

15th December 2018

Mr John Pierce AO
Chairman
Australian Energy Market Commission
PO Box A2449
SYDNEY SOUTH NSW 1235

Submitted via e-mail

Dear Mr Pierce

Transparency of New Projects Rule Change Request

The Australian Energy Council ("**Energy Council**") is pleased to submit this rule change request to the Australian Energy Market Commission ("**AEMC**").

The Energy Council is the industry body representing 23 electricity and downstream natural gas businesses operating in the competitive wholesale and retail energy markets. These businesses collectively generate the overwhelming majority of electricity in Australia, sell gas and electricity to over ten million homes and businesses, and are major investors in renewable energy generation.

The proper operation of the National Electricity Market ("**NEM**") requires that:

- Intending Participants and Registered Participants (as those terms are defined in the National Electricity Rules ("**NER**")) provide a wide range of information to the Australian Energy Market Operator ("**AEMO**"); and
- AEMO publish a wide range of information to the market.

A number of parties, including Registered Participants, Intending Participants, and other interested third parties rely on the veracity of information published by AEMO in order to make a wide range of critical business decisions, including investment, bidding, hedging and operational decisions. The AEMC and the Australian Energy Regulator ("**AER**") rely on this information in order to make regulatory decisions or draft various reports (e.g. the AER's *State of the Energy Market Report*). Each of these parties also rely on an assumption that any inputs into AEMO's forecasts are complete, accurate and based on the most recently available data.

The Energy Council has identified a number of gaps in the National Electricity Rules relating to the provision of information to AEMO, and the use and disclosure of information by AEMO (particularly in relation to new projects). The Energy Council considers that these gaps diminish transparency in the NEM and the quality of information published to the market. The benefits of information transparency cannot be overstated in a competitive spot market such as the NEM.

Accordingly, this rule change request is designed to increase the transparency of new projects in the NEM. It could be considered a complementary measure to the three year generator notice of closure rule change which aimed to increase transparency at the other end of the generator life cycle.

It is acknowledged that there may be other approaches to increase the transparency of new projects and that this proposal is just one approach the AEMC could consider.

Any questions about this proposed rule change should be addressed to Duncan MacKinnon (Wholesale Policy Manager), by e-mail to Duncan.MacKinnon@energycouncil.com.au or by telephone on (03) 9205 3103.

Yours sincerely,



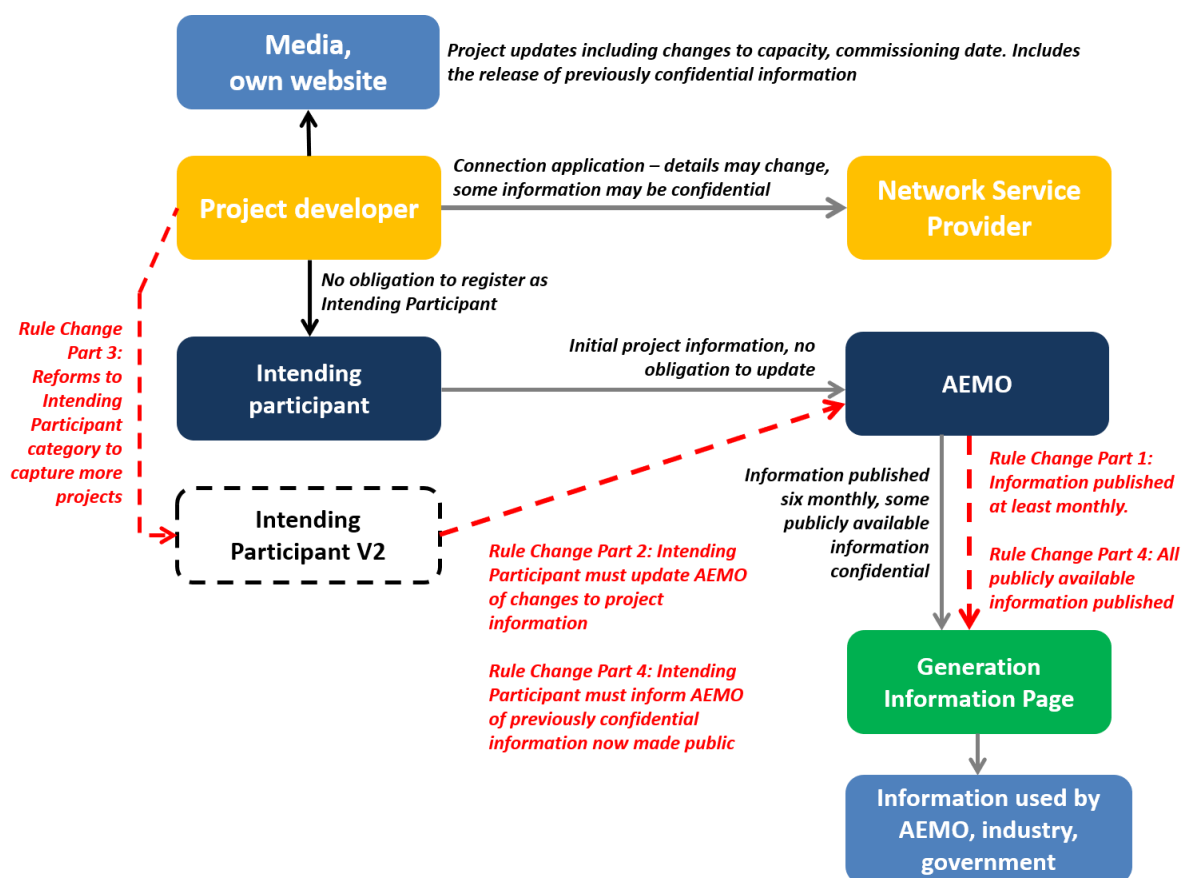
Sarah McNamara
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Overview

