



## **National Electricity Amendment (Sharing concessional finance benefits with consumers) Rule 2024 No. 7**

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

## **National Electricity Amendment (Sharing concessional finance benefits with consumers) Rule 2024 No. 7**

### **1 Title of Rule**

This Rule is the *National Electricity Amendment (Sharing concessional finance benefits with consumers) Rule 2024 No. 7*.

### **2 Commencement**

This Rule commences operation on 29 March 2024.

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

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

### **4 Savings and Transitional Amendment to the National Electricity Rules**

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

**Schedule 1      Amendment to the National Electricity Rules**  
(Clause 3)

**[1] Clause 5.16.2      Regulatory investment test for transmission application guidelines**

In clause 5.16.2(c)(9), omit "and".

**[2] Clause 5.16.2      Regulatory investment test for transmission application guidelines**

In clause 5.16.2(c)(10)(ii), omit "." and substitute "; and".

**[3] Clause 5.16.2      Regulatory investment test for transmission application guidelines**

After clause 5.16.2(c)(10)(ii), insert:

- (11) what constitutes an external funding contribution, and how any external funding contribution should be treated, for the purposes of the *regulatory investment test for transmission*.

**[4] Clause 5.16A.2      Cost Benefit Analysis Guidelines**

In clause 5.16A.2(c)(4)(ii), omit "and".

**[5] Clause 5.16A.2      Cost Benefit Analysis Guidelines**

In clause 5.16A.2(c)(5), omit "." and substitute "; and".

**[6] Clause 5.16A.2      Cost Benefit Analysis Guidelines**

After clause 5.16A.2(c)(5), insert:

- (6) what constitutes an external funding contribution, and how any external funding contribution should be treated, for the purposes of the *regulatory investment test for transmission* for *actionable ISP projects*.

**[7] Clause 5.17.2      Regulatory investment test for distribution application guidelines**

In clause 5.17.2(c)(9), omit "and".

**[8] Clause 5.17.2      Regulatory investment test for distribution application guidelines**

In clause 5.17.2(c)(10)(ii), omit "." and substitute "; and".

## **[9] Clause 5.17.2 Regulatory investment test for distribution application guidelines**

After clause 5.17.2(c)(10)(ii), insert:

- (11) what constitutes an external funding contribution, and how any external funding contribution should be treated, for the purposes of the *regulatory investment test for distribution*.

## **[10] New clause 6.2.9 Concessional finance adjustments**

After clause 6.2.8, insert a new clause:

### **6.2.9 Concessional finance adjustments**

#### **Notification and provision of concessional finance agreement**

- (a) A *Distribution Network Service Provider* who has entered into a *concessional finance agreement* that requires any of the benefits of the *concessional finance* to be shared with consumers of electricity, must provide the *AER* with a copy of that agreement within 40 *business days* of entering into that agreement.
- (b) A *concessional finance agreement* provided under paragraph (a) must include:
  - (1) the name of the *government funding body* providing the *concessional finance* and the contact details for that body;
  - (2) a description of the expenditure in relation to which the *concessional finance* is being provided;
  - (3) a statement about whether the benefits of the *concessional finance* will be passed through to consumers of electricity as:
    - (i) an adjustment to the regulatory asset base of the *Distribution Network Service Provider*;
    - (ii) an amount to be passed through to *Distribution Network Users*; or
    - (iii) a combination of the mechanisms referred to in subparagraphs (i) and (ii),

#### **(Distribution CF Adjustment)**

- (4) where paragraph (3)(i) applies, a description of the asset to which the *concessional finance* applies, as well as the value, timing and details of the adjustment to be made to the regulatory asset base and the relevant asset lives of the associated assets;
- (5) where paragraph (3)(ii) applies, the amount, or methodology to determine the amount, to be passed through to *Distribution*

*Network Users* in each *regulatory year* of each *regulatory control period* that the amount is to be passed through;

- (6) where paragraph (3)(iii) applies, the information in subparagraphs (4) and (5); and
- (7) if the *concessional finance agreement* was entered into by a related entity of the *Distribution Network Service Provider*, the name, ACN and contact details of the entity that is party to the agreement.

