

MCE

Ministerial Council on Energy

CHAIR

The Hon Martin Ferguson AM MP
Minister for Resources and Energy

Telephone: (02) 6277 7930 Facsimile: (02) 6273 0434

RECEIVED

2⁰ NOV 2009

Min ID:B09/2403

Dr John Tamblyn
Chairman
Australian Energy market Commission
PO Box A2449
SYDNEY SOUTH NSW 1215

19 NOV 2009

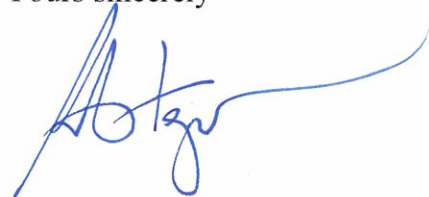
Dear Dr Tamblyn,

ADVICE ON WHETHER THE ECONOMIC REGULATION OF DISTRIBUTION SERVICES CONTAINED IN CHAPTER 6 OF THE NATIONAL ELECTRICITY RULES EFFICIENTLY ACCOMMODATES COST RECOVERY FOR MANDATED SMART METERING INFRASTRUCTURE

In a recent out of session decision, the Ministerial Council on Energy (MCE) agreed that I write to you to request that the Australian Energy Market Commission provide advice to the MCE on whether Chapter 6 of the National Electricity Rules efficiently accommodates cost recovery for smart metering infrastructure mandated by Ministerial Determination as contemplated in the *National Electricity (South Australia) (Smart Meters) Amendment Act 2009*.

The detailed Request for Advice, including a requirement to publish a Statement of Approach, is attached. We look forward to receiving your advice by no later than end August 2010.

Yours sincerely



Martin Ferguson

MCE Secretariat

GPO Box 1564 CANBERRA ACT 2601
Telephone: (02) 6213 7789 Facsimile: (02) 6213 6689
E-mail: MCE@ret.gov.au
Web Site: www.mce.gov.au

**MINISTERIAL COUNCIL ON ENERGY REQUEST TO THE AUSTRALIAN ENERGY
MARKET COMMISSION FOR ADVICE ON WHETHER CHAPTER 6 OF THE NATIONAL
ELECTRICITY RULES EFFICIENTLY ACCOMMODATES COST RECOVERY FOR
MANDATED SMART METERING INFRASTRUCTURE**

**Pursuant to Section 6(b) AUSTRALIAN ENERGY MARKET COMMISSION
ESTABLISHMENT ACT 2004 (SA)**

REQUEST FOR ADVICE

BACKGROUND

1. On 13 June 2008 the Ministerial Council on Energy (MCE) issued a Statement of Policy Principles (the Statement of Policy Principles) in relation to the mandated roll-out of smart meters. The Statement of Policy Principles contains the following principles:
 - 1.1. To promote competitive retail markets and maximise the benefits of a large scale accelerated roll-out of smart meters to residential and other small customers, there should be a national minimum functionality supported by a national regulatory framework for smart meters.
 - 1.2. To maximise the net benefits of a mandated roll-out of smart meters in a timely manner and capture the operational benefits for distribution network service providers, distribution network service providers will be legislatively obliged to roll out smart meters to some or all residential and other small customers in those jurisdictions where a mandated roll-out will take place.
 - 1.3. A distribution network service provider who is obliged to roll out smart meters should have exclusivity over meter provision and responsibility for related metering data provision in respect of the customers covered by the mandate during the period in which the distribution network service provider must complete that mandate.
 - 1.4. The regulatory framework for distribution network tariffs, consistent with the revenue and pricing principles, should ensure that distribution network service providers:
 - 1.4.1. are able to recover in a transparent manner the costs directly resulting from meeting the mandated service standards for smart meters and the costs of their existing investment which has been stranded by any mandatory roll out; and
 - 1.4.2. promptly pass on cost efficiencies resulting from the installation of smart meters to tariff classes affected by the costs of a smart meter roll-out.
2. Further to the Statement of Policy Principles, following two rounds of public consultation the MCE presented the *National Electricity (South Australia) (Smart Meters) Amendment Bill 2009* to the South Australian parliament which passed on 29 October 2009. The *National Electricity (South Australia) (Smart Meters) Amendment Act 2009* (the Smart Meter Act) facilitates and supports mandated trials, pilots and roll-outs of smart meters in participating jurisdictions. As set out in the second reading speech, a Ministerial smart metering determination will have the effect of changing the regulatory obligations on the distribution business, triggering a mechanism for recovery of efficient direct costs in accordance with the National Electricity Rules (the Rules). Ministers also recognised the importance of promptly passing on cost efficiencies resulting from smart metering to customers affected by the costs of a roll-out. This Request for Advice is to ascertain whether the interaction of the Rules with the Law could be improved to more efficiently accommodate Ministerial smart metering determinations.
3. The Smart Meter Act and the Statement of Policy Principles were developed to implement the MCE decision of June 2008 to place an obligation on distribution businesses to roll out smart meters where a jurisdictional implementation date has been set and to facilitate distribution businesses recovering the efficient direct costs of providing the mandated infrastructure and services.

