

6 February 2009

By email: submissions@aemc.gov.au

And by post

Dr John Tamblyn
Chairman
Australian Energy Market Commission
PO Box A2449
Sydney South
NSW 1235

Your ref: ERC0062

Dear Sir

Subject: **Proposed National Electricity Amendment (Confidentiality Arrangements in Respect of Information Required for Power System Studies) Rule 2009**

This is a joint submission by REpower, Siemens, Suzlon and Vestas. We are all wind turbine manufacturers who are generally required by our clients, the Generators, to supply a significant part of the information required to be provided by a Generator pursuant to S5.2.4(b) of the NER. We appreciate the opportunity to comment on the proposed transitional arrangement with respect to the aforementioned Rule change proposal. We do, however, wish to raise a set of issues that directly affects the proposed transitional arrangement.

We generally support the draft Rule as proposed by the AEMC, however, in our view the proposed deadline of 29 May 2009 for the provision of a Releasable User Guide is too short. We believe that the date should be extended to the 29 November 2009, in recognition of the amount of work required to prepare suitable Releasable User Guides for our respective projects.

Following our review of the proposed transitional arrangement, we believe it would be pertinent to add certain clarifications regarding the contents of the Releasable User Guide and the associated source code and the treatment of information presently held by NEMMCO who are currently bound by the confidentiality clauses in the Rules.

Please refer to our detailed comments in Attachment 1 to this letter.

Further, our proposed changes to the text of the NER are provided in Attachment 2 to this letter.

Yours faithfully

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ATTACHMENT 1

1. Introduction

1.1 The National Electricity Objective is set out in section 7 of the National Electricity Law (NEL) [4]:

> 'The objective of this Law is to promote efficient investment in, and efficient operation and use of, electricity services for the long term interests of consumers of electricity with respect to:
>
> (a) price, quality, safety, reliability and security of supply of electricity; and
>
> (b) the reliability, safety and security of the national electricity system.'

1.2 We understand that in order to reach the first objective it is important that suitable conditions for competition are maintained in the NEM between the Registered Participants but also between the manufacturers of Generating Units. We also understand that to carry out their duties regarding the second objective, NEMMCO and the Network Service Providers (NSPs) need access to detailed information for the Generating Units connected to the power system.

1.3 We agree that the underlying objective behind the request for the Rule change and the rationale for the proposed draft Rule are in line with the before-mentioned first objective of the NEL:

> 'The purpose of the proposed Rule is to ensure NEMMCO may provide information to any Registered Participant to enable power system modelling to take place for the efficient planning and operation of the National Electricity Market (NEM)"[1], "while protecting commercially sensitive information' [3].

1.4 However, in reviewing reference [1] and the associated paragraphs in reference [2], it appears that the competition between at least one category of manufacturers of Generating Units (wind turbine manufacturers) may be affected and confidentiality in information lost as detailed below unless more precision is not provided regarding the definition of the Releasable User Guide and the associated source code.

1.5 In fact, two aspects must be taken into account with regard to the protection of the IP in the source code of a Generating System or Generating Unit (which is highly confidential proprietary information):

(a) the level of detail of the source code;

(b) the encryption of the source code.

2. Level of detail of the source code

2.1 Certain parties have provided to NEMMCO since 15 March 2007 very detailed source codes on the clear understanding that this information was confidential and could not be disclosed (because of clause 8.6.2 (m) of the NER).

2.2 Even after encryption of such source codes, the access to the encrypted versions enable a detailed investigation of the capabilities of the individual Generating Units and of the solutions applied to satisfy specific grid connection requirements.

2.3 Additionally, certain wind turbine manufacturers have related entities which are, or may be, operators of Generating Systems in the NEM and so be 'Registered Participants'. This means that they will potentially have direct access to the

Releasable User Guide and associated encrypted source code of the Generating Systems equipped with the Generator Units of their competitors.

2.4 Hence, if the Rule is changed in the manner proposed, there will be insufficient protection of the "commercially sensitive information" [3].

2.5 In order to avoid such a situation, we propose that Generators who connected one or more Generating Systems in the NEM before the commencement date of this Amending Rule of the Rules have the opportunity, as an option, to provide to NEMMCO an alternative source code of the model of the Generating System(s) in conjunction with the Releasable User Guide. An encrypted version of this alternative source code shall contain sufficient information to enable a Registered Participant to carry out power system studies for planning and operational purposes.

