

## Part 18 Natural Gas Services Bulletin Board

### Division 1 Interpretation and application

#### 141 Interpretation

- (1) In this Part:

**actual BB costs** in relation to an invoice period means the sum of:

- (a) the BB operator's actual costs of operating and maintaining the Bulletin Board in accordance with this Part during the invoice period, including the amounts paid or payable by the BB operator pursuant to tax invoices provided to the BB operator under Division 10 to the extent those tax invoices are for the provision of aggregation and information services provided during that invoice period; and
- (b) the BB operator's actual costs incurred during the invoice period in providing information under rule 186,

less the sum of any information retrieval fees paid to the BB operator under rule 186 during the invoice period.

**aggregated delivery nominations** for a BB pipeline for a gas day means the sum of nominations for that gas day received by the pipeline operator from BB shippers on that pipeline.

**aggregated forecast deliveries** for a BB pipeline for a gas day means the sum of forecast deliveries in respect of that gas day received by the pipeline operator from BB shippers on that pipeline.

**aggregation and information services** means the services provided by a pipeline operator in aggregating and providing information to the BB operator in compliance with rules 173 and 196.

**authorised representative** means a person duly authorised by a Minister of a participating jurisdiction to provide information to the BB operator for publication on the emergency information page or to request the BB operator to activate or deactivate the emergency information page under rule 181.

**BB facility** means a BB pipeline, a BB storage facility or a BB production facility.

**BB operator** means the Bulletin Board operator.

**BB participant** means a person that is registered by the BB operator under rule 148.

**BB pipeline** means a BB transmission pipeline:

- (a) that is specified as an initial BB pipeline in Schedule 2 to the Rules; or

- (b) that is commissioned after the commencement of these Rules; or

**Note:**

Section 12 of the *NGL* defines “commission”.

- (c) that is declared to be a BB pipeline under rule 153,  
and that is not the subject of an exemption declaration under rule 149.

**BB procedures** means the initial BB procedures as amended from time to time under Division 4.

**BB production facility** means a production facility:

- (a) that is specified as an initial BB production facility in Schedule 2 to the Rules; or
- (b) that commences operation after the commencement of these Rules; or
- (c) that is declared to be a BB production facility under rule 153,  
and that is not the subject of an exemption declaration under rule 151.

**BB shipper** means a user or non-scheme pipeline user who:

- (a) is a party to a contract with a service provider of a BB pipeline under which that service provider provides or intends to provide a pipeline service to that person by means of a BB pipeline; or
- (b) has a right under an access determination to be provided with a pipeline service by means of a BB pipeline.

**BB storage facility** means a gas storage facility:

- (a) that is specified as an initial BB storage facility in Schedule 2 to the Rules;  
or
- (b) that commences operation after the commencement of these Rules; or
- (c) that is declared to be a BB storage facility under rule 153,  
and that is not the subject of an exemption declaration under rule 150.

**BB storage provider** means a storage provider who operates a BB storage facility.

**BB terms of use** means the terms and conditions on which BB users are granted access to the Bulletin Board and which are set out in the BB procedures.

**BB transmission pipeline** means:

- (a) a pipeline that is a transmission pipeline; or

- (b) a pipeline that would be likely to be classified in accordance with the pipeline classification criterion as a transmission pipeline.

**BB user** means:

- (a) a BB participant; and
- (b) any other person

who accesses information on the Bulletin Board.

**Bulletin Board** means the Natural Gas Services Bulletin Board.

**daily production capacity** for a BB production facility or a BB storage facility means the quantity of natural gas that can be injected into one or more BB pipelines from the facility on a gas day for that facility.

**daily production capacity outlook** for a gas day means the BB storage provider's or production facility operator's (as the case may be) good faith estimate of the daily production capacity of the relevant facility on that gas day.

**daily production data** means:

- (a) for a production facility, the quantity of natural gas that is metered as having been, or estimated in good faith by the production facility operator to have been, injected into one or more BB pipelines from the facility on a gas day for that facility; and
- (b) for a gas storage facility, the quantity of natural gas that is metered as having been, or estimated in good faith by the BB storage provider to have been, injected into one or more BB pipelines from the facility less the total quantity of natural gas injected from one or more BB pipelines into the facility.

**default interest rate** has the meaning given to it in rule 3.

**demand zone** means a region defined in accordance with the BB procedures.

**eligible BB participant** means:

- (a) a user or non-scheme pipeline user in respect of a BB transmission pipeline;
- (b) a producer;
- (c) a large end user;
- (d) a gas-fired electricity generator;
- (e) a service provider of a pipeline connected to a BB facility;
- (f) a storage provider;

- (g) a user or non-scheme pipeline user which retails gas to end users by means of a distribution pipeline;
- (h) a member of NGERAC;
- (i) a Minister of a participating jurisdiction;
- (j) an authorised representative;
- (k) the AER;
- (l) the ERA;
- (m) the AEMC; and
- (n) the Electricity Supply Industry Planning Council established by section 6C of the *Electricity Act 1996* of South Australia

**emergency information page** means the emergency information section of the Bulletin Board maintained by the BB operator under Division 7.

**emergency status report** means a statement on a gas supply emergency authorised by an authorised representative.

**exemption cancellation date** means the date specified in a notice under rule 152 as the date with effect from which the relevant exemption declaration is revoked.

**exemption declaration** means a declaration made by the BB operator under rule 149, 150 or 151 as the case may be.

**gas day** means:

- (a) in respect of a BB pipeline, the 24 hour period for which daily nominations are provided, commencing at the time advised by the pipeline operator under rule 175; and
- (b) in respect of a BB production facility or a BB storage facility, the 24 hour period commencing at the time advised by the relevant operator under rule 175.

**gas-fired electricity generator** means a scheduled generator (as defined in the NER) that operates a generating system for which the primary energy input is natural gas.

**gas storage facility** means a facility that stores natural gas for injection into a BB pipeline.

**IAMA Expert Determination Rules** means the rules for expert determinations published by the Institute of Arbitrators & Mediators, Australia as amended from time to time.

**initial BB procedures** means the procedures published by the BB operator under rule 158.

**interest rate** has the meaning given to it in rule 3.

**invoice period** means:

- (a) the period from the commencement date of these Rules to 30 June 2009 (both dates inclusive); and
- (b) each subsequent period commencing on 1 July in a year and ending on 30 June in the next year (both dates inclusive).

**large end user** means an end user that can reasonably demonstrate to the BB operator that it consumes more than 500TJ of natural gas per annum.

**LCA flag** for a BB pipeline for a gas day means a green, amber or red flag indicating the actual or expected capability of the BB pipeline to meet the aggregated delivery nominations for the BB pipeline for that gas day based on the pipeline's linepack and capacity.

**Note:**

The meaning of a green, amber or red flag is specified in the BB procedures.

**nameplate rating** has the meaning given to it in rule 141(2).

**NER** means the National Electricity Rules within the meaning of the National Electricity Law as set out in the schedule to the *National Electricity (South Australia) Act 1996* of South Australia.