4. The Smart Meter Act also supports the timely implementation of pilots with the objective of confirming smart metering costs and benefits in jurisdictions where these remain uncertain, facilitating distribution business recovery of efficient costs in delivering these pilots.
5. Pursuant to s6(b) of the *Australian Energy Market Commission Establishment Act 2004 (SA)* the MCE may request the Australian Energy Market Commission (AEMC) to provide advice.
6. Participating jurisdictions under the National Electricity Law (NEL) have agreed to the following Request for Advice by the AEMC.

REQUEST

7. In November 2009, MCE agreed to request the AEMC to provide advice to MCE on whether the existing economic regulation applying to distribution services set out in Chapter 6 of the National Electricity Rules (the Rules) most efficiently accommodates the recovery of the efficient costs of smart metering activities mandated by a Ministerial Determination. This advice and any proposed Rule changes (the Advice) is to have regard to:

- the National Electricity Objective;
- the MCE Statement of Policy Principles;
- the Smart Meter Act at Attachment A and draft initial rule at Attachment B; and
- the June 2008 MCE Smart Meters Decision Paper.

The Advice is to be prepared in accordance with the following requirements.

Issues to be addressed

Provision for recovery of efficient costs of smart meter roll-outs and pilots

8. The AEMC should consider whether the current Rules most efficiently accommodate the recovery of efficient distributor costs associated with meeting their obligations under a Ministerial pilot metering determination (which may include direct load control) or a Ministerial smart meter roll-out determination, via the distribution determination process and the cost pass through provisions in clause 6.6.1 of the Rules.

Specific issues to consider include:

- 8.1. The interaction of the obligations imposed on distribution network service providers under sections 118B and 118D of the proposed NEL amendments with the revenue and pricing principles in the NEL and the operating expenditure objectives and capital expenditure objectives in clauses 6.5.6(a) and 6.5.7(a) of the Rules;
- 8.2. The interaction of the obligations imposed on distribution network service providers under sections 118B and 118D of the proposed NEL amendments and the definition of 'regulatory change event' for the purposes of the cost pass through provisions in clause 6.6.1 of the Rules;
- 8.3. Whether the provisions of Chapter 6 of the Rules allow a distributor to enter into a contract (or other arrangement) with a retailer for the provision of retail services used in smart meter and direct load control pilots or trials and then allow the distributor to recover the associated fees charged by the retailer;
- 8.4. The implications for cost recovery of services being categorised as alternative control services rather than standard control services, and whether any modifications to the Rules are required to ensure recovery of efficient costs and whether it is appropriate to unbundle metering services from distribution use of system charges;
- 8.5. The implications for the recovery of efficient costs of implementing a future Ministerial pilot metering determination which may include direct load control and/or a Ministerial smart meter rollout determination for distribution price determinations that have already been made by the AER prior to the NEL amendments, including whether the costs of alternative control services can be recovered under the cost pass through mechanism if this was not anticipated in the determination;

Obligation and ability to take into account network benefits

9. The AEMC should consider:
 - 9.1. Whether there is an obligation under the NEL and the Rules for the AER to take into account 'reasonably achievable network operational benefits' in determining efficient costs;
 - 9.2. Whether the Rules provide the ability for the AER to take into account 'reasonably achievable network operational benefits' either during the distribution determination process or in making a pass through determination or both, and to request information sufficient for this purpose;
 - 9.3. Whether the framework provides for the efficient allocation of costs of a smart meter roll-out, which may include apportioning costs against something other than a standardised cost per customer.

