



## **Draft National Electricity Amendment (Enhancing investment certainty in the R1 process) Rule 2024**

The Australian Energy Market Commission makes the following Rule 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 *National Electricity (New South Wales) Act 1997* of New South Wales;
- (e) the *Electricity - National Scheme (Tasmania) Act 1999* of Tasmania;
- (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.

Anna Collyer  
Chairperson  
Australian Energy Market Commission

## **Draft National Electricity Amendment (Enhancing investment certainty in the R1 process) Rule 2024**

### **1 Title of Rule**

This Rule is the *Draft National Electricity Amendment (Enhancing investment certainty in the R1 process) Rule 2024*.

### **2 Commencement**

This Rule commences operation on 6 June 2024.

### **3 Amendment to the National Electricity Rules**

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

## **Schedule 1      Amendment to the National Electricity Rules**

(Clause 3)

### **[1] Clause 2.2.1      Registration as a Generator**

In clause 2.2.1(e)(3), omit "satisfy *AEMO*" and substitute "obtain a notice under clause 5.3.7A(g) that *AEMO* is satisfied".

### **[2] Clause 5.3.4A      Negotiated access standards**

Omit clause 5.3.4A(b)(1A) and substitute:

(1A) with respect to a submission by a *Generator* under clause 5.3.9(b)(3), or a *Network User* or *Market Network Service Provider* under clause 5.3.12(b)(3), be:

- (i) if the *performance standard* for that technical requirement is at or above the *minimum access standard* and the submission seeks to reduce that *performance standard*, as close as practicable to (unless otherwise agreed by the relevant *Network Service Provider* and *AEMO*); or
- (ii) if the *performance standard* for that technical requirement is below the *minimum access standard*, no less onerous than,

the *performance standard* that corresponds to the technical requirement that is affected by the alteration to the *generating system* or *plant* (as applicable);

### **[3] Clause 5.3.7A      Satisfaction of capability to meet or exceed performance standards**

After clause 5.3.7 insert:

#### **5.3.7A      Satisfaction of capability to meet or exceed performance standards**

- (a) Following execution of the *connection agreement*, the *Connection Applicant* may provide the *Network Service Provider* and *AEMO* with data and information demonstrating the capability of a *generating system*, and request that the *Network Service Provider* and *AEMO* assess the capability of the *generating system* to meet or exceed its *performance standards*.
- (b) Within 5 *business days* after receiving a request under paragraph (a), the *Network Service Provider* and *AEMO* must each provide the *Connection Applicant* with written acknowledgment of receipt of the request, and in the case of *AEMO*, confirming that it will commence its assessment for the purposes of clause 2.2.1(e)(3).

- (c) Following receipt of a request under paragraph (a), the *Network Service Provider* or *AEMO* may request that the *Connection Applicant* prepare and provide additional data and information to enable it to assess the capability of the *Connection Applicant's generating system*.
- (d) If the *Connection Applicant* has:
  - (1) provided to the *Network Service Provider* and *AEMO* adequate data and information to enable the assessment of the capability of the *generating system* to meet or exceed its *performance standards*;
  - (2) where the *Connection Applicant* has submitted a proposal for a *negotiated access standard* in accordance with clause 5.3.4A(b1), provided to the *Network Service Provider* and *AEMO* reasons and evidence for the proposed *negotiated access standard* in accordance with clause 5.3.4A(b2); and
  - (3) otherwise complied with its obligations under rules 5.2A, 5.3 and 5.3A to provide data and information to the *Network Service Provider* and *AEMO*,

then, the *Connection Applicant* may request that the *Network Service Provider* or *AEMO* provide reasons for its request under paragraph (c) by reference to relevant requirements of schedule 5.2, 5.3 or 5.3a.

- (e) Within a reasonable period after the *Connection Applicant's* request to the *Network Service Provider* under paragraph (d), the *Network Service Provider* must provide the *Connection Applicant* with:
  - (1) if the *Network Service Provider* reasonably considers that the *Connection Applicant* has not complied with paragraph (d), then details of the non-compliance; and
  - (2) otherwise, written reasons for its request under paragraph (c) in accordance with paragraph (d).
- (f) Within a reasonable period after the *Connection Applicant's* request to *AEMO* under paragraph (d), *AEMO* must provide the *Connection Applicant* with:
  - (1) if *AEMO* reasonably considers that the *Connection Applicant* has not complied with paragraph (d), details of the non-compliance; and
  - (2) otherwise, written reasons for its request under paragraph (c) in accordance with paragraph (d).
- (g) Within 5 *business days* after completing the assessment of the capability of the *generating system* to meet or exceed its *performance standards*, the *Network Service Provider* and *AEMO* must jointly notify the *Connection Applicant* in writing that the assessment has

been completed and whether they are satisfied with the outcome of the assessment, including for the purposes of clause 2.2.1(e)(3).

**[4] Clause 5.3.8 Provision and use of information**

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

- (2) either party to:
  - (i) assess the effect of a proposed *facility* or proposed alteration to *generating plant* (as the case may be) on:
    - (A) the performance of the *power system*; or
    - (B) another proposed *facility* or another proposed alteration;
  - (ii) assess proposed *negotiated access standards*;
  - (iii) determine the extent of any required *augmentation* or *extension* or *system strength connection works*;
  - (iv) assess *system strength remediation scheme* proposals; or
  - (v) assess the capability of a *generating system* to meet or exceed its *performance standards*.

**[5] Clause 5.3.8 Provision and use of information**

After clause 5.3.8(e), insert:

- (e1) If a *Connection Applicant* becomes aware of any material change to any data or information provided to the *Network Service Provider* or *AEMO* to enable the assessment of the capability of a *generating system* to meet or exceed its *performance standards* under clause 5.3.7A, that *Connection Applicant* must promptly notify the *Network Service Provider* or *AEMO* of that change.