The Energy Council proposes a series of amendments to the NER (to be made in a single amending rule). The proposals are summarised below.



Part 1 – Codify AEMO’s generation information page in the NER

The Energy Council proposes that the publication of AEMO’s generation information page¹ be codified in the NER. This would operate in a similar manner to clause 3.13.3(q) of the NER, which relates to the publication of the *Electricity Statement of Opportunities* (“ESOO”).

Under the proposed rule, the NER would require that the generation information page be published at least monthly. (Currently, AEMO’s website contains a commitment to publishing updates to the generation information pages every six months or otherwise as required.)

The updated information could be provided to AEMO by way of an online portal established by AEMO for that purpose.

Part 2 – Require Intending Participants to provide updated information to AEMO

The Energy Council proposes that any person who is registered as an Intending Participant must notify AEMO of any change to the information provided to AEMO during the registration process as soon as reasonably practicable (and no later than 10 business days) after becoming aware of the change.

¹ Available at <https://www.aemo.com.au/Electricity/National-Electricity-Market-NEM/Planning-and-forecasting/Generation-information>.

Similar to its existing power under clause 2.7(b) of the NER, AEMO may also require that any person who is registered as an Intending Participant satisfy AEMO that the person has complied with this obligation (otherwise, AEMO may de-register the person).

Part 3 – Consider reforms to the Intending Participant registration category

Given the large number of generation projects currently investigating or pursuing connection to the NEM, the Energy Council also requests that the AEMC consider whether reforms to the Intending Participant category are required, including:

- i) whether it would be appropriate to require (rather than to simply permit) any person proposing to develop a new project (“**Developer**”) to register as an Intending Participant or where the person intends to use a special purpose vehicle (e.g. a company or trust) to develop the new project, for the person to cause the special purpose vehicle to register as an Intending Participant. Where the special purpose vehicle has not been incorporated or established, the person could be required to register as an Intending Participant and then to transfer its registration to the special purpose vehicle, once incorporated/established;
- ii) if the requirement for a Developer to register is established, whether it would be appropriate for this registration as an Intending Participant to occur at a particular time (such as simultaneously with submitting an application to connect to a Network Service Provider);
- iii) requiring the de-registration of Intending Participants who have not taken any positive steps to develop their project for a specified period; and
- iv) requiring de-registered persons to return or destroy any data (including derived data) that they received under clause S5.2.4(e1) of the NER while registered as an Intending Participant (and potentially imposing civil penalties if this obligation is not complied with).²

Part 4 – Ensure confidential information that becomes public is disclosed

The Energy Council proposes that Intending Participants be required to notify AEMO as soon as reasonably practicable (and no later than 10 business days) after the person becomes aware that any information that they have provided to AEMO that is “protected information” under the National Electricity Law (“**NEL**”) or “confidential information” under the NER has entered or is otherwise in the public domain (including due to publication by that person or its related bodies corporate). This is designed to ensure that developers notify AEMO when they publicly announce changes to their projects.

