

11A. NT Savings and Transitional Rules

Part A Savings and transitional rules for Chapter 5

Note

Part A of this Chapter has no effect in this jurisdiction until 1 July 2019 (see regulation 5A of the *National Electricity (Northern Territory) (National Uniform Legislation) (Modification) Regulations*).

11A.1 Chapter 5 provisions

(1) In this Rule:

regulatory investment test means a regulatory investment test under Part D of Chapter 5.

- (2) A *Primary Transmission Network Service Provider* is not required to publish or provide information under clause 5.2A.5(a) until 1 July 2020.
- (3) A *Distribution Network Service Provider* is not required to have and publish its first information pack under clause 5.3A.3(a)(3) until 1 July 2020.
- (4) A *Distribution Network Service Provider* is not required to include in its first *Distribution Annual Planning Report* published under clause 5.13.2 the information specified in clause 5.8(a)(5) if information on energy and demand forecasts was not required to be reported by the *Distribution Network Service Provider* under *jurisdictional electricity legislation* applicable at the time the previous report was prepared.
- (5) The requirement to undertake a regulatory investment test does not apply in relation to:
 - (a) a project that was assessed by the *AER* for the purposes of its distribution determination for Power and Water Corporation (ABN 15 947 352 360) for the period of 5 years commencing on 1 July 2019; or
 - (b) a project where an assessment equivalent to a regulatory investment test has been commenced by Power and Water Corporation before 1 July 2019.
- (6) A *Transmission Network Service Provider* is not required to comply with clause 5.18A.3(f) until 1 July 2024 in relation to the content of an impact assessment under that clause.

Part B Savings and transitional rules for Chapter 5A

Note

Part B of this Chapter has no effect in this jurisdiction until 1 July 2019 (see regulation 5A of the *National Electricity (Northern Territory) (National Uniform Legislation) (Modification) Regulations*).

11A.2 Model standing offers

11A.2.1 Definitions

In this Rule:

NT distributor means Power and Water Corporation ABN 15 947 352 360.

relevant provisions means Chapter 5A and Chapter 6, Part DA.

transition date means the date on which the transition period ends.

transition period means the period from the commencement of the *1st regulatory control period* (being 1 July 2019) to 30 June 2020.

11A.2.2 Extended meaning of some terms

During the transition period:

- (a) a *basic connection service* includes not only a *connection service* for which a *model standing offer* has been approved by the *AER* (see paragraph (c) of the definition in clause 5A.A.1) but also one for which the *AER's* approval of a *model standing offer* is not required;
- (b) a *standard connection service* includes not only a *connection service* for which a *model standing offer* has been approved by the *AER* (see the definition in clause 5A.A.1) but also one for which the *AER's* approval of a *model standing offer* is not required; and
- (c) a *model standing offer* includes a document prepared and *published* by the NT distributor, without the *AER's* approval, as a *model standing offer* to have effect during the transition period (but not beyond the end of that period).

11A.2.3 Transitional operation of relevant provisions

- (a) During the transition period, the relevant provisions operate subject to the exclusions, qualifications and modifications prescribed by this Rule.
- (b) However, the relevant provisions operate without the exclusions, qualifications and modifications prescribed by this Rule insofar as they relate to:
 - (1) a period beyond the transition period; or
 - (2) a person (such as a new entrant to the industry) that is not the NT distributor.

Example

If the NT distributor submits a *regulatory proposal* for the *regulatory control period* that follows the transition period, the

distributor is bound by the relevant provisions (without exclusion, qualification or modification) in relation to the *regulatory proposal* even though the proposal is submitted during the transition period.

- (c) A transaction commenced by or with the NT distributor during the transition period may be continued and completed after the transition period without regard to *changes* to the rules governing the transaction that take effect at the end of the transition period.

11A.2.4 Exclusions, qualifications and modifications

During the transition period, the relevant provisions apply to, and in relation to, the NT distributor subject to the following exclusions, qualifications and modifications:

Model standing offers (basic connection services)

- (a) A document, prepared by the NT distributor and *published* on the NT distributor's website, will (although not approved by the AER) be regarded as a *model standing offer* to provide *basic connection services* during the transition period if it complies with the requirements of clause 5A.B.2(b) as to its terms and conditions.
- (b) If, during the transition period, the AER approves a *model standing offer* for the same *basic connection services*, the approved *model standing offer* supersedes the former *model standing offer* under this clause.
- (c) The NT distributor's obligation to have a *model standing offer* to provide *basic connection services* (clause 5A.B.1) operates during the transition period but the AER's approval of the *model standing offer* is not required until the transition date.
- (d) The NT distributor's obligation to submit for the AER's approval a proposed *model standing offer* to provide *basic connection services* (clause 5A.B.2(a)) does not arise until 31 December 2019.

