National Electricity Rules

Indicative changes to National Electricity Rules made by National Electricity Amendment (Access, pricing and incentive arrangements for distributed energy resources) Rule 2021

Note: This document shows changes to the relevant parts of the National Electricity Rules (NER) by the National Electricity Amendment (Access, pricing and incentive arrangements for distributed energy resources) Rule 2021. This document is provided for information purposes only. The Australian Energy Market Commission does not guarantee the accuracy, reliability or completeness of this version of the NER.
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5. Network Connection Access, Planning and Expansion

Part A Introduction

5.1 Introduction to Chapter 5

5.1.2 Overview of Part B and connection and access under the Rules

(a) Rule 5.1A sets out the purpose, application and principles for Part B.
(b) Rule 5.2 sets out the obligations of Registered Participants under Part B and other relevant Parts of this Chapter 5.
(c) Rule 5.2A sets out obligations and principles relevant to connection and access to transmission networks and large dedicated connection assets. This includes the classification of certain services relating to assets relevant to connection as prescribed transmission services, negotiated transmission services and non-regulated transmission services. Rule 5.2A does not apply to the declared transmission system of an adoptive jurisdiction.
(d) Rules 5.3, 5.3A and 5.3AA and Chapter 5A set out processes by which Connection Applicants can negotiate for connection and access to the national grid from a Network Service Provider. The process applicable will depend on the nature of the application. The table below sets out an overview of the relevant processes:

<table>
<thead>
<tr>
<th>Connection Applicant</th>
<th>Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 A Registered Participant or a person intending to become a Registered Participant for a generating plant connecting to a transmission network</td>
<td>Rule 5.3 applies</td>
</tr>
<tr>
<td>2 A Registered Participant or a person intending to become a Registered Participant (or a person pursuant to clause 5.1A.1(c)) for a load connecting to a transmission network</td>
<td>Rule 5.3 applies</td>
</tr>
<tr>
<td>3 A load connecting to a distribution network where the Connection Applicant is a Registered Participant or a person intending to become a Registered Participant (and is not acting as the agent of a retail customer)</td>
<td>Rule 5.3 applies</td>
</tr>
<tr>
<td>4 A distribution network (including an embedded network) connecting to another distribution network or to a transmission network where the Connection Applicant</td>
<td>Rule 5.3 applies</td>
</tr>
<tr>
<td>Connection Applicant</td>
<td>Process</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>is a Registered Participant, intending to become a Registered Participant or will</strong></td>
<td><strong>obtain an exemption from registration</strong></td>
</tr>
<tr>
<td><strong>5</strong> <strong>A Market Network Service Provider or</strong> person intending to register as one</td>
<td><strong>seeking connection to a distribution network or a transmission network</strong></td>
</tr>
<tr>
<td><strong>6</strong> <strong>An embedded generating unit connecting to a distribution network where the</strong></td>
<td><strong>Connection Applicant is a Registered Participant or a person intending to become a Registered Participant</strong></td>
</tr>
<tr>
<td><strong>7</strong> <strong>A non-registered embedded generator who makes an election for rule 5.3A to</strong></td>
<td><strong>apply instead of Chapter 5A</strong></td>
</tr>
<tr>
<td><strong>8</strong> <strong>A Generator wishing to alter a connected generating plant in the circumstances set</strong></td>
<td><strong>out in clause 5.3.9</strong></td>
</tr>
<tr>
<td><strong>9</strong> <strong>A Connection Applicant for prescribed transmission services or negotiated</strong></td>
<td><strong>transmission services that do not require the establishment or modification of a connection or alteration of a connected generating plant in the circumstances set out in clause 5.3.9</strong></td>
</tr>
<tr>
<td><strong>10</strong> <strong>An Embedded Generator or Market Network Service Provider applying for</strong></td>
<td><strong>distribution network user access</strong></td>
</tr>
<tr>
<td><strong>11</strong> <strong>A load or generating plant connecting to a declared shared network</strong></td>
<td><strong>Rule 5.3 as modified by clause 5.1A.1(d) to (g) and rule 5.3B apply</strong></td>
</tr>
<tr>
<td><strong>12</strong> <strong>A load connecting to a distribution network where the Connection Applicant</strong></td>
<td><strong>is not a Registered Participant and is not intending to become a Registered Participant (unless it is acting as the agent of a retail customer)</strong></td>
</tr>
<tr>
<td><strong>who</strong> <strong>is a non-registered embedded generator Chapter 5A applies</strong></td>
<td><strong>non-registered embedded generator</strong></td>
</tr>
<tr>
<td>Connection Applicant</td>
<td>Process</td>
</tr>
<tr>
<td>---------------------</td>
<td>---------</td>
</tr>
<tr>
<td>does not make an election for Rule 5.3A to apply instead of Chapter 5A</td>
<td></td>
</tr>
<tr>
<td>13 A retail customer (or a retailer or Market Small Generation Aggregator on behalf of that customer) connecting a micro embedded generator to a distribution network</td>
<td>Chapter 5A applies</td>
</tr>
</tbody>
</table>

(e) In addition to the rules referred to in paragraph (d), in relation to connection and access to a distribution network:

1. A Distribution Network Service Provider must comply with its negotiating framework and Negotiated Distribution Service Criteria when negotiating the terms and conditions of access to negotiated distribution services;

2. Disputes relating to the terms and conditions of access to a direct control service or to a negotiated distribution service, access charges or matters referred to in clause 5.3AA(f) (negotiated use of system charges) or 5.3AA(h) (avoided charges for the locational component of prescribed TUOS services) may be referred to the AER in accordance with Part L of Chapter 6;

3. Part G of Chapter 5A provides for dispute resolution by the AER for certain disputes under Chapter 5A; and

4. Other disputes relating to connection and access may be subject to dispute resolution under rule 8.2.

(f) In addition to the rules referred to in paragraph (d), in relation to connection and access to a transmission network:

1. Schedule 5.11 sets out the negotiating principles which apply to negotiations between a Transmission Network Service Provider and a Connection Applicant for negotiated transmission services;

2. Rule 5.4 provides a framework for Connection Applicants and Transmission Network Service Providers to appoint an Independent Engineer to provide advice on certain technical matters; and

3. Rule 5.5 provides for commercial arbitration of disputes between a Transmission Network Service Provider and a Connection Applicant as to terms and conditions of access for the provision of prescribed transmission services or for the provision of negotiated transmission services.

(g) Part B also provides for a Dedicated Connection Asset Service Provider to have an access policy for a large dedicated connection asset and for commercial arbitration under rule 5.5 to apply to a large DCA services access dispute.
Part B  Network Connection and Access

5.3  Establishing or Modifying Connection

5.3.1A Application of rule to connection of embedded generating units

(a) [Deleted] For the purposes of this clause 5.3.1A:

non-registered embedded generator has the same meaning as in clause 5A.A.1.

(b) If a Connection Applicant wishes to connect an embedded generating unit, then:

(1) unless otherwise provided, rule 5.3A applies to the proposed connection and clauses 5.3.2, 5.3.3, 5.3.4 and 5.3.5 do not apply to the proposed connection; and

(2) for the avoidance of doubt, the application of the balance of Chapter 5, Part B to the Connection Applicant is otherwise unaffected by this clause 5.3.1A.

(c) A reference to a Connection Applicant in paragraph (b) is to a:

(1) person who intends to be an Embedded Generator;

(2) person who is required to apply to AEMO for an exemption from the requirement to register as a Generator in respect of an embedded generating unit; or

(3) non-registered embedded generator who has made an election under clause 5A.A.2(c), and who makes a connection enquiry under clause 5.3A.5 or an application to connect under clause 5.3A.9 in relation to any generating systems, or any network elements used in the provision of a network service, as the case may be.

5.3A  Establishing or modifying connection - embedded generation

5.3A.1 Definitions

(a) [Deleted] In this clause 5.3A.1:

non-registered embedded generator has the same meaning as in clause 5A.A.1.

(b) For the purposes of this rule 5.3A.1 and Schedules 5.4A and 5.4B:

detailed response means the response to a connection enquiry prepared under clause 5.3A.8.

establish a connection has the same meaning as in clause 5.3.1.

information pack means information relevant to the making of an application to connect specified in clause 5.3A.3(b).

preliminary response means the response to a connection enquiry prepared under clause 5.3A.7.

sub-transmission line has the same meaning as in clause 5.10.2.
zone substation has the same meaning as in clause 5.10.2.

5.3A.1 Application of rule 5.3A

(a) [Deleted]

(b) Where a Connection Applicant wishes to connect an embedded generating unit, this rule 5.3A applies.

(c) For the purposes of this rule 5.3A and Schedules 5.4A and 5.4B:

(1) a reference to a Connection Applicant is to a:

(i) person who intends to be an Embedded Generator;

(ii) person who is required to apply to AEMO for an exemption from the requirement to register as a Generator in respect of an embedded generating unit; or

(iii) non-registered embedded generator who has made an election under clause 5A.A.2(c), and who makes a connection enquiry under clause 5.3A.5 or an application to connect under clause 5.3A.9 in relation to any generating systems, or any network elements used in the provision of a network service, as the case may be.

(2) the Distribution Network Service Provider is the Distribution Network Service Provider required under clause 5.3A.5 to process and respond to a connection enquiry or required under clause 5.3A.10 to prepare an offer to connect for the establishment or modification of a connection to the distribution network owned, controlled or operated by that Distribution Network Service Provider or for the provision of a network service.

Part D Network Planning and Expansion

5.13 Distribution annual planning process

5.13.1 Distribution annual planning review

Scope

(a) A Distribution Network Service Provider must:

(1) subject to paragraph (b), determine an appropriate forward planning period for its distribution assets; and

(2) analyse the expected future operation of its network over the forward planning period in accordance with this clause 5.13.1.

(b) The minimum forward planning period for the purposes of the distribution annual planning review is 5 years.

(c) The distribution annual planning review must include all assets that would be expected to have a material impact on the Distribution Network Service Provider’s network over the forward planning period.