2.6 If NEMMCO considers it necessary, a benchmarking can occur between the original source code and the alternative source code to confirm that the results of power system studies are sufficiently close for planning and operational purposes.

2.7 If this option was to be taken up by a Generator, the Generator should deliver this alternative source code within the same timeframe as that determined for the Releasable User Guide of the Generating System.

2.8 Further, we propose that the option of delivering an alternative source code be retained for new connections to the NEM after this Amending Rule takes effect. This would permit wind turbine manufacturers to continue providing detailed models to NEMMCO and NSPs and yet keep their IP sufficiently protected with regard to Registered Participants.

2.9 Rejection of such a proposal could place pressure upon Generators to deliver less detailed modelling information to NEMMCO and NSPs, in order to adequately protect their IP. Such modelling information might hinder NEMMCO and the NSPs in fulfilling their obligations to ensure system security of the power system and hence would directly affect the second objective of the NEM.

3. Encryption of the source code.

3.1 It is clear under the rule change proposal [1] [2] that NEMMCO will only release to the Registered Participants, a source code in a secured form such as encrypted or compiled information.

3.2 In line with the principle behind the transitional rules with respect to the Releasable User Guide, we propose that Generators who connected a Generating Systems to the NEM before the commencement date of the Amending Rule have the option of providing to NEMMCO a releasable encrypted source code. This releasable encrypted source code could be based on the source code already held by NEMMCO or based on the alternative source code referred to above.

3.3 Further, we propose that when NEMMCO moves from one software platform to another, the Generators have the option of providing to NEMMCO, within a specified timeframe, an updated version of the releasable encrypted source code in the required software platform.

3.4 The above options would give comfort to the suppliers of Generating Units and to Generators about precisely what confidential information is being provided by NEMMCO to the Registered Participants along with the Releasable User Guide.

3.5 Finally, we propose that this option of delivering releasable encrypted source code (suitable for use with a NEMMCO software simulation product) be retained for Generators connecting to the NEM after the commencement date of the Amending Rule as this improves the transparency and ensures that Generators and suppliers of Generating Units are comfortable with which parts of their confidential information are released by NEMMCO in the NEM.

4. Contents of releaseable user guide

4.1 We consider that the definition of *releasable user guide* contained in clause 10 of the Draft Rule:

(a) includes requirements that may disclose information of a confidential and proprietary nature;

(b) specifies information that would not reasonably be required by a *Registered Participant* to carry out *power system* studies (including load flow and dynamic simulations) for planning and operational purposes;

(c) refers to information that is not specifically defined in the Rules (for example, 'model parameters', 'model parameters and their values');

(d) potentially also includes information that *Generators* and *Connection Applicants* are not currently required to provide under clause S5.2.4 or elsewhere.

4.2 To prepare the information required under Schedule 5.5 in accordance with the documents released by NEMMCO (Generating System Design Data Sheet, Generating System Setting Data Sheet and Generating System Model Guidelines) requires information normally contained in a functional block diagram to be disclosed.

4.3 In the Commission's Consideration and Reasoning regarding the definition of *releasable user guide*, the Commission concedes that a functional block diagram 'contains confidential design information' and therefore ' to maintain confidentiality of design information the Commission will not mandate the release of functional block diagrams in Releasable User Guides' (see Draft Determination section A.2.3.2, page 28).

4.4 We are concerned that requiring the inclusion in the *releasable user guide* of the information described in paragraph (v) of the definition of that term in the Draft Rule will have exactly the effect that the Commission accepted should be avoided. It is therefore submitted that this paragraph should be deleted.

4.5 Those parts of the definition of *releasable user guide* in the Draft Rule that are of concern are paragraphs (i), (ii) and, as mentioned, (v).

5. Conclusion

5.1 Our proposed amendments to the NER are set out in Attachment 2.

Vestas – Australian Wind Technology Pty Ltd **Siemens Ltd**

Suzlon Energy Australia Pty. Ltd **REpower Australia Pty Ltd**

6 February 2009

References:

[1] Proposed National Electricity Amendment (Confidentiality Arrangements in Respect of Information Required for Power System Studies) Rule 2009, Request for Submissions on a Specific Issue, Explanatory Note, 22 January 2009, AEMC

[2] Draft Rule Determination, National Electricity Amendment (Confidentiality Arrangements in Respect of Information Required for Power System Studies) Rule 2008, 25 September 2008, AEMC

[3] Request for a Rule change to modify the confidentiality arrangements in respect of information required for power system studies, 8 April 2008, NGF

[4] National Electricity Law

ATTACHMENT 2

Proposed amendments to the NER

The mark up is made against version 24 of the Rules, save in relation to the definition of 'releasable user guide' which is marked up against the Draft Rule. Our proposed amendments are highlighted yellow in order to identify them.