**NGERAC** means the National Gas Emergency Response Advisory Committee established under the Memorandum of Understanding dated 26 October 2005 in relation to the National Gas Emergency Response Protocol.

**nominations** means natural gas quantities nominated by BB shippers to the pipeline operator to be delivered by the BB pipeline.

**pipeline operator** means a service provider or a gas market operator of a BB pipeline.

**production facility** means a facility at which natural gas is produced so that it is in a form suitable for injection into one or more BB pipelines.

**production facility operator** means a producer, user or non-scheme pipeline user who operates a BB production facility.

**production zone** means a region defined in accordance with the BB procedures.

**scheduled injection** has the same meaning as in the Victorian Market and System Operations Rules.

**scheduled withdrawal** has the same meaning as in the Victorian Market and System Operations Rules.

**tax invoice** has the meaning given to it in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

**TJ means** terrajoule.

**total estimated BB costs** in relation to an invoice period means the amount calculated by the BB operator in accordance with rule 189.

**Victorian Market and System Operations Rules** means the MSO Rules as defined in the *Gas Industry Act 2001* of Victoria.

**Victorian transmission system** means

- (a) transmission pipelines with respect to which immediately before the commencement date of these Rules a service provider (within the meaning of the Gas Code) was GasNet Australia (Operations) Pty Ltd (ABN 65 083 009 278); and
  - (b) extensions to or expansions of the capacity of a pipeline to which paragraph (a) applies where, by operation of an applicable access arrangement or under the *Law*, those extensions or expansions are to be treated as part of the pipeline.
- (2) In this Part the term **nameplate rating**:
- (a) when used in the context of a BB pipeline, means the maximum quantity of natural gas that can be transported through that BB pipeline on a gas day under normal operating conditions;
  - (b) when used in the context of a production facility, means the maximum daily production capacity of the production facility under normal operating conditions; and
  - (c) when used in the context of a gas storage facility means either:
    - (i) the maximum daily production capacity of the gas storage facility under normal operating conditions (the **production nameplate rating**);
    - (ii) the maximum quantity of natural gas that the storage facility can receive and process into storage on a gas day under normal operating conditions (the **refill nameplate rating**); or
    - (iii) the maximum quantity of natural gas that the storage facility can hold in storage the (**storage nameplate rating**).
- (3) In this Part a reference to a quantity of natural gas is to an energy quantity (expressed in whole TJ), rather than a volumetric or other quantity.

## 142 Purpose of the Bulletin Board

The purpose of the Bulletin Board is to:

- (a) facilitate trade in natural gas and markets for natural gas services through the provision of system and market information which is readily available to all interested parties, including the general public; and
- (b) assist in emergency management through the provision of system and market information.

## **143 This Part does not apply in Western Australia**

This Part does not apply in Western Australia until the day fixed in an order under section 20A of the National Gas Access (Western Australia) Law within the meaning of the *National Gas Access (WA) Act 2009* of Western Australia.

## **Division 2 Bulletin Board**

### **144 Operation of Bulletin Board**

The BB operator must maintain the Bulletin Board in accordance with the *NGL*, the Rules and BB procedures.

### **145 Publication of information by BB operator**

Except where provided to the contrary in the Rules, information or notices provided to the BB operator under Divisions 5 or 7, and information that the BB operator is required to publish on the Bulletin Board under Division 6, must be published by the BB operator on the Bulletin Board in the time and manner specified in the BB procedures.

### **146 Information on compliance**

The BB operator must, in accordance with any memorandum of understanding established between the BB operator and the AER, notify the AER of any breaches, or possible breaches, of this Part that the BB operator becomes aware of.

## **Division 3 Registration**

### **147 Requirement to register**

- (1) Within 10 business days after the commencement of this Part, each pipeline operator, BB storage provider, production facility operator and BB shipper must apply to the BB operator for registration under this Part.
- (2) If a person becomes a pipeline operator, BB storage provider, production facility operator or BB shipper after the commencement of this Part, then that person must apply to the BB operator for registration under this Part as soon as practicable.
- (3) An eligible BB participant who is not registered under this Part may apply to the BB operator at any time to be so registered.

- (4) A BB participant may apply to the BB operator at any time for its registration under this Part to be revoked and the BB operator must accept that application if it believes on reasonable grounds that the BB participant would not be required, at the time of such application, to apply for registration under this Part.
- (5) If the BB operator has reasonable grounds to believe that a person who is registered under this Part is not a pipeline operator, a BB storage provider, a production facility operator, a BB shipper or an eligible BB participant then the BB operator may, by notice in writing to that person, revoke the registration of that person under this Part, such revocation taking effect as from the registration revocation date which date is to be no earlier than 20 business days after the date of the notice.
- (6) If the BB operator revokes the registration of a person under subrule (5), the BB operator must:
  - (a) give its written reasons for that *decision* to the person at the same time as it notifies the person of that revocation under subrule (5); and
  - (b) publish those written reasons on its website.
- (7) The BB Operator may cancel the notice referred to in subrule (5) at any time prior to the registration revocation date:
  - (a) of its own motion; or
  - (b) on application made before that date by the person whose registration is to be cancelled,if the BB operator is satisfied that its notice was based on a mistake as to the facts or otherwise should not have been issued in all the circumstances.
- (6) A BB participant must give written notice to the BB operator as soon as practicable after that person becomes aware that it may no longer be a pipeline operator, a BB storage provider, a production facility operator, a BB shipper or an eligible BB participant
- (7) In this rule **registration revocation date** means the date specified in a notice under subrule (5) as the date with effect from which the registration of a person under this Part is revoked

## 148 Applications for registration

- (1) An application for registration under this Part must be in the form specified by the BB operator on the Bulletin Board.
- (2) If requested by the BB operator an applicant for registration must provide further information in support of its application as soon as practicable after receiving the request. The BB operator must make any request under this subrule within 10 business days after receiving the registration application.



- (3) If the BB operator reasonably considers that any further information it receives in response to a request under subrule (2) is not sufficient to enable it to accept the application for registration then it may request further information from the applicant and the applicant must provide this information as soon as practicable after receiving the request.
- (4) The BB operator must notify an applicant for registration in writing whether or not its registration application has been accepted, and register the applicant accordingly, within 10 business days after the later of:
  - (a) receiving the registration application; and
  - (b) receiving the information requested by the BB operator under subrule (2) or (3) (as the case may be).
- (5) Subrules (2) to (4) do not apply in respect of an applicant for registration who is a person referred to in any of paragraphs (h) to (n) of the definition of 'eligible BB participant' in rule 141(1). Providing that person's application complies with subrule (1), the BB operator must, within 10 business days after receiving the application, notify that person in writing that its application has been accepted and register the person accordingly.
- (6) Subject to subrule (5), the BB operator may only reject an application for registration if:
  - (a) the BB operator has requested the applicant to provide further information in support of its application under subrule (2) or (3) (as the case may be) and the applicant has not provided the information requested within 10 business days after the request; or
  - (b) in the case of an applicant who purports to be an eligible BB participant, the BB operator reasonably considers that the applicant has not provided it with reasonable evidence that the person is an eligible BB participant.
- (7) If the BB operator rejects an application for registration under this rule, the BB operator must give its written reasons for that *decision* to the applicant at the same time as it notifies the applicant of that rejection under this rule.
- (8) The BB operator must maintain an up-to-date register of BB participants in the form specified in the BB procedures and publish the register on the Bulletin Board.

