

20 February 2020

Mr Alex Oeser
AEMC,
PO Box A2449
Sydney South NSW 1235

Dear Mr Oeser,

Regulatory Sandboxes- Draft Rules for Consultation

Evoenergy would like to thank you for the request for comments on the draft rules proposed to implement the regulatory sandboxes. Please see attached table that provides some brief comments on the drafting for a number of clauses.

Rule	Clause	Comment
NER Chapter 8	8.13 (a) (3) 8.14 (2) 8.14 (3) 8.14 (5)	AER's monitoring activity should be focused on the applicant's compliance with the rules and any conditions imposed. The AER should not be overlooking or monitoring the conduct of the trial in general. There is not a need for the guideline to include any other matter the AER considers appropriate in relation to the grant of trial waivers and monitoring trial projects.
	8.15.1	Applicants could be more than one entity making the application, such as a group. Does the applicant need to demonstrate financial and operational credibility?
		During the trial the default is that customers continue to pay the charges agreed with their retailer unless otherwise negotiated with retailer. Retailers still pay network charges.
		Affected parties, e.g. network utilities, relevant customers, retailers should be informed of any trial.
	8.15.3 (a) after (2)	Add "is considered by the application to have a minor impact and the applicant conducts consultation with affected registered participants."
	8.16 (13)	A trial may not need to revert to pre-trial conditions if an outcome is negotiated with customer.

Rule	Clause	Comment
	8.17.3	<p>It could be difficult for the trial if customers opt-out of the trial. Applicants can ask customers to agree to stay in the trial until it is completed. Customers should be able to opt in.</p> <p>AER early termination may jeopardise a trial. The AER must discuss with the applicant and see if issues can be modified or resolved.</p>
NERR Part 13	177 (1) after (b)	Add “is considered by the application to have a minor impact and the applicant conducts consultation with affected registered participants.”
	177 (2)	The AER “may” not “must” carry out public consultation in relation to a proposed trial waiver for which AEMO is the applicant.
	184	As above for 8.17.3.
	181(1)(m)	As above for 8.16 (13).
NGR Part 15E	135MB (1) after (b)	Add “is considered by the application to have a minor impact and the applicant conducts consultation with affected registered participants.”
	135MB (3)	The AER “may” not “must” carry out public consultation in relation to a proposed trial waiver for which AEMO is the applicant.
All		AER to maintain a register of trial rules and trial waivers on their website.
		AER to approve or reject trial waiver application within four calendar weeks unless public consultation required then eight calendar weeks
		AEMC to approve or reject trial rule application within four calendar weeks unless public consultation required then eight calendar weeks

If you wish to discuss any aspect of this letter, please contact Patricia Cameron on 02 6248 3812 or patricia.cameron@actewagl.com.au

Yours sincerely

Leylann Hinch
Group Manager Strategy and Operations
Evoenergy