



## **National Electricity Amendment (Victorian jurisdictional derogation, smelter agreements) Rule 2014 No. 2**

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; and
- (g) 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 (Victorian jurisdictional derogation, smelter agreements) Rule 2014 No. 2**

### **1 Title of Rule**

This Rule is the *National Electricity Amendment (Victorian jurisdictional derogation, smelter agreements) Rule 2014 No.2*.

### **2 Commencement**

This Rule commences operation on 1 August 2014.

### **3 Amendment of 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 9.3.1      General Definitions

In clause 9.3.1, omit the definition for "Counterparties" and substitute:

Column 1	Column 2
Counterparties	In relation to each Smelter Agreement, means as applicable Portland Smelter Services Pty Ltd, Alcoa of Australia Limited (ACN 004 879 298) or any other party to that Smelter Agreement (other than SEC).

### [2] Clause 9.3.1      General Definitions

In clause 9.3.1, omit the definition for "Smelter Agreements" and substitute:

Column 1	Column 2
Smelter Agreements	Each of the agreements, contracts and deeds referred to in Part A of schedule 3 to the <i>EI (RP) Act</i> in their form as at 1 July 1996 (other than the Portland and Point Henry Flexible Tariff Deeds between SEC and the State Trust Corporation of Victoria) in each case until that agreement, contract or deed expires or is terminated.

### [3] Clause 9.4.2      Smelter Trader

Omit clause 9.4.2(a)(1) and substitute:

- (1) Smelter Trader is deemed to be entitled to register as a *Customer* in respect of the *connection points* used to supply electricity under a Smelter Agreement for so long as those *connection points* are used to supply electricity under that Smelter Agreement;

### [4] Clause 9.4.2      Smelter Trader

In clause 9.4.2(a)(2), omit "the electricity supplied under the Smelter Agreements" and substitute "electricity supplied under a Smelter Agreement".

**[5] Clause 9.4.2 Smelter Trader**

Omit clause 9.4.2(a)(4) in its entirety and substitute "[Deleted]".

**[6] Clause 9.4.2 Smelter Trader**

Omit clause 9.4.2(a)(5) and substitute:

- (5) Alcoa of Australia Limited (ACN 004 879 298) is deemed to be entitled to register as a *Generator* and a *Market Generator* in relation to the *generating systems* forming part of the Anglesea Power Station; and

**[7] Clause 9.4.2 Smelter Trader**

Omit clause 9.4.2(a)(6) in its entirety and substitute "[Deleted]".

**[8] Clause 9.4.2 Smelter Trader**

Omit clause 9.4.2(a)(7) and substitute:

- (7) no Counterparty is or is to be taken to be entitled to become a *Market Participant*, an *Intending Participant* or a *Customer* in respect of electricity supplied under that Smelter Agreement.

**[9] Clause 9.4.2 Smelter Trader**

Omit clause 9.4.2(a)(8) in its entirety and substitute "[Deleted]".

**[10] Clause 9.4.2 Smelter Trader**

Omit clause 9.4.2(a)(9) in its entirety and substitute "[Deleted]".

**[11] Schedule 9A3 Jurisdictional Derogations Granted to Generators**

In Tables 2, 10 and 13 in clauses 5, 13 and 16 respectively of Schedule 9A3 in Chapter 9, omit "Smelter Trader" and substitute "Alcoa of Australia Limited (ACN 004 879 298)".

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[END OF RULE AS MADE]

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