Cost pass through provisions under clause 6.6.1

10. In respect of the cost pass through determination process under clause 6.6.1 of the Rules the AEMC should consider:
 - 10.1. Whether there is sufficient flexibility provided under the Rules for the AER to determine an appropriate materiality threshold for the pass through of distributor costs associated with a Ministerial pilot metering determination;
 - 10.2. Whether the timeframes in the current Rules for pass through applications and determinations are appropriate, in the context of a Ministerial pilot metering determination and/or a Ministerial smart meter rollout determination.

Incentives under the regulatory regime

11. It would be appropriate for the AEMC to consider:
 - 11.1. Whether an efficiency benefit sharing scheme as provided for under clause 6.5.8 of the Rules is appropriate for an accelerated roll-out of smart meters, given the MCE decision that the efficiencies gained from a roll-out are to be passed on to customers 'promptly';
 - 11.2. Whether the current incentive mechanisms incorporated in the Rules are sufficient to maximise the competitive purchase of meters and metering services; and
 - 11.3. Whether Chapter 6 of the Rules provides appropriate incentives for a distribution network service provider to manage technology risks for the long-term benefit of consumers without a re-examination of the Weighted Average Cost of Capital (WACC), which is outside the scope of this review. The risks to be managed include premature failure of a new technology.

Mechanisms to smooth impacts on tariffs over time

12. In light of MCE's June 2008 decision that the regulator should consider mechanisms to smooth any impact on tariffs over time, the AEMC should consider:
 - 12.1. Whether clause 6.5.5 of the Rules in relation to depreciation requires modification, to allow the AER to require a distributor to modify its proposed depreciation schedules in order to smooth the tariff impact of a smart meter roll-out decision, (this includes the depreciation of existing accumulation meter assets that are being replaced before the end of their economic life);
 - 12.2. The need to minimise potential price impacts on customers caused by paying for the Smart Metering Infrastructure (SMI) roll-out before benefits are realised;

- 12.3. Whether the framework allows the AER to obtain the necessary information to ensure benefits are being realised within a reasonable timeframe.

Assumptions

13. In developing the Advice requested above, the AEMC is to assume that:
 - 13.1. the provisions described in the transitional Rule have commenced;
 - 13.2. Rules, standards and the National Electricity Market technical procedures describing technical specifications, performance requirements, amendments to functions, service standards and national minimum functionality in respect of SMI have been made; and
 - 13.3. no further Rule changes for jurisdictional derogations in relation to delivery of smart meter trial, pilot and roll-out programs will be made.

Consultation

14. The AEMC must prepare and publish on its website a draft Statement of Approach by no later than 20 December 2009. The AEMC must invite public comment on the draft Statement of Approach. The AEMC must consider comments on the draft Statement of Approach in preparing the final Statement of Approach for publication.
15. The AEMC must prepare and publish draft Advice on the issues outlined in the Request for Advice, and invite public comment on the draft Advice. The AEMC must consider comments on the draft Advice in preparing the final Advice on issues outlined in the Request for Advice.

Recommendations

16. The Advice should make recommendations on any changes to the Rules necessary to ensure the recovery of the efficient costs of mandated smart metering infrastructure and have regard to the prompt pass through of benefits to consumers, where this is in their long term interest.

Management of confidential information

17. The AEMC must manage confidential information provided in accordance with the requirements of section 24 of the AEMC Establishment Act 2004 and section 108 of the NEL.

Date by which advice is due

18. The AEMC must provide a copy of the final Advice to the MCE by end August 2010. The AEMC must also publish a copy of the final Advice on its website no later than two weeks after providing the Advice to MCE.

South Australia

National Electricity (South Australia) (Smart Meters) Amendment Act 2009

An Act to amend the *National Electricity (South Australia) Act 1996*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *National Electricity Law*

Division 1—Smart meter amendments

- 4 Amendment of section 2—Definitions
- 5 Insertion of Part 8A

Part 8A—Smart metering services

Division 1—Interpretation

- 118A Definitions

Division 2—Ministerial pilot metering determinations

- 118B Ministerial pilot metering determinations
- 118C Consultation with interested persons required before making Ministerial pilot metering determination

Division 3—Ministerial smart meter rollout determinations

- 118D Ministerial smart meter rollout determinations
- 118E Public consultation required before making Ministerial smart meter rollout metering determination

Division 4—Provisions applicable to Ministerial smart metering determinations

- 118F Compliance with Ministerial smart metering determinations
- 118G Minister of participating jurisdiction must consult with other participating jurisdiction Ministers
- 118H Content of Ministerial smart metering determinations
- 118I Publication and giving of Ministerial smart metering determinations
- 118J When Ministerial smart metering determinations take effect
- 118K AEMC must publish Ministerial smart metering determination it receives on its website

Division 2—Other related amendments

- 6 Insertion of section 90C
 - 90C South Australian Minister to make initial Rules related to smart meters

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *National Electricity (South Australia) (Smart Meters) Amendment Act 2009*.