## **149 Applications for exemption of pipeline**

- (1) A pipeline operator may apply to the BB operator to have a BB pipeline in respect of which it is the service provider or gas market operator declared exempt.
- (2) A person who intends to be service provider or gas market operator of a BB pipeline may apply to the BB operator to have that pipeline declared exempt in which case, if that application is granted, the exemption declaration will take

effect from the later of the day that person commissions the BB pipeline and the day the exemption declaration is made.

- (3) An application for an exemption declaration under subrule (1) or (2) must be in the form specified in the BB procedures.
- (4) The BB operator must:
  - (a) make an exemption declaration in respect of a BB pipeline under this rule if the application for that exemption declaration is in the form required by subrule (3) and the BB operator believes on reasonable grounds that the BB pipeline meets the criteria in subrule (5); and
  - (b) refuse to make an exemption declaration in respect of a BB pipeline under this rule if either of the requirements in subrule (4)(a) are not satisfied.
- (5) The criteria for an exemption declaration under subrule (4) are:
  - (a) the nameplate rating of the BB pipeline is, or (in the case of a proposed BB pipeline) will be, less than 20TJ of natural gas per gas day; or
  - (b) the BB pipeline does not, or (in the case of a proposed BB pipeline) will not, transport natural gas between a production zone and a demand zone, between demand zones or between production zones; or
  - (c) the BB pipeline only delivers, or (in the case of a proposed BB pipeline) will only deliver, natural gas to an injection point on the BB pipeline.

**Note:**

A gathering line is part of a gathering system and as such is excluded from the definition of BB pipeline by reason of paragraph (f) of the definition of “pipeline” in section 2 of the *NGL*. A gathering line that collects coal seam methane will be similarly excluded.

- (6) The BB operator must:
  - (a) give to the applicant for an exemption declaration under this rule its written reasons for either making or refusing to make that exemption declaration; and
  - (b) publish those written reasons on its website.

## **150 Application for exemption of storage facility**

- (1) A BB storage provider may apply to the BB operator to have a BB storage facility it operates declared exempt.
- (2) A person who intends to operate a BB storage facility may apply to the BB operator to have that gas storage facility declared exempt in which case, if that application is granted, the exemption declaration will take effect from the later of the day that person commences to operate the BB storage facility and the day the exemption declaration is made.

- (3) An application for an exemption declaration under subrule (1) or (2) must be in the form specified in the BB procedures.
- (4) The BB operator must:
  - (a) make an exemption declaration in respect of a BB storage facility under this rule if the application for that exemption declaration is in the form required by subrule (3) and the BB operator believes on reasonable grounds that the BB storage facility meets the criteria in subrule (5); and
  - (b) refuse to make an exemption declaration in respect of a BB storage facility under this rule if either of the requirements in subrule (4)(a) are not satisfied.
- (5) The criteria for an exemption declaration under subrule (4) are:
  - (a) the production nameplate rating of the BB storage facility is, or (in the case of a proposed BB storage facility) will be, less than 20TJ of natural gas per gas day; or
  - (b) the BB storage facility is, or (in the case of a proposed BB storage facility) will be, used solely as part of a production facility; or
  - (c) the BB storage facility is not, or (in the case of a proposed BB storage facility) will not be, connected to a BB pipeline.
- (6) The BB operator must:
  - (a) give to the applicant for an exemption declaration under this rule its written reasons for either making or refusing to make that exemption declaration; and
  - (b) publish those written reasons on its website.

## **151 Application for exemption of production facility**

- (1) A production facility operator may apply to the BB operator to have a BB production facility it operates declared exempt.
- (2) A person who intends to operate a BB production facility may apply to the BB operator to have that production facility declared exempt in which case, if that application is granted, the exemption declaration will take effect from the later of the day that person commences to operate the BB production facility and the day the exemption declaration is made.
- (3) An application for an exemption declaration under subrule (1) or (2) must be in the form specified in the BB procedures.
- (4) Subject to subrules (5) and (6), the BB operator must:

- (a) make an exemption declaration in respect of a BB production facility under this rule if the application for that exemption declaration is in the form required by subrule (3) and the BB operator believes on reasonable grounds that the BB production facility meets the criteria in subrule (7); and
  - (b) refuse to make an exemption declaration in respect of a BB production facility under this rule if either of the requirements in subrule (4)(a) are not satisfied.
- (5) Notwithstanding that a BB production facility or proposed BB production facility meets the criteria in subrule (7), the BB operator may refuse to make an exemption declaration in respect of that BB production facility if:
  - (a) the BB production facility is, or (in the case of a proposed BB production facility) will be, one of two or more production facilities in a production zone operated by a common production facility operator; and
  - (b) the aggregate of the nameplate ratings of all the production facilities operated by the common production facility operator in the relevant production zone (including the nameplate rating of the proposed BB production facility, if any) is (or will be) 20TJ of natural gas per gas day or more.
- (6) Notwithstanding that a BB production facility or proposed BB production facility meets the criteria in subrule (7), if requested by the BB operator, the production facility operator of that BB production facility or the person who intends to operate that BB production facility (as the case may be) must comply with the obligations under rule 164 as if the BB production facility or proposed BB production facility were not exempt.
- (7) The criteria for an exemption declaration under subrule (4) are:
  - (a) the natural gas from the BB production facility does not, or (in the case of a proposed BB production facility) will not, flow (directly or indirectly) into a BB pipeline; or
  - (b) the nameplate rating of the BB production facility is, or (in the case of a proposed BB production facility) will be, less than 20TJ of natural gas per gas day.
- (8) The BB operator must:
  - (a) give to the applicant for an exemption declaration under this rule 151 its written reasons for either making or refusing to make that exemption declaration; and
  - (b) publish those written reasons on its website.

## **152 BB operator may cancel exemption of pipeline or facility**

- (1) If the BB operator has reasonable grounds to believe that:
  - (a) a BB pipeline, BB storage facility or BB production facility, that has been declared under rule 149, 150 or 151 exempt, no longer meets the criteria for exemption specified in rule 149(5), 150(5) or 151(7) (as the case may be); or
  - (b) a production facility operator has failed to comply with rule 151(6),

then the BB operator may revoke the exemption declaration by notice in writing to the relevant operator, such revocation taking effect as from the exemption cancellation date which date is to be no earlier than 20 business days after the date of the notice.

### **Note:**

A consequence of this is that the relevant service provider or operator will need to apply for registration under rule 147(2). Where a pipeline or facility ceases to be exempt by virtue of this rule other persons (e.g. production facility operators who inject gas into that pipeline or BB shippers on that pipeline) may also need to apply for registration under rule 147(2).