3.13.3 Standing data

...

(k) A *Registered Participant* may request from *NEMMCO*:

(1) *registered bid and offer data*;

(2) information that is reasonably required by the *Registered Participant* to carry out *power system* studies (including load flow and dynamic simulations) for planning and operational purposes; and

(3) operation and maintenance procedures and practices for transmission network or distribution network operation, developed for the purposes of schedule 5.1 sufficient to enable the Registered Participant to carry out power system modelling under normal, outage and emergency conditions.

(k1) If *NEMMCO* is required, under paragraph (l), to provide a *releasable user guide* that *NEMMCO* received under clause S5.2.4(b)(8), *NEMMCO* must provide the *releasable user guide* to the *Registered Participant* in an unaltered form.

(k2) If *NEMMCO* is required, under paragraph (l), to provide a form of the source code that *NEMMCO* received under clause S5.2.4 or from any other source, *NEMMCO* must provide:

(1) in the case of a Registered Participant who is not a *Transmission Network Service Provider* the encrypted source code provided pursuant to S5.2.4(b3); or
(2) in the case of a *Transmission Network Service Provider* or if source code has not been provided pursuant to S5.2.4(b3), then the encrypted source code provided pursuant to S5.2.4(b2); or
(3) if source code has not been provided pursuant to S5.2.4(b2) then at *NEMMCO's* discretion:

(i) compiled information (such as, for example, compiled Fortran code in object code or dynamic link library (DLL) form);
(ii) encrypted information; or
(iii) a secured format agreed by the provider of the source code,

unless *NEMMCO* obtains the written consent of the person who provided the information to *NEMMCO* to provide it in another form.

in a form that can be interpreted by a software simulation product nominated by *NEMMCO*

(k3) If *NEMMCO* is required, under paragraph (l), to provide information requested under subparagraph (k2), *NEMMCO* may provide:

(1) historical information relating to the operating conditions of the *power system*;
(2) information and data provided to *NEMMCO* under subparagraphs (f)(1) and (f)(3) and information of the same type provided under paragraph (g);
(3) *network* dynamic model parameter values obtained under subparagraph (f)(2) and paragraph (g);

Deleted: *Subject to the requirements relating to disclosure of information under clause¶ 5.3.8(a), a*

Deleted: (2) information that is reasonably required by the Registered Participant to¶ carry out power system studies (including load flow and dynamic¶ simulations) for planning and operational purposes including:¶ (i) historical information relating to the operating conditions of the¶ power system that is not confidential information;¶ (ii) information and data provided to NEMMCO under paragraphs¶ (f)(1), (f)(3) and (g); and¶ (iii) details of the shared transmission and distribution network¶ impedance data and other technical data as listed in schedules 5.5.3¶ and 5.5.4; and¶

(4) model parameter values and load flow data derived from a *releasable user guide*;
(5) a *network* model of the *national grid*, suitable for load flow and fault studies; and
(6) other technical data as listed in clauses S5.5.3 and S5.5.4.

(l) Subject to paragraphs (k1), (k2), (k3) and (l1), where *NEMMCO* holds information requested under paragraph (k), *NEMMCO* must provide the requested information to the *Registered Participant* as soon as practicable and *NEMMCO* may charge a fee to recover all reasonable costs incurred in providing this service.

(l1) Where *NEMMCO* is required to provide information under paragraph (l), this must not include information relating to *plant* that is the subject of an *application to connect* or a *connection agreement*, until the later of:

(1) the date when the relevant *connection agreement* is executed; and
(2) three months before the proposed start of commissioning of that *plant*.

(l2) Where a *Transmission Network Service Provider* is responsible for provision of *network* limit advice relating to *power system* stability limits to *NEMMCO* under clause S5.1.2.3, *NEMMCO* must, on request from that *Transmission Network Service Provider*, provide all *power system* and *generating system* model information that is reasonably required for planning and operational purposes, where *NEMMCO* holds that information, including:

(1) functional block diagram information, including information provided to *NEMMCO* under clause S5.2.4(b)(5);
(2) *generating unit*, *generating system* and *power system* static and dynamic model information, including model parameters and parameter values; and
(3) information provided to *NEMMCO* in accordance with clause S5.2.4(a).