Requirements
(d) Each Distribution Network Service Provider must, in respect of its network:

(1) prepare forecasts covering the forward planning period of maximum demands for:

   (i) sub-transmission lines;

   (ii) zone substations; and

   (iii) to the extent practicable, primary distribution feeders,

        having regard to:

   (iv) the number of customer connections;

   (v) energy consumption; and

   (vi) estimated total output of known embedded generating units;

(2) identify, based on the outcomes of the forecasts in subparagraph (1) and paragraph (d1), limitations on its network, including limitations caused by one or more of the following factors:

   (i) forecast load or forecast use of distribution services by embedded generating units exceeding total capacity;

   (ii) the requirement for asset refurbishment or replacement;

   (iii) the requirement for power system security or reliability improvement;

   (iv) design fault levels being exceeded;

   (v) the requirement for voltage regulation and other aspects of quality of supply to other Network Users; and

   (vi) the requirement to meet any regulatory obligation or requirement;

(3) identify whether corrective action is required to address any system limitations identified in subparagraph (2) and, if so, identify whether the Distribution Network Service Provider is required to:

   (i) carry out the requirements of the regulatory investment test for distribution; and

   (ii) carry out demand side engagement obligations as required under paragraph (f); and

(4) take into account any jurisdictional electricity legislation;

(d1) Each Distribution Network Service Provider must, in respect of its network, prepare forecasts covering the forward planning period of demand for distribution services by embedded generating units at:

(1) sub-transmission lines;

(2) zone substations; and

(3) to the extent practicable, primary distribution feeders,

        having regard to:

(4) the number of customer connections;
Demand side engagement obligations

(e) Each Distribution Network Service Provider must develop a strategy for:
   (1) engaging with non-network providers; and
   (2) considering non-network options.

(f) A Distribution Network Service Provider must engage with non-network providers and consider non-network options for addressing system limitations in accordance with its demand side engagement strategy.

(g) A Distribution Network Service Provider must document its demand side engagement strategy in a demand side engagement document which must be published by no later than 31 August 2013.

(h) A Distribution Network Service Provider must include the information specified in schedule 5.9 in its demand side engagement document.

(i) A Distribution Network Service Provider must review and publish a revised demand side engagement document at least once every three years.

(j) A Distribution Network Service Provider must establish and maintain a facility by which parties can register their interest in being notified of developments relating to distribution network planning and expansion. A Distribution Network Service Provider must have in place a facility under this paragraph (j) no later than the date of publication of the Distribution Network Service Provider’s demand side engagement document under paragraph (g).

5.17 Regulatory investment test for distribution

5.17.1 Principles

(a) The AER must develop and publish the regulatory investment test for distribution in accordance with the distribution consultation procedures and this clause 5.17.1.

(b) The purpose of the regulatory investment test for distribution is to identify the credible option that maximises the present value of the net economic benefit to all those who produce, consume and transport electricity in the NEM (the preferred option). For the avoidance of doubt, a preferred option may, in the relevant circumstances, have a negative net economic benefit (that is, a net economic cost) where the identified need is for reliability corrective action.

(c) The regulatory investment test for distribution must:
   (1) be based on a cost-benefit analysis that must include an assessment of reasonable scenarios of future supply and demand;
   (2) not require a level of analysis that is disproportionate to the scale and likely impact of each of the credible options being considered;
   (3) be capable of being applied in a predictable, transparent and consistent manner;
require the RIT-D proponent to consider whether each credible option could deliver the following classes of market benefits:

(i) changes in voluntary load curtailment;

(ii) changes in involuntary load shedding and customer interruptions caused by network outages, using a reasonable forecast of the value of electricity to customers;

(iii) changes in costs for parties, other than the RIT-D proponent, due to differences in:
   (A) the timing of new plant;
   (B) capital costs; and
   (C) the operating and maintenance costs;

(iv) differences in the timing of expenditure;

(v) changes in load transfer capacity and the capacity of embedded generating units Embedded Generators to take up load;

(vi) any additional option value (where this value has not already been included in the other classes of market benefits) gained or foregone from implementing the credible option with respect to the likely future investment needs of the NEM;

(vii) changes in electrical energy losses; and

(viii) any other class of market benefit determined to be relevant by the AER.

(5) with respect to the classes of market benefits set out in subparagraphs (4)(i) and (ii), ensure that, if a credible option is for reliability corrective action, the consideration and any quantification assessment of these classes of market benefits will only apply insofar as the market benefit delivered by that credible option exceeds the minimum standard required for reliability corrective action;

(6) require the RIT-D proponent to consider whether the following classes of costs would be associated with each credible option and, if so, quantify the:

(i) financial costs incurred in constructing or providing the credible option;

(ii) operating and maintenance costs over the operating life of the credible option;

(iii) cost of complying with laws, regulations and applicable administrative requirements in relation to the construction and operation of the credible option; and

(iv) any other financial costs determined to be relevant by the AER.

(7) require a RIT-D proponent, in exercising judgement as to whether a particular class of market benefit or cost applies to each credible option, to have regard to any submissions received on the non-network options report and/or draft project assessment report where relevant;
(8) provide that any market benefit or cost which cannot be measured as a market benefit or cost to persons in their capacity as Generators, Distribution Network Service Providers, Transmission Network Service Providers or consumers of electricity must not be included in any analysis under the regulatory investment test for distribution; and

(9) specify:

(i) the method or methods permitted for estimating the magnitude of the different classes of market benefits;

(ii) the method or methods permitted for estimating the magnitude of the different classes of costs;

(iii) the appropriate method and value for specific inputs, where relevant, for determining the discount rate or rates to be applied;

(iv) that a sensitivity analysis is required for modelling the cost-benefit analysis; and

(v) that the credible option that maximises the present value of net economic benefit to all those who produce, consume or transport electricity in the NEM may, in some circumstances, be a negative net economic benefit (that is, a net economic cost) where the identified need is for reliability corrective action.

(d) A RIT-D proponent may, under the regulatory investment test for distribution, quantify each class of market benefits under paragraph (c)(4) where the RIT-D proponent considers that:

(1) any applicable market benefits may be material; or

(2) the quantification of market benefits may alter the selection of the preferred option.

(e) The regulatory investment test for distribution permits a single assessment of an integrated set of related and similar investments.

Schedule 5.8 Distribution Annual Planning Report

For the purposes of clause 5.13.2(c), the following information must be included in a Distribution Annual Planning Report:

(a) information regarding the Distribution Network Service Provider and its network, including:

(1) a description of its network;

(2) a description of its operating environment;

(3) the number and types of its distribution assets;

(4) methodologies used in preparing the Distribution Annual Planning Report, including methodologies used to identify system limitations and any assumptions applied; and

(5) analysis and explanation of any aspects of forecasts and information provided in the Distribution Annual Planning Report that have changed significantly from previous forecasts and information provided in the preceding year;
(b) forecasts for the forward planning period, including at least:

(1) a description of the forecasting methodology used, sources of input information, and the assumptions applied;

(2) load forecasts:

(i) at the transmission-distribution connection points;

(ii) for sub-transmission lines; and

(iii) for zone substations,

including, where applicable, for each item specified above:

(iv) total capacity;

(v) firm delivery capacity for summer periods and winter periods;

(vi) peak load (summer or winter and an estimate of the number of hours per year that 95% of peak load is expected to be reached);

(vii) power factor at time of peak load;

(viii) load transfer capacities; and

(ix) generation capacity of known embedded generating units;

(2A) forecast use of distribution services by embedded generating units:

(i) at the transmission-distribution connection points;

(ii) for sub-transmission lines; and

(iii) for zone substations,

including, where applicable, for each item specified above:

(iv) total capacity to accept supply from embedded generating units;

(v) firm delivery capacity for each period during the year;

(vi) peak supply into the distribution network from embedded generating units (at any time during the year) and an estimate of the number of hours per year that 95% of the peak is expected to be reached; and

(vii) power factor at time of peak supply into the distribution network;

(3) forecasts of future transmission-distribution connection points (and any associated connection assets), sub-transmission lines and zone substations, including for each future transmission-distribution connection point and zone substation:

(i) location;

(ii) future loading level; and

(iii) proposed commissioning time (estimate of month and year);

(4) forecasts of the Distribution Network Service Provider's performance against any reliability-applicable performance targets in a service target performance incentive scheme; and

(5) a description of any factors that may have a material impact on its network, including factors affecting;
(i) fault levels;
(ii) voltage levels;
(iii) other power system security requirements;
(iv) the quality of supply to other Network Users (where relevant); and
(v) ageing and potentially unreliable assets;

(b1) for all network asset retirements, and for all network asset de-ratings that would result in a system limitation, that are planned over the forward planning period, the following information in sufficient detail relative to the size or significance of the asset:

(1) a description of the network asset, including location;
(2) the reasons, including methodologies and assumptions used by the Distribution Network Service Provider, for deciding that it is necessary or prudent for the network asset to be retired or de-rated, taking into account factors such as the condition of the network asset;
(3) the date from which the Distribution Network Service Provider proposes that the network asset will be retired or de-rated; and
(4) if the date to retire or de-rate the network asset has changed since the previous Distribution Annual Planning Report, an explanation of why this has occurred;

(b2) for the purposes of subparagraph (b1), where two or more network assets are:

(1) of the same type;
(2) to be retired or de-rated across more than one location;
(3) to be retired or de-rated in the same calendar year; and
(4) each expected to have a replacement cost less than $200,000 (as varied by a cost threshold determination),

those assets can be reported together by setting out in the Distribution Annual Planning Report:

(5) a description of the network assets, including a summarised description of their locations;
(6) the reasons, including methodologies and assumptions used by the Distribution Network Service Provider, for deciding that it is necessary or prudent for the network assets to be retired or de-rated, taking into account factors such as the condition of the network assets;
(7) the date from which the Distribution Network Service Provider proposes that the network assets will be retired or de-rated; and
(8) if the calendar year to retire or de-rate the network assets has changed since the previous Distribution Annual Planning Report, an explanation of why this has occurred;

(c) information on system limitations for sub-transmission lines and zone substations, including at least:
(1) estimates of the location and timing (month(s) and year) of the system limitation;

(2) analysis of any potential for load transfer capacity between supply points that may decrease the impact of the system limitation or defer the requirement for investment;

(3) impact of the system limitation, if any, on the capacity at transmission-distribution connection points;

(4) a brief discussion of the types of potential solutions that may address the system limitation in the forward planning period, if a solution is required; and

(5) where an estimated reduction change in forecast load or forecast generation from embedded generating units would defer a forecast system limitation for a period of at least 12 months, include:

   (i) an estimate of the month and year in which a system limitation is forecast to occur as required under subparagraph (1);

   (ii) the relevant connection points at which the estimated reduction change in forecast load or forecast generation may occur; and

   (iii) the estimated reduction change in forecast load or forecast generation in MW or improvements in power factor needed to defer the forecast system limitation;

(d) for any primary distribution feeders for which a Distribution Network Service Provider has prepared forecasts of maximum demands under clause 5.13.1(d)(1)(iii) and which are currently experiencing an overload, or are forecast to experience an overload in the next two years the Distribution Network Service Provider must set out:

(1) the location of the primary distribution feeder;

(2) the extent to which load exceeds, or is forecast to exceed, 100% (or lower utilisation factor, as appropriate) of the normal cyclic rating under normal conditions (in summer periods or winter periods);

(3) the types of potential solutions that may address the overload or forecast overload; and

(4) where an estimated reduction in forecast load would defer a forecast overload for a period of 12 months, include:

   (i) estimate of the month and year in which the overload is forecast to occur;