- (2) If the BB operator revokes an exemption declaration under subrule (1), the BB operator must:
  - (a) give its written reasons for that *decision* to the relevant service provider or operator at the same time as it notifies that person of that revocation ; and
  - (b) publish those written reasons on its website.
- (3) The BB Operator may cancel the notice referred to in subrule (1) at any time prior to the exemption cancellation date:
  - (a) of its own motion; or
  - (b) on application made before that date by the person whose exemption is to be cancelled

if the BB operator is satisfied that its notice was based on a mistake as to the facts or otherwise should not have been issued in all the circumstances.

- (4) A person who is the service provider or operator of a pipeline or facility that is the subject of an exemption declaration must give written notice to the BB operator as soon as practicable after that person becomes aware that the pipeline or facility may no longer meet the criteria for exemption specified in rule 149(5), 150(5) or 151(7) (as the case may be).

## **153 BB operator may declare pipeline or facility to be BB facility**

- (1) If the BB operator has reasonable grounds to believe that a transmission pipeline, gas storage facility or production facility that:

- (a) is not a BB pipeline, BB storage facility or BB production facility; and
- (b) is not the subject of an exemption declaration,

does not meet the criteria in rule 149(5), 150(5) or 151(7) (as relevant), such criteria applying as if:

- (c) references in rule 149(5) and related provisions to a BB pipeline were references to the transmission pipeline;
- (d) references in rule 150(5) and related provisions to a BB storage facility were references to the gas storage facility; and
- (e) references in rule 151(7) and related provisions to a BB production facility were references to the production facility

then the BB operator may, by notice in writing to the relevant service provider or operator (as the case may be), declare that transmission pipeline, gas storage facility or production facility to be a BB pipeline, BB storage facility or BB production facility (as the case may be), such declaration taking effect as from the facility declaration date which date is to be no earlier than 20 business days after the date of the notice.

**Note:**

A consequence of this is that the relevant service provider or operator will need to apply for registration under rule 147(2). Where a pipeline becomes a BB pipeline by virtue of this rule, other persons (e.g. production facility operators who input gas into that pipeline) may also need to apply for registration under rule 147(2).

- (2) If the BB operator makes a declaration under subrule (1), the BB operator must:
  - (a) give its written reasons for that *decision* to the relevant service provider or operator at the same time as it notifies the operator of that declaration under subrule (1); and
  - (b) publish those written reasons on its website.
- (3) The BB Operator may cancel the notice referred to in subrule (1) at any time prior to the facility declaration date:
  - (a) of its own motion; or
  - (b) on application made before that date by the relevant service provider or operator,

if the BB operator is satisfied that its notice was based on a mistake as to the facts or otherwise should not have been issued in all the circumstances.

- (4) A person who operates a transmission pipeline, gas storage facility or production facility that satisfies subrules (1)(a) and (b) must give written notice to the BB operator as soon as practicable after that person becomes aware that the pipeline

or facility may not meet the criteria specified in rule 149(5), 150(5) or 151(7) (as the case may be).

- (5) In this rule **facility declaration date** means the date specified in a notice under subrule (1) as the date with effect from which the relevant pipeline or facility is declared to be a BB pipeline, BB storage facility or BB production facility.

## 154 **BB operator to maintain register of BB facilities and notify changes of status**

- (1) The BB operator must maintain up-to-date registers of BB facilities, and BB facilities that have been declared under rule 149, 150 or 151 exempt, in the form specified in the BB procedures and publish the registers on the Bulletin Board.
- (2) Where for any reason:
- (a) a BB facility ceases to be a BB facility;
  - (b) a BB facility becomes exempt; or
  - (b) a transmission pipeline, a gas storage facility or a production facility becomes a BB facility at any time after the commencement of Divisions 2 and 3 (including because of the revocation of an exemption declaration in respect of that BB facility under rule 152 or the making of a declaration under rule 153),

the BB operator must publish a notice of that change on its website as soon as practicable after it becomes aware of that change.

## 155 **Expert review**

- (1) If a person (an **aggrieved party**) wishes to object to a *decision* of the BB operator to:
- (a) revoke the registration of a person under rule 147(5); or
  - (b) make an exemption declaration; or
  - (c) refuse to make an exemption declaration; or
  - (d) revoke an exemption declaration under rule 152; or
  - (e) make a declaration under rule 153,

then the aggrieved party must, within 10 business days after the publication on the BB operator's website of its written reasons for that *decision*, give the BB operator a notice in writing specifying its objection to the *decision* (an **objection notice**).

- (2) Where an aggrieved party gives the BB operator an objection notice in accordance with subrule (1), the BB operator and the aggrieved party must each nominate a representative and those representatives must seek to resolve the objection within

20 business days after the giving of that notice. In order to resolve the objection the BB operator may, but is not required to, make another *decision* in substitution for the *decision* the subject of the objection, in which case that *decision* must be made in accordance with the relevant provisions of this Part and this Part applies *mutatis mutandis* to that substitute *decision* as if the original *decision* had not been made.

- (3) If the objection is not resolved within 20 business days after the giving of an objection notice in respect of it in accordance with subrule (1) and the aggrieved party still wishes to dispute the *decision* of the BB operator, then the aggrieved party must refer the dispute to expert determination by *serving* a notice of dispute on the BB operator in accordance with the IAMA Expert Determination Rules.
- (4) The IAMA Expert Determination Rules apply in respect of any dispute referred to in subrule (3) as if this Part constituted an agreement between the BB operator and the aggrieved party, and except to the extent that any provision of this Part is inconsistent with those rules in which case the former shall prevail.
- (5) Subject to subrule (6), the BB operator and the aggrieved party must agree both the person who is to act as the expert for the purposes of determining a dispute referred to in subrule (3) and the expert's fee.
- (6) If the BB operator and the aggrieved party have not agreed upon the expert and the expert's fee within 10 business days after the date on which the notice of dispute is *served* on the BB operator under subrule (3):
  - (a) the expert is the person nominated by the AER (with that person's agreement) as the expert; and
  - (b) the fee of the expert is the amount or rate determined by the AER (with the expert's agreement).

The AER is to be taken to be the Institute for the purposes of rule 2(1)(b) of the IAMA Expert Determination Rules.

- (7) Subject to subrule (8), and unless otherwise agreed by them, each party to a dispute referred to in subrule (3) must:
  - (a) bear its own costs of or incidental to the determination of the dispute; and
  - (b) pay the other costs of or incidental to the determination of the dispute (including the expert's fee) in equal shares.
- (8) Where an expert appointed to determine a dispute referred to in subrule (3) considers it appropriate to do so, the expert may, as part of its determination, require one or more parties to the dispute to pay any of the following:
  - (a) some or all of the costs of another party to the dispute; and
  - (b) a share of the costs referred to in subrule (7)(b) that is different to the share referred to in that rule.