(l3) Where *NEMMCO* is required to provide information to a *Transmission Network Service Provider* under paragraph (l2), this must not include:

(1) source code information provided to *NEMMCO* under clause S5.2.4(b)(6) or S5.2.4(b1), except as allowed under paragraph (k2); and
(2) information relating to *plant* that is the subject of an *application to connect* until after the execution of the relevant *connection agreement*.

(l4) A *Transmission Network Service Provider* in receipt of information provided under paragraph (l2) must treat any information relevant to any *network* other than the *network* for which it is the relevant *Network Service Provider* as *confidential information*.

(m) Where special approvals or exemptions have been granted by *NEMMCO*, including approval to aggregate *generating units*, *market network services*, *loads* for *central dispatch*, or exemptions from *central dispatch*, details of such special arrangements must be *published* by *NEMMCO*.

(n) *NEMMCO* must determine and *publish intra-regional loss factors* in accordance with clause 3.6.2 by 1 April each year and whenever changes occur.

(o) *Network Service Providers* must advise *NEMMCO* of their *distribution loss factors*, duly authorised by the *AER*, and *NEMMCO* must *publish* such *distribution loss factors* in accordance with clause 3.6.3(i).

(p) *NEMMCO* must *publish* on a quarterly basis details of:
(1) *interconnector* transfer capability; and
(2) the discrepancy between *interconnector* transfer capability and the capacity of the relevant *interconnector* in the absence of *outages* on the relevant *interconnector* only,
for each day of the preceding quarter for all *interconnectors*.

Deleted: (l) Where NEMMCO holds information requested under paragraph (k), it must be provided to the Registered Participant as soon as practicable.¶

(p1) *NEMMCO* must establish, maintain and *publish* a register listing the instances in which it has provided information under paragraph (l) and the name of the person to whom the information was provided.

S5.2.4 Provision of information

(a) A *Generator* or person who is negotiating a *connection agreement* with a *Network Service Provider* must promptly on request by *NEMMCO* or the *Network Service Provider* provide all data in relation to that *generating system* specified in schedule 5.5.

(b) A *Generator*, or person required under the *Rules* to register as the *Generator* in respect of a *generating system* comprised of *generating units* with a combined *nameplate rating* of 30 MW or more, by the earlier of:

(1) the day on which an *application to connect* is made under clause 5.3.4(a);

(2) the day on which amendments to *performance standards* are submitted under rule 4.14(p) or clause 5.3.9(b);

(3) three months before commissioning of a *generating system* or planned alteration to a *generating system*; or

(4) 5 *business days* before commissioning of a *generating system* alteration that is repairing *plant* after a *plant* failure, if *plant* performance after the alteration will differ from performance prior to the *plant* failure,

must provide:

(5) to *NEMMCO* and the relevant *Network Service Providers* (including the relevant *Transmission Network Service Provider* in respect of an *embedded generating unit*) the following information about the *control systems* of the *generating system*:

(i) a set of functional block diagrams, including all functions between feedback signals and *generating system* output;

(ii) the parameters of each functional block, including all settings, gains, time constants, delays, deadbands and limits; and

(iii) the characteristics of non-linear elements, with sufficient detail for *NEMMCO* and *Network Service Providers* to perform load flow and dynamic simulation studies;

(6) to *NEMMCO*, model source code associated with the model in subparagraph (5) in an unencrypted form suitable for at least one of the software simulation products nominated by *NEMMCO* and in a form that would allow conversion for use with other software simulation products by *NEMMCO*;

Deleted: and

(7) a *Generator* is only required to provide new information under this clause S5.2.4(b) to the extent that it is different to the information originally provided and necessary to support a change in a *performance standard*; and

Deleted: .

(8) to *NEMMCO* and the relevant *Network Service Providers* (including the relevant *Transmission Network Service Provider* in respect of an *embedded generating unit*) a *releasable user guide* in relation to the model in paragraph (b1) or where no such model is provided to the model in subparagraphs (5) and (6).

