



Australian Energy Market Commission

RULE DETERMINATION

National Electricity Amendment (National Transmission Statement) Rule 2009

Rule Proponent(s)

The Ministerial Council of Energy

31 March 2009

RULE
CHANGE

A handwritten signature in black ink, appearing to read "John Tamblin", is written over a light grey circular watermark. The signature is fluid and cursive.

JOHN TAMBLYN
Chairman
For and on behalf of the Australian Energy Market Commission

Inquiries

The Australian Energy Market Commission
PO Box A2449
Sydney South NSW 1235

E: aemc@aemc.gov.au

T: (02) 8296 7800

F: (02) 8296 7899

Citation

AEMC 2009, *National Transmission Statement*, Rule Determination,
31 March 2009, Sydney

About the AEMC

The Council of Australian Governments, through its Ministerial Council on Energy, established the Australian Energy Market Commission (AEMC) in July 2005 to be the Rule maker for national energy markets. The AEMC is currently responsible for Rules and policy advice covering the National Electricity Market. It is a statutory authority. Our key responsibilities are to consider Rule change proposals, conduct energy market reviews and provide policy advice to the Ministerial Council as requested, or on AEMC initiative.

This work is copyright. The Copyright Act 1968 permits fair dealing for study, research, news reporting, criticism and review. Selected passages, tables or diagrams may be reproduced for such purposes provided acknowledgement of the source is included.

Contents

Abbreviations	iv
1 Rule Change Proposal.....	1
1.1 MCE Rule Change Proposal.....	1
1.2 Background to the Rule Change Proposal	1
1.3 Proponent's proposal.....	2
1.4 Expedited Rule change process.....	3
1.5 Consultation.....	3
2 Rule Determination	5
2.1 Commission's determination.....	5
2.2 Commission's considerations	5
2.3 Differences between Rule as Made and proposed Rule	6
2.4 Commission's power to make the Rule	6
3 Commission's Assessment against the NEL criteria	7
3.1 Methodology	7
3.2 Rule Making Test and National Electricity Objective.....	7
3.3 Commission's analysis	7
3.4 Comment	11
3.5 Assessment against Rule Making Test	12
Appendix A	13

Abbreviations

AEMC	Australian Energy Market Commission
AEMO	Australian Energy Market Operator
ANTS	Annual National Transmission Statement
Commission	see AEMC
MCE	Ministerial Council on Energy
NEL	National Electricity Law
NEM	National Electricity Market
NEMMCO	National Electricity Market Management Company
NEO	National Electricity Objective
NTFP	National Transmission Flow Path
NTNDP	National Transmission Network Development Plan
NTP	National Transmission Planner
NTS	National Transmission Statement
Rules	National Electricity Rules
TNSP	Transmission Network Service Provider

1 Rule Change Proposal

1.1 MCE's Rule Change Proposal

The Commission has received a Rule change request from the Ministerial Council of Energy (MCE) seeking to make a Rule requiring the National Electricity Market Management Company (NEMMCO) to prepare a National Transmission Statement (NTS) for 2009 instead of an Annual National Transmission Statement (ANTS) (Rule Change Proposal).¹

The Rule Change Proposal forms part of the MCE's response to the Commission's Final Report on National Transmission Planning Arrangements (NTP Final Report)². The NTP Final Report contains the Commission's conclusions and recommendations on the Commission's National Transmission Planning Arrangements Review (Review).

The Rule Change Proposal also included another related request from the MCE seeking the Commission to make a Rule to implement a regulatory investment test for transmission.

1.2 Background to the Rule Change Proposal

Amongst other things, the NTP Final Report included a series of draft Rules regarding the proposed new National Transmission Network Development Plan (NTNDP). The NTP Final Report recommended that, if practicable, the first NTNDP should be published by December 2009.

In its response to the NTP Final Report, the MCE agreed to replace the current ANTS with a NTNDP. However, the MCE considered that the first NTNDP could not be provided by December 2009. Rather, the MCE considered that a transitional document, referred to as a NTS, should be published for 2009 with the first NTNDP to be published in December 2010. Accordingly the MCE has requested a Rule change to implement a NTS for 2009.