2—Commencement

- (1) This Act will come into operation on a day to be fixed by proclamation.
- (2) Section 7(5) of the *Acts Interpretation Act 1915* does not apply to this Act or to a provision of this Act.

3—Amendment provisions

In this Act, a provision in Part 2 amends the *National Electricity Law* set out in the Schedule to the *National Electricity (South Australia) Act 1996*.

Part 2—Amendment of *National Electricity Law*

Division 1—Smart meter amendments

4—Amendment of section 2—Definitions

- (1) Section 2, definition of *additional Minister initiated Rules*—delete "or section 90B" and substitute:

, section 90B or section 90C
- (2) Section 2—after the definition of *Ministerial Gazette notice* insert:

Ministerial pilot metering determination means a determination made under section 118B;

Ministerial smart metering determination means—

 - (a) a Ministerial smart meter rollout determination; or
 - (b) a Ministerial pilot metering determination;

Ministerial smart meter rollout determination means a determination made under section 118D;
- (3) Section 2—after the definition of *shared transmission service* insert:

smart meter amendments means the amendments to this Law made by section 5 of the *National Electricity (South Australia) (Smart Meters) Amendment Act 2009* of South Australia;

5—Insertion of Part 8A

After Part 8 insert:

Part 8A—Smart metering services

Division 1—Interpretation

118A—Definitions

In this Part—

relevant customer means a person who consumes electricity through a supply point connected to a distribution system owned, operated or controlled by a regulated distribution system operator to which a Ministerial smart metering determination applies;

required smart metering infrastructure means smart metering infrastructure that is specified under the Rules to be required smart metering infrastructure;

smart meter assessment means an assessment of the costs and benefits, or operational performance, or both, of different smart metering infrastructure and other related technologies, including devices designed to enable direct load control;

smart metering infrastructure means infrastructure (and associated systems) associated with the installation and operation of remotely read electricity metering and communications, including interval meters designed to transmit data to, and receive data from, a remote locality;

smart metering services means services provided by means of required smart metering infrastructure that are specified as smart metering services under the Rules;

smart meter trials means trials of smart metering infrastructure and other related technologies, including devices designed to enable direct load control.

Division 2—Ministerial pilot metering determinations

118B—Ministerial pilot metering determinations

- (1) A Minister of a participating jurisdiction may make a determination that requires a regulated distribution system operator that earns most of its revenue from the provision of electricity network services provided by means of a distribution system situated partly or wholly in that participating jurisdiction to conduct smart meter trials or undertake a smart meter assessment (or both).
- (2) In making a Ministerial pilot metering determination, the Minister must have regard to—
 - (a) the national electricity objective; and

- (b) any comments or submissions made to the Minister as part of the consultation conducted under section 118C.
- (3) A Ministerial pilot metering determination must specify the regulated distribution system operator, or the class of regulated distribution system operator to which the determination applies (the *relevant operator or relevant operators*).
- (4) Without limiting subsection (1), a Ministerial pilot metering determination may—
 - (a) specify minimum standards of performance and service that must be met or investigated by the relevant operator or relevant operators in conducting smart meter trials;
 - (b) specify the nature and timing of the smart meter trials;
 - (c) in relation to information derived from a smart meter trial or a smart meter assessment, require the relevant operator or relevant operators to—
 - (i) subject to any conditions specified in the determination, provide that information to a person specified in the determination; or
 - (ii) make such information publicly available.
- (5) A requirement of the kind referred to in subsection (4)(c) may require information that relates to a person—
 - (a) be provided to another person; or
 - (b) be made publicly available.
- (6) However, a requirement referred to in subsection (4)(c) must not require the relevant operator to make the information publicly available in a manner that identifies the person to whom the information relates unless the relevant operator has the written consent of the person to do so.
- (7) Subsection (6) does not apply to information that is in the public domain.

118C—Consultation with interested persons required before making Ministerial pilot metering determination

Before making a Ministerial pilot metering determination, the Minister must consult with a person or body that the Minister considers has an interest in the determination.