(b1) A Generator or person providing information under paragraph (b) may, in addition to the information provided under paragraph (b) provide to *NEMMCO* alternative model source code which contains sufficient information to enable a Registered Participant to carry out power system studies (including load flow and dynamic simulations) for planning and operational purposes in an unencrypted form suitable for at least one of the software simulation products

nominated by *NEMMCO* and in a form that would allow conversion for use with other software simulation products by *NEMMCO*.

(b2) A Generator or person providing information under paragraph (b) may, in addition to the information provided under paragraph (b) provide to *NEMMCO*, model source code associated with the model in subparagraph (5) in an encrypted form suitable for at least one of the software simulation products nominated by *NEMMCO*.

(b3) A Generator or person providing information under paragraph (b1) may, in addition to the information provided under paragraph (b1) provide to *NEMMCO*, model source code associated with the model in subparagraph (b1) in an encrypted form suitable for at least one of the software simulation products nominated by *NEMMCO*.

(c) The information provided under paragraph (b) must:

(1) encompass all *control systems* that respond to *voltage* or *frequency* disturbances on the *power system*, and which are either integral to the *generating units* or otherwise part of the *generating system*, including those applying to *reactive power* equipment that forms part of the *generating system;* and

(2) conform with the applicable models developed in accordance with the *Generating System Model Guidelines*, or an alternative model agreed with *NEMMCO* to be necessary to adequately represent the *generating plant* to carry out load flow and dynamic simulations.

(d) The *Generator* must update the information provided under paragraph (b):

(1) within 3 months after commissioning tests or other tests undertaken in accordance with clause 5.7.3 are completed;
(2) when the *Generator* becomes aware that the information is incomplete, inaccurate or out of date; or
(3) on request by *NEMMCO* or the relevant *Network Service Provider*, where *NEMMCO* or the relevant *Network Service Provider* considers that the information in incomplete, inaccurate or out of date

(d1) The *Generator* may update the information provided under paragraphs (b), (b1), (b2) or (b3) where requested to do so by NEMMCO by reason of NEMMCO updating its software.

(e) For the purposes of clause S5.2.4(e1), a *Connection Applicant* must be registered as an *Intending Participant* in accordance with rule 2.7.

(e1) For the purposes of clause 5.3.2(f), the technical information that a *Network Service Provider* must if requested provide to a *Connection Applicant* in respect of a proposed *connection* for a *generating system* includes:

(1) the highest expected single phase and three phase fault levels at the *connection point* with the *generating system* not *connected*;

(2) the clearing times of the existing *protection systems* that would clear a fault at the location at which the new *connection* would be *connected* into the existing *transmission system* or *distribution system*;

(3) the expected limits of *voltage* fluctuation, harmonic *voltage* distortion and *voltage* unbalance at the *connection point* with the *generating system* not *connected*;

(4) technical information relevant to the *connection point* with the *generating system* not *synchronised* including equivalent source impedance information, sufficient to

Deleted: (d) The *Generator* must update the information provided under paragraph (b) within 3 months after commissioning tests or other tests undertaken in accordance with clause 5.7.3 are completed.¶

Deleted: (e) For the purposes of clause 5.3.2(f), the technical information that a *Network Service Provider* must if requested provide to a *Connection Applicant* in respect of a proposed *connection* for a *generating system* includes:¶
¶
(1) the highest expected single phase and three phase fault levels at the *connection point* with the *generating system* not *connected*;¶
¶
(2) the clearing times of the existing *protection systems* that would clear a fault at the location at which the new *connection* would be *connected* into the existing *transmission system* or *distribution system*;¶
¶
(3) the expected limits of *voltage* fluctuation, harmonic *voltage* distortion and *voltage* unbalance at the *connection point* with the *generating system* not *connected*;¶
¶
(4) technical information relevant to the *connection point* with the *generating system* not *synchronised* including equivalent source impedance information, sufficient to estimate fault levels, *voltage* fluctuations, harmonic *voltage* distortion (for harmonics relevant to the *generating system*) and *voltage* unbalance; and¶
¶
(5) information relating to the performance of the *national grid* that is reasonably necessary for the *Connection Applicant* to prepare an application to *connect*, including:¶
(i) a model of the *power system*, including relevant *considered projects* and the range of expected operating conditions, sufficient to carry out load flow and dynamic simulations; and¶
(ii) information on *inter-regional* and *intra-regional power transfer capabilities* and relevant *plant* ratings.¶
¶
(f) All information provided under this clause S5.2.4 is *confidential information*.

estimate fault levels, *voltage* fluctuations, harmonic *voltage* distortion (for harmonics relevant to the *generating system*) and *voltage* unbalance; and

(5) information relating to the performance of the *national grid* that is reasonably necessary for the *Connection Applicant* to prepare an application to *connect*, including:

(i) a model of the *power system*, including relevant *considered projects* and the range of expected operating conditions, sufficient to carry out load flow and dynamic simulations; and

(ii) information on *inter-regional* and *intra-regional power transfer capabilities* and relevant *plant* ratings.