The required legislative and Rule changes for the implementation of the NTNDP and related functions are scheduled to be part of the broader MCE legislative package to establish the Australian Energy Market Operator (AEMO).

¹ Ministerial Council on Energy, *MCE Response on AEMC Final Report to the MCE on the National Transmission Planning Arrangements*, 5 November 2008 (Rule Change Proposal Part 1) and Ministerial Council on Energy Standing Committee of Officials, *MCE Rule Change requests – National Transmission Statement and Regulatory Investment Test for Transmission*, 16 February 2009 (Rule Change Proposal Part 2) (together the Rule Change Proposal). Refer to clause 5.6.5 of the National Electricity Rules for current requirements regarding the ANTS.

² Australian Energy Market Commission, *Final Report to the MCE on the National Transmission Planning Arrangements*, 30 June 2008 (NTP Final Report).

1.3 Proponent's proposal

The proposed Rule would require NEMMCO to publish a NTS for 2009 (in place of the current ANTS) as a way to facilitate an efficient transition from the ANTS published in 2008 to the proposed first NTNDP to be published in 2010, and to capture some of the benefits of the proposed NTNDP.³

Therefore, the proposed Rule seeks to:

- relieve NEMMCO of its obligations to produce a 2009 ANTS;
- empower NEMMCO to begin work towards the 2009 NTS;
- allow NEMMCO to incur and recover costs associated with the publication of the 2009 NTS; and
- modify the ANTS information provision arrangements to require Transmission Network Service Providers (TNSPs) to support the production of the transition document.⁴

To achieve these purposes, the proposed Rule includes the following:

- an obligation for NEMMCO to conduct a 2009 NTS review and to publish a NTS by 31 December 2009 (NTS Review);
- a requirement for NEMMCO to undertake appropriate consultation with registered participants when carrying out the NTS Review;
- the required inclusions and considerations for the NTS Review; and
- the information requirement provisions for the NTS Review.

The main differences between the inclusions of the proposed NTS and the current ANTS can be summarised as follows:

- The demand forecast and forecast of the location of the potential National Transmission Flow Paths (NTFPs) in the NTS will be required to look ahead 20 years rather than 10 years.
- There will be an increased focus on NTFPs in formulating transmission planning in the NTS.⁵

These differences are consistent with the inclusions for the proposed NTNDP.⁶

³ Rule Change Proposal Part 2, p. 4.

⁴ Idem.

⁵ Idem.

⁶ Rule Change Proposal Part 2, p. 5.

1.4 Expedited Rule change process

On 26 February 2009, the Commission published a notice under sections 95 of the National Electricity Law (NEL) commencing first round consultation on this Rule Change Proposal. The notice also advised of the Commission's intention to expedite the Rule change process under section 96 of the NEL on the grounds that it is non-controversial, subject to the receipt of written objections.

The Rule Change Proposal originally requested that the proposed NTS Rule be fast tracked under section 96A of the NEL. The proposed NTS Rule had not, however, been subject to previous consultation, as required for the purposes of section 96A of the NEL. The Commission considered, though, that the proposed NTS Rule was non-controversial in nature and intended to expedite the Rule Change Proposal under section 96 of the NEL.

The Commission considered that the proposed Rule was unlikely to have a significant effect on the National Electricity Market (NEM) as the proposed NTS only slightly modifies the current ANTS to make the process consistent with the NTNDP as proposed in the NTP Final Report and expected to be published for the first time in 2010. Further, the proposed Rule change is only transitional in nature and only a limited number of participants would be affected by the Rule change.

Written objections from stakeholders to the Commission's intention to expedite the Rule change process were due by 13 March 2009. The Commission did not receive any objections.

1.5 Consultation

On 27 March 2009, the submission period for the Rule Change Proposal closed. The Commission did not receive any such submissions.