Division 3—Ministerial smart meter rollout determinations

118D—Ministerial smart meter rollout determinations

- (1) A Minister of a participating jurisdiction may make a determination about the provision of smart metering services by a regulated distribution system operator that earns most of its revenue from the provision of electricity network services provided by means of a distribution system situated partly or wholly in that participating jurisdiction.
- (2) In making a Ministerial smart meter rollout determination, the Minister must have regard to—
 - (a) the national electricity objective; and
 - (b) any submissions made to the Minister as part of the consultation conducted under section 118E.
- (3) A Ministerial smart meter rollout determination must not be inconsistent with the Rules.
- (4) A Ministerial smart meter rollout determination must—
 - (a) specify the regulated distribution system operator, or the class of regulated distribution system operator to which the determination applies (the *relevant operator or relevant operators*); and
 - (b) specify any of the following or a combination of any of the following in relation to which the relevant operator or relevant operators must provide smart metering services:
 - (i) the minimum number of relevant customers;
 - (ii) the class of relevant customers;
 - (iii) the minimum number of supply points; and
 - (c) specify the date on which the determination expires.
- (5) Without limiting subsection (1), a Ministerial smart meter rollout determination may specify—
 - (a) the date or dates by which, and the location at which, smart metering services, or different classes of smart metering services, must be provided;
 - (b) the date or dates by which required smart metering infrastructure, or different classes of smart metering infrastructure, become operational.
- (6) A Ministerial smart meter rollout determination has effect according to its tenor despite anything to the contrary in any agreement or contract.

118E—Public consultation required before making Ministerial smart meter rollout metering determination

Before making a Ministerial smart meter rollout metering determination, the Minister must consult with the public about the determination.

Division 4—Provisions applicable to Ministerial smart metering determinations

118F—Compliance with Ministerial smart metering determinations

- (1) A regulated distribution system operator must comply with a Ministerial smart metering determination that applies to the operator.
- (2) A regulated distribution system operator incurs, by complying with a Ministerial pilot metering determination, no liability for breach of contract, breach of confidence or any other civil wrong.

118G—Minister of participating jurisdiction must consult with other participating jurisdiction Ministers

A Minister of a participating jurisdiction must consult with the Ministers of the other participating jurisdictions before making a Ministerial smart metering determination.

118H—Content of Ministerial smart metering determinations

A Ministerial smart metering determination—

- (a) may be of general or limited application;
- (b) may differ according to differences in time, place and circumstances.

118I—Publication and giving of Ministerial smart metering determinations

As soon as practicable after a Ministerial smart metering determination is made the determination—

- (a) must be published in the South Australian Government Gazette; and
- (b) must be given to—
 - (i) every regulated distribution system operator to which it applies; and
 - (ii) the AER; and
 - (iii) the AEMC.

118J—When Ministerial smart metering determinations take effect

A Ministerial smart metering determination has effect on and after the day specified in the determination for the period specified in the determination.

118K—AEMC must publish Ministerial smart metering determination it receives on its website

The AEMC must publish a Ministerial smart metering determination on its website as soon as practicable after receiving it.

Division 2—Other related amendments

6—Insertion of section 90C

After section 90B insert:

90C—South Australian Minister to make initial Rules related to smart meters

- (1) The Minister in right of the Crown of South Australia administering Part 2 of the *National Electricity (South Australia) Act 1996* of South Australia (the *South Australian Minister*) may make Rules for or with respect to either or both of the following subjects:
 - (a) the smart meter amendments;
 - (b) any other subject contemplated by, or consequential on, the smart meter amendments.
- (2) Rules may only be made under subsection (1) on the recommendation of the MCE.
- (3) Section 34(3) applies to Rules made under subsection (1) in the same way as it applies to Rules made by the AEMC.
- (4) As soon as practicable after making Rules under subsection (1), the South Australian Minister must—
 - (a) publish in the South Australian Government Gazette notice of the making of the Rules stating the date of commencement of the Rules or, if different Rules commence at different times, the various dates of commencement; and
 - (b) make the Rules publicly available.
- (5) Once the first Rules have been made under subsection (1), no further Rules can be made under that subsection.