(f) Subject to clauses 3.13.3(k2), (k3) and (l2), all information provided under this clause S5.2.4 is *confidential information*.

New Definition - releasable user guide

A document associated with a functional block diagram and source code provided under clause S5.2.4(b) (combined, forming the "**model**") that contains sufficient information to enable a *Registered Participant* to use encrypted source code provided under clause 3.13.3(l) to carry out *power system* studies for planning and operational purposes. The information in a *releasable user guide* must contain

(i) the parameters required (if any) to set up the *generating system* models for power system studies;

(ii) information about how the parameters (if any) can be modified for different operating states or output levels of the *plant*;

(iii) instructions relevant to the use and operation of the encrypted source code provided under clause 3.13.3(l);

(iv) settings of *protection systems* that are relevant to load flow or dynamic simulation studies;

(vi) *connection point* details including parameters and values, location, *network augmentations* or modifications and other relevant *connection* information; and

(vii) if the *generating unit* or *generating system*, as appropriate, is not yet *connected*, the expected *connection* and commissioning dates.

Drafting note: If the Commission determines that paragraphs (i) and/or (ii) of the original draft of the definition of *releasable user guide* should be retained
Then we request that these paragraphs be amended to make it clear that the model parameters and model parameter values relate only to the generating system itself (e.g. substation transformers etc) and not to individual generating units..

We consider that whilst *Connection Applicants, Registered Participants* and *Intending Participants* may have a legitimate interest in the model parameters and values at the *generating system* level (that is, in the performance of a wind farm at the point of *connection*), such participants would have no legitimate interest in the inner workings of the plant of another existing *Generator*.

11.25 Transitional provision for information

(a) For the purposes of rule 11.25:

Amending Rule means the National Electricity Amendment (Confidentiality Arrangements in Respect of Information Required for Power System Studies) Rule 2009.

Deleted: include, but is not limited to:

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Deleted: or with the operating state or output level of any associated *plant*

Deleted: or

Deleted: (v) information provided in accordance with Schedule 5.5 that is not a part of the model or the model parameters which are required to allow modelling of the *generating unit generating system* or related *plant* in *power system* load flow or dynamic simulation studies¶

Commencement date of the Amending Rule means the date of commencement of the National Electricity Amendment (Confidentiality Arrangements in Respect of Information Required for Power System Studies) Rule 2009.

(b) Unless the relevant *Generator*, being the provider identified in clause 3.13.3(l2), provides its written consent to *NEMMCO* for *NEMMCO* to use information that *NEMMCO* holds at the commencement date of the Amending Rule of a type required in a *releasable user guide* for the purposes of clause 3.13.3(l), then a *Generator* must provide *NEMMCO* with a *releasable user guide* for each of its *generating systems* by 29 November 2009.

(c) *Releasable user guide* information provided to *NEMMCO* under rule 11.25(b) is deemed to be *releasable user guide* information provided under clause S5.2.4(b)(8).

(d) Where the relevant *Generator* being the provider identified in clause 3.13.3(l2), notifies NEMMCO in writing by [1 April 2009] that it does not consent to *NEMMCO* to using the source code (which it provided) that *NEMMCO* holds at the commencement date of the Amending Rule then *NEMMCO* shall not provide any form of source code under clause 3.13.3(l) which it held prior to the commencement date of the Amending Rule to which the written notification relates other than in accordance with paragraph (e). This paragraph (d) prevails over clause 3.13.3(l).

(e) A *Generator* must provide *NEMMCO* with source code under S5.2.4(b2) for each of its *generating systems* or part of a *generating system* for which it has given written notification under paragraph (d) by 29 November 2009 otherwise for each *generating system* or part of a *generating system* for which such source code has not been provided NEMMCO may provide source code in accordance with clause 3.13.3(k2).