- (9) An aggrieved party that *served* a notice of dispute on the BB operator under subrule (3) may, at any time prior to final determination of the dispute by the expert, withdraw that notice by notice in writing to the BB operator in which case the BB operator and the aggrieved party must cancel the expert determination. If an expert determination is so cancelled the fees due to the expert up until the time of the cancellation must be borne by the aggrieved party or, if there was more than one aggrieved party that *served* a notice to withdraw, by those parties in equal shares.

**Division 4            [Deleted]**

**156            [Deleted]**

**157            [Deleted]**

**158            [Deleted]**

**159            [Deleted]**

**160            [Deleted]**

**161            [Deleted]**

**162            [Deleted]**

**Division 5            Obligations of the BB facility operators to provide  
information (Section 223 of the NGL)**

**163            Provision of information by BB facility operators**

- (1) Subject to subrule (4), where this Part requires a production facility operator, a BB storage provider or a pipeline operator to provide information to the BB operator, the information must be provided by that person by the time and in the manner specified in the BB procedures.
- (2) A person need not provide information to the BB operator in accordance with this Division until 10 business days after the commencement of this Part.
- (3) In this Division **day + 1** and **day + 2** mean one gas day and two gas days respectively after the first gas day for which information is provided.
- (4) A production facility operator, a BB storage provider or a pipeline operator need not comply with rules 165, 168, 171, 172 and 173 where the BB procedures provide for both an exemption to the relevant obligation and a default value to be posted on the Bulletin Board.

- (5) To avoid doubt, the BB procedures may require information about a gas day referred to in rules 165, 168, 171, 172 and 173 to be provided in advance of that gas day.

**164 Obligation on production facility operators to provide nameplate rating information**

- (1) A production facility operator must provide the BB operator with the nameplate rating of each BB production facility that it operates.
- (2) The production facility operator must provide the information specified in subrule (1) to the BB operator annually, by the date specified in the BB procedures.
- (3) If a production facility operator becomes aware that the nameplate rating information it has provided under subrule (1) is no longer accurate due to changes in the production capacity of the BB production facility that are likely to impact the BB production facility for more than one year, the production facility operator must notify the BB operator of the updated information as soon as practicable after it becomes aware that the information is no longer accurate.

**165 Obligation on production facility operators to provide 3 day production capacity outlook**

In accordance with the BB procedures and subject to rule 163(4), a production facility operator must provide to the BB operator, in respect of each gas day for a BB production facility that it operates, the daily production capacity outlook for that BB production facility for that gas day, day + 1 and day + 2.

**166 Obligation on production facility operators to provide actual production data**

In accordance with the BB procedures, a production facility operator must provide the BB operator with the daily production data for each BB production facility that it operates.

**Note:**

The daily production data provided to the BB operator is not intended to be of settlements quality

**167 Obligation on BB storage providers to provide nameplate rating information**

- (1) A BB storage provider must provide the BB operator with the production nameplate rating, refill nameplate rating and storage nameplate rating of each BB storage facility that it operates.
- (2) The BB storage provider must provide the information specified in subrule (1) to the BB operator annually, by the date specified in the BB procedures.

- (3) If a BB storage provider becomes aware that the nameplate rating information it has provided under subrule (1) is no longer accurate due to changes in the storage capacity of the BB storage facility that are likely to impact the BB storage facility for more than one year, the BB storage provider must notify the BB operator of the updated information as soon as practicable after it becomes aware that the information is no longer accurate.

**168      Obligation on BB storage providers to provide 3 day production capacity outlook**

In accordance with the BB procedures and subject to rule 163(4), a BB storage provider must provide to the BB operator, in respect of each gas day for a BB storage facility that it operates, the daily production capacity outlook for that BB storage facility for that gas day, day + 1 and day + 2.

**169      Obligation on BB storage providers to provide actual storage production data**

In accordance with the BB procedures, a BB storage provider must provide the BB operator with the daily production data for each BB storage facility that it operates.

**Note:**

The daily production data provided to the BB operator is not intended to be of settlements quality

**170      Obligation on pipeline operators to provide nameplate rating information**

- (1) A pipeline operator must provide the BB operator with the nameplate rating of each of its BB pipelines.
- (2) The pipeline operator must provide the information specified in subrule (1) to the BB operator annually, by the date specified in the BB procedures.
- (3) If a pipeline operator becomes aware that the nameplate rating information it has provided under subrule (1) is no longer accurate due to changes in the capacity of the BB pipeline that are likely to impact the BB pipeline for more than one year, the pipeline operator must notify the BB operator of the updated information as soon as practicable after it becomes aware that the information is no longer accurate.

**171      Obligation on pipeline operators to provide 3 day capacity outlook**

- (1) In accordance with the BB procedures and subject to rule 163(4), a pipeline operator must provide to the BB operator, in respect of each gas day for each of its BB pipelines, the pipeline operator's good faith estimate of the quantity of natural gas that, under normal operating conditions, can be transported through that BB pipeline on that gas day, day + 1 and day + 2.

**172      Obligation on pipeline operators to provide linepack/capacity adequacy indicator**

- (1) In accordance with the BB procedures and subject to rule 163(4), a pipeline operator must provide to the BB operator, in respect to each gas day, the LCA flag for each of its BB pipelines for that gas day, day + 1 and day + 2.
- (2) If a pipeline operator determines during a gas day that the most recent LCA flag for a BB pipeline provided for that gas day or for day + 1 or day + 2 no longer reflects the pipeline operator's view of the actual or expected capability of the BB pipeline to meet the aggregated delivery nominations for the BB pipeline for any of those gas days, then the pipeline operator must provide the BB operator with an updated LCA flag for the BB pipeline for the relevant gas days as soon as practicable.

**173      Obligation on pipeline operators to provide nominated and forecast delivery information**

- (1) A pipeline operator (other than the pipeline operator of the Victorian transmission system) must, in accordance with the BB procedures and in respect of each of its BB pipelines, provide the BB operator with:
  - (a) in respect of each gas day and for each demand zone or production zone (if applicable), the aggregated delivery nominations for the BB pipeline for that gas day; and
  - (b) in respect of each demand zone or production zone (if applicable), the aggregated forecast deliveries for the BB pipeline for subsequent gas days if it has been provided with forecast deliveries by BB shippers on the BB pipeline under contract or applicable market rules.
- (2) The pipeline operator of the Victorian transmission system must, in accordance with the BB procedures, provide the BB operator with the aggregated scheduled injections less the aggregated scheduled withdrawals in each production zone and for the New South Wales Victoria interconnect at Culcairn.
- (3) For the avoidance of doubt the aggregated information provided under this rule is only an aggregation of information provided by BB shippers to the relevant pipeline operator and does not represent the pipeline operator's forecast of demand on the relevant pipeline.
- (4) For the purposes of this rule, the BB procedures may specify the default directions which are to be assigned to natural gas flows for each BB pipeline and the manner in which reverse flows of natural gas are to be treated.