#### **Making of a Distribution CF Adjustment**

- (c) If a Distribution CF Adjustment is conditional on one or more events specified in the *concessional finance agreement*, then the *Distribution Network Service Provider* must provide written notice to the *AER* as soon as practicable once the conditions are satisfied.
- (d) Except where paragraph (e) or (k) applies, the *AER* must make a Distribution CF Adjustment in accordance with the *concessional finance agreement* within 40 *business days* of receiving the:
  - (1) *concessional finance agreement* under paragraph (a), if the *concessional finance agreement* does not specify the Distribution CF Adjustment is conditional on one or more events; or
  - (2) notice under paragraph (c), if the *concessional finance agreement* specifies that the Distribution CF Adjustment is conditional on one or more events.
- (e) If the *AER* receives:
  - (1) a *concessional finance agreement* pursuant to paragraph (a); or
  - (2) a notice pursuant to paragraph (c),during the last two *regulatory years* of a *regulatory control period* and it is not practicable to implement the Distribution CF Adjustment in the current *regulatory control period*, then:
  - (3) the *AER* must notify the *Distribution Network Service Provider* that it is not practicable to implement the Distribution CF Adjustment in the current *regulatory control period* within 40 *business days* of receiving the *concessional finance agreement* under paragraph (a);
  - (4) the time period under which the *AER* must take action under paragraph (d) does not apply; and
  - (5) the *AER* must make the Distribution CF Adjustment, within 40 *business days* of the *AER* making the distribution determination in respect of the forthcoming *regulatory control period*, or do so as part of the distribution determination itself.

- (f) If the relevant Distribution CF Adjustment made under paragraph (d) or (e) will apply in one or more *regulatory years* of a subsequent *regulatory control period*, then:
- (1) if the *concessional finance agreement* provides the Distribution CF Adjustment applies in the same way in the next *regulatory control period*, the Distribution CF Adjustment is binding on the *AER* and the *Distribution Network Service Provider* for that subsequent *regulatory control period*; and
  - (2) if the *concessional finance agreement* provides that the Distribution CF Adjustment does not apply in the same way in the next *regulatory control period*, then the *Distribution Network Service Provider* must notify the *AER* for each relevant *regulatory control period* pursuant to the process set out in paragraphs (b)(3) to (b)(6).

**Note**

Where a *concessional finance agreement* applies over multiple *regulatory control periods*, the *Distribution Network Service Provider* is required to notify the *AER* in its next *regulatory proposal*. See clause 6.8.2(c3).

**Annual updates of Distribution CF Adjustment**

- (g) If:
- (1) paragraph (b)(3)(ii) or (b)(3)(iii) applies; and
  - (2) the amount of benefits to be passed through to consumers of electricity is a variable amount that is not the same every *regulatory year*,

then the *Distribution Network Service Provider* must confirm with the *AER*, prior to the commencement of each *regulatory year*, the value of the Distribution CF Adjustment to be made in the forthcoming *regulatory year* with sufficient notice for the adjustment to take effect. Prior to providing the confirmation to the *AER*, the *Distribution Network Service Provider* must ensure that the value to be provided has been endorsed and approved by the relevant *government funding body*.

- (h) If the *Distribution Network Service Provider* has not provided sufficient notice under paragraph (g), the *AER* must notify the *Distribution Network Service Provider* that it is not practicable to implement the Distribution CF Adjustment for that *regulatory year* as soon as practicable.

**Information provision to AER regarding concessional finance agreement**

- (i) A *Distribution Network Service Provider* must provide the *AER* with such information as the *AER* requires for the purpose of making a Distribution CF Adjustment under paragraph (d), (e) or (g) within the

timeframe specified by the *AER* in a notice provided to the *Distribution Network Service Provider* by the *AER* for that purpose.

