



National Electricity Amendment (Transparency of new projects) Rule 2019 No. 8

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 Electricity - National Scheme (Tasmania) Act 1999 of Tasmania;
- (e) the National Electricity (New South Wales) Act 1997 of New South Wales;
- (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.

The Australian Energy Market Commission makes the following Rule under the National Electricity Law.

John Pierce
Chairman
Australian Energy Market Commission

National Electricity Amendment (Transparency of new projects) Rule 2019 No. 8

1 Title of Rule

This Rule is the *National Electricity Amendment (Transparency of new projects) Rule 2019 No. 8*.

2 Commencement

Schedule 4 of this Rule commences operation on 7 November 2019.

Schedules 2 and 3 of this Rule commence operation on 1 December 2019, immediately after commencement of Schedules 1 to 3 of the *National Electricity Amendment (Register of distributed energy resources) Rule 2018 No. 9*.

Schedule 1 of this Rule commences operation on 19 December 2019.

3 Amendment to the National Electricity Rules

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

4 Amendment to the National Electricity Rules

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

5 Amendment to the National Electricity Rules

The National Electricity Rules are amended as set out in Schedule 3.

6 Savings and Transitional Amendment to the National Electricity Rules

The National Electricity Rules are amended as set out in Schedule 4.

Schedule 1 Amendment to the National Electricity Rules

(Clause 3)

[1] Rule 2.7 Intention to Commence Activities or Functions

Omit clause 2.7(b) and substitute:

- (b) *AEMO*:
- (1) may from time to time require a person registered by *AEMO* as an *Intending Participant* to satisfy *AEMO* that it continues to meet the criteria for registration in clause 2.7(a) (the **registration criteria**); and
 - (2) must, no less than annually and by no later than 1 October of the relevant year, conduct a review of the registration status of *Intending Participants* to determine if they continue to meet the registration criteria.
- (b1) If an *Intending Participant* is unable to satisfy *AEMO* that it continues to meet the registration criteria then it will cease to be registered as an *Intending Participant* on the date specified by *AEMO* by written notice to the *Intending Participant* concerned.

[2] Clause 3.13.3 Standing data

After clause 3.13.3(k)(3), insert:

Note

In accordance with clause 3.13.3AA, *project developers* may request from *AEMO* the information set out in clauses 3.13.3(k)(1)-(3) and must treat such information as *confidential information* under clause 3.13.3(l).

[3] Clause 3.13.3 Standing data

After clause 3.13.3(l)(3), insert:

- (4) Any information provided by *AEMO* under this clause 3.13.3(l) to a person who is a *project developer* must be treated by that person as *confidential information* even where that person ceases to be a *project developer*.

[4] Clause 3.13.3 Standing data

Omit clause 3.13.3(p1)(1) and substitute:

- (1) the *Registered Participant* to whom any information is provided under clause 3.13.3(l), including whether the *Registered Participant* is a *project developer*; and

[5] New clause 3.13.3AA Standing data: Project developers

After clause 3.13.3, insert:

3.13.3AA Standing data: Project developers

- (a) For the purposes of clauses 3.13.3(k), (k1), (l), (11) and (p1) only, *project developers* are deemed to be *Registered Participants*.
- (b) A person may apply to *AEMO* to be a *project developer* for the purposes of paragraph (a) if that person:
 - (1) is not otherwise a *Registered Participant*; and
 - (2) intends to develop *plant* to be *connected* to the *transmission or distribution system* in respect of which another person (other than an *intermediary*) must or may be registered as a *Registered Participant*.
- (c) *AEMO* may:
 - (1) grant an application under paragraph (b) if *AEMO* is reasonably satisfied by the evidence provided in that application that the person intends to develop *plant* of the kind described in paragraph (b)(2); and
 - (2) subsequently revoke a grant made under paragraph (c)(1) if *AEMO* ceases to be reasonably satisfied that the person intends to develop *plant* of the kind described in paragraph (b)(2).

[6] Clause 8.6.1A Application

In clause 8.6.1A, omit the words "and *Third Party B2B Participants*" and substitute ", *Third Party B2B Participants* and *project developers*".