The Energy Council also proposes that clause 8.6 of the NER be amended to confirm that AEMO is authorised to disclose any confidential information (whether or not the information is also protected information) that is in the public domain. These rights would be in addition to section 54G(1)(d) of the NEL and, to the extent the confidential information is also protected information, the proposed rule would be authorised by section 54A(2) of the NEL.

Part 5 – Transitional provisions

The Energy Council proposes that any person who is registered as an Intending Participant on the commencement date of the proposed rule must notify AEMO of any change to the information provided to AEMO during the registration process within one month of the commencement date.

Additionally, any person who has provided AEMO with confidential information prior to the commencement date must notify AEMO within one month of the commencement date of the proposed rule if the information has entered the public domain since it was provided to AEMO. This would

² Intending Participants have access to confidential information to assist in building generating assets or to set up systems and processes prior to market registration. Network data is an example of information that may be disclosed, and this information is given on the proviso of its use in “an activity in respect of which it must or may be registered as a Registered Participant”. If de-registered, the person no longer satisfies this requirement and should therefore return or destroy the data.

facilitate AEMO then publishing that information to the market pursuant to the amended Chapter 8 of the NER (see Part 3 above).

Proposed rule drafting

Please see Annexure A for the amendments proposed to the NER to implement this rule change request.

Part 1 - Codify AEMO's generation information page in the NER

This part of the proposed rule is intended to codify AEMO's generation information page as NEM standing data.

Purpose of generation information page

AEMO's generation page was a useful initiative undertaken unilaterally by the National Electricity Market Management Company shortly before it became AEMO, following discussions with market participants discussing ways to improve continuous information disclosure between editions of the Electricity Statement of Opportunities. It is intended to act as a collation service by AEMO published every six months, or sooner if required.

AEMO's view of new projects

Given the number of generation projects currently investigating or pursuing connection to the NEM, there is an opportunity to codify the generation information page in the NER in order to ensure that AEMO's view of the status of generation projects (and in particular, any new projects of which AEMO is aware) is presented as formal standing data. This includes maintaining flexibility for AEMO to define various "unit status" categories in order to accurately portray the evolution of project development.

Currently, there are too many proposed generation projects in the NEM for individual Registered Participants to identify and keep track of (to assess for any effects on the Registered Participant's business).³ AEMO is best placed to undertake this role as part of its standing data and forecasting obligations.

The quality of the information in a codified generation information page will also be improved if the other parts of this rule change request are implemented by the AEMC. Please see Parts 2 and 3 of the proposed rule change below.

Increasing the frequency of publication

As set out in the table below, the generation page is published in unequal intervals (between 77 and 207 days, in recent experience). This difference can exceed the timeframes for the development of significant sources of new generation (e.g. renewable energy). For example, the Chillamurra Solar Farm was constructed in only four months (approximately 120 days).⁴

Publication date	Days between publication
31/07/2012	–
13/08/2013	378
15/11/2013	94
28/02/2014	105
30/05/2014	91
8/08/2014	70
10/12/2014	124
15/05/2015	156
13/08/2015	90
26/10/2015	74
15/04/2016	172
11/08/2016	118
18/11/2016	99
27/02/2017	101
5/06/2017	98
29/12/2017	207
16/03/2018	77

³ For example, the AEMC's *Managing power system fault levels final rule change determination* dated September 2017 indicated that EnergyQueensland told the AEMC that it had over 130 projects at various stages of the connection process.

⁴ See <http://jamartin.com.au/project/chillamurra-solar-farm/>, accessed 25th October 2018.

Publication date	Days between publication
31/07/2018	137

Accordingly, this rule change request proposes that AEMO update the generation information page at least monthly.

As a collation service it is expected that AEMO would already have most of the information to be published. AEMO would also have the benefit of updated information from Intending Participants, as proposed in this rule change request. As such, the more frequent publication obligation is not expected to be onerous, and could be automated, but would be of significant benefit to Market Participants.