   (ii) a summary of the location of relevant connection points at which the estimated reduction in forecast load would defer the overload;

   (iii) the estimated reduction in forecast load in MW needed to defer the forecast system limitation;

(d1) for any primary distribution feeders for which a Distribution Network Service Provider has prepared forecasts of demand for distribution services by embedded generating units under clause 5.13.1(d1)(3) and which are currently experiencing a system limitation, or are forecast to experience a
system limitation in the next two years, the Distribution Network Service Provider must set out:

(1) the location of the primary distribution feeder;

(2) the extent to which demand for distribution services by embedded generating units exceeds, or is forecast to exceed, 100% (or lower utilisation factor, as appropriate) of the normal capacity to provide those distribution services under normal conditions;

(3) the types of potential solutions that may address the system limitation or forecast system limitation;

(4) where an estimated reduction in demand for distribution services by embedded generating units would defer a forecast system limitation for a period of 12 months, include:

(i) an estimate of the month and year in which the system limitation is forecast to occur;

(ii) a summary of the location of relevant connection points at which the estimated reduction in demand for distribution services by embedded generating units would defer the system limitation; and

(iii) the estimated reduction in demand for distribution services by embedded generating units in MW needed to defer the forecast system limitation;

(e) a high-level summary of each RIT-D project for which the regulatory investment test for distribution has been completed in the preceding year or is in progress, including:

(1) if the regulatory investment test for distribution is in progress, the current stage in the process;

(2) a brief description of the identified need;

(3) a list of the credible options assessed or being assessed (to the extent reasonably practicable);

(4) if the regulatory investment test for distribution has been completed a brief description of the conclusion, including:

(i) the net economic benefit of each credible option;

(ii) the estimated capital cost of the preferred option; and

(iii) the estimated construction timetable and commissioning date (where relevant) of the preferred option; and

(5) any impacts on Network Users, including any potential material impacts on connection charges and distribution use of system charges that have been estimated;

(f) for each identified system limitation which a Distribution Network Service Provider has determined will require a regulatory investment test for distribution, provide an estimate of the month and year when the test is expected to commence;
(g) a summary of all committed investments to be carried out within the forward planning period with an estimated capital cost of $2 million or more (as varied by a cost threshold determination) that are to address an urgent and unforeseen network issue as described in clause 5.17.3(a)(1), including:

1. A brief description of the investment, including its purpose, its location, the estimated capital cost of the investment and an estimate of the date (month and year) the investment is expected to become operational;

2. A brief description of the alternative options considered by the Distribution Network Service Provider in deciding on the preferred investment, including an explanation of the ranking of these options to the committed project. Alternative options could include, but are not limited to, generation options, demand side options, and options involving other distribution or transmission networks;

(h) the results of any joint planning undertaken with a Transmission Network Service Provider in the preceding year, including:

1. A summary of the process and methodology used by the Distribution Network Service Provider and relevant Transmission Network Service Providers to undertake joint planning;

2. A brief description of any investments that have been planned through this process, including the estimated capital costs of the investment and an estimate of the timing (month and year) of the investment; and

3. Where additional information on the investments may be obtained;

(i) the results of any joint planning undertaken with other Distribution Network Service Providers in the preceding year, including:

1. A summary of the process and methodology used by the Distribution Network Service Providers to undertake joint planning;

2. A brief description of any investments that have been planned through this process, including the estimated capital cost of the investment and an estimate of the timing (month and year) of the investment; and

3. Where additional information on the investments may be obtained;

(j) information on the performance of the Distribution Network Service Provider's network, including:

1. A summary description of reliability measures and standards in applicable regulatory instruments;

2. A summary description of the quality of supply standards that apply, including the relevant codes, standards and guidelines;

3. A summary description of the performance of the distribution network against the measures and standards described under subparagraphs (1) and (2) for the preceding year;

4. Where the measures and standards described under subparagraphs (1) and (2) were not met in the preceding year, information on the corrective action taken or planned;
(5) a summary description of the Distribution Network Service Provider's processes to ensure compliance with the measures and standards described under subparagraphs (1) and (2); and

(6) an outline of the information contained in the Distribution Network Service Provider's most recent submission to the AER under the service target performance incentive scheme;

(k) information on the Distribution Network Service Provider's asset management approach, including:

(1) a summary of any asset management strategy employed by the Distribution Network Service Provider;

(1A) an explanation of how the Distribution Network Service Provider takes into account the cost of distribution losses when developing and implementing its asset management and investment strategy;

(2) a summary of any issues that may impact on the system limitations identified in the Distribution Annual Planning Report that has been identified through carrying out asset management; and

(3) information about where further information on the asset management strategy and methodology adopted by the Distribution Network Service Provider may be obtained;

(l) information on the Distribution Network Service Provider's demand management activities and activities relating to embedded generating units, including:

(1) a qualitative summary of:

(i) non-network options that have been considered in the past year, including generation from embedded generating units;

(ii) key issues arising from applications to connect embedded generating units received in the past year;

(iii) actions taken to promote non-network proposals in the preceding year, including generation from embedded generating units; and

(iv) the Distribution Network Service Provider's plans for demand management and generation from embedded generating units over the forward planning period;

(2) a quantitative summary of:

(i) connection enquiries received under clause 5.3A.5 and of the total, the number for non-registered embedded generators;

(ii) applications to connect received under clause 5.3A.9 and of the total, the number for non-registered embedded generators; and

(iii) the average time taken to complete applications to connect; and

(3) a quantitative summary of:

(i) enquiries under clause 5A.D.2 in relation to the connection of micro embedded generators or non-registered embedded generators; and
(ii) applications for a connection service under clause 5A.D.3 in relation to the connection of micro embedded generators or non-registered embedded generators;

(m) information on the Distribution Network Service Provider's investments in information technology and communication systems which occurred in the preceding year, and planned investments in information technology and communication systems related to management of network assets in the forward planning period; and

(n) a regional development plan consisting of a map of the Distribution Network Service Provider's network as a whole, or maps by regions, in accordance with the Distribution Network Service Provider's planning methodology or as required under any regulatory obligation or requirement, identifying:

(1) sub-transmission lines, zone substations and transmission-distribution connection points; and

(2) any system limitations that have been forecast to occur in the forward planning period, including, where they have been identified, overloaded primary distribution feeders.
5A. Electricity connection for retail customers

Part A Preliminary

5A.A.1 Definitions

In this Chapter:

**basic connection service**

means a connection service related to a connection (or a proposed connection) between a distribution system and a retail customer's premises (excluding a non-registered embedded generator's premises) in the following circumstances:

(a) either:
   (1) the retail customer is typical of a significant class of retail customers who have sought, or are likely to seek, the service; or
   (2) the retail customer is, or proposes to become, a micro embedded generator; and

(b) the provision of the service involves minimal or no augmentation of the distribution network; and

(c) a model standing offer has been approved by the AER for providing that service as a basic connection service.

**basic micro EG connection service**

means a basic connection service for a retail customer who is a micro embedded generator.

**confidential information**

means, in relation to a Registered Participant, AEMO or a connection applicant, information which is or has been provided to that Registered Participant, AEMO or connection applicant under or in connection with the Rules and which is stated under the Rules, or by AEMO, the AER or the AEMC, to be confidential information or is otherwise confidential or commercially sensitive. It also includes any information which is derived from such information.

**connection**

means a physical link between a distribution system and a retail customer's premises to allow the flow of electricity.

**connection alteration**

means an alteration to an existing connection including an addition, upgrade, extension, expansion, augmentation or any other kind of alteration.

**connection applicant**

means an applicant for a connection service of 1 of the following categories:

(a) retail customer;

(b) retailer or other person acting on behalf of a retail customer;
connection application
means an application under clause 5A.D.3.

connection charge
means a charge imposed by a Distribution Network Service Provider for a connection service.

connection charge guidelines
– see clause 5A.E.3.

connection charge principles
– see clause 5A.E.1.

connection contract
means a contract formed by the making and acceptance of a connection offer.

connection offer
means an offer by a Distribution Network Service Provider to enter into a connection contract with:
(a) a retail customer; or
(b) a real estate developer.

connection policy
means a document, approved as a connection policy by the AER under Chapter 6, Part E, setting out, among other things, the circumstances in which connection charges are payable and the basis for determining the amount of such charges.

connection service
means either or both of the following:
(a) a service relating to a new connection for premises;
(b) a service relating to a connection alteration for premises,
but, to avoid doubt, does not include a service of providing, installing or maintaining a metering installation for premises.

contestable
– a service is contestable if the laws of the participating jurisdiction in which the service is to be provided permit the service to be provided by more than one supplier as a contestable service or on a competitive basis.

customer connection contract
– see section 67 of the NERL.

embedded generator
means a person that owns, controls or operates an embedded generating unit.

enquiry
means a preliminary enquiry under clause 5A.D.2.
micro EG connection

means a connection between an embedded generating unit and a distribution network of the kind contemplated by Australian Standard AS 4777 (Grid connection of energy systems via inverters).

micro embedded generator

means a retail customer who operates, or proposes to operate, an embedded generating unit for which a micro EG connection is appropriate.

model standing offer

means a document approved by the AER as a model standing offer to provide basic connection services (see clause 5A.B.3) or as a model standing offer to provide standard connection services (see clause 5A.B.5).

MSGA customer

means a person who owns, operates or controls, or proposes to own, operate or control, a small generating unit and who has an agreement with a Market Small Generation Aggregator relating to the small generating unit under which the Market Small Generation Aggregator is financially responsible for the market connection point at which the small generating unit is connected to the national grid.

negotiated connection contract

– see clause 5A.C.1.

new connection

means a connection established or to be established, in accordance with this Chapter and applicable energy laws, where there is no existing connection.

non-registered embedded generator

means an embedded generator that is neither a micro embedded generator nor a Registered Participant.

premises connection assets

means the components of a distribution system used to provide connection services.

real estate developer

means a person who carries out a real estate development.

real estate development

means the commercial development of land including its development in 1 or more of the following ways:

(a) subdivision;
(b) the construction of commercial or industrial premises (or both);
(c) the construction of multiple new residential premises.

retail customer

includes a non-registered embedded generator and a micro embedded generator.
standard connection service

means a connection service (other than a basic connection service) for a particular class (or sub-class) of connection applicant and for which a model standing offer has been approved by the AER.

supply service

means a service (other than a connection service) relating to the supply of electricity (whether for import or export).

5A.A.3 Market Small Generation Aggregator deemed to be agent of itsa retail
MSGA customers

A Market Small Generation Aggregator is deemed to be the agent of its MSGA customers for the purposes of this Chapter, a retail customer, where there is an agreement between the Market Small Generation Aggregator and the retail customer relating to the retail customer's small generating unit under which the Market Small Generation Aggregator is financially responsible for the market connection point at which the small generating unit is connected to the national grid.