## **174      Obligation on pipeline operators to provide actual pipeline gas delivery information**

- (1) Each gas day a pipeline operator (other than the pipeline operator of the Victorian transmission system) must, in accordance with the BB procedures and in respect of each of its BB pipelines, provide the BB operator with the actual deliveries of natural gas from that BB pipeline to each demand zone and production zone (if applicable) on the previous gas day, such deliveries being as determined by the pipeline operator on the basis of operational metering data.
- (2) Each gas day the pipeline operator of the Victorian transmission system must, in accordance with the BB procedures, provide the BB operator with the aggregated actual injections of natural gas less the aggregated actual withdrawals of natural gas in each production zone and for the New South Wales Victoria interconnect at Culcairn, such injections and withdrawals being as determined by the pipeline operator on the basis of operational metering and (in the case of the interconnect) as metered at Culcairn.

**Note:**

The pipeline gas flows determined by the pipeline operator and provided to the BB operator under this rule are not intended to be of settlements quality.

- (3) A pipeline operator may at any time (but is not required to) provide the BB operator with updates to the information provided under subrule (1) or (2) (as the case may be).

**Note:**

It is anticipated that pipeline operators will update pipeline gas delivery information provided under this rule if there were substantive changes to that data.

## **175      Obligation to notify BB operator of time that gas day starts**

- (1) A pipeline operator must provide the BB operator with the time at which the gas day starts for each of its BB pipelines (e.g. 6am EST).
- (2) A production facility operator and BB storage provider must provide the BB operator with the time at which the gas day starts for each BB production facility and each BB storage facility that it operates (e.g. 6am EST).
- (3) If the start time for the gas day for a BB pipeline, BB production facility or BB storage facility changes, the relevant pipeline operator, production facility operator or BB storage provider must notify the BB operator of the updated information as soon as practicable.
- (4) The BB operator must publish the start time for the gas day for each BB pipeline, BB production facility and BB storage facility on the Bulletin Board.

**176 BB Participants may indicate spare capacity available for purchase or capacity requirements**

- (1) At any time, a BB participant may notify other BB users that it has spare capacity for purchase by providing details of the spare capacity to the BB operator in the form required by the BB procedures.
- (2) At any time, a BB participant may notify other BB users that it wishes to purchase spare capacity by providing details of the capacity it wishes to purchase to the BB operator in the form required by the BB procedures.
- (3) For the avoidance of doubt, a notice given under subrule (1) or (2) and posted on the Bulletin Board by the BB operator is an invitation to treat and not an offer capable of acceptance by another person.

**177 BB participants may indicate gas available for purchase or gas requirements**

- (1) At any time, a BB participant may notify other BB users that it has natural gas available for purchase by providing details of the natural gas available for purchase to the BB operator in the form required by the BB procedures.
- (2) At any time, a BB participant may notify other BB users that it wishes to purchase natural gas by providing details of the natural gas it wishes to purchase to the BB operator in the form required by the BB procedures.
- (3) For the avoidance of doubt, a notice given under subrule (1) or (2) and posted on the Bulletin Board by the BB operator is an invitation to treat and not an offer capable of acceptance by another person.

**178 Provision of contact details**

- (1) Each pipeline operator, BB storage provider, production facility operator, BB shipper and registered producer must provide the BB operator with *contact details* for posting on the Bulletin Board.
- (2) Any other person may provide the BB operator with *contact details* for posting on the Bulletin Board.
- (3) *Contact details* provided pursuant to subrule (1) or (2) must be up to date at the time of their provision and kept up to date at all times thereafter. Any person who has provided their *contact details* shall advise the BB operator as soon as reasonably practicable of any changes to those details.
- (4) The BB procedures may specify the form and content of the *contact details* (the **BB contact details**) required or provided pursuant to this rule.
- (5) In this rule **registered producer** means a producer that is a BB participant.

## **179 Ability of BB participants to use free text facility**

A BB participant may, when it provides information to the BB operator under this Division, provide comments in the free text facility on the Bulletin Board, subject to any restrictions specified in the BB procedures.

## **Division 6 Publication of annual projections of gas demand**

### **180 BB operator to publish peak demand day information**

- (1) Subject to subrules (2) and (3), the BB operator must, following consultation with the authorised representatives in each participating jurisdiction, use its reasonable endeavours to estimate and publish on the Bulletin Board the following information for each participating jurisdiction:
  - (a) the total forecast demand for natural gas (in TJ) on the peak demand day in the period from May to September for each demand zone (or that part of a demand zone) that is in that participating jurisdiction; and
  - (b) the total forecast demand for natural gas (in TJ) on the peak demand day in the period from November to March for each demand zone (or that part of a demand zone) that is in that participating jurisdiction.
- (2) The information specified in subrules (1)(a) and (b) must be published annually by no later than the date specified in the BB procedures.
- (3) This rule does not require the BB operator to publish information in relation to the following participating jurisdictions:
  - (a) the Commonwealth; or
  - (b) the Northern Territory while there are no BB facilities in that participating jurisdiction.

## **Division 7 Emergency information**

### **181 Emergency information page**

- (1) The BB operator must maintain a section of the Bulletin Board for the publication of emergency information, being information of a kind that is:
  - (a) specified in the BB procedures; and
  - (b) provided to the BB operator by an authorised representative, or by a BB participant, for the purpose of publishing it on that section.
- (2) A Minister of a participating jurisdiction may provide the BB operator with a list of the person or persons who are authorised representatives.

**182 NGERAC or a Jurisdiction may request activation or deactivation of emergency information page**

- (1) The Chair of NGERAC or an authorised representative may at any time request the BB operator to:
  - (a) activate the emergency information page on the Bulletin Board for the purpose of assisting NGERAC or the relevant participating jurisdiction in the management of a gas supply emergency; or
  - (b) deactivate the emergency information page where it has previously been activated at that person's request.
- (2) As soon as practicable after receiving a request under subrule (1), the BB operator must activate or deactivate (as the case may be) the emergency information page.

**183 BB emergency use indicator**

At the same time as the BB operator activates or deactivates the emergency information page under rule 182(2), it must indicate on the Bulletin Board, in the manner specified in the BB procedures, that the emergency information page has been activated or deactivated (as the case may be).

**184 Jurisdiction may make public statements on an emergency**

- (1) An authorised representative may at any time request the BB operator to:
  - (a) publish on the public section of the Bulletin Board an emergency status report; or
  - (b) amend or remove an emergency status report previously published on the public section of the Bulletin Board at that representative's request.
- (2) As soon as practicable after receiving a request under subrule (1), the BB operator must publish, amend or remove the emergency status report in accordance with the request.

**Division 8 Access to the Bulletin Board**

**185 BB users bound by terms of use**

Each and every time a person accesses the Bulletin Board, that person is deemed to agree to the BB terms of use.