Updating the generation information page more frequently may also assist to resolve issues associated with the “unit status” of several projects reverting:

from Advanced to Publicly Announced status, as shown below:

Publication date	Project	Owner	Unit ID	Gen/Tech Type	Fuel Type	Unit Status	Nameplate Capacity (MW)	Dispatch Type	Full Commercial Use Date
Apr-16	Kidston Pumped Storage Scheme	Genex Power Limited	All Units	Pump Storage	Water	Pub An	330	S	
Aug-16	Kidston Pumped Storage Scheme	Genex Power Limited	Generators	Pump Storage	Water	Pub An	TBA	S	
Nov-16	Kidston Pumped Storage Scheme	Genex Power Limited	Generators	Pump Storage	Water	Pub An	TBA	S	
Feb-17	Kidston Pumped Storage Scheme	Genex Power Limited	Generators	Pump Storage	Water	Pub An	TBA	S	
Jun-17	Kidston Pumped Storage Hydro Project 2!	Genex Power Limited	HYD1 and H	Pump Storage	Water	Pub An	250	S	
Dec-17	Kidston Pumped Storage Hydro Project 2!	Genex Power Limited	HYD1 and H	Pump Storage	Water	Adv	250	S	
Mar-18	Kidston Pumped Storage Hydro Project 2!	Genex Power Limited	HYD1 and H	Pump Storage	Water	Adv	250	S	
Jul-18	Kidston Pumped Storage Hydro Project 2!	Genex Power Limited	HYD1 and H	Pump Storage	Water	Pub An	250	S	

from Committed to Committed* status, as shown below:

Publication date	Project	Owner	Unit ID	Gen/Tech Type	Fuel Type	Unit Status	Nameplate Capacity (MW)	Dispatch Type	Full Commercial Use Date
Apr-16	Oakey Solar Farm	Canadian Solar (Australia) Pty Ltd		Solar	Solar	Pub An	25	TBA	
Aug-16	Oakey Solar Farm	Canadian Solar Australia Pty Ltd	1	PV panels	Solar	Pub An	25	SS	
Nov-16	Oakey Solar Farm	Canadian Solar Australia Pty Ltd	1	PV panels	Solar	Pub An	25	SS	
Feb-17	Oakey Solar Farm	Canadian Solar Australia Pty Ltd	1	PV panels	Solar	Pub An	25	SS	
Jun-17	Oakey Solar Farm	Canadian Solar Australia Pty Ltd	1	PV panels	Solar	Adv*	25	NS	Aug-18
Dec-17	Oakey 1 Solar Farm	Oakey 1 AssetCo Pty Ltd	1	PV - single axis	Solar	Com	25	NS	Aug-18
Mar-18	Oakey 1 Solar Farm	Oakey 1 AssetCo Pty Ltd	1	PV - single axis	Solar	Com*	25	SS	Aug-18
Jul-18	Oakey Solar Farm	Canadian Solar Australia Pty Ltd	1	PV panels	Solar	Com*	25	SS	Aug-18

More frequent updates would also resolve inconsistencies associated with listing projects as Committed* up to one month before the listed Commercial Use Date, as shown below:

Publication date	Project	Owner	Unit ID	Gen/Tech Type	Fuel Type	Unit Status	Nameplate Capacity (MW)	Dispatch Type	Full Commercial Use Date
Dec-17	Oakey 1 Solar Farm	Oakey 1 AssetCo Pty Ltd	1	PV - single axis	Solar	Com	25	NS	Aug-18
Mar-18	Oakey 1 Solar Farm	Oakey 1 AssetCo Pty Ltd	1	PV - single axis	Solar	Com*	25	SS	Aug-18
Jul-18	Oakey Solar Farm	Canadian Solar Australia Pty Ltd	1	PV panels	Solar	Com*	25	SS	Aug-18

The Energy Council has also identified several other instances in which more frequent publication of the generation information page would improve the quality of information provided to the market. For example, the Sunshine Coast Solar Farm was only included in the generation information page in June 2017 (with an expected commercial operations date of July 2017). However, publicly available information suggests that construction began in August 2016 and was completed in May 2017 (and so this information could have been included in earlier versions of the generation information page).