Part B Standardised offers to provide basic and standard connection services

Division 1 Basic connection services

5A.B.1 Obligation to have model standing offer to provide basic connection services

(a) Subject to paragraph (b), a Distribution Network Service Provider must have a model standing offer to provide basic connection services to retail customers.

(b) Basic connection services are of 2 classes:

(1) basic connection services for retail customers who are not embedded generators; and

(2) basic connection services for retail customers who are micro embedded generators.

Note

Basic connection services are not available to non-registered embedded generator

(c) A model standing offer may relate to each class of basic connection services (or a subclass for which there is significant demand) within the area served by the relevant distribution network.

5A.B.3 Approval of terms and conditions of model standing offer to provide basic connection services

(a) The AER may approve a proposed model standing offer to provide basic connection services of a particular class (or subclass) on specified terms and conditions if satisfied that:

(1) the services are likely to be sought by:
(i) a significant number of retail customers in the area served by the distribution network (excluding embedded generating unit operators); or

(ii) micro embedded generators; and

(2) the connection charges are consistent with the Distribution Network Service Provider's distribution determination including the connection policy; and

(3) the terms and conditions are fair and reasonable; and

(4) the terms and conditions comply with applicable requirements of the energy laws; and

(5) if the service is a basic micro EG connection service, the terms and conditions are consistent with applicable requirements in the tariff structure statement and the tariff assignment arrangements in Chapter 6B.

(b) In deciding whether to approve a proposed model standing offer to provide basic connection services on specified terms and conditions, the AER must have regard to:

(1) the national electricity objective; and

(2) the basis on which the Distribution Network Service Provider has provided the relevant services in the past; and

(3) the geographical characteristics of the area served by the relevant distribution network.

(c) If the AER does not approve a proposed model standing offer to provide basic connection services of a particular class on specified terms and conditions:

(1) the AER must give the Distribution Network Service Provider written reasons for its decision; and

(2) the Distribution Network Service Provider must re-submit the proposed model standing offer with appropriate amendments as soon as reasonably practicable.

(d) The AER must deal expeditiously with a proposed model standing offer to provide basic connection services.

Division 2 Standard connection services

5A.B.5 Approval of model standing offer to provide standard connection services

(a) The AER may approve a proposed model standing offer to provide a particular class of standard connection services on specified terms and conditions if satisfied that:

(1) the terms and conditions are fair and reasonable; and

(2) the connection charges are consistent with the Distribution Network Service Provider's distribution determination including the connection policy; and
(3) the terms and conditions comply with applicable requirements of the energy laws; and

(4) if the service is for an embedded generating unit operator or a person who proposes to be an embedded generating unit operator, the terms and conditions are consistent with applicable requirements in the tariff structure statement and the tariff assignment arrangements in Chapter 6B.

(b) In deciding whether to approve the proposed model standing offer, the AER must have regard to the national electricity objective.

(c) If the AER does not approve a proposed model standing offer to provide standard connection services:

(1) the AER must give the Distribution Network Service Provider written reasons for its decision; and

(2) the Distribution Network Service Provider may re-submit the proposed model standing offer with appropriate amendments.

(d) The AER must deal expeditiously with a proposed model standing offer to provide standard connection services.

Part D Application for connection service

Division 1 Information

5A.D.1 Publication of information

(a) A Distribution Network Service Provider must publish on its website the following:

(1) an application form for a new connection or a connection alteration; and

(2) a description of how an application for a new connection or a connection alteration is to be made (including a statement of the information required for the application); and

(3) a description of the Distribution Network Service Provider's basic connection services and standard connection services and the classes (or subclasses) of retail customer to which they apply. If the Distribution Network Service Provider does not provide standard connection services for all or some non-registered embedded generators, a clear statement to this effect must also be included in the description; and

(4) an explanation of the connection applicant's right to negotiate with the Distribution Network Service Provider for a negotiated connection contract and a description of the negotiation process; and

(5) the requirements for an expedited connection; and

(6) the basis for calculation of connection charges; and
(7) information set out in clauses 5.3A.3(b)(1)(vii) and 5.3A.3(b)(2)-(7) as such information relates to the connection of embedded generating units by a non-registered embedded generator.

(b) To the extent a Distribution Network Service Provider has provided the information required under paragraph (a)(7) by including that information in its information pack published under clause 5.3A.3(a)(3), it will be taken to have complied with paragraph (a)(7).

5A.D.1A Register of completed embedded generation projects

(a) For the purposes of this clause 5A.D.1A:

completed non-registered embedded generation projects means all embedded generating units, operated or controlled by a non-registered embedded generator that are connected to the Distribution Network Service Provider's network.

DAPR date has the same meaning as in clause 5.13.2.

(b) In relation to completed non-registered embedded generation projects, a Distribution Network Service Provider must establish and publish, on its website, a register of the plant, including but not limited to:

(1) technology of generating unit (e.g. synchronous generating unit, induction generator, photovoltaic array, etc) and its make and model;

(2) maximum power generation capacity of all embedded generating units comprised in the relevant generating system;

(3) contribution to fault levels;

(4) the size and rating of the relevant transformer;

(5) a single line diagram of the connection arrangement;

(6) protection systems and communication systems;

(7) voltage control, power factor control and/or reactive power capability (where relevant); and

(8) details specific to the location of a facility connected to the network that are relevant to any of the details in subparagraphs (1)-(7).

(c) The Distribution Network Service Provider must not publish confidential information as part of, or in connection with, the register, unless disclosure of the information is authorised:

(1) by the party to whom the duty of confidentiality is owed; or

(2) under:

   (i) theNEL or the Rules; or

   (ii) any other law.

(d) The Distribution Network Service Provider must:

(1) by the DAPR date each year, include in the register the details contained in paragraph (b) for all completed non-registered embedded generation projects since the date the register referred to in paragraph (b) is established; and
(2) in the fifth year after the establishment of the register, and in each year thereafter, update the register by the DAPR date with details of all completed non-registered embedded generation projects in the 5 year period preceding the DAPR date.

(e) To the extent a Distribution Network Service Provider includes the information required under paragraphs (b) and (d) in its register established under rule 5.18B, it will be taken to have complied with paragraphs (b) and (d).

Part E  Connection charges

5A.E.3 Connection charge guidelines

(a) The AER must develop and publish guidelines (connection charge guidelines) for the development of connection policies by Distribution Network Service Providers.

(b) The purpose of the guidelines is to ensure that connection charges:

(1) are reasonable, taking into account the efficient costs of providing the connection services arising from the new connection or connection alteration and the revenue a prudent operator in the circumstances of the relevant Distribution Network Service Provider would require to provide those connection services; and

(2) provide, without undue administrative cost, a user-pays signal to reflect the efficient cost of providing the connection services; and

(3) limit cross-subsidisation of connection costs between different classes (or subclasses) of retail customer; and

(4) if the connection services are contestable – are competitively neutral.

(b1) The purpose of the guidelines is also to ensure that static zero export limits apply to micro EG connections only to the extent consistent with:

(1) the safe, secure and efficient provision and use of distribution services; and

(2) the relevant Distribution Network Service Provider's distribution determination (including expenditure to support the provision of distribution services for supply from micro embedded generators).

(c) The guidelines must:

(1) describe the method for determining charges for premises connection assets; and

(2) describe the circumstances (or how to determine the circumstances) under which a Distribution Network Service Provider may receive a capital contribution, prepayment or financial guarantee from a retail customer or real estate developer for the provision of a connection service; and

(3) describe how the amount of any such capital contribution, prepayment or financial guarantee is to be determined; and
(4) establish principles for fixing a threshold (based on capacity or any other measure the AER thinks fit) below which retail customers (not being a non-registered embedded generator or a real estate developer) are exempt from any requirement to pay connection charges (or to give consideration in the form of a capital contribution, prepayment or financial guarantee) for an augmentation (other than an extension) to the distribution network necessary to make the connection; and

(5) describe the methods for calculating the augmentation component for the connection assets and, if the augmentation consists of or includes an extension, the extension component of a connection charge; and

(6) describe the method for calculating:

(i) the amount of a refund of connection charges for a connection asset when an extension asset originally installed to connect the premises of a single retail customer is used, within 7 years of its installation, to connect other premises and thus comes to be used for the benefit of 2 or more retail customers; and

(ii) the threshold below which the refund is not payable; and

(7) describe the treatment of augmentation assets; and

(8) describe the circumstances (or how to determine the circumstances) under which a Distribution Network Service Provider may offer a static zero export limit to a micro embedded generator for the purposes of clause 5A.F.1(c)(2).

(d) The principles for establishing an exemption under paragraph (c)(4) must ensure that the exemption only operates in the following circumstances:

(1) the connection is a low voltage connection; and

(2) the connection would not normally require augmentation of the network beyond the extension to the distribution network necessary to make the connection; and

(3) the connection is not expected to increase the load on the distribution network beyond a level the Distribution Network Service Provider could reasonably be expected to cope with in the ordinary course of managing the distribution network.

(d1) In developing guidelines dealing with static zero export limits for the purposes of paragraph (c)(8), the AER must ensure that static zero export limits are offered only where consistent with the purpose in clause 5A.E.3(b1), which may include where reasonably required due to:

(1) system limitations, whether in particular circumstances or at particular locations or otherwise; or

(2) limitations on the capabilities of plant or equipment of Distribution Network Service Providers or retail customers.

(e) In developing the guidelines, the AER must have regard to:

(1) historical and geographical differences between networks; and
(2) inter-jurisdictional differences related to regulatory control mechanisms, classification of services and other relevant matters; and

(3) the circumstances in which connection services may be provided by persons other than Distribution Network Service Providers (and are therefore contestable).

(f) In developing guidelines dealing with the method for calculating the amount of a refund of connection charges paid before a connection asset becomes a shared asset, the AER must have regard to:

(1) the Distribution Network Service Provider's obligation to make the refund; and

(2) future projections of distribution network expansion and usage and any consequent effect on the Distribution Network Service Provider's capacity to finance the acquisition of augmentation assets out of increased revenue; and

(3) the fact that the Distribution Network Service Provider's obligation to make the refund will expire after 7 years.

(g) In developing guidelines under this clause, the AER must act in accordance with the distribution consultation procedures.

5A.E.4 Payment of connection charges

(a) Connection charges payable in respect of a connection service must be paid to the Distribution Network Service Provider by the retail customer's retailer or Market Small Generation Aggregator unless:

(1) the retailer did not apply for the connection service and the Distribution Network Service Provider has notified the retail customer that the retail customer must pay the connection charge directly; or

(2) the retail customer asks to pay the connection charge directly and the Distribution Network Service Provider agrees; or

(3) the Distribution Network Service Provider and the retailer or Market Small Generation Aggregator agree that the Distribution Network Service Provider is to recover the connection charge from the retail customer.