1.5.1 NEMMCO's 2009 NTS consultation process

Assuming that the proposed Rule will implement the NTS, NEMMCO has already commenced its 2009 NTS consultation process in order to meet the production deadline for the proposed 2009 NTS on 31 December 2009. In this regard, NEMMCO published its 2009 NTS Consultation Issues Paper on 13 February 2009.⁷ Submissions in response to this issues paper were due on 11 March 2009. AGL/International Power/TRU Energy/Loy Yang have lodged a combined submission which does not oppose the making of the proposed Rule.⁸

At the conclusion of NEMMCO's 2009 NTS consultation process, a final report will be published to document:

⁷ NEMMCO, 2009 NTS Consultation Issue Paper, 13 February 2009. See <http://www.nemmco.com.au/psplanning/nts.html>.

⁸ Idem.

- NEMMCO's consideration of the matters raised in submissions; and
- the final set of data and assumptions that will be used in NEMMCO's 2009 NTS market simulations.

2 Rule Determination

2.1 Commission's determination

In accordance with section 102 of the NEL, the Commission has made and published this Rule determination. In accordance with section 103 of the NEL, the Commission has made the *National Electricity Amendment (National Transmission Statement) Rule 2009* (Rule as Made).

The Rule as Made will commence on 16 April 2009.

The Rule as Made, which is different from the proposed Rule in the Rule Change Proposal, is published with this Rule determination.⁹

2.2 Commission's considerations

This Rule determination sets out the Commission's reasons for making the Rule as Made. In relation to this decision, the Commission has taken into account the following:

- the Commission's powers under the NEL to make the Rule as Made;
- the Rule Change Proposal and the proposed Rule;
- the NTP Final Report and the MCE's response to that Report;
- NEMMCO's 2009 NTS consultation process; and
- the Commission's analysis as to the ways in which the Rule Change Proposal will, or is likely to, contribute to the National Electricity Objective (NEO) so that the Rule making test is satisfied.

The Commission is satisfied that the Rule as Made will, or is likely to, contribute to the achievement of the NEO because it:

- facilitates the effective and efficient transition between the last ANTS and the first NTNDP and enables the processes that support their development, reflective of good regulatory practice; and
- promotes a more strategic and efficient approach to electricity transmission network planning which is in the long-term interests of consumers.

⁹ See section 103(3) of the NEL. It provides that a Rule that is made in accordance with section 103(1) of the NEL does not need to be the same as the draft of the proposed Rule to which a notice under section 95 of the NEL relates.

2.3 Differences between Rule as Made and proposed Rule

Although some minor changes have been made to the proposed Rule to maintain consistency with the Rules and to ensure clarity, the Rule as Made changes neither the intent nor the effect of the proposed Rule. The changes made are mainly of a drafting nature and to ensure consistency with the Rules more generally.

The Commission's proposed provisions (marked up against the proposed Rule) can be found in Appendix A.

2.4 Commission's power to make the Rule

The Commission is satisfied that the Rule as Made falls within the subject matters for which the Commission may make Rules as set out in section 34 of the NEL and in Schedule 1 to the NEL. The proposed Rule is within:

- the matters set out in section 34(1)(a)(iii) of the NEL, as it relates to the activities of persons participating in the NEM or involved in the operation of the national electricity system; and
- the matters set out in item 12 of Schedule 1 of the NEL as it relates to the augmentation or expansion in the capacity of transmission systems and distribution systems.

3 Commission's Assessment against NEL criteria

This chapter sets out the Commission's assessment of the Rule Change Proposal and its reasons for making the Rule as Made.

3.1 Methodology

In assessing any proposed Rule change against the NEL criteria, the Commission must consider the counterfactual arrangements against which the Rule change is being compared in the light of the NEO. In the present case, the relevant counterfactual would be a continuation of the present arrangements under which an ANTS is to be published for 2009 and the first NTNDP is expected to be published in 2010. The Commission's assessment has also involved a consideration of the background to the Rule Change Proposal, including the NTP Final Report, the MCE's response to that Report and NEMMCO's 2009 NTS consultation process.