The quality of the information in a codified generation information page will also be improved if the other parts of this rule change request are implemented by the AEMC. Please see Parts 2 and 3 of the proposed rule change below.

As an administrative matter, the AEMC or AEMO could consider linking projects with a unique identification number in the generation information pages to enable projects to be tracked when a project's name or owner changes (as in the example of Oakey Solar Farm above).

Part 2 - Require Intending Participants to provide updated information to AEMO

This part of the proposed rule is intended to ensure that Intending Participants notify AEMO if any information provided to AEMO during the registration process changes during project development.

Information provided by Intending Participants

People applying for registration as an Intending Participant must provide limited information about their project to AEMO (e.g. project milestones and dates, evidence of government approvals etc.). AEMO uses this information to determine if the person is eligible for registration as an Intending Participant (clause 2.7(a) of the NER).

This information can change throughout project development. For example, the maximum capacity of a project may change based on the information received by a Developer from a Network Service Provider (e.g. if the response to connection enquiry identifies a network constraint, and the project capacity is revised downwards to be less than the constraint to avoid the need to pay for network augmentations).

No obligation on Intending Participants to provide updated information

Once registered, there is currently no positive obligation in the NER requiring Intending Participants to notify AEMO of the changed information.⁵ For example, clause 3.13.3 also does not let AEMO collect information from Intending Participants for the purposes of publishing standing data or the ESOO. The Energy Council understands that AEMO has only had limited success over the past two years in contacting Developers and asking that they voluntarily provide AEMO with information about their new projects (prior to the person commencing any other registration or Generation Performance Standard processes).

Current rules are insufficient to remedy this issue

The Energy Council considers that AEMO's current rights under clause 2.7(b) of the NER are insufficient to remedy this issue because:

- i) a person may remain eligible for registration as a Registered Participant even though the underlying details of their project may have significantly changed from the time the person registered as an Intending Participant; and
- ii) given the number of projects currently seeking connection to the NEM and the speed at which some Developers progress the development of their projects, clause 2.7(b) is only of utility where AEMO knows/suspects there is a compliance issue.

In the absence of specifically asking for an update, AEMO may be unaware of the changes to project information until either the Intending Participant applies for registration in a different category (e.g. as a Generator) or proposes a negotiated access standard which includes matters which are an AEMO advisory matter (clause 5.3.4A of the NER).

However, Developers often release the updated information to the public, investors and financiers by updating their website, issuing a media release or by providing the updated information through (usually confidential) legal, technical and financial due diligence. The issue is not that the updated information is unavailable – it is only that the updated information may be available to many third parties but is not necessarily provided to AEMO.

To this end, the Energy Council understands that AEMO undertakes media monitoring and regularly reviews the websites of Developers to determine if they have released any new or updated information about their projects. This is clearly an inefficient use of AEMO's limited resources. In comparison, it should not be burdensome or costly for Developers to provide that information to AEMO when it becomes available.

⁵ There is only a mechanism for AEMO to require a person to satisfy AEMO that it continues to meet the criteria for registration (clause 2.7(b)).

Why updated information should be provided to AEMO

Ensuring that AEMO holds up-to-date information about new projects of which AEMO is aware due to the registration of a person as an Intending Participant in respect of that project is:

- critical to ensuring the accuracy of AEMO's operational and forecasting processes; and
- to the extent that such information is published to the market – of significant interest to other Registered Participants, who rely on the accuracy of information published by AEMO to assess their own participation in the NEM.

Part 3 – Consider reforms to the Intending Participant registration category

Given the large number of generation projects currently investigating or pursuing connection to the NEM, the Energy Council also requests that the AEMC consider whether reforms to the Intending Participant category are required.

Current rules on Intending Participant eligibility

The current rules state that a person can be registered by AEMO as an Intending Participant if that person can reasonably satisfy AEMO that it intends to carry out an activity in respect of which it must or may be registered as a Registered Participant.

Why the current rules are insufficient

With the emergence of new technologies, the business models of new grid-scale developments are changing. Projects are more often built by developers and sold prior to grid connection, and it is not uncommon for the developer to operate the asset on behalf of the financial owner who is the Registered Participant. Under these arrangements, a developer cannot satisfy the requirements of an Intending Participant and therefore is not obligated under the NER to disclose information to AEMO.