(b) If the retail customer pays, or is required to pay, a connection charge directly to a Distribution Network Service Provider under paragraph (a), the Distribution Network Service Provider must not recover that charge from the retail customer's retailer or Market Small Generation Aggregator.

(c) The Distribution Network Service Provider must separately identify each connection charge on the statement or invoice to the retailer or Market Small Generation Aggregator.

Note

Rule 25 of the NERR requires the listing of connection charges that are passed through by a retailer to a retail customer in the customer's bill.
Part F  Formation and integration of connection contracts

Division 1  Offer and acceptance – basic and standard connection services

5A.F.1 Distribution Network Service Provider's response to application

(a) If the connection service sought by a connection applicant is a basic connection service or a standard connection service (and the applicant does not elect to apply for a negotiated connection contract), the Distribution Network Service Provider must make a connection offer to the applicant within:

(1) 10 business days after receiving a properly completed application for the service and the additional information (if any) reasonably required under clause 5A.D.3(e); or

(2) some other period agreed between the Distribution Network Service Provider and the connection applicant.

(b) The connection offer must be in accordance with the relevant model standing offer and must include:

(1) the date of the offer; and

(2) details of the connection service to be provided; and

(3) a statement of the connection charges payable by the connection applicant.

(c) Where the connection applicant is a micro embedded generator, the connection offer must not specify a static zero export limit except:

(1) where the connection applicant requests the static zero export limit; or

(2) in circumstances permitted by the connection charge guidelines.

5A.F.7 Retailer required for energisation where new connection

A Distribution Network Service Provider is not required to energise a new connection unless a request to energise the new connection is submitted by a retailer or Market Small Generation Aggregator, or the Distribution Network Service Provider is otherwise satisfied that there is a relevant contract with a retailer or Market Small Generation Aggregator in relation to the premises.

Schedule 5A.1 – Minimum content requirements for connection contract

Part B  Connection offer involving embedded generation

(a) A connection offer to an embedded generating unit operator or a person who proposes to be an embedded generating unit operator, a person who operates, or proposes to operate, an embedded generating unit (the embedded generator) must contain:

(1) a provision stating that a connection contract will be formed, and will come into operation, on acceptance of the connection offer; and
(2) details of the connection point, the maximum capacity of the connection to import and export electricity, and the embedded generating unit operator's installation required at the connection point; and

(2a) details of the DER generation information required to be provided to the Distribution Network Service Provider by the embedded generating unit operator; and

(3) details of the premises connection assets and additional equipment to be installed on the premises and responsibility for undertaking the work; and

(4) details of any distribution network extension or other augmentation required for the purposes of the connection; and

(5) an undertaking to complete the work required to establish the connection within a specified time frame; and

(6) a requirement that the embedded generating unit operator have appropriate metering installed; and

(7) the relevant technical and safety obligations to be met by the embedded generating unit operator relating to the installation; and

(8) the embedded generating unit operator’s obligation to allow access to the premises by the Distribution Network Service Provider's agents, contractors and employees; and

(9) the embedded generating unit operator’s obligation to accommodate on its premises, and protect from harm, any equipment necessary for the connection; and

(10) details of the embedded generating unit operator’s monetary obligations including billing arrangements and any security to be provided by the embedded generating unit operator; and

(11) details of the Distribution Network Service Provider's monetary obligations (if any) to the embedded generating unit operator; and

(12) a provision requiring the Distribution Network Service Provider to provide information about the connection to the embedded generating unit operator; and

(13) provision for amendment of the connection contract by agreement between the Distribution Network Service Provider and the embedded generating unit operator.

(b) A connection contract that relates to supply services must also deal with:

(1) the Distribution Network Service Provider's power to interrupt or reduce the supply services at the connection point; and

(2) warranties and limitations on the Distribution Network Service Provider's liability; and
(3) disconnection and reconnection; and
(4) reporting and correction of faults; and
(5) dispute resolution; and
(6) ongoing obligations of the Distribution Network Service Provider and the embedded generating unit operator; and
(7) termination of the connection contract.
6. Economic Regulation of Distribution Services

Part A  Introduction

6.1  Introduction to Chapter 6

6.1.4 [Deleted]Prohibition of DUOS charges for the export of energy

(a) A Distribution Network Service Provider must not charge a Distribution Network User distribution use of system charges for the export of electricity generated by the user into the distribution network.

(b) This does not, however, preclude charges for the provision of connection services.

Part B  Classification of Distribution Services and Distribution Determinations

6.2  Classification

6.2.2 Classification of direct control services as standard control services or alternative control services

(a) Direct control services are to be further divided into 2 subclasses:

(1) standard control services; and

(2) alternative control services.

(b) The AER may group direct control services together for the purpose of classification and, if it does so, a single classification made for the group applies to each service comprised in the group as if it had been separately classified.

(c) The AER must, in classifying a direct control service as a standard control service or an alternative control service, have regard to:

(1) the potential for development of competition in the relevant market and how the classification might influence that potential; and

(2) the possible effects of the classification on administrative costs of the AER, the Distribution Network Service Provider and users or potential users of the relevant service; and

(3) the regulatory approach (if any) applicable to the relevant service immediately before the commencement of the distribution determination for which the classification is made; and

(4) the desirability of a consistent regulatory approach to similar services (both within and beyond the relevant jurisdiction); and

(5) the extent the costs of providing the relevant service are directly attributable to the person to whom the service is provided; and

Example:

In circumstances where a service is provided to a small number of identifiable customers on a discretionary or infrequent basis, and costs can be directly attributed to those customers, it
may be more appropriate to classify the service as an alternative control service than as a standard control service.

(6) any other relevant factor.

(d) [Deleted]

e) If the Rules, however, require that a direct control service of a specified kind be classified either as a standard control service or as an alternative control service, a direct control service of the relevant kind is to be classified in accordance with that requirement.

6.2.5 Control mechanisms for direct control services

(a) A distribution determination is to impose controls over the prices of direct control services, the revenue to be derived from direct control services or both.

(b) The control mechanism may consist of:

(1) a schedule of fixed prices;

(2) caps on the prices of individual services;

(3) caps on the revenue to be derived from a particular combination of services;

(4) tariff basket price control;

(5) revenue yield control; or

(6) a combination of any of the above.

(c) In deciding on a control mechanism for standard control services, the AER must have regard to:

(1) the need for efficient tariff structures; and

(2) the possible effects of the control mechanism on administrative costs of the AER, the Distribution Network Service Provider and users or potential users of the relevant services; and

(3) the regulatory arrangements (if any) applicable to the relevant service immediately before the commencement of the distribution determination; and

(4) the desirability of consistency between regulatory arrangements for similar services (both within and beyond the relevant jurisdiction); and

(5) any other relevant factor.

(d) In deciding on a control mechanism for alternative control services, the AER must have regard to:

(1) the potential for development of competition in the relevant market and how the control mechanism might influence that potential; and

(2) the possible effects of the control mechanism on administrative costs of the AER, the Distribution Network Service Provider and users or potential users of the relevant services; and
the regulatory arrangements (if any) applicable to the relevant service immediately before the commencement of the distribution determination; and

(4) the desirability of consistency between regulatory arrangements for similar services (both within and beyond the relevant jurisdiction); and

(5) any other relevant factor.

### 6.2.8 Guidelines

(a) The AER:

(1) must make and publish the Shared Asset Guidelines, the Capital Expenditure Incentive Guidelines, the Expenditure Forecast Assessment Guidelines, the Distribution Confidentiality Guidelines, the Distribution Service Classification Guidelines, the Export Tariff Guidelines, the Asset Exemption Guidelines and the Cost Allocation Guidelines in accordance with the Rules; and

(2) may, in accordance with the distribution consultation procedures, make and publish guidelines as to any other matters relevant to this Chapter.

(b) A guideline may relate to a specified Distribution Network Service Provider or Distribution Network Service Providers of a specified class.

(c) Except as otherwise provided in this Chapter, a guideline is not mandatory (and so does not bind the AER or anyone else) but, if the AER:

(1) makes a distribution determination that is not in accordance with the guideline, the AER must state, in its reasons for the distribution determination, the reasons for departing from the guideline;

(2) makes a decision in respect of an asset exemption under clause 6.4B.1(a)(3) or (4) that is not made in accordance with the Asset Exemption Guidelines, the AER must state, in its reasons for that decision, the reasons for departing from that guideline; and

(3) makes a framework and approach paper that is not in accordance with the Distribution Service Classification Guidelines, the AER must state, in the relevant framework and approach paper, the reasons for departing from that guideline.

(d) If a guideline indicates that there may be a change of regulatory approach in future distribution determinations, the guideline should also (if practicable) indicate how transitional issues are to be dealt with.

(e) Subject to paragraph (f), the AER may, from time to time and in accordance with the distribution consultation procedures, amend or replace a guideline.

(f) The AER may make administrative or minor amendments to any guideline without complying with the distribution consultation procedures.

(g) This clause 6.2.8 does not apply to the Distribution Ring-Fencing Guidelines or the Distribution Reliability Measures Guidelines.
Part C  Building Block Determinations for standard control services

6.4  Post-tax revenue model

6.4.5  Expenditure Forecast Assessment Guidelines

(a) The AER must, in accordance with the distribution consultation procedures, develop and publish guidelines (the Expenditure Forecast Assessment Guidelines) that specify:

(1) the approach or approaches the AER proposes to use to assess the forecasts of operating expenditure and capital expenditure that form part of Distribution Network Service Providers' regulatory proposals; and

(2) the information the AER requires for the purposes of that assessment.

(b) There must be Expenditure Forecast Assessment Guidelines in force at all times after the date on which the AER first publishes the Expenditure Forecast Assessment Guidelines under the Rules.

6.5  Matters relevant to the making of building block determinations

6.5.6  Forecast operating expenditure

(a) A building block proposal must include the total forecast operating expenditure for the relevant regulatory control period which the Distribution Network Service Provider considers is required in order to achieve each of the following (the operating expenditure objectives):

(1) meet or manage the expected demand for standard control services over that period;

(2) comply with all applicable regulatory obligations or requirements associated with the provision of standard control services;

(3) to the extent that there is no applicable regulatory obligation or requirement in relation to:

(i) the quality, reliability or security of supply of standard control services; or

(ii) the reliability or security of the distribution system through the supply of standard control services,

to the relevant extent:

(iii) maintain the quality, reliability and security of supply of standard control services; and

(iv) maintain the reliability and security of the distribution system through the supply of standard control services; and

(4) maintain the safety of the distribution system through the supply of standard control services.

