)(3) and paragraph (h), or if paragraph (n) applies, determining the total capital expenditure and the total incremental operating expenditure under subparagraph (e)(1)(v), is automatically extended by the further period notified by *AEMO* to the *Transmission Network Service Provider* under clause 5.16A.6(c).

## Schedule 2 Savings and Transitional Amendment to the National Electricity Rules

(Clause 4)

### [1] New rule 11.[XXX] Improving the workability of the feedback loop

In Chapter 11, in Part ZZZZZI, insert a new rule:

#### 11.[XXX] Rules consequential on the making of the National Electricity Amendment (Improving the workability of the feedback loop) Rule 2024

##### 11.[XXX].1 Definitions

For the purposes of this rule 11.[XXX]:

**Amending Rule** means the *National Electricity Amendment (Improving the workability of the feedback loop) Rule 2024*.

**commencement date** means [15 March 2024], being the commencement date of the Amending Rule.

##### 11.[XXX].2 Existing actionable ISP projects prior to the clause 5.16A.5 stage

- (a) This clause 11.[xxx].2 applies if, at the commencement date, for an existing *actionable ISP project* (or a stage of an *actionable ISP project* if the *actionable ISP project* is a staged project) the *RIT-T proponent* has requested written confirmation from *AEMO* under clause 5.16A.5(b).
- (b) For an existing *actionable ISP project* (or a stage of an *actionable ISP project* if the *actionable ISP project* is a staged project) referred to in paragraph (a), rule 5.16A continues to apply as if the Amending Rule had not been made.

##### 11.[XXX].3 Cost Benefit Analysis Guidelines

- (a) By [15 March 2025], the *AER* must update and *publish* on its website the *Cost Benefit Analysis Guidelines* required under clause 5.22.5 to comply with the requirements set out in clause 5.16A.2(c)(5), and in doing so must comply with the *Rules consultation procedures*.
- (b) If, prior to the commencement date, and for the purposes of updating the *Cost Benefit Analysis Guidelines* in anticipation of the Amending Rule, the *AER* undertook consultation or steps equivalent to that required in the *Rules consultation procedures*, then that consultation or steps undertaken is taken to satisfy the equivalent consultation or steps under the *Rules consultation procedures*.