Conversely, AEMO is restricted in providing developers with necessary information such as network data to support project development unless they have registered as an Intending Participant.

AEMO has also proposed changes to the Intending Participant registration category.⁶ AEMO proposes amending the Intending Participant eligibility criteria to include persons building grid-scale resources that are intended to be connected to the NEM, and broader business models in general. It argues that this would preserve the Registered Participant status and associated NER confidentiality obligations of a developer receiving network information.

Part 4 - Ensure confidential information that becomes public is disclosed

This part of the proposed rule is intended to clarify that AEMO may publish confidential information that is in or enters the public domain, irrespective of any continuing claims of confidentiality.

How confidentiality claims inappropriately hide data that is in the public domain

The Energy Council understands that AEMO is unable to publish all relevant information for proposed projects on the generation information page (or through other reports and forecasts) because the

⁶ Emerging Generation and Energy Storage Consultation Paper, AEMO

provider of the information claimed it was confidential when it was provided. Accordingly, AEMO lists the information as “TBA” on the generation information page.

For example, on 13th August 2018 the following projects were listed as having a nameplate capacity of “TBA” on AEMO’s generation information page, despite the following capacities being listed in other publicly available sources:

Project	Capacity	Source
Clarke Creek Wind and Solar Farm	800 MW wind, 200 to 400 MW solar, plus battery storage	Developer’s website, Renew Economy
Kaban Green Power Hub Wind Farm	130 MW	Developer’s website
Tieri Solar Farm	96 MWp	Developer’s website; Renew Economy; Daily Mercury
Warwick Solar Farm 1	64 MW	Purchaser’s website
Beryl/Gulgong Solar Project	87 MW	Developer’s website; press release
Corowa Solar Farm	27 MW	DA assessment report; NSW Development and Planning Register
Jemalong Solar	50 MW	Developer’s website
Junee Solar Farm	26 MW	Statement of Environmental Effects; NSW Government’s website
Marulan – OCGT/CCGT	450 MW or 350 MW	NSW Government’s website
Moama Solar Farm	28 MW	NSW Development and Planning Register
Shoalhaven Expansion (expansion)	Either 160 MW or 235 MW	Sydney Morning Herald
Tomago GT	252 MW	Herald
Upper Hunter Energy Park – Wind	Approx. 102 MW	Renew Economy
Wagga North Solar Farm	47 MW	Aussie Renewables
Wagga Wagga Solar Farm	22 MW	NSW Government’s website
Quarantine Expansion	160 to 180 MW	Development Application
SSE Whyalla Solar Farm	Eventually 150 MW	Developer’s website

Protected information versus confidential information

Section 54G(1)(d) of the NEL already permits AEMO to disclose protected information if the protected information is in the public domain.

To ensure that the NEL/NER contain comprehensive coverage for disclosing protected/confidential information that is in the public domain, then:

- to the extent that the information provided to AEMO is considered to be both protected information and confidential information, the disclosure will be permitted under both section 54G(1)(d) of the NEL and the amended Chapter 8 of the NER (clause 54A(2) of the NEL permits the NER to set out circumstances in which protected information may be disclosed); and
- to the extent that the information is only confidential information (i.e. it is not also protected information, although these circumstances are expected to be rare), the proposed rule confirms that AEMO may disclose the information if it is in the public domain.

Notice to AEMO of information entering the public regime

The proposed rule also requires that where a person gives AEMO protected information or confidential information, the person must notify AEMO when that information enters the public domain (including due to self-publication).

Importantly, the proposed rule is not expected to significantly increase costs to people supplying protected information or confidential information. The proposed rule does not require those people to undertake media monitoring to determine if the information has been released. The proposed rule only requires that once the person becomes aware that the information is in the public domain (either passively or actively), then the person must notify AEMO.

It is expected that AEMO will then release the information publicly as part of its standing data.

Part 5 - Transitional provisions

The intention of the transitional arrangements is to facilitate the timely collection of updated project information by AEMO from Intending Participants, and notices of any information that has entered the public domain, to facilitate the improved information collection and transparency regime.