(b) The forecast of required operating expenditure of a Distribution Network Service Provider that is included in a building block proposal must:
(1) comply with the requirements of any relevant regulatory information instrument;

(2) be for expenditure that is properly allocated to standard control services in accordance with the principles and policies set out in the Cost Allocation Method for the Distribution Network Service Provider; and

(3) include both:

(i) the total of the forecast operating expenditure for the relevant regulatory control period; and

(ii) the forecast operating expenditure for each regulatory year of the relevant regulatory control period.

(c) The AER must accept the forecast of required operating expenditure of a Distribution Network Service Provider that is included in a building block proposal if the AER is satisfied that the total of the forecast operating expenditure for the regulatory control period reasonably reflects each of the following (the operating expenditure criteria):

(1) the efficient costs of achieving the operating expenditure objectives; and

(2) the costs that a prudent operator would require to achieve the operating expenditure objectives; and

(3) a realistic expectation of the demand forecast and cost inputs required to achieve the operating expenditure objectives.

(d) If the AER is not satisfied as referred to in paragraph (c), it must not accept the forecast of required operating expenditure of a Distribution Network Service Provider that is included in a building block proposal.

(e) In deciding whether or not the AER is satisfied as referred to in paragraph (c), the AER must have regard to the following (the operating expenditure factors):

(1) [Deleted]

(2) [Deleted]

(3) [Deleted]

(4) the most recent annual benchmarking report that has been published under rule 6.27 and the benchmark operating expenditure that would be incurred by an efficient Distribution Network Service Provider over the relevant regulatory control period;

(5) the actual and expected operating expenditure of the Distribution Network Service Provider during any preceding regulatory control periods;

(5A) the extent to which the operating expenditure forecast includes expenditure to address the concerns of distribution service end users or groups representing them electricity consumers as identified by the Distribution Network Service Provider in the course of its engagement with distribution service end users or groups representing them electricity consumers;

(6) the relative prices of operating and capital inputs;
(7) the substitution possibilities between operating and capital expenditure;

(8) whether the operating expenditure forecast is consistent with any incentive scheme or schemes that apply to the Distribution Network Service Provider under clauses 6.5.8 or 6.6.2 to 6.6.4;

(9) the extent the operating expenditure forecast is referable to arrangements with a person other than the Distribution Network Service Provider that, in the opinion of the AER, do not reflect arm’s length terms;

(9A) whether the operating expenditure forecast includes an amount relating to a project that should more appropriately be included as a contingent project under clause 6.6A.1(b);

(10) the extent the Distribution Network Service Provider has considered, and made provision for, efficient and prudent non-network options; and

(11) any relevant final project assessment report (as defined in clause 5.10.2) published under clause 5.17.4(o), (p) or (s);

(12) any other factor the AER considers relevant and which the AER has notified the Distribution Network Service Provider in writing, prior to the submission of its revised regulatory proposal under clause 6.10.3, is an operating expenditure factor.

### 6.5.7 Forecast capital expenditure

(a) A building block proposal must include the total forecast capital expenditure for the relevant regulatory control period which the Distribution Network Service Provider considers is required in order to achieve each of the following (the capital expenditure objectives):

(1) meet or manage the expected demand for standard control services over that period;

(2) comply with all applicable regulatory obligations or requirements associated with the provision of standard control services;

(3) to the extent that there is no applicable regulatory obligation or requirement in relation to:

   (i) the quality, reliability or security of supply of standard control services; or

   (ii) the reliability or security of the distribution system through the supply of standard control services,

   to the relevant extent:

   (iii) maintain the quality, reliability and security of supply of standard control services; and

   (iv) maintain the reliability and security of the distribution system through the supply of standard control services; and

(4) maintain the safety of the distribution system through the supply of standard control services.
(b) The forecast of required capital expenditure of a Distribution Network Service Provider that is included in a building block proposal must:

(1) comply with the requirements of any relevant regulatory information instrument;

(2) be for expenditure that is properly allocated to standard control services in accordance with the principles and policies set out in the Cost Allocation Method for the Distribution Network Service Provider;

(3) include both:

(i) the total of the forecast capital expenditure for the relevant regulatory control period; and

(ii) the forecast capital expenditure for each regulatory year of the relevant regulatory control period; and

(4) identify any forecast capital expenditure for the relevant regulatory control period that is for an option that has satisfied the regulatory investment test for transmission or the regulatory investment test for distribution (as the case may be); and

(5) not include expenditure for a restricted asset, unless:

(i) to the extent that any such expenditure includes an amount of unspent capital expenditure for a contingent project in accordance with paragraph (g), an asset exemption has been granted by the AER under clause 6.4B.1(a)(2) in respect of that asset or that class of asset for that contingent project;

(ii) to the extent that any such expenditure relates to a positive pass through amount, an asset exemption has been granted by the AER under clause 6.4B.1(a)(3) in respect of that asset or that class of asset for that positive pass through amount; or

(iii) otherwise, the Distribution Network Service Provider has submitted an exemption application with the regulatory proposal requesting an asset exemption under clause 6.4B.1(a)(1) for the regulatory control period in respect of that asset or class of asset.

(c) The AER must:

(1) subject to subparagraph (c)(2), accept the forecast of required capital expenditure of a Distribution Network Service Provider that is included in a building block proposal if the AER is satisfied that the total of the forecast capital expenditure for the regulatory control period reasonably reflects each of the following (the capital expenditure criteria):

(i) the efficient costs of achieving the capital expenditure objectives;

(ii) the costs that a prudent operator would require to achieve the capital expenditure objectives; and

(iii) a realistic expectation of the demand forecast and cost inputs required to achieve the capital expenditure objectives.
(2) not accept the forecast of required capital expenditure of a Distribution Network Service Provider that is included in a building block proposal if that forecast includes expenditure for a restricted asset, unless:

(i) to the extent that any such expenditure includes an amount of unspent capital expenditure for a contingent project in accordance with paragraph (g), an asset exemption has been granted by the AER under clause 6.4B.1(a)(2) in respect of that asset or that class of asset for that contingent project;

(ii) to the extent that any such expenditure relates to a positive pass through amount, an asset exemption has been granted by the AER under clause 6.4B.1(a)(3) in respect of that asset or that class of asset for that positive pass through amount; or

(iii) otherwise:

(A) that Distribution Network Service Provider has requested an asset exemption under subparagraph (b)(5) in respect of that asset or that class of asset; and

(B) the AER has granted that asset exemption.

(d) If the AER is not satisfied as referred to in paragraph (c), it must not accept the forecast of required capital expenditure of a Distribution Network Service Provider.

(e) In deciding whether or not the AER is satisfied as referred to in paragraph (c), the AER must have regard to the following (the capital expenditure factors):

(1) [Deleted]

(2) [Deleted]

(3) [Deleted]

(4) the most recent annual benchmarking report that has been published under rule 6.27 and the benchmark capital expenditure that would be incurred by an efficient Distribution Network Service Provider over the relevant regulatory control period;

(5) the actual and expected capital expenditure of the Distribution Network Service Provider during any preceding regulatory control periods;

(5A) the extent to which the capital expenditure forecast includes expenditure to address the concerns of distribution service end users electricity consumers as identified by the Distribution Network Service Provider in the course of its engagement with distribution service end users or groups representing them electricity consumers;

(6) the relative prices of operating and capital inputs;

(7) the substitution possibilities between operating and capital expenditure;

(8) whether the capital expenditure forecast is consistent with any incentive scheme or schemes that apply to the Distribution Network Service Provider under clauses 6.5.8A or 6.6.2 to 6.6.4;
(9) the extent the capital expenditure forecast is referable to arrangements with a person other than the Distribution Network Service Provider that, in the opinion of the AER, do not reflect arm's length terms;

(9A) whether the capital expenditure forecast includes an amount relating to a project that should more appropriately be included as a contingent project under clause 6.6A.1(b);

(10) the extent the Distribution Network Service Provider has considered, and made provision for, efficient and prudent non-network options;

(11) any relevant final project assessment report (as defined in clause 5.10.2) published under clause 5.17.4(o), (p) or (s); and

(12) any other factor the AER considers relevant and which the AER has notified the Distribution Network Service Provider in writing, prior to the submission of its revised regulatory proposal under clause 6.10.3, is a capital expenditure factor.

Forecast capital expenditure and contingent projects

(f) Paragraphs (g) - (j) apply where:

(1) in a regulatory control period (the first regulatory control period), the AER determines under clause 6.6A.2(e)(1)(iii) that the likely completion date for a contingent project is a date which occurs in the immediately following regulatory control period (the second regulatory control period); and

(2) there is an unspent amount of capital expenditure for that contingent project under paragraph (g).

(g) Subject to paragraphs (ga) and (j), a Distribution Network Service Provider's regulatory proposal for the second regulatory control period must include in the forecast of required capital expenditure referred to in paragraph (a) an amount of any unspent capital expenditure for each contingent project as described in subparagraph (f)(2), that equals the difference (if any) between:

(1) the total capital expenditure for that contingent project, as determined by the AER in the first regulatory control period under clause 6.6A.2(e)(1)(ii); and

(2) the total of the capital expenditure actually incurred (or estimated capital expenditure for any part of the first regulatory control period for which actual capital expenditure is not available) in the first regulatory control period for that contingent project.

(ga) For the purposes of calculating any unspent capital expenditure in accordance with paragraph (g), the total or estimate of capital expenditure referred to in subparagraph (g)(2) must not include expenditure for a restricted asset, unless:

(1) the Distribution Network Service Provider has submitted an exemption application under clause 6.6A.1(a1) for the previous regulatory control period, which requested an asset exemption under clause 6.4B.1(a)(2) in respect of that asset or class of asset for that contingent project; and

(2) the AER has granted that asset exemption.
(h) The AER must include in any forecast capital expenditure for the second regulatory control period which is accepted in accordance with paragraph (c) or substituted in accordance with clause 6.12.1(3)(ii) (as the case may be) the amount of any unspent capital expenditure calculated in accordance with paragraph (g).

(i) Without limiting the requirement in paragraph (h), in deciding whether or not to accept the forecast of required capital expenditure of a Distribution Network Service Provider for the second regulatory control period in accordance with this clause 6.5.7, the AER must not:

1. assess the reasonableness of the amount of unspent capital expenditure for a contingent project referred to in paragraph (g) or the remaining period to which the contingent project applies;

2. assess the reasonableness of the timing of the unspent capital expenditure within the remaining period for a contingent project referred to in paragraph (g) except as part of the assessment of the total forecast capital expenditure under paragraph (c); or

3. take into account any amount which represents for a contingent project referred to in paragraph (g) the difference between:

   i. the amount representing the sum of the forecast capital expenditure for that contingent project for each year of the immediately preceding regulatory control period referred to in clause 6.6A.2(e)(1)(i); and

   ii. the total capital expenditure actually incurred (or estimated capital expenditure for any part of the preceding regulatory control period for which actual capital expenditure is not available) in the immediately preceding regulatory control period for that contingent project.