- (j) Before making a Distribution CF Adjustment under paragraph (d), (e) or (g), the *AER* may:
  - (1) request information from the *government funding body*; and
  - (2) consult with the *government funding body* in respect of the *concessional finance agreement* and disclose to the *government funding body* any information received from the *Distribution Network Service Provider* under paragraphs (b) and (i) for that purpose.
- (k) If the *AER* is satisfied that making a Distribution CF Adjustment under paragraph (d) or (e) involves issues of such complexity or difficulty that the time limit for making the Distribution CF Adjustment should be extended, the *AER* may extend that time limit by a further period of up to 60 *business days*, provided that it gives written notice to the *Distribution Network Service Provider* of that extension not later than 10 *business days* before the expiry of that time limit.
- (l) If the *AER* gives a written notice to the *Distribution Network Service Provider* stating that it requires information from a *government funding body* to make a Distribution CF Adjustment under paragraph (d) or (e), then, for the purpose of calculating elapsed time, the period between when the *AER* gives that notice to the *Distribution Network Service Provider* and when the *AER* receives that information from that *government funding body* is to be disregarded.
- (m) If the *AER* receives confidential information from a *government funding body* pursuant to paragraph (l), the *AER* must treat that information as confidential information.

**Amendment or termination of a concessional finance agreement**

- (n) If the *concessional finance agreement* provided by the *Distribution Network Service Provider* in accordance with paragraph (a) is varied such that it affects the Distribution CF Adjustment or is terminated, then the *Distribution Network Service Provider* must (as applicable):
  - (1) provide to the *AER* a copy of the varied *concessional finance agreement* within 40 *business days* of the variation; or
  - (2) provide to the *AER* the details of the arrangement agreed between the *government funding body* and the *Distribution Network Service Provider* with respect to the terminated *concessional finance agreement*.
- (o) If the *Distribution Network Service Provider* gives notice of a variation or termination of a *concessional finance agreement* under paragraph (n), then the *AER* must review the *concessional finance*



arrangement in accordance with the process under paragraphs (a) to (m), as if that *concessional finance* arrangement is a new *concessional finance agreement* and adjust, replace or terminate the existing Distribution CF Adjustment (as applicable).

**Nature of concessional finance benefits sharing**

- (p) Any Distribution CF Adjustment made under this clause 6.2.9, or arrangement reached between the *government funding body* and the *Distribution Network Service Provider* under paragraph (n)(2), must not reverse, disallow or recover, or have the effect of, reversing, disallowing or recovering any of the *concessional finance* benefits that have already been shared with consumers of electricity under previous Distribution CF Adjustments.

**[11] New clause 6.6.1B Concessional finance adjustments**

After clause 6.6.1A, insert a new clause:

**6.6.1B Concessional finance adjustments**

The distribution determination will be amended in a manner determined by the *AER* to reflect the adjustment made by the *AER* pursuant to clauses 6.2.9(d), (e) and (g), as relevant.

**[12] Clause 6.8.2 Submission of regulatory proposal, tariff structure statement and exemption application**

After clause 6.8.2(c2), insert:

- (c3) Where clause 6.2.9(f) applies, the *regulatory proposal* must be accompanied by a copy of the relevant *concessional finance agreement*.

**[13] New clause 6A.3.3 Concessional finance adjustments**

After clause 6A.3.2, insert a new clause:

**6A.3.3 Concessional finance adjustments**

**Notification and provision of concessional finance agreement**

- (a) A *Transmission Network Service Provider* who has entered into a *concessional finance agreement* that requires any of the benefits of the *concessional finance* to be shared with consumers of electricity, must provide the *AER* with a copy of that agreement within 40 *business days* of entering into that agreement.
- (b) A *concessional finance agreement* provided under paragraph (a) must include:



- (1) the name of the *government funding body* providing the *concessional finance* and the contact details for that body;
- (2) a description of the expenditure in relation to which the *concessional finance* is being provided;
- (3) a statement about whether the benefits of the relevant *concessional finance* will be passed through to consumers of electricity as:
  - (i) an adjustment to the regulatory asset base of the *Transmission Network Service Provider*;
  - (ii) an amount to be passed through to *Transmission Network Users*; or
  - (iii) a combination of the mechanisms referred to in subparagraphs (i) and (ii),

**(Transmission CF Adjustment)**

- (4) where paragraph (3)(i) applies, a description of the assets to which the *concessional finance* applies, as well as the value, timing and details of the adjustment to be made to the regulatory asset base and the relevant asset lives of the associated assets;
- (5) where paragraph (3)(ii) applies, the amount, or methodology to determine the amount, to be passed through to *Transmission Network Users* in each *regulatory year* of each *regulatory control period* that the amount is to be passed through;
- (6) where paragraph (3)(iii) applies, the information in subparagraphs (4) and (5); and
- (7) if the *concessional finance agreement* was entered into by a related entity of the *Transmission Network Service Provider*, the name, ACN and contact details of the entity that is party to the agreement.

**Making of a Transmission CF Adjustment**

- (c) If a Transmission CF Adjustment is conditional on one or more events specified in the *concessional finance agreement*, then the *Transmission Network Service Provider* must provide written notice to the *AER* as soon as practicable once the conditions are satisfied.
- (d) Except where paragraph (e) or (k) applies, the *AER* must make a Transmission CF Adjustment in accordance with the *concessional finance agreement* within 40 *business days* of receiving the:
  - (1) *concessional finance agreement* under paragraph (a), if the *concessional finance agreement* does not specify that the Transmission CF Adjustment is conditional on one more or events; or

- (2) notice under paragraph (c), if the *concessional finance agreement* specifies that the Transmission CF Adjustment is conditional on one more events.
- (e) If the *AER* receives:
  - (1) a *concessional finance agreement* pursuant to paragraph (a); or
  - (2) a notice pursuant to paragraph (c),  
during the last two *regulatory years* of a *regulatory control period* and it is not practicable to implement the Transmission CF Adjustment in the current *regulatory control period*, then:
    - (3) the *AER* must notify the *Transmission Network Service Provider* that it is not practicable to implement the Transmission CF Adjustment in the current *regulatory control period* within 40 *business days* of receiving the *concessional finance agreement* under paragraph (a);
    - (4) the time period under which the *AER* must take action under paragraph (d) does not apply; and
    - (5) the *AER* must make the Transmission CF Adjustment within 40 *business days* of the *AER* making the *transmission determination* in respect of the forthcoming *regulatory control period*, or do so as part of the *transmission determination* itself.
- (f) If the relevant Transmission CF Adjustment under paragraph (d) or (e) will apply in one or more *regulatory years* of a subsequent *regulatory control period*, then:
  - (1) if the *concessional finance agreement* provides that the Transmission CF Adjustment applies in the same way in the next *regulatory control period*, the Transmission CF Adjustment is binding on the *AER* and the *Transmission Network Service Provider* for that subsequent *regulatory control period*; and
  - (2) if the *concessional finance agreement* provides that the Transmission CF Adjustment does not apply in the same way in the next *regulatory control period*, then the *Transmission Network Service Provider* must notify the *AER* for each relevant *regulatory control period* pursuant to the process set out in paragraphs (b)(3) to (b)(6).

**Note**

Where a *concessional finance agreement* applies over multiple *regulatory control periods*, the *Transmission Network Service Provider* is required to notify the *AER* in its next *Revenue Proposal*. See clause 6A.10.1(i).

**Annual updates of Transmission CF Adjustment**

- (g) If:

- (1) paragraph (b)(3)(ii) or (b)(3)(iii) applies; and
- (2) the amount of benefits to be passed through to consumers of electricity is a variable amount that is not the same every *regulatory year*,

then the *Transmission Network Service Provider* must confirm with the *AER*, prior to the commencement of each *regulatory year*, the value of the Transmission CF Adjustment to be made in the forthcoming *regulatory year* with sufficient notice for the adjustment to take effect. Prior to providing the confirmation to the *AER*, the *Transmission Network Service Provider* must ensure that the value to be provided has been endorsed and approved by the relevant *government funding body*.

- (h) If the *Transmission Network Service Provider* has not provided sufficient notice under paragraph (g), the *AER* must notify the *Transmission Network Service Provider* that it is not practicable to implement the Transmission CF Adjustment for that *regulatory year* as soon as practicable.

**Information provision to AER regarding concessional finance agreement**

- (i) A *Transmission Network Service Provider* must provide the *AER* with such information as the *AER* requires for the purpose of making a Transmission CF Adjustment under paragraph (d), (e) or (g) within the timeframe specified by the *AER* in a notice provided to the *Transmission Network Service Provider* by the *AER* for that purpose.
- (j) Before making a Transmission CF Adjustment under paragraph (d), (e) or (g), the *AER* may:
  - (1) request information from the *government funding body*; and
  - (2) consult with the *government funding body* in respect of the *concessional finance agreement* and may disclose to the *government funding body* any information received from the *Transmission Network Service Provider* under paragraphs (b) and (i) for that purpose.
- (k) If the *AER* is satisfied that making a Transmission CF Adjustment under paragraph (d) or (e) involves issues of such complexity or difficulty that the time limit for making the Transmission CF Adjustment should be extended, the *AER* may extend that time limit by a further period of up to 60 *business days*, provided that it gives written notice to the *Transmission Network Service Provider* of that extension not later than 10 *business days* before the expiry of that time limit.
- (l) If the *AER* gives a written notice to the *Transmission Network Service Provider* stating that it requires information from a *government funding body* in order to make a Transmission CF Adjustment under

paragraph (d) or (e), then, for the purpose of calculating elapsed time, the period between when the *AER* gives that notice to the *Transmission Network Service Provider* and when the *AER* receives that information from that *government funding body* is to be disregarded.

- (m) If the *AER* receives confidential information from a *government funding body* pursuant to paragraph (l), the *AER* must treat that information as confidential information.

**Amendment or termination of a concessional finance agreement**

- (n) If the *concessional finance agreement* provided by the *Transmission Network Service Provider* in accordance with paragraph (a) is varied such that it affects the Transmission CF Adjustment or is terminated, then the *Transmission Network Service Provider* must (as applicable):
  - (1) provide to the *AER* a copy of the varied *concessional finance agreement* within 40 *business days* of the variation; or
  - (2) provide to the *AER* the details of the arrangement agreed between the *government funding body* and the *Transmission Network Service Provider* with respect to the terminated *concessional finance agreement*.
- (o) If the *Transmission Network Service Provider* gives notice of a variation or termination of a *concessional finance agreement* under paragraph (n), then the *AER* must review the *concessional finance* arrangement in accordance with the process under paragraphs (a) to (m) as if that *concessional finance* arrangement is a new *concessional finance agreement* and adjust, replace or terminate the existing Transmission CF Adjustment (as applicable).

**Nature of concessional finance benefits sharing**

- (p) Any Transmission CF Adjustment made under this clause 6A.3.3, or arrangement reached between the *government funding body* and the *Transmission Network Service Provider* under paragraph (n)(2), must not reverse, disallow or recover, or have the effect of, reversing, disallowing or recovering any of the *concessional finance* benefits that have already been shared with consumers of electricity under previous Transmission CF Adjustments.

**[14] Clause 6A.10.1 Submission of proposal, pricing methodology and information**

After clause 6A.10.1(h), insert:

- (i) Where clause 6A.3.3(f) applies, the *Revenue Proposal* must be accompanied by a copy of the relevant *concessional finance agreement*.

## **[15] New clause 6A.7.7 Concessional finance adjustments**

After clause 6A.7.6, insert a new clause:

### **6A.7.7 Concessional finance adjustments**

The *transmission determination* will be amended in a manner determined by the *AER* to reflect the adjustment made by the *AER* pursuant to clauses 6A.3.3(d), (e) and (g), as relevant.

## **[16] Clause S6A.4.2 Exclusions, qualifications and modifications**

After clause S6A.4.2(c)(9), insert:

Clause 6A.3.3 (Concessional finance adjustments):

- (10) For the purposes of clause 6A.3.3, *AEMO* is not a *Transmission Network Service Provider* in relation to assets that form part of an *augmentation* that is *contestable* as determined by *AEMO* in accordance with Part H of Chapter 8 of the *Rules*.
- (11) A *declared transmission system operator* who receives *concessional finance* for assets that form part of an *augmentation* that is not *contestable* as determined by *AEMO* in accordance with Part H of Chapter 8 of the *Rules*, must provide to *AEMO* the *concessional finance agreement* provided to the *AER* under clause 6A.3.3 at the same time that agreement is provided to the *AER*, as well as any other information reasonably requested by *AEMO* in relation to the *concessional finance agreement*.

## **[17] Chapter 10 Glossary**

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

### ***concessional finance***

An arrangement between a *government funding body* and a *Network Service Provider* under which the *government funding body* directly or indirectly provides financial support to the *Network Service Provider* pursuant to a *concessional finance agreement*.

### ***concessional finance agreement***

An agreement between a *Network Service Provider*, or a related entity of the *Network Service Provider*, and a *government funding body* which the *government funding body* specifies to be such an agreement for the purposes of clauses 6.2.9(b) or 6A.3.3(b).

***government funding body***

A government, government owned corporation or government agency (including, without limitation, an entity owned, or where there is a controlling interest, by a Commonwealth, State or Territory government).

**[18] Chapter 10                      Glossary**

In the definition of "***revenue determination***", omit "clause 6A.8.2" and substitute "clauses 6A.8.2 or 6A.3.3".

## Schedule 2      Savings and Transitional Amendment to the National Electricity Rules

(Clause 4)

### [1] New rule 11.166 Rules consequential on the making of the National Electricity Amendment (Sharing concessional finance benefits with consumers) Rule 2024

In chapter 11, after rule 11.165, insert:

#### **11.166 Rules consequential on the making of the National Electricity Amendment (Sharing concessional finance benefits with consumers) Rule 2024**

##### **11.166.1 Definitions**

(a) For the purposes of this rule 11.166:

**Amending Rule** means the *National Electricity Amendment (Sharing concessional finance benefits with consumers) Rule 2024*.

**commencement date** means 29 March 2024, being the date on which the Amending Rule commences.

**new clause 6.2.9(b)** means clause 6.2.9(b) of new Chapter 6.

**new clause 6A.3.3** means clause 6A.3.3 of new Chapter 6A.

**new clause 6A.3.3(b)** means clause 6A.3.3(b) of new Chapter 6A.

**new clause S6A.4.2(11)** means clause S6A.4.2(11) of new Chapter 6A.

**new Chapter 6** means Chapter 6 of the *Rules* as in force on and from the commencement date.

**new Chapter 6A** means Chapter 6A of the *Rules* as in force on and from the commencement date.

**new Chapter 10** means Chapter 10 of the *Rules* as in force on and from the commencement date.

**Transmission CF Adjustment** has the same meaning as in new clause 6A.3.3.

(b) Italicised terms used in this rule 11.166 have the same meaning as in new Chapter 10.

##### **11.166.2 Application of Amending Rule to concessional finance received prior to commencement date**

(a) If, between 14 December 2023 and the commencement date, a *Network Service Provider* has entered into an agreement with a *government funding body*, which following the commencement date,



would be a *concessional finance agreement* that requires any of the benefits of the *concessional finance* to be shared with consumers of electricity, then the *Network Service Provider* must provide the *AER* with the information specified in new clause 6.2.9(b) or new clause 6A.3.3(b) (as applicable) within 40 *business days* of the commencement date.

- (b) If paragraph (a) applies to a *Network Service Provider* that is a *declared transmission system operator*, then the *declared transmission system operator* must also comply with new clause S6A.4.2(11).

### **11.166.3 AER RIT instruments and guidelines**

- (a) By no later than 31 December 2024, the *AER* must update and publish the following instruments and guidelines to take into account the Amending Rule, and in doing so must comply with the *standard rules consultation procedures*:
  - (1) the *Cost Benefit Analysis Guidelines*;
  - (2) the *regulatory investment test for transmission*;
  - (3) the *regulatory investment test for transmission application guidelines*;
  - (4) the *regulatory investment test for distribution*; and
  - (5) the *regulatory investment test for distribution application guidelines*.
- (b) The *AER* may undertake consultation on the instruments and guidelines listed in subparagraph (a) using the *standard rules consultation procedures* as either:
  - (1) a single process; or
  - (2) multiple processes, applied to each instrument or guideline separately.
- (c) If, prior to the rule commencement date and for the purposes of updating any of the instruments or guidelines described in subparagraph (a) in anticipation of the Amending Rule, the *AER* undertook a consultation or step equivalent to those required under the *standard rules consultation procedures*, then the *AER* is taken to have satisfied the relevant consultation or step required under the *standard rules consultation procedures*.

### **11.166.4 Intending TNSPs**

- (a) The Amending Rule applies to an *Intending TNSP* on and from the commencement date such that any reference to '*Transmission Network Service Provider*' in new clause 6A.3.3 is to be read as a reference to '*Intending TNSP*'.

- (b) The *AER* may make a Transmission CF Adjustment as part of an *Intending TNSP's* first *transmission determination* being made pursuant to clause 6A.9.2.

[END OF RULE AS MADE]

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