3.2 Rule Making Test and National Electricity Objective

The Rule making test states that the Commission may only make a Rule if it is satisfied that the Rule will, or is likely to, contribute to the achievement of the NEO.¹⁰ The overarching objective of the NEL is to promote efficient investment in, and efficient operation and use of, electricity services for the long term interest of consumers of electricity with respect to:

- price, quality, safety, reliability and security of supply of electricity; and
- the reliability, safety and security of the national electricity system.¹¹

The NEO is founded on the concepts of economic efficiency (including productive, allocative and dynamic dimensions of efficiency), good regulatory practice (which refers to the means by which regulatory arrangements are designed and operated) as well as reliability, safety and security priorities. Of particular relevance for this Rule Change Proposal are efficiency and good regulatory practice.

3.3 Commission's analysis

The Commission's assessment has involved an assessment in the context of the NEO of the arguments made in the Rule Change Proposal and the background to the Rule Change Proposal, including the NTP Final Report, the MCE's response to that Report and NEMMCO's 2009 NTS consultation process.

¹⁰ See section 88(1) of the NEL.

¹¹ See section 7 of the NEL.

3.3.1 NTP Final Report

In the NTP Final Report, the Commission recommended establishing a National Transmission Planner (NTP) whose core function would be to prepare and publish an annual NTNDP which should have a strategic and long term focus. The NTNDP should map out development strategies under a range of scenarios for the efficient delivery of transmission capability across the NTFPs. The NTNDP should consider both reliability and market benefits projects and provide a deeper and longer term (at least looking forward 20 years) scenario-based assessment of power system development to the market. The Commission considered the NTNDP to be a substantial improvement on the current ANTS as it would be less reliant on conceptual augmentations suggested by the TNSPs and will promote a more strategic and efficient approach to transmission network planning.¹²

The Commission recommended that the NTP functions and powers be implemented through a combination of legislative amendments to the NEL and a series of changes to the Rules.¹³ These amendments will form part of the general package of reforms necessary to implement the new AEMO, currently expected to commence in July 2009.

The Commission recognised that for the implementation of the NTP, an important issue for consideration was the first publication date for the NTNDP. The content and scope of the NTNDP would be broader than the current ANTS and would require additional modelling capabilities and resources compared to the ANTS. The Commission established that an appropriate framework for managing the transition from the last ANTS to the first NTNDP would be required.¹⁴

The Commission considered that, if practicable, because of its substantial improvements to the ANTS, it would be of benefit to the market for the first NTNDP to be published by December 2009, but recognised that timing constraints might prevent this. In particular, the Commission identified that to realise a publication of the first NTNDP in 2009, the following steps would be required:

- an early clarification to NEMMCO on what model of NTP and NTNDP the MCE intends to implement, and by when;
- a mechanism to enable NEMMCO to incur and recover costs prior to the establishment of the AEMO associated with preparations for the publication of the first NTNDP;
- a mechanism to “turn off” NEMMCO’s existing obligations in respect of producing the October 2009 ANTS; and
- a mechanism to recognise that the first NTNDP might be more limited than subsequent NTNDPs due to pressure of time and resources, and to enable the

12 NTP Final Report. pp. ix-x.

13 NTP Final Report. pp. xiii-xiv.

14 NTP Final Report. pp. xiii-xiv and 87-88.

AEMO to prioritise certain elements of the NTNDP in the first year in a manner consistent with the NTP's objective.¹⁵

As an alternative approach, the Commission suggested publishing the first NTNDP in December 2010.¹⁶

3.3.2 MCE response to the NTP Final Report

The MCE supported the proposal to replace the current ANTS with a NTNDP as it would enhance the strategic development of transmission planning.¹⁷

However, the MCE considered that it was impossible to provide the first NTNDP by December 2009 due to tight time frames. Rather, the MCE was of the view that a document should be published in 2009 assisting the transition from the ANTS 2008 to the first NTNDP to be published in 2010 and capturing some of the benefits of the proposed NTNDP in 2009. The MCE suggested that this transitional document be called a National Transmission Statement.¹⁸

Since the AEMO will ultimately be responsible for approving and releasing the NTS, the MCE expected that, in the interim period until the establishment of the AEMO, NEMMCO would collaborate with representatives of the AEMO and work with the TNSPs in developing the NTS.¹⁹

To enable this transitional arrangement, the MCE submitted to the Commission the Rule Change Proposal.