(j) A regulatory proposal in respect of the second regulatory control period must not include in the forecast of required capital expenditure referred to in paragraph (a) any capital expenditure for a contingent project for the first regulatory control period:

1. to the extent that the capital expenditure was included in the amount of capital expenditure for that contingent project as determined in the first regulatory control period under clause 6.6A.2(e)(1)(i); and

2. the capital expenditure actually incurred (or estimated capital expenditure for any part of the first regulatory control period for which actual capital expenditure is not available) in the first regulatory control period for that contingent project exceeded the capital expenditure referred to in subparagraph (1).

### 6.5.8 Efficiency benefit sharing scheme

(a) The AER must, in accordance with the distribution consultation procedures, develop and publish an incentive scheme or schemes (efficiency benefit sharing scheme) that provide for a fair sharing between Distribution Network Service Providers and Distribution Network Users of:
(1) the efficiency gains derived from the operating expenditure of Distribution Network Service Providers for a regulatory control period being less than; and

(2) the efficiency losses derived from the operating expenditure of Distribution Network Service Providers for a regulatory control period being more than,

the forecast operating expenditure accepted or substituted by the AER for that regulatory control period.

(b) An efficiency benefit sharing scheme may (but is not required to) be developed to cover efficiency gains and losses related to distribution losses.

(c) In developing and implementing an efficiency benefit sharing scheme, the AER must have regard to:

(1) the need to ensure that benefits to distribution service end users—electricity consumers—likely to result from the scheme are sufficient to warrant any reward or penalty under the scheme for Distribution Network Service Providers;

(2) the need to provide Distribution Network Service Providers with a continuous incentive, so far as is consistent with economic efficiency, to reduce operating expenditure;

(3) the desirability of both rewarding Distribution Network Service Providers for efficiency gains and penalising Distribution Network Service Providers for efficiency losses;

(4) any incentives that Distribution Network Service Providers may have to capitalise expenditure; and

(5) the possible effects of the scheme on incentives for the implementation of non-network options.

(d) The AER may, from time to time and in accordance with the distribution consultation procedures, amend or replace an efficiency benefit sharing scheme.

6.6 Adjustments after making of building block determination.

6.6.1 Cost pass through

(a1) Any of the following is a pass through event for a distribution determination:

(1) a regulatory change event;

(2) a service standard event;

(3) a tax change event;

(4) a retailer insolvency event; and

(5) any other event specified in a distribution determination as a pass through event for the determination.

(a) If a positive change event occurs, a Distribution Network Service Provider may seek the approval of the AER to pass through to Distribution Network Users a positive pass through amount.
(b) If a negative change event occurs, the AER may require the Distribution Network Service Provider to pass through to Distribution Network Users a negative pass through amount as determined by the AER under paragraph (g).

Positive pass through

(c) To seek the approval of the AER to pass through a positive pass through amount, a Distribution Network Service Provider must submit to the AER, within 90 business days of the relevant positive change event occurring, a written statement which specifies:

1. the details of the positive change event;
2. the date on which the positive change event occurred;
3. the eligible pass through amount in respect of that positive change event;
4. the positive pass through amount the Distribution Network Service Provider proposes in relation to the positive change event;
5. the amount of the positive pass through amount that the Distribution Network Service Provider proposes should be passed through to Distribution Network Users in the regulatory year in which, and each regulatory year after that in which, the positive change event occurred;
6. evidence:
   i. of the actual and likely increase in costs referred to in subparagraph (3);
   ii. that such costs occur solely as a consequence of the positive change event; and
   iii. in relation to a retailer insolvency event, of:
      A. the amount to which the Distribution Network Service Provider is entitled under any relevant credit support;
      B. the maximum amount of credit support (if any) that the Distribution Network Service Provider was entitled to request the retailer or Market Small Generation Aggregator to provide under the credit support rules; and
      C. any amount that the Distribution Network Service Provider is likely to receive on a winding-up of the retailer or Market Small Generation Aggregator;
7. such other information as may be required under any relevant regulatory information instrument.

(c1) The positive pass through amount proposed by the Distribution Network Service Provider under subparagraph (c)(4) must not, in whole or in part, be in respect of expenditure for a restricted asset, unless the Distribution Network Service Provider has submitted an exemption application with the statement under paragraph (c), which requests an asset exemption under clause 6.4B.1(a)(3) in respect of that asset or class of asset for the positive pass through amount.
(d) If the AER determines that a positive change event has occurred in respect of a statement under paragraph (c), the AER must:

(1) determine:

   (i) the approved pass through amount; and

   (ii) the amount of that approved pass through amount that should be passed through to Distribution Network Users in the regulatory year in which, and each regulatory year after that in which, the positive change event occurred,

   taking into account the matters referred to in paragraph (j); and

(2) determine whether or not to grant the asset exemption requested under paragraph (c1).

(d1) The AER must publish:

(1) the reasons for its determination under subparagraph (d)(2); and

(2) any content required under clause 6.2.8(c)(2),

at the same time as making its determination under subparagraph (d)(1).

(d2) The AER must not determine an approved pass through amount that is, in whole or in part, in respect of expenditure for a restricted asset, unless:

(1) the Distribution Network Service Provider has requested an asset exemption under paragraph (c1) in respect of that asset or that class of asset for the positive pass through amount; and

(2) the AER has granted that asset exemption under subparagraph (d)(2).

(e) Subject to paragraph (k1), if the AER does not make the determinations referred to in paragraph (d) within 40 business days from the later of the date it receives the Distribution Network Service Provider's statement and accompanying evidence under paragraph (c), and the date it receives any additional information required under paragraph (e1), then, on the expiry of that period, the AER is taken to have determined that:

(1) the positive pass through amount as proposed in the Distribution Network Service Provider's statement under paragraph (c) is the approved pass through amount in respect of that positive change event;

(2) the amount of that positive pass through amount that the Distribution Network Service Provider proposes in its statement under paragraph (c) should be passed through to Distribution Network Users in the regulatory year in which, and each regulatory year after that in which, the positive change event occurred, is the amount that should be so passed through in each such regulatory year; and

(3) the asset exemption requested under paragraph (c1) is granted.

(e1) A Distribution Network Service Provider must provide the AER with such additional information as the AER requires for the purpose of making a determination under paragraph (d) within the time specified by the AER in a notice provided to the Distribution Network Service Provider by the AER for that purpose.
Negative pass through

(f) A Distribution Network Service Provider must submit to the AER, within 90 business days of becoming aware of the occurrence of a negative change event for the Distribution Network Service Provider, a written statement which specifies:

(1) the details of the negative change event concerned;

(2) the date the negative change event occurred;

(3) the costs in the provision of direct control services that the Distribution Network Service Provider has saved and is likely to save as a result of the negative change event until:

   (i) unless subparagraph (ii) applies – the end of the regulatory control period in which the negative change event occurred; or

   (ii) if the distribution determination for the regulatory control period following that in which the negative change event occurred does not make any allowance for the pass through of those cost savings - the end of the regulatory control period following that in which the negative change event occurred;

(4) the aggregate amount of those saved costs that the Distribution Network Service Provider proposes should be passed through to Distribution Network Users;

(5) the amount of the costs referred to in subparagraph (4) the Distribution Network Service Provider proposes should be passed through to Distribution Network Users in the regulatory year in which, and each regulatory year after that in which, the negative change event occurred; and

(6) such other information as may be required under any relevant regulatory information instrument.

(f1) If the occurrence of the negative change event is not notified by the Distribution Network Service Provider to the AER under paragraph (f) then, as soon as is reasonably practicable and before making a determination referred to in paragraph (g), the AER must notify the Distribution Network Service Provider of the occurrence of that negative change event.

(g) If a negative change event occurs (whether or not the occurrence of that negative change event is notified by the Distribution Network Service Provider to the AER under paragraph (f)) and the AER determines to impose a requirement on the provider in relation to that negative change event as described in paragraph (b), the AER must determine:

(1) the required pass through amount; and

(2) taking into account the matters referred to in paragraph (j):

   (i) how much of that required pass through amount should be passed through to Distribution Network Users (the "negative pass through amount"); and

   (ii) the amount of that negative pass through amount that should be passed through to Distribution Network Users in the regulatory...
year in which, and each regulatory year after that in which, the negative change event occurred.

(g1) Subject to paragraph (k1), if the AER does not make the determinations referred to in paragraph (g) within 40 business days from:

(1) where the Distribution Network Service Provider notifies the AER of the occurrence of the negative change event under paragraph (f) - the later of the date the AER receives the Distribution Network Service Provider's statement under paragraph (f) and the date the AER receives any information required by the AER under paragraph (h); or

(2) where the Distribution Network Service Provider does not notify the AER of the occurrence of the negative change event under paragraph (f) – the later of the date the AER notifies the Distribution Network Service Provider under paragraph (g1) and the date the AER receives any information required by the AER under paragraph (h),

then the AER is taken to have determined that the required pass through amount is zero.

(h) A Distribution Network Service Provider must provide the AER with such information as the AER requires for the purpose of making a determination under paragraph (g) within the time specified by the AER in a notice provided to the Distribution Network Service Provider by the AER for that purpose.

Consultation

(i) Before making a determination under paragraph (d) or (g), the AER may consult with the relevant Distribution Network Service Provider and such other persons as the AER considers appropriate, on any matters arising out of the relevant pass through event the AER considers appropriate.

Relevant factors

(j) In making a determination under paragraph (d) or (g) in respect of a Distribution Network Service Provider, the AER must take into account:

(1) the matters and proposals set out in any statement given to the AER by the Distribution Network Service Provider under paragraph (c) or (f); and

(2) in the case of a positive change event, the increase in costs in the provision of direct control services that, as a result of the positive change event, the Distribution Network Service Provider has incurred and is likely to incur until:

(i) unless subparagraph(ii) applies – the end of the regulatory control period in which the positive change event occurred; or

(ii) if the distribution determination for the regulatory control period following that in which the positive change event occurred does not make any allowance for the recovery of that increase in costs – the end of the regulatory control period following that in which the positive change event occurred;

(2A) in the case of a negative change event, the costs in the provision of direct control services that, as a result of the negative change event, the
Distribution Network Service Provider has saved and is likely to save until:

(i) unless subparagraph(ii) applies – the end of the regulatory control period in which the negative change event occurred; or

(ii) if the distribution determination for the regulatory control period following that in which the negative change event occurred does not make any allowance for the pass through of those cost savings to Distribution Network Users – the end of the regulatory control period following that in which the negative change event occurred;

(3) in the case of a positive change event, the efficiency of the Distribution Network Service Provider's decisions and actions in relation to the risk of the positive change event, including whether the Distribution Network Service Provider has failed to take any action that could reasonably be taken to reduce the magnitude of the eligible pass through amount in respect of that positive change event and whether the Distribution Network Service Provider has taken or omitted to take any action where such action or omission has increased the magnitude of the amount in respect of that positive change event;

(4) the time cost of money based on the allowed rate of return for the Distribution Network Service Provider for the regulatory control period in which the pass through event occurred;

(5) the need to ensure that the Distribution Network Service Provider only recovers any actual or likely increment in costs under this paragraph (j) to the extent that such increment is solely as a consequence of a pass through event;

(6) in the case of a tax change event, any change in the way another tax is calculated, or the removal or imposition of another tax, which, in the AER's opinion, is complementary to the tax change event concerned;

(7) whether the costs of the pass through event have already been factored into the calculation of the Distribution Network Service Provider's annual revenue requirement for the regulatory control period in which the pass through event occurred or will be factored into the calculation of the Distribution Network Service Provider's annual revenue requirement for a subsequent regulatory control period;

(7A) the extent to which the costs that the Distribution Network Service Provider has incurred and is likely to incur are the subject of a previous determination made by the AER under this clause 6.6.1; and

(8) any other factors that the AER considers relevant.