Model standing offer (standard connection services)

- (e) A document, prepared by the NT distributor and *published* on the NT distributor's website, will (although not approved by the AER) be regarded as a *model standing offer* to provide *standard connection services* during the transition period if it complies with the requirements of clause 5A.B.4(c) as to its terms and conditions.
- (f) If, during the transition period, the AER approves a *model standing offer* for the same *standard connection services*, and the approved

model standing offer is to take effect before the end of the transition period, the approved *model standing offer* supersedes the former *model standing offer*.

- (g) The NT distributor may submit for the AER's approval a *model standing offer* to provide *standard connection services* (clause 5A.B.4) during the transition period but the AER's approval of the *standing offer* is not required until the transition date.

Amendment of standing offers

- (h) During the transition period, the NT distributor may amend a standing offer to provide *basic connection services* or *standard connection services* during the transition period by *publishing* the amendments and the amended text on its website. (This paragraph applies during the transition period to the exclusion of clause 5A.B.6.)

11A.2.5 References

A reference to any of the relevant provisions in a legislative or other instrument will be construed, during the transition period, as a reference to the provision as modified by this Rule.

Part C Savings and transitional rules for Chapter 7A

Note

Part C of this Chapter has no effect in this jurisdiction until 1 July 2019 (see regulation 5A of the *National Electricity (Northern Territory) (National Uniform Legislation) (Modification) Regulations*). The application of Part C will be revisited as part of the phased implementation of the *Rules* in this jurisdiction.

11A.3 Existing metering installations

- (a) This rule applies in relation to a *metering installation* installed at a *connection point* on a *transmission network* or *distribution network* in this jurisdiction that is in service immediately before 1 July 2019.
- (b) The following requirements must be complied with in relation to the *metering installation*:
 - (1) the requirements imposed on a *metering installation* at a *connection point* on a *distribution network* or *transmission network* in this jurisdiction by, under or for the purposes of a law of this jurisdiction that is in force immediately before 1 July 2019 (the **NT requirements**); and
 - (2) the requirements imposed in respect of the *metering installation* by the *Rules*.
- (c) The requirements imposed in respect of the *metering installation* by the following provisions are taken to be complied with:

- (1) clause 7A.6.2(a);
 - (2) clause 7A.6.3(a);
 - (3) clause 7A.6.4, other than paragraph (b);
 - (4) clause 7A.6.5;
 - (5) schedule 7A.1, other than clause S7A.1.3;
 - (6) clause S7A.3.2.2;
 - (7) schedule 7A.5.
- (d) For the purposes of the operation of Chapter 7A in respect of the *metering installation*, a reference in:
- (1) clause 7A.7.2 to “the technical requirements”;
 - (2) clause 7A.7.3 to “requirements of the *Rules*”;
 - (3) clause 7A.7.4 to “schedule 7A.1” or “relevant accuracy requirement”;
 - (4) clause 7A.8.7 to “schedule 7A.1”;
 - (5) clause S7A.3.2.2(c) to “requirements of the *Rules*”; and
 - (6) Chapter 10, definition *metering installation malfunction*, to “the requirements of schedule 7A.1”,
- must be regarded as a reference to “the NT requirements”.
- (e) If the *metering installation* is replaced on or after 1 July 2019, paragraphs (b) to (d) no longer apply in respect of the *metering installation*.

11A.4 Testing metering installations

The time periods for testing of *metering installations* under Table S7A.6.1.2 do not apply to *metering installations* that are at least 10 years old on 1 July 2019 until 1 July 2022.

