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BY EMAIL AND POST

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Date
Melbourne, 7/11/08

Dear Sir

National Electricity Rules, Draft Rule Determination

National Electricity Amendment (Confidentiality Arrangements in Respect of Information Required for Power System Studies) Rule 2008

Thank you for the opportunity to comment on the above.

As Siemens considers all information provided under the National Electrical Rules (**Rules**) to be confidential proprietary information we find that the procedure for provision of a "Releasable User Guide" to market participants needs to be revised in order to ensure that no commercially sensitive information will be made available to the recipients of the information.

Further, Siemens finds that the non disclosure requirements that recipients of the information have to meet must be revised in order to prevent any leak of information to other parties than the intended recipients and for such recipients to be more accountable for keeping such information secure.

In particular we would like to highlight the following:

Section A.2.3.1 - Definition of Releasable User Guides

In the Rule change Proposal, dated 8 April 2008 from the National Generators Forum (NGF) the following text is proposed for the definition of "Releasable User Guide" for insertion in Chapter 10:

"releasable user guide: a document associated with a functional block diagram that contains sufficient information to enable a Registered Participant to use the encrypted source code to carry out power system studies for planning and operational purposes."

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It's clear from the text proposed by NGF that the model code for power system studies that a Registered Participant can request from NEMMCO shall be in an encrypted form.

In the Draft Rule Determination from Australian Energy Market Commission, dated 25 September 2008 the following text is proposed at A.2.3.1 to define a "Releasable User Guide":

"Releasable User Guide": a document associated with a functional block diagram and source code provided under clause S5.2.4(b) (combined, forming the "model") that contains the numerical values associated with the **model** to enable a *Registered Participant* to use the encrypted source code provided under clause 3.13.3(l) to carry out *power system* studies for planning and operational purposes."

In this definition a "source code model" is mentioned and it is not entirely clear whether such source code provided under the guide is encrypted as deemed fit by the original discloser.

Siemens suggests that the definition of "Releasable User Guide" be modified so it's clear that no party other than NEMMCO will obtain access to the unencrypted model source code.

Siemens considers an open source code model to contain strictly confidential proprietary information. In the current Rules provision of a source code model to NEMMCO is required. There should be no reason for provision of an unencrypted source code model to any other party than NEMMCO. An encrypted or compiled model is fully functional for power system studies.

Section A.2.3.2, Contents to be included in a Releasable User Guide.

Siemens wants to prevent information that is not intended by the original discloser to be included in the Releasable User Guide being provided to any third party. Hence Siemens suggests that there be additional provisions to allow the content of the Releasable User Guide to be agreed between NEMMCO and the original discloser prior to its release to any Registered Participant.

As NEMMCO is holder of more detailed information than needed to enable a Registered Participant to carry out power system studies, it's important that NEMMCO and the original discloser agree what information is needed for the Releasable User Guide.

A.1.3.4 Introduction of Penalties to the Rules

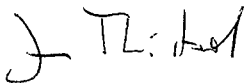
Siemens agrees with Roaring 40s' suggestion that penalties need to be introduced for breach of the confidentiality provisions by a participant or requirements that a participant needs to enter into a confidentiality agreement with NEMMCO or the relevant NSP need to be inserted in the Rules.

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Further, in conjunction with maintaining a register, the Registered Participants should be required to give an acknowledgement that the confidential information provided must be kept confidential and secure at all times and if there is a breach of this obligation, the original discloser will suffer loss and damage.

If you have any queries or require clarification, please do not hesitate to contact us.

Yours faithfully



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