Extension of time limits

(k) The AER must, by written notice to a Distribution Network Service Provider, extend a time limit fixed in paragraph (c) or (f) if the AER is satisfied that the difficulty of assessing or quantifying the effect of the relevant pass through event justifies the extension.
(k1) If the AER is satisfied that the making of a determination under paragraph (d) or (g) involves issues of such complexity or difficulty that the time limit fixed in paragraph (e) or (g1) should be extended, the AER may extend that time limit by a further period of up to 60 business days, provided that it gives written notice to the Distribution Network Service Provider of that extension not later than 10 business days before the expiry of that time limit.

(k2) If the AER extends a time limit under paragraph (k1), it must make available on its website a notice of that extension as soon as is reasonably practicable.

(k3) Subject to paragraph (k6), if the AER gives a written notice to the Distribution Network Service Provider stating that it requires information from an Authority in order to make a determination under paragraph (d) or (g) then, for the purpose of calculating elapsed time, the period between when the AER gives that notice to the Distribution Network Service Provider and when the AER receives that information from that Authority is to be disregarded.

(k4) Subject to paragraph (k6), if the AER gives a written notice to the Distribution Network Service Provider stating that, in order to make a determination under paragraph (d) or (g), it requires information that it anticipates will be made publicly available by a judicial body or royal commission then, for the purpose of calculating elapsed time, the period between when the AER gives that notice to the Distribution Network Service Provider and when that information is made publicly available is to be disregarded.

(k5) Where the AER gives a notice to the Distribution Network Service Provider under paragraph (k3) or (k4), it must:

(1) as soon as is reasonably practicable make available on its website a notice stating when the period referred to in paragraph (k3) or (k4), as the case may be, has commenced;

(2) as soon as is reasonably practicable make available on its website a notice stating when the period referred to in paragraph (k3) or (k4), as the case may be, has ended; and

(3) if the information specified in that notice is required from an Authority, promptly request that information from the relevant Authority.

(k6) Paragraphs (k3) and (k4) do not apply if the AER gives the notice specified in those paragraphs to the Distribution Network Service Provider later than 10 business days before the expiry of the time limit fixed in paragraphs (e) or (g1).

Retailer insolvency event

(l) For the purposes of calculating the eligible pass through amount in relation to a positive change event which is a retailer insolvency event, the increase in costs is the retailer insolvency costs excluding:

(i) any amount recovered or recoverable from a retailer or Market Small Generation Aggregator or a guarantor of a retailer or Market Small Generation Aggregator under any relevant credit support; and

(ii) amounts that the Distribution Network Service Provider is likely to receive on a winding-up of the retailer or Market Small Generation Aggregator; and
(iii) any costs that are recoverable under a RoLR cost recovery scheme distributor payment determination.

(m) The amount the AER determines should be passed through to Distribution Network Users in respect of a retailer insolvency event must be taken to be a cost that can be passed through and not a revenue impact of the event.

6.6.2 Service target performance incentive scheme

(a) The AER must, in accordance with the distribution consultation procedures, develop and publish an incentive scheme or schemes (service target performance incentive scheme) to provide incentives (which may include targets) for Distribution Network Service Providers to maintain and improve performance.

(b) In developing and implementing a service target performance incentive scheme, the AER:

1. must consult with the authorities responsible for the administration of relevant jurisdictional electricity legislation; and

2. must ensure that service standards and service targets (including guaranteed service levels) set by the scheme do not put at risk the Distribution Network Service Provider's ability to comply with relevant service standards and service targets (including guaranteed service levels) as specified in jurisdictional electricity legislation; and

Note: A service target performance incentive scheme operates concurrently with any average or minimum service standards and guaranteed service level schemes that apply to the Distribution Network Service Provider under jurisdictional electricity legislation.

3. must take into account:

   i. the need to ensure that benefits to distribution service end users—electricity consumers—likely to result from the scheme are sufficient to warrant any reward or penalty under the scheme for Distribution Network Service Providers; and

   ii. any regulatory obligation or requirement to which the Distribution Network Service Provider is subject; and

   iii. the past performance of the distribution network; and

   iv. any other incentives available to the Distribution Network Service Provider under the Rules or a relevant distribution determination; and

   v. the need to ensure that the incentives are sufficient to offset any financial incentives the Distribution Network Service Provider may have to reduce costs at the expense of service levels; and

   vi. the value to distribution service end users of willingness of the customer or end user to pay for improved performance in the delivery of services; and

   vii. the possible effects of the scheme on incentives for the implementation of non-network options; and
(4) where relevant, must have regard to the Distribution Reliability Measures Guidelines; and

(5) may take into account other matters the AER considers relevant.

(c) The AER may, from time to time and in accordance with the distribution consultation procedures, amend or replace any scheme that is developed and published under this clause.

Note:

A Distribution Network Service Provider is not precluded from entering into a contract with a third party (such as a network support service provider) under which the benefits of a service target performance incentive scheme are passed on to the third party, or the third party is required to indemnify the provider for penalties to which the provider becomes liable under the scheme.

6.6.3 Demand management incentive scheme

(a) The AER must develop a demand management incentive scheme consistent with the demand management incentive scheme objective.

(b) The objective of the demand management incentive scheme is to provide Distribution Network Service Providers with an incentive to undertake efficient expenditure on relevant non-network options relating to demand management including demand for use of distribution services to supply into a distribution network (the demand management incentive scheme objective).

(c) In developing, and applying, any demand management incentive scheme, the AER must take into account the following:

(1) the scheme should be applied in a manner that contributes to the achievement of the demand management incentive scheme objective;

(2) the scheme should reward Distribution Network Service Providers for implementing relevant non-network options that deliver net cost savings to retail customers;

(3) the scheme should balance the incentives between expenditure on network options and non-network options relating to demand management. In doing so, the AER may take into account the net economic benefits delivered to all those who produce, consume and transport electricity in the market associated with implementing relevant non-network options;

(4) the level of the incentive:

(i) should be reasonable, considering the long term benefit to retail customers;

(ii) should not include costs that are otherwise recoverable from any another source, including under a relevant distribution determination; and

(iii) may vary by Distribution Network Service Provider and over time;

(5) penalties should not be imposed on Distribution Network Service Providers under any scheme;
(6) the incentives should not be limited by the length of a regulatory control period, if such limitations would not contribute to the achievement of the demand management incentive scheme objective; and

(7) the possible interaction between the scheme and:

(i) any other incentives available to the Distribution Network Service Provider in relation to undertaking efficient expenditure on, or implementation of, relevant non-network options;

(ii) particular control mechanisms and their effect on a Distribution Network Service Provider’s available incentives referred to in sub-paragraph (i); and

(iii) meeting any regulatory obligation or requirement.

(d) The AER:

(1) must develop and publish the scheme; and

(2) may, from time to time, amend or replace the scheme developed and published under this clause, in accordance with the distribution consultation procedures.

6.6.3A Demand management innovation allowance mechanism

(a) The AER must develop a demand management innovation allowance mechanism for Distribution Network Service Providers consistent with the demand management innovation allowance objective.

(b) The objective of the demand management innovation allowance mechanism is to provide Distribution Network Service Providers with funding for research and development in demand management projects that have the potential to reduce long term network costs (the demand management innovation allowance objective).

(c) In developing and applying any demand management innovation allowance mechanism, the AER must take into account the following:

(1) the mechanism should be applied in a manner that contributes to the achievement of the demand management innovation allowance objective;

(2) demand management projects, the subject of the allowance, should:

(i) have the potential to deliver ongoing reductions in demand or peak demand, which may include reductions in demand for use of distribution services to supply into a distribution network; and

(ii) be innovative and not be otherwise efficient and prudent non-network options that a Distribution Network Service Providers should have provided for in its regulatory proposal;

(3) the level of the allowance:

(i) should be reasonable, considering the long term benefit to retail customers.
(ii) should only provide funding that is not available from any another source, including under a relevant distribution determination; and

(iii) may vary by Distribution Network Service Provider and over time;

(4) the allowance may fund demand management projects which occur over a period longer than a regulatory control period.

(d) Any mechanism developed and applied by the AER must require Distribution Network Service Providers to publish reports on the nature and results of demand management projects the subject of the allowance.

(e) The AER:

(1) must develop and publish the mechanism; and

(2) may, from time to time, amend or replace any mechanism developed and published under this clause,

in accordance with the distribution consultation procedures.

6.6.4 Small-scale incentive scheme

(a) The AER may, in accordance with the distribution consultation procedures, develop and publish an incentive scheme or schemes (small-scale incentive scheme) to provide that provides Distribution Network Service Providers with incentives to provide standard control services in a manner that contributes to the achievement of the national electricity objective.

(b) In developing and applying a small-scale incentive scheme, the AER must have regard to the following matters:

(1) Distribution Network Service Providers should be rewarded or penalised for efficiency gains or losses in respect of their distribution systems;

(2) the rewards and penalties should be commensurate with the efficiency gains or efficiency losses in respect of a distribution system, but a reward for efficiency gains need not correspond in amount to a penalty for efficiency losses;

(3) the benefits to distribution service end users electricity consumers that are likely to result from efficiency gains in respect of a distribution system should warrant the rewards provided under the scheme, and the detriments to distribution service end users electricity consumers that are likely to result from efficiency losses in respect of a distribution system should warrant the penalties provided under the scheme;

(4) the interaction of the scheme with other incentives that Distribution Network Service Providers may have under the Rules; and

(5) the capital expenditure objectives and the operating expenditure objectives.

(c) The AER may, from time to time and in accordance with the distribution consultation procedures, amend or replace any small-scale incentive scheme.
(d) Where the AER applies a small-scale incentive scheme to a Distