



## **National Electricity Amendment (EnergyAustralia Participant Derogation (Settlement Residue Auctions)) Rule 2006**

under the National Electricity Law as applied by:

- (a) the National Electricity (South Australia) Act 1996; and
- (b) the Electricity (National Scheme) Act 1997 of the Australian Capital Territory; and
- (c) the National Electricity (New South Wales) Act 1997 of New South Wales; and
- (d) the Electricity - National Scheme (Queensland) Act 1997 of Queensland; and
- (e) the Electricity - National Scheme (Tasmania) Act 1999 of Tasmania; and
- (f) the National Electricity (Victoria) Act 1997 of Victoria; and
- (g) the Australian Energy Market Act 2004 of the Commonwealth.

The Australian Energy Market Commission makes the following Rule under the National Electricity Law.

John Tamblyn  
Chairman  
Australian Energy Market Commission

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## **National Electricity Amendment (EnergyAustralia Participant Derogation (Settlement Residue Auctions)) Rule 2006**

### **1. Title of Rule**

This Rule is the *National Electricity Amendment (EnergyAustralia Participant Derogation (Settlement Residue Auctions)) Rule 2006*.

### **2. Commencement**

This Rule commences operation on 22 June 2006.

### **3. Amendment of the National Electricity Rules**

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

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## Schedule 1      Amendment of National Electricity Rules

(Clause 3)

### [1]            Chapter 8A            Participant derogations

Omit the heading:

## Part 2 – Derogations Granted to New South Wales Generators

Insert:

## Part 2 – Derogations Granted to EnergyAustralia

### 8A.2            Derogation from clause 3.18.2(g)(2) - Auctions and eligible persons

#### 8A.2.1          Definitions

In this *participant derogation*, rule 8A2:

**commencement date** means the day the National Electricity Amendment (Energy Australia Participant Derogation (Settlement Residue Auctions)) Rule 2006 commences operation.

**EnergyAustralia** means the energy distributor known as EnergyAustralia and established under the Energy Services Corporations Act 1995 (NSW).

#### 8A.2.2          Expiry date

This *participant derogation* expires on the earlier of:

- (1) 30 June 2009;
- (2) the date that EnergyAustralia's retail business is transferred to a new legal entity pursuant to a NSW Government restructure of EnergyAustralia or by any other means;
- (3) the date that EnergyAustralia ceases to engage in the activity of owning, controlling or operating a *transmission system*;
- (4) the first date after the *commencement date* on which EnergyAustralia engages in the activity of owning, controlling or operating a *transmission system* that NEMMCO determines, in accordance with the criteria developed pursuant to clause 5.6.3(i), is capable of having a material impact on *interconnector* capability;  
or

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(5) the date that EnergyAustralia is not excluded from entering into *SRD agreements* under clause 3.18.2(g)(2).

**8A.2.3 Derogation**

- (a) The reference in clause 3.18.2(g)(2) to *Transmission Network Service Provider* does not include EnergyAustralia.
- (b) If this *participant derogation* expires due to the occurrence of the event in subparagraph (4) of clause 8A2.2, then any *SRD agreement* between *NEMMCO* and EnergyAustralia which is in existence on that date, will terminate on that date.