[7] Chapter 10 New definition

In Chapter 10, insert the following definition in alphabetical order:

project developer

A person whose application to *AEMO* under clause 3.13.3AA(b) has been granted pursuant to clause 3.13.3AA(c)(1) and not subsequently revoked pursuant to clause 3.13.3AA(c)(2).

[8] Chapter 10 Amended definition

In the definition of "*Registered Participant*" in Chapter 10, omit paragraphs (d) to (f) and substitute:

- (d) as set out in clause 3.13.3AA, for the purposes of some provisions of clause 3.13.3 only, *project developers* are also deemed to be *Registered Participants*;

- (e) as set out in clause 8.2.1(a1) and 8.2A.2(b), for the purposes of some provisions of rule 8.2 only, *AEMO, Connection Applicants, Metering Providers, Metering Data Providers, Third Party B2B Participants* and *B2B Change Parties* who are not otherwise *Registered Participants* are also deemed to be *Registered Participants*;
- (f) as set out in clause 8.6.1A, for the purposes of Part C of Chapter 8 only, *Metering Providers, Metering Data Providers, Third Party B2B Participants* and *project developers* who are not otherwise *Registered Participants* are also deemed to be *Registered Participants*; and
- (g) as set out in clause 4.8.12(a3), for the purposes of Part C of Chapter 8 only, *Jurisdictional System Security Coordinators* are also deemed to be *Registered Participants*.

Schedule 2 Amendment to the National Electricity Rules

(Clause 4)

[1] New Rule 3.7F Generation information page

After rule 3.7E, insert:

3.7F Generation information page

- (a) *AEMO* must establish, maintain and publish on its website an information resource to inform *Registered Participants* and other interested persons of the extent and nature of *generating plant connected*, or proposed to be *connected*, to the *national grid*.

Content of generation information page

- (b) The *generation information page* must contain at least the following information:
- (1) a list of all *scheduled generating units*, *semi-scheduled generating units* and *non-scheduled generating units*, including information on their respective capabilities and whether the *generating units* are in service;
 - (2) a list of *generating units* for which formal commitments have (and have not) been made for construction or installation, to the extent it is reasonably practicable to do so;
 - (3) *key connection information* received by *AEMO* pursuant to paragraph (g); and
 - (4) in respect of *key connection information* received by *AEMO* pursuant to paragraph (g):
 - (i) the name of the *Transmission Network Service Provider* from whom *AEMO* received that *key connection information*; and
 - (ii) a statement as to whether the *Transmission Network Service Provider* received the *key connection information* in a valid *connection* enquiry under rule 5.3, a valid *application to connect* under rule 5.3, or under clause 5.3.8(d1) or 5.3.8(e).
- (c) For the avoidance of doubt and without limiting *AEMO's* obligations under rule 8.6, *AEMO* may include information on the *generation information page* in addition to the information set out in paragraph (b) including, without limitation, *key connection information* that is received by *AEMO* other than *key connection information* received pursuant to paragraph (g).

- (d) *AEMO* must update the information contained on the *generation information page* no less than quarterly.

Generation information guidelines

- (e) *AEMO* must develop, publish on its website and maintain, in accordance with the *Rules consultation procedures*, guidelines in relation to the *generation information page*, which must include:
- (1) the type of information set out in paragraphs (b) and (c) to be included on the *generation information page* and the source of that information;
 - (2) the intervals for updating the *generation information page*;
 - (3) the manner, timing, and format in which *key connection information* is to be provided by *Transmission Network Service Providers* to *AEMO* under paragraph (g); and
 - (4) guidance as to the evidence that is required to be submitted to *AEMO* for the purposes of clause 3.13.3AA(c).
- (f) *AEMO* may make minor or administrative amendments to the *generation information guidelines* without complying with the *Rules consultation procedures*.

Provision of key connection information

- (g) A *Transmission Network Service Provider* must provide *key connection information* received:
- (1) in a valid *connection* enquiry under rule 5.3;
 - (2) in a valid *application to connect* under rule 5.3; and
 - (3) under clause 5.3.8(d1) or 5.3.8(e),
- to *AEMO* in accordance with the *generation information guidelines*.

[2] Clause 5.3.8 Provision and use of information

Omit clause 5.3.8(a)(2) and substitute:

- (2) not be disclosed or made available by the recipient to a third party except as set out in rule 3.7F, clause 3.13.3, this clause 5.3.8 or in accordance with rule 8.6.

[3] Clause 5.3.8 Provision and use of information

After clause 5.3.8(d), insert:

- (d1) If a *Connection Applicant* becomes aware of any material change to information contained in or relevant to a *connection* enquiry under rule 5.3 following receipt of the response from the *Network Service*

Provider under clause 5.3.3, that *Connection Applicant* must promptly notify the *Network Service Provider* of that change.

[4] Schedule 5.4 Information to be Provided with Preliminary Enquiry

Omit paragraph (i) and substitute:

- (i) Name, ABN, ACN and address of enquirer, and, if relevant, of the party for whom the enquirer is acting.

Schedule 3 Amendment to the National Electricity Rules

(Clause 5)

[1] Chapter 10 New definitions

In Chapter 10, insert the following definitions in alphabetical order:

generation information page

The information resource established, maintained and published by *AEMO* under rule 3.7F.

generation information guidelines

The guidelines developed, published and maintained by *AEMO* under clause 3.7F(e), or the interim generation information guidelines made and published by *AEMO* under clause 11.117.3(b), as applicable.

key connection information

The following information in respect of a proposed *connection*, or modification of an existing *connection*, of *generating plant* to the *national grid*:

- (a) name, ABN and ACN of the proponent of the *connection*;
- (b) type of *plant* in respect of each relevant *generating unit* (e.g. gas turbine *generating unit*);
- (c) site location or preferred site location;
- (d) maximum power *generation* of whole *plant*;
- (e) forecast completion date of the proposed *connection*; and
- (f) technology of each relevant *generating unit* (e.g. *synchronous generating unit*, induction generator, photovoltaic array, etc).

Schedule 4 Savings and Transitional Amendment to the National Electricity Rules

(Clause 6)

[1] New Part ZZZS Transparency of new projects

After Part ZZZR, insert:

Part ZZZS Transparency of new projects

11.117 Rules consequential on the making of the National Electricity Amendment (Transparency of new projects) Rule 2019

11.117.1 Definitions

(a) For the purposes of this rule 11.117:

early connection information means key connection information received by a *Transmission Network Service Provider* between 7 November 2019 and 19 December 2019:

- (1) in a *connection* enquiry under rule 5.3;
- (2) in an *application to connect* under rule 5.3; or
- (3) under new clause 5.3.8(d1) or clause 5.3.8(e).

key connection information means *key connection information* as defined under Chapter 10 of the *Rules* as in force immediately after commencement of Schedules 2 and 3 of the *National Electricity Amendment (Transparency of new projects) Rule 2019*.

(b) For the purposes of this rule 11.117, a reference to a new clause is a reference to that clause as it is either set to commence or has commenced pursuant to the *National Electricity Amendment (Transparency of new projects) Rule 2019*.

11.117.2 Generation information page

AEMO is not required to comply with new clause 3.7F(a) until 31 January 2020.

11.117.3 Generation information guidelines

(a) The first generation information guidelines developed by *AEMO* under new clause 3.7F(e) must be published by *AEMO* by 31 July 2020.

- (b) *AEMO* must make and publish interim generation information guidelines by 5 December 2019 to apply until the guidelines described in paragraph (a) are made and published under new clause 3.7F(e).
- (c) *AEMO* is not required to comply with the *Rules consultation procedures* when making the interim generation information guidelines under paragraph (b).
- (d) The interim generation information guidelines made under paragraph (b):
 - (1) must not require the provision to *AEMO* of *key connection information* received by a *Transmission Network Service Provider* prior to 7 November 2019;
 - (2) may only require *Transmission Network Service Providers* to provide *early connection information* to *AEMO* to the extent that the relevant *Connection Applicant* that disclosed the information to the *Transmission Network Service Provider* consents to its disclosure to *AEMO*; and
 - (3) must include those matters referred to in new clause 3.7F(e) but without limitation to any other matters *AEMO* considers appropriate.
- (e) *Transmission Network Service Providers* are not required to comply with the interim generation information guidelines made under paragraph (b) until 19 December 2019.

11.117.4 Provision and use of information

Transmission Network Service Providers are not required to comply with new clause 3.7F(g) until 19 December 2019.

[END OF RULE AS MADE]
