



## **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]

---