11A.5 Metering data services database and related requirements

- (1) The *Metering Data Provider* for this jurisdiction on 1 July 2019 is not, on or after that date, required to comply with all the requirements under rule 7A.8 relating to establishing and maintaining a *metering data services database* but the following requirements will apply:
 - (a) the *Metering Data Provider* must ensure that all of those requirements under rule 7A.8 are complied with by 1 January 2022 (with the period between 1 July 2019 and 1 January 2022 being referred to as the ***transitional period***), including by acquiring, gaining or upgrading computing capabilities, equipment and other assets and materials, and establishing or enhancing processes and systems, to ensure compliance;
 - (b) during the transitional period, the *Metering Data Provider* must, insofar as is reasonably practicable, use its existing resources and capabilities (and any upgraded, enhanced, additional or new resources and capabilities as they become reasonably available) to comply with those requirements under rule 7A.8, especially in relation to the validation, substitution and estimation of *metering data* in its *metering data services database*; and
 - (c) without limiting paragraph (b), the *Metering Data Provider* must use its best endeavours to:
 - (i) maximise the quality of *metering data*; and
 - (ii) maximise transparency in processes for verifying, validating, calculating and estimating *metering data*.
- (2) During the transitional period:
 - (a) the requirements imposed by clause S7A.7.13.5(c)(4) and (5) will not apply in relation to the *Metering Data Provider*;
 - (b) the *Metering Data Provider* is only required to include information, data and matters on its metering register in accordance with the requirements of clause S7A.8.8.2(e)(4) to the extent that it is reasonably able to do so; and
 - (c) the reference in clause S7A.8.8.2(e)(5) to a communication guideline, in its application to the *Metering Data Provider*, will be taken to be a reference to the interim communication guideline prepared by NTESMO under rule 11A.6.
- (3) In addition, during the transitional period:

- (a) the *Metering Provider* is only required to include information, data and matters on a register of *metering installations* in accordance with the requirements of clause S7A.8.7.1(a)(1) to the extent that it is reasonably able to do so; and
- (b) the reference in clause S7A.8.7.1(a)(2) to a communication guideline, in its application to the *Metering Provider*, will be taken to be a reference to the interim communication guideline prepared by *NTESMO* under rule 11A.6.

11A.6 Communication guideline

NTESMO is not required to have a comprehensive communication guideline in place under clause S7A.1.3 until the *Metering Data Provider* is in a position to comply with its obligations under rule 7A.8 relating to establishing and maintaining a *metering data services database*, after taking into account the operation of rule 11A.5, but the following requirements will apply:

- (a) *NTESMO* must have an interim communication guideline in place by 1 January 2020;
- (b) the interim communication guideline must comply with the requirements of clause S7A.1.3(c), (d) and (e) insofar as is reasonably practicable and after taking into account the *Metering Data Provider's* resources and capabilities during the period applying under clause 11A.5(1)(a);
- (c) *NTESMO* must maintain the interim communication guideline until the *Metering Data Provider* is in a position to comply the obligations under rule 7A.8, and may review and vary the interim communication guideline from time to time; and
- (d) *NTESMO* must revise or replace the interim communication guideline so that a comprehensive communication guideline is in place when the *Metering Data Provider* is in a position to comply with its obligations under rule 7A.8.

11A.7 Timeframes for meters to be installed

- (1) In this rule:

commencement date means 1 July 2019.

maintenance replacement means the replacement of a *retail customer's* existing *meter* arranged by a *retailer* that is based on the results of sample testing of a *meter* population carried out in accordance with Chapter 7A:

- (a) which indicates that it is necessary or appropriate, in accordance with good electricity industry practice, for the *meter* to be replaced to ensure

compliance with Chapter 7A; and

- (b) details of which have been provided to the *retailer* under Chapter 7A, together with the results of the sample testing that support the need for the replacement.

new meter deployment means the replacement of an existing *meter* of one or more *retail customers* which is arranged by a *retailer* other than where the replacement is:

- (a) at the request of the relevant *retail customer* or to enable the provision of a product or service the *retail customer* has agreed to acquire from the *retailer* or any other person;
 - (b) a maintenance replacement; or
 - (c) as a result of a *metering installation malfunction*.
- (2) This rule applies where, before the commencement date, a *retailer* has an outstanding request for a *meter* to be installed, including in relation to a *new connection*, at a *retail customer's* premises and that request does not relate to a new meter deployment or a *metering installation malfunction* (an **existing metering installation request**).
- (3) On and from the commencement date, Chapter 7A will apply to an existing metering installation request as if:
- (a) the timeframe for the *meter* to be installed for the purposes of clause 7A.6.10(a)(2) ends at the later of:
 - (i) 6 *business days* from the date the *retailer* is informed that the *connection service* (as defined in clause 5A.A.1) is complete; and
 - (ii) 6 *business days* from the commencement date;
 - (b) for the purposes of clause 7A.6.11(a)(2), the *retailer* received the request from the *retail customer* on the commencement date; and
 - (c) for the purposes of clause 7A.6.12(a)(1)(ii) and (d), the *retailer* received the request from the *retail customer* on the commencement date.