**186 BB user requests access to archive information (Section 222 of the NGL)**

- (1) A BB user may request the BB operator to provide it with any information that was previously but is not, at the time of the request, published on the Bulletin Board.
- (2) If practicable, the BB operator must provide the service requested under subrule (1) and, unless it determines otherwise, charge the BB user an information retrieval fee for providing the service.
- (3) For the purposes of subrule (2), the BB operator must publish on the Bulletin Board a schedule of information retrieval fees which must be calculated on the basis of recovering only the costs incurred in processing requests.
- (4) The BB operator may use the *expedited consultation procedure* or any other consultation procedure it determines is appropriate in all the circumstances (including but not limited to the *standard consultative procedure*) to consult with BB participants with respect to the formulation of the schedule of information retrieval fees.

**Note:**

See rules 8 and 9

**187 Access to emergency information page**

- (1) Only BB participants may access the emergency information page and the BB operator must ensure that the emergency information page is password protected.
- (2) Any person who obtains, directly or indirectly, access to information from the emergency information page must not disclose that information other than for the purposes of managing or responding to a gas supply emergency or as otherwise required by a law.

**Division 9 Cost recovery by the BB operator in respect of access to the Bulletin Board (Section 222 of the NGL)**

**188 Calculation of BB operating costs**

- (1) No later than 60 business days after the start of an invoice period, the BB operator must determine:
  - (a) the total estimated BB costs for that invoice period; and
  - (b) the actual BB costs for the previous invoice period.

- (2) The BB operator may use the *expedited consultation procedure* or any other consultation procedure it determines is appropriate in all the circumstances (including but not limited to the *standard consultative procedure*) to consult with BB participants with respect to the determinations required by subrule (1) or otherwise required by this Division.

**Note:**

See rules 8 and 9

- (3) Where the relevant invoice period is the first invoice period:
- (a) any reference in this Division or Division 10 to an invoice period before the first invoice period is to be taken as a reference to the year ending 30 June 2008;
  - (b) the total estimated BB costs, actual BB costs or invoiced amounts for an invoice period before the first invoice period are to be taken as zero; and
  - (c) any reference in this Division or Division 10 to BB pipelines before the first invoice period is to be taken to be a reference to the initial list of BB pipelines in Schedule 2.

## 189 Total estimated BB costs

- (1) The total estimated BB costs for an invoice period must be calculated by the BB operator as the sum of:
- (a) the BB operator's good faith estimate of its costs of operating and maintaining the Bulletin Board in accordance with this Part during the invoice period, including those amounts specified in subrule (2); and
  - (b) the reconciliation amount for the invoice period,
- calculated in accordance with the following formulas:

$T = E_p + R$ , where

$R = A_{p-1} - E_{p-1} + U - UR$

and where:

T means the total estimated BB costs for the invoice period

R means the reconciliation amount applicable to the invoice period;

$E_p$  means the estimated costs of operating and maintaining the Bulletin Board for the invoice period;

$E_{p-1}$  means the estimated costs of operating and maintaining the Bulletin Board for the previous invoice period;

$A_{p-1}$  means the actual costs of operating and maintaining the Bulletin Board for the previous invoice period;

U means any amounts invoiced under this Division in respect of the previous invoice period but unpaid at the time that costs are estimated for the current invoice period under rule 188 and which the BB operator reasonably believes it will not be able to recover from the party invoiced; and

UR means any amounts included in the calculation of U for a preceding invoice period which have been recovered since the estimated BB costs for an invoice period were last determined under rule 188.

- (2) For the purposes of subrule (1)(a) the following costs may be included in the BB operator's estimate of costs:
- (a) the reasonable budgeted internal costs of the BB operator operating and maintaining the Bulletin Board during the invoice period, including costs of management time and information technology system costs;
  - (b) the reasonable budgeted costs of reimbursing third parties for services to be provided in relation to the operation and maintenance of the Bulletin Board during the invoice period, including fees payable to suppliers, external advisers and consultants; and
  - (c) the estimated costs, as provided to the BB operator under Division 10, of pipeline operators providing aggregation and information services during the invoice period, but only to the extent the BB operator considers such estimates to be reasonable.

## 190 BB operator to maintain records of costs

The BB operator must:

- (a) maintain in auditable form records of all expenses incurred by it and amounts recovered by it (including amounts invoiced to fee paying users and information retrieval fees) in operating and maintaining the Bulletin Board, separate from its other financial records; and
- (b) prepare a budget of costs for each invoice period and provide the budget to fee paying users on request.

## 191 Basis for recovery of BB operating costs

In respect of each invoice period, the BB operator is entitled to recover from each BB shipper an amount calculated in accordance with the following formulas:

$$F = (E_p + U - UR) \times UG_{p-1}/TG_{p-1} + TR_{p-1} \text{ where}$$

$$TR_{p-1} = A_{p-1} \times UG_{p-1}/TG_{p-1} - E_{p-1} \times UG_{p-2}/TG_{p-2}$$

and where:

F means the BB shipper's fee for the invoice period;

TR<sub>p-1</sub> means the BB shipper's true-up amount for the previous invoice period

UG<sub>p-1</sub> means the total gas delivery allocated to the BB shipper from all BB pipelines which provided it with a pipeline service in the previous invoice period; and

UG<sub>p-2</sub> means the total gas delivery allocated to the BB shipper from all BB pipelines which provided it with a pipeline service in the invoice period preceding the previous invoice period;

TG<sub>p-1</sub> means the total gas delivered from all BB pipelines in the preceding invoice period.

TG<sub>p-2</sub> means the total gas delivered from all BB pipelines in the invoice period preceding the previous invoice period.

E<sub>p</sub>, E<sub>p-1</sub>, U, UR, and A<sub>p-1</sub> have the same meanings as in rule 189(1)

## **192 BB procedures may specify certain matters with respect to the formulae in rules 49 and 51**

The BB procedures may specify:

- (a) what are the estimated or actual costs of operating and maintaining the Bulletin Board;
- (b) how such costs are to be calculated, estimated or otherwise determined;
- (c) the components of such costs;
- (d) how the components of those costs are to be calculated, estimated or otherwise determined;
- (e) how any allocation required by the formulae in rules 49 and 51 is to be effected;
- (f) how any input to or for any of the defined terms in those formulae is to be calculated, estimated or otherwise determined;
- (g) how any other amount, matter or thing required for the purposes of calculating, estimating or determining those terms is to be calculated, estimated or otherwise determined;
- (h) how roundings are to be dealt with;
- (i) what levels of accuracy are required for the calculations, estimations or determinations required by the formulae;
- (j) how total gas deliveries are allocated where a BB shipper has been subsumed by another person or has ceased to be a BB shipper; and

- (k) any other amount, matter or thing required for the purposes of the calculations, estimations or determinations required by the formulae.