**National Electricity Amendment (Ministerial Smart
Meter Roll Out Determinations) Transitional Rule
2009**

TABLE OF PROVISIONS

<i>Clause</i>	<i>Page</i>
1 Title	1
2 Commencement	1
3 Amendment of National Electricity Rules	1
SCHEDULE 1	2
[1] New Rule 11.28—Ministerial Smart Meter Roll Out Determinations	2
11.28 Ministerial Smart Meter Roll Out Determinations	2
11.28.1 Definitions	2
11.28.2 Meaning of relevant <i>metering installation</i>	3
11.28.3 Period of application of rule to relevant metering installations	3
11.28.4 Designation of responsible person	4
11.28.5 Agency data collection systems and agency metering databases	4
11.28.6 Remote acquisition of data by the responsible person	5

Sixth Draft
10/08/2009

**National Electricity Amendment
(Ministerial Smart Meter Roll Out
Determinations) Transitional Rule 2009**

1 Title

This Rule is the *National Electricity Amendment
(Ministerial Smart Meter Roll Out
Determinations) Transitional Rule 2009*.

2 Commencement

This Rule commences operation on [].

3 Amendment of National Electricity Rules

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

SCHEDULE 1

[1] New Rule 11.28—Ministerial Smart Meter Roll Out Determinations

After Rule 11.27 insert:

11.28 Ministerial Smart Meter Roll Out Determinations

11.28.1 Definitions

In this rule 11.28:

relevant commencement date, for a relevant *metering installation*, means the day on which the Ministerial smart meter roll out determination that applies to the relevant *metering installation* takes effect.

relevant *metering installation* has the meaning given by rule 11.28.2.

specified amount means the amount assigned to variable "y" in Schedule 3 of the *metrology procedure* in relation to a participating jurisdiction.

supply point means a supply point—

- (1) that is a *connection point* connected to the distribution system of a regulated distribution system operator; and
- (2) through which the regulated distribution system operator is required to provide smart metering services in accordance with a Ministerial smart meter roll out determination.

volume consumption means the volume of *energy* consumed by a customer through the relevant supply point calculated in accordance with Schedule 2 of the *metrology procedure*.

11.28.2 Meaning of relevant *metering installation*

- (a) For the purpose of this rule, a **relevant *metering installation*** is a *metering installation* for a supply point in respect of which the volume consumption of the customer is less than the specified amount.
- (b) For the purpose of this rule, a **relevant *metering installation*** does not include:
- (1) a *metering installation* installed for a supply point before the relevant commencement date in respect of which a *Market Participant* is the *responsible person*; or
 - (2) a *metering installation* referred in paragraph (a) that is installed for the supply point referred to in that paragraph on and after the relevant commencement date in accordance with the ordinary replacement cycle of that *Market Participant*; or
 - (3) a *metering installation* located at a *high voltage connection point*.

11.28.3 Period of application of rule to relevant *metering installations*

This rule 11.28:

- (a) applies to a relevant *metering installation* on the day the Ministerial smart meter roll out determination that applies to the relevant *metering installation* takes effect; and
-

- (b) ceases to apply to a relevant *metering installation* on the day the Ministerial smart meter roll out determination that applies to the relevant *metering installation* ceases to have effect.

11.28.4 Designation of responsible person

Despite clauses 7.2.2 and 7.2.3, the *responsible person* for a relevant *metering installation* is the regulated distribution system operator to whom the Ministerial smart meter roll out determination (that applies to that relevant *metering installation*) applies.

11.28.5 Agency data collection systems and agency metering databases

- (a) If *AEMO* uses:
 - (1) *agency data collection systems* under clause 7.3.5(c); or
 - (2) *agency metering databases* to form part of the *metering database* under clause 7.9.1(b),

in respect of *metering data* from a relevant *metering installation*, the person engaged by *AEMO* under clause 7.9.1(b1) to provide the *agency data collection systems* and the *agency metering databases* must be selected by the *responsible person* for the relevant *metering installation*.

- (b) Paragraph (a) applies despite anything to the contrary contained in any contractual or other arrangement between a *Market Participant* and *AEMO*.

**11.28.6 Remote acquisition of data by the
responsible person**

For the purposes of clause 7.9.2(a):

- (a) the *responsible person* for a relevant *metering installation* (and not *AEMO*) is responsible for the *remote acquisition of metering data* from a relevant *metering installation*;
 - (b) *AEMO* is responsible for storing the *metering data* referred to in paragraph (a) as *settlements ready data* in the *metering database*; and
 - (c) the *responsible person* for a relevant *metering installation* must provide the *metering data* remotely acquired under paragraph (a) to *AEMO*.
-