3.3.3 NEMMCO's 2009 NTS consultation process

Clause 11.x.4(b) of the proposed Rule would require NEMMCO to consult with the TNSPs on the input data and assumptions, potential options for addressing congestion and the contents of the NTS.

NEMMCO has already commenced its 2009 NTS consultation process in order to meet the production deadline for the proposed 2009 NTS on 31 December 2009. In this regard, NEMMCO published its 2009 NTS Consultation Issues Paper on 13 February 2009.²⁰ Submissions in response to this issues paper were due on 11 March 2009. AGL/International Power/TRU Energy/Loy Yang have lodged a combined response. Their submission does not oppose the making of the proposed Rule or, in

15 Idem.

16 Idem.

17 Rule Change Proposal Part 1, attachment pp. 9-10.

18 Rule Change Proposal Part 1, attachment p. 11.

19 Rule Change Proposal Part 1, attachment p. 12.

20 NEMMCO, 2009 NTS Consultation Issue Paper, 13 February 2009. See <http://www.nemmco.com.au/psplanning/nts.html>.

other words. the publication of the proposed 2009 NTS and the first NTNDP in 2010.²¹

At the conclusion of NEMMCO's 2009 NTS consultation process, a final report will be published to document:

- NEMMCO's consideration of the matters raised in submissions; and
- the final set of data and assumptions that will be used in NEMMCO's 2009 NTS market simulations.

3.3.4 Rule Change Proposal

The Rule Change Proposal seeks to implement a NTS for 2009 to transition from the ANTS published in 2008 to the first NTNDP to be published in 2010.²²

The two major deviations of the proposed NTS from the current ANTS are:

- the requirement to consider both the location of the potential NTFPs and demand forecasts for the next 20 years rather than 10 years; and
- an increased focus on NTFPs in formulating transmission planning.

The MCE is of the view that the first requirement fosters a more strategic and long term view in relation to transmission planning which compliments the shorter-term investment planning activities of the TNSPs and, as a result, promotes efficient outcomes for consumers.²³

With regard to the second requirement, the MCE considers that an increased focus on NTFPs recognises the interconnectedness of the transmission networks, while at the same time appropriately limits the involvement of the NTP to only those local planning issues that are likely to have a substantive impact on major energy pathways. In the MCE's view, this also contributes to a more strategic and efficient approach of the planning of the transmission network business.²⁴

Both requirements are consistent with the Commission's proposed NTNDP. Although not incorporating the full benefits of the proposed NTNDP, the MCE is of the view that by incorporating the above requirements in a transitional document for 2009, the focus of the national transmission planning function would shift towards a more strategic approach and, as a result, would maximise potential benefits to the market over the long term. As a result, the MCE believes that the proposed Rule contributes to the achievement of the NEO.²⁵

²¹ Idem.

²² See also section 1.3 on p. 2 of this Determination.

²³ Rule Change Proposal Part 2, p. 5.

²⁴ Idem.

²⁵ Idem.

The MCE also believes that the Rule Change Proposal does not impose any significant costs.²⁶

3.4 Comment

The Commission is of the view that the replacement of the ANTS by a NTNDP would promote a more strategic and efficient approach to transmission network planning. Therefore, the Commission still sees value in considering the implications for such strategic development of the transmission network sooner rather than later.

On the other hand, the Commission acknowledges and accepts that, due to time frame and resource limitations, a publication of the first NTNDP in December 2009 is impractical and that the best alternative approach is to publish the first NTNDP in December 2010.

The Commission agrees that a transitional document replacing the current ANTS and incorporating some of the improving elements of the proposed NTNDP (such as a minimum 20 years time horizon) is an efficient transitional measure between the last ANTS and the expected first NTNDP. The proposed NTS would represent the first steps towards a more strategic and long term view of transmission planning.