### **193 Recovery of BB operating costs**

No later than 65 business days after the start of an invoice period, the BB operator must:

- (a) notify each BB shipper of:
  - (i) the estimated BB costs for that invoice period;
  - (ii) estimated costs of operating and maintaining the Bulletin Board for the previous invoice period;
  - (iii) the actual costs of operating and maintaining the Bulletin Board for the previous invoice period;
  - (iv) the BB shipper's 'true-up' amount for the previous invoice period; and
  - (v) that BB shipper's percentage share of the estimated BB costs under rule 191 for that invoice period; and
- (b) issue the BB shipper with a tax invoice showing:
  - (i) the amount of estimated BB costs that the BB shipper is being charged for the applicable invoice period as calculated under rule 191; and
  - (ii) any other information specified in the BB procedures.

### **194 Payment of invoices**

- (1) Subject to subrule (2), a BB shipper must pay a tax invoice received from the BB operator under rule 193(b) within 10 business days after receipt of the invoice, regardless of whether the invoice is disputed under rule 195.
- (2) Where there is a manifest error in a tax invoice received from the BB operator under rule 193(b), the BB operator must issue a replacement tax invoice under rule 193(b) as soon as practicable after it becomes aware of that manifest error, and the BB shipper must pay that replacement tax invoice within 10 business days after receipt of the invoice, regardless of whether the invoice is disputed under rule 195.
- (3) If the BB operator becomes aware that a tax invoice which it has issued under rule 193(b):
  - (a) is for an amount that is greater than the amount which should have been included on that invoice, and the BB shipper has paid that invoice, then the BB operator must re-pay that excess amount (at the option of the BB shipper) either by way of a credit on the tax invoice issued under rule 193(b) for the next invoice period or by a payment made to the BB shipper within

20 business days after the day the BB operator becomes aware of that overcharge, together with interest on that excess amount at the interest rate, calculated as simple interest on a daily basis, until the relevant tax invoice is issued or the relevant payment is made (as the case may be);

- (b) is for an amount that is less than the amount which should have been included on that invoice then, if the BB operator wishes to recover that underpayment, the BB operator must promptly give written notice to the BB shipper of the underpayment and give the BB shipper the option of:
  - (i) having that underpayment included on the tax invoice issued under rule 193(b) for the next invoice period, together with interest calculated on that amount at the interest rate, calculated as simple interest on a daily basis, until that tax invoice is issued; or
  - (ii) paying the amount of that underpayment within 20 business days after the day that notice is given to the BB shipper.

If the BB shipper does not make the payment referred to in subrule (3)(b)(ii) within the 20 business day period referred to in that rule then, in the absence of any agreement to the contrary with the BB operator, the BB shipper will be deemed to have chosen the option referred to in subrule (3)(b)(i).

- (4) Where a tax invoice is not disputed and the whole or any part of the amount included in that tax invoice has not been paid by the due date, the BB shipper must pay interest on that unpaid amount at the default interest rate, calculated as simple interest on a daily basis, until that amount has been paid.

## **195 Disputed invoices**

- (1) If a BB shipper wishes to dispute a tax invoice received from the BB operator under rule 193(b), it must notify the BB operator of the disputed invoice within 60 business days after receiving the invoice and the BB shipper and the BB operator must seek to resolve that dispute in accordance with the dispute resolution process set out in this rule.
- (2) To resolve the dispute:
  - (a) the BB shipper must, when notifying the dispute to the BB operator, inform the BB operator of the reasons for it disputing the relevant tax invoice;
  - (b) the BB operator must provide sufficient information to the BB shipper regarding the calculation of the disputed amount within 10 business days of the dispute being notified;
  - (c) a nominated representative of each of the BB shipper and the BB operator must seek to resolve the dispute within 10 business days of the BB operator providing the necessary information to the BB shipper;
  - (d) if the dispute is not resolved by the nominated representatives as referred to in subrule (2)(c):

- (i) where the BB operator and BB shipper can agree on a means of resolving the dispute by mediation, expert determination or some other similar alternative dispute resolution mechanism, the BB operator and the BB shipper must use that mechanism; or
  - (ii) in the event that the BB operator and BB shipper are unable to agree on a dispute resolution mechanism, they must ask the AER to nominate a dispute resolution mechanism which will apply.
- (3) If, as a result of the resolution of a disputed tax invoice under subrule (1), the BB operator is obliged to re-pay part or the whole of an amount received under rule 194 to a BB shipper, then the BB operator must re-pay the amount (at the option of the BB shipper) either by way of a credit on the tax invoice issued under rule 193(b) for the next invoice period or by a payment to the BB shipper within 20 business days after the day resolution is reached, together with interest on that amount at the interest rate, calculated as simple interest on a daily basis, until the relevant tax invoice is issued or the relevant payment is made (as the case may be).

## **196 Information requirements for cost recovery**

- (1) Each pipeline operator must, by no later than 20 business days after the commencement of an invoice period, provide the following information to the BB operator to enable it to calculate a BB shipper's share of estimated BB costs under rule 191 for that invoice period:
  - (a) the name of each BB shipper on each BB pipeline operated by the pipeline operator during the previous invoice period;
  - (b) for each such BB shipper, the total gas delivery allocated to that shipper from all BB pipelines that it operated during the previous invoice period; and
  - (c) the total gas delivered from all BB pipelines that it operated during the previous invoice period.
- (2) The BB procedures may specify the manner in which the amounts referred to in subrules (1)(b) and (c) are to be determined.
- (3) To avoid doubt, the information about each BB shipper's gas usage provided under this rule is not to be published on the Bulletin Board.

## **Division 10            Cost recovery by pipeline operators**

### **197            Pipeline operator to provide costs of aggregation and information services**

- (1) No later than 20 business days after the start of an invoice period, each pipeline operator that wishes to recover its costs of providing aggregation and information services must provide to the BB operator:
  - (a) an estimate of its costs of providing aggregation and information services during that invoice period; and
  - (b) a tax invoice in relation to its actual costs of providing aggregation and information services during the previous invoice period.
- (2) A pipeline operator must in accordance with the BB procedures provide the BB operator with reasonable evidence to demonstrate that:
  - (a) the estimate referred to in subrule (1)(a) is reasonable; and
  - (b) it has incurred the costs specified in its tax invoice issued under subrule (1)(b).
- (3) A pipeline operator must not issue a tax invoice to the BB operator under subrule (1)(b) which includes an amount that it has recovered, or is entitled to recover, from a BB shipper or any other person either at law (other than under this Part or the *Law*) or under any contract, arrangement or understanding, or pursuant to an access arrangement.

### **198            BB operator to pay pipeline operator for provision of aggregation and information services**

- (1) The BB operator must publish on its website a tax invoice received under rule 197 as soon as practical and seek comment for 10 business days on whether there is any objection to the payment of that invoice.
- (2) If any person objects to the payment the BB operator may refer the question of payment to the AER for advice within 10 business days after receiving the objection.
- (3) The AER must, within 15 business days after the question of payment is referred to it, provide the advice referred to in subrule (2) to the BB operator.
- (4) Subject to being satisfied that the invoice should be paid, having regard to the evidence presented under rule 197(2) and any advice provided by the AER under subrule (3), the BB operator must pay the tax invoice within 20 business days after receipt of the invoice or within 10 business days of receiving advice from the AER under subrule (3) (whichever is the later).