How the Proposed Rule will contribute to the achievement of the National Electricity Objective

The National Electricity Objective (NEO) states:

“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.”

In achieving this objective, every organisation in the energy supply chain requires sufficient information about the power system and how it may change to support system and market operations.

Participants rely on timely and accurate information from AEMO to support a range of operating and investment decisions.

Examples include:

- short and medium-term unit commitment, maintenance scheduling, fuel contracts; and
- future investments and decommitment decisions

The proposed rule change will benefit AEMO by improving the breadth, accuracy and expediency of new generation project information. AEMO highlighted in its *Visibility of Distributed Energy Resources* report⁷ the important role information plays in its ability to operate the system effectively in real-time, but also to efficiently plan over timeframes that extend from pre-dispatch to 10-20 year planning horizons.

Improving the accuracy of AEMO’s supply forecasts is pertinent to the current discussions on reliability, particularly as it underpins the methodology for determining when and how much reserves to both contract and trigger through the Reliability and Emergency Reserve Trader. More accurate information may reduce the volume of emergency reserves to be procured, and hence reduce costs to end users. Supply forecasts are also a key determinant of retailer forward contracting levels under the ESB’s Retailer Reliability Obligation.

⁷ AEMO, *Visibility of Distributed Energy Resources – Future Power System Security Program*, January 2017

The AEMC has also recently improved the transparency of generator closure through the 3 year notice of closure rule change. The proposed rule complements this by improving transparency at the other end of a generator's life cycle.

Expected benefits of the proposed changes

A number of market participants will benefit from the proposed changes:

- AEMO will have increased visibility of the progress of potential new projects and can incorporate this information into its forecasts and other processes (e.g. RERT);
- new project proponents will benefit from increased transparency on their competitors, and the impact of these projects on their own business case (e.g. more accurate Marginal Loss Factor studies); and
- existing generators will be able to incorporate information about the pipeline of new projects into business decisions (e.g. fuel procurement, expected running profile, budgeting related to Marginal Loss Factors).

Expected costs of the proposed changes

The expected costs of the proposed changes are expected to be minimal, as new project proponents have the information about their projects and update and release this information for other purposes (e.g. business case, media releases).

The Energy Council understands that AEMO's proposed new information portal will further decrease the costs of compliance. It is believed that the portal will provide a consistent, easy-to-use interface for project proponents to update their project details.

Potential impacts on those likely to be affected

This rule change does not propose publishing commercially-sensitive information about early-stage projects, but rather information about advanced projects that project proponents have on hand (and may have published elsewhere) for the benefit of the market operator, existing generators and potential new projects.

Annexure A – Proposed rule drafting

The amendments proposed to the NER to implement the proposed rule are shown below.

2. Registered Participants and Registration

...

2.7 Intention to Commence Activities or Functions

- (a) Any person intending to act in any *Registered Participant* category may, on application for registration by that person in accordance with rule 2.9, be registered by AEMO as an *Intending Participant* if that person can reasonably satisfy AEMO that it intends to carry out an activity in respect of which it must or may be registered as a *Registered Participant*.
- (b) AEMO 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 rule 2.7(a). If the *Intending Participant* is unable to satisfy AEMO that it continues to meet those 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.
- (b1) A person registered by AEMO as an *Intending Participant* must notify AEMO of any change to any information provided by the person to AEMO for the purposes of rules 2.7(a) or 2.7(b) as soon as reasonably practicable (and no later than 10 Business Days) after becoming aware of the change to that information.
- (b2) AEMO may from time to time require a person registered by AEMO as an *Intending Participant* to satisfy AEMO that it has complied with rule 2.7(b1). If the *Intending Participant* is unable to satisfy AEMO that it has complied with that rule 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.
- (c) An *Intending Participant* is taken to be an *Intending Participant* only in so far as its activities relate to its intention to commence an activity in respect of which it must or may be registered as a *Registered Participant*.
- (d) As a *Registered Participant*, an *Intending Participant* may exercise such rights and is bound by such obligations under the *Rules* as are specified by AEMO (on the basis of whether the *Intending Participant* intends to become a *Customer*, *Generator*, *Network Service Provider* or *Special Participant*) and approved by the AEMC.

3. Market Rules

...

3.13.3

Standing data

...