Proposed Rule 11.[x].5 would require that the 2009 NTS identifies the expected scope and content of the first NTNDP. This proposed Rule reflects the Commission's suggestion in its NTP Final Report to include, in the transitional phase between the last ANTS and the first NTNDP, a mechanism to recognise that the first NTNDP might be more limited than subsequent NTNDPs due to time and resourcing constraints.

For these reasons, the Rule Change Proposal is accepted. However, some changes to the drafting suggested by the MCE are warranted.

To achieve consistency with the Rules and to ensure clarity, some minor changes to the proposed Rule have been made in the Rule as Made. The changes do not affect the proposed Rule's intent or effect.²⁷

²⁶ Idem.

²⁷ See also section 2.3 on p. 6 of this Determination.

3.5 Assessment against Rule Making Test

The Commission has analysed and assessed the Rule Change Proposal. The Commission is satisfied that the Rule as Made satisfies the Rule making test as it would:

- facilitate the effective and efficient transition between the last ANTS and the first NTNDP and enable the processes that support their development, reflective of good regulatory practice; and
- promote a more strategic and efficient approach to electricity transmission network planning which is in the long-term interests of consumers.

A Appendix

11.[x].1 Definitions

For the purposes of this rule 11.[x]:

Amending Rule 20089 means the National Electricity Amendment (National Transmission Statement) Rule 20089.

~~**National Transmission Statement** means the statement published by NEMMCO in accordance with Rule 11.[x].4.~~

commencement date means the date on which the Amending Rule 20089 commences operation.

jurisdictional planning body means an entity nominated from time to time by the relevant *Minister of a participating jurisdiction* as having *transmission system* planning responsibility in that *participating jurisdiction*.

National Transmission Network Development Plan means the document that is to replace the *Annual National Transmission Statement*, the first of which is to be published by NEMMCO after 2009.

National Transmission Statement means the statement published by NEMMCO in accordance with clause 11.[x].4.

National Transmission Statement review or **NTS review** means the review conducted by NEMMCO in accordance with clause 11.[x].4.

~~**National Transmission Network Development Plan** means the document that replaces the *Annual National Transmission Statement*, the first of which is to be published by NEMMCO by 31 December 2010.~~

11.[x].2 Purpose

The purpose of this rule 11.[x] is to require NEMMCO to publish a National Transmission Statement by 31 December 2009 in the place of an Annual National Transmission Statement for 2009. This will facilitate the efficient transition from the Annual National Transmission Statement in 2008 to the first National Transmission Network Development Plan to be published after 2009.~~The purpose of rule 11.[x] is to facilitate an efficient transition from the publication of the final Annual National Transmission Statement, which is to be published by 31 October 2008, to a National Transmission Network Development Plan, which is to be published by 31 December 2010, by requiring NEMMCO to publish a National Transmission Statement by 31 December 2009 in lieu of an Annual National Transmission Statement.~~

11.[x].3 Application of rule 11.[x]

From the commencement date, rule 11.[x] applies despite any other provision of the *Rules* (including any guideline or procedure made under the *Rules*) applicable to the ~~A~~annual ~~N~~national ~~T~~ransmission ~~S~~tatement review and publication of an Annual National Transmission Statement for 2009.

11.[x].4 National Transmission Statement

- (a) NEMMCO must conduct a review of the following matters:
- (1) *national transmission flow paths*;
 - (2) historical and forecast utilisation of *national transmission flow paths*;
 - (3) historical and forecast *constraints* in respect of *national transmission flow paths*, including those identified in the Annual Planning Reports;
 - (4) *augmentations* proposed by each *Transmission Network Service Provider* in their most recent *Annual Planning Reports* and the manner in which the proposed *augmentations* relate to the *national transmission flow paths*;
 - (5) other *network* and non-*network* options identified during the consultation described in paragraph (b) and the manner in which the options relate to the *national transmission flow paths*,
- (the “NTS review”) and prepare and *publish* the National Transmission Statement by 31 December 2009 setting out the results of ~~that~~ the NTS review.
- (b) NEMMCO must, in carrying out~~the course of conducting~~ the NTS review~~review~~, consult with *Registered Participants* and *interested parties* in relation to:

- (1) the data and assumptions to be used as part of the review;
 - (2) the potential options for addressing identified *constraints* impacting *national transmission flow paths*; and
 - (3) the content of the National Transmission Statement.
- (c) In carrying out the [NTS review](#)~~review~~, NEMMCO must consider the following [matters](#):
- (1) the location of the current *national transmission flow paths* and the current capacities, *constraints* and congestion points on those flow paths;
 - (2) the location of the potential *national transmission flow paths* over the next 20 years, and the likely capabilities, *constraints* and congestion points on those flow paths;
 - (3) the quantity of electricity which flowed, the periods in which the electricity flowed, and *constraints*, on the *national transmission flow paths* over the previous *financial year* or such other period as determined by NEMMCO having regard to data which is available to NEMMCO;
 - (4) the forecast quantity of electricity which is expected to flow, and the periods in which the electricity is expected to flow, the magnitude and significance of future *network losses* and *constraints* on the current and potential *national transmission flow paths* over the current *financial year* or such other period as determined by NEMMCO having regard to data which is available to NEMMCO;
 - (5) the projected capabilities of the existing *transmission network* and the *network control ancillary services* required to support existing and future *transmission network* capabilities;
 - (6) demand forecasts for the next 20 *financial years*;
 - (7) possible scenarios for additional *generation* and demand side options to meet demand forecasts;
 - (8) relevant intra-jurisdictional developments and any incremental works which may be needed to coordinate *national transmission flow path* planning with intra-jurisdictional planning;
 - (9) ~~these~~ options for relieving forecast *constraints* on the *national transmission flow paths* identified in [the Annual Planning Reports](#) or through the consultation required [under](#) paragraph (b); and

- (10) such other matters as *NEMMCO*, in consultation with the *participating jurisdictions*, considers are appropriate.
- (d) In considering the matters described in paragraph (c), *NEMMCO* must have regard to:
- (1) the *Annual Planning Reports published in 2009*; and
 - (2) information obtained for the purposes of preparing the *statement of opportunities to be published in 2009*;
- and may include information from the *Annual Planning Reports* and the *statement of opportunities* in the National Transmission Statement.
- (e) In carrying out the [NTS review](#)~~review~~, *NEMMCO* may seek the assistance of each jurisdictional planning body.
- (f) *NEMMCO* may by written notice request a jurisdictional planning body to provide *NEMMCO* with any additional information or documents reasonably available to it that *NEMMCO* reasonably requires for the purpose of the [NTS review](#)~~review~~.
- (g) A jurisdictional planning body must comply with a written notice from *NEMMCO* issued under paragraph (f).
- (h) *NEMMCO* may only use information or documents provided in accordance with paragraphs (f) and (g) for the purpose of preparing the National Transmission Statement or, where relevant, the *statement of opportunities to be published in 2009*.

11.[x].5 **Scope and Content of National Transmission [Network Development Plan](#)~~Planning Document~~**

The National Transmission Statement must also identify the expected scope and content of the first National Transmission Network Development Plan.

11.[x].6 **Energy Adequacy Assessment Projection**

Despite anything to the contrary in rule 3.7C, until the first *National Transmission Network Development Plan* is published ~~in 2010~~, clause 3.7C(b)(6)(B) is to be ~~taken read~~ as requiring ~~the EAAP~~*NEMMCO* to take into account, where relevant, the matters *NEMMCO* is required to consider for the purposes of ~~set out in clause Rule~~ 11.[x].4(c) [in carrying out the NTS review](#).

11.[x].7 **Amendment to Last Resort Power**

The National Transmission Statement is deemed to be an *Annual National Transmission Statement* [for 2009](#) for the purposes of clause 5.6.4(g)(2).

11.[x].8 **Actions taken prior to commencement of Rule**

Any relevant ~~decision made or~~ action taken by *NEMMCO* ~~for the purpose of implementing this rule 11.[x]~~ prior to the commencement date ~~has effect as if the decision had been made or the action had been taken under the Rules as amended by Amending Rule 2008.~~ is taken to have been made or done in accordance with the Rules for the purpose of the Amending Rule 2009.