Generation information page

(y) AEMO must establish, maintain, update and publish a generation information page, including at least the following information:

- (1) all existing *scheduled generating units, semi-scheduled generating units* and *non-scheduled generating units*, including their service status;
- (2) all *scheduled generating units, semi-scheduled generating units* and *non-scheduled generating units* for which formal commitments have been made for construction and installation;
- (3) the anticipated summer and winter aggregate capacities for all existing *scheduled generating units* and *semi-scheduled generating units* for the subsequent 10 year period;
- (4) any proposed new *generating units* of which AEMO is aware (regardless of whether a formal commitment has been made for construction and installation);
- (5) a change log for the information *published* under clauses 3.13.3(y)(1) to 3.13.3(y)(4); and
- (6) AEMO's criteria for determining when formal commitments have been *made* for construction and installation for the purposes of this clause 3.13.3.

(z) AEMO:

- (1) may *publish* the information under paragraph (y) separately for each *region*; and
- (2) must *publish* the information under paragraph (y) on or before the end of each calendar month.

(za) If after the publication of the most recent *generation information page*, significant new information becomes available to AEMO relating to the requirements of paragraphs (y)(1) to (y)(4) and y(6), AEMO must, as soon as practicable, *publish* that information and the information required in paragraph y(5) in a descriptive form that is consistent with the *generation information page*.

(zb) As soon as practicable after a *Generator, Intending Participant* or other *Market Participant* becomes aware of any information required for publication by AEMO under paragraph (y), that information must be provided to AEMO by that *Generator, Intending Participant* or other *Market Participant*.

Note

This clause be classified as a civil penalty provision under the National Electricity (South Australia) Regulations. (See clause 6(1) and Schedule 1 of the National Electricity (South Australia) Regulations.)

8. Administrative Functions

...

8.6 Confidentiality

...

8.6.8 Protected information and confidential information that enters the public domain

(a) Any person who gives AEMO *protected information* or *confidential information* must notify AEMO as soon as reasonably practicable (and no later than 10 Business Days) after the person becomes aware that the information (or part of it) has entered or is otherwise in the public domain (including due to publication by that person or its related bodies corporate).

Note

This clause be classified as a civil penalty provision under the National Electricity (South Australia) Regulations. (See clause 6(1) and Schedule 1 of the National Electricity (South Australia) Regulations.)

(b) For the avoidance of doubt, AEMO is authorised to disclose *confidential information* (whether or not the information is also *protected information*) if that information is in the public domain.

(c) Paragraph (b) does not limit the operation of sections 54A(2) or 54G(1)(d) of the *National Electricity Law*.

10. Glossary

generation information page

A document prepared by AEMO to provide information to assist *Market Participants* in making an assessment of the current and future status of *generating units* and *power stations connected*, to be *connected* or proposed to be *connected* to the *national grid*.

11. Savings and Transitional Rules

Part ZZZ[•] Transparency of new projects

11.[•] Rules consequential on the making of the National Electricity Amendment (Transparency of new projects) Rule 2019

11.[•].1 Definitions

For the purposes of this rule 11.[•]:

Amending Rule means the *National Electricity Amendment (Transparency of new projects) Rule 2019*.

commencement date means [insert commencement date of Amending Rule].

11.[•].2 **Notifying AEMO of changes to Intending Participant information**

Each person who was registered by AEMO as an *Intending Participant* on the commencement date and who has provided AEMO with any information for the purposes of rules 2.7(a) or 2.7(b) prior to the commencement date, must, on or prior to the date that is 1 month after the commencement date, notify AEMO of any change to that information since it was provided to AEMO.

Note

This clause be classified as a civil penalty provision under the National Electricity (South Australia) Regulations. (See clause 6(1) and Schedule 1 of the National Electricity (South Australia) Regulations.)

11.[•].3 **Notifying AEMO if protected information or confidential information has entered the public domain**

Any person who provided AEMO with *protected information* or *confidential information* prior to the commencement date must, on or prior to the date that is 1 month after the commencement date, notify AEMO if that information has entered the public domain since it was provided to AEMO.

Note

This clause be classified as a civil penalty provision under the National Electricity (South Australia) Regulations. (See clause 6(1) and Schedule 1 of the National Electricity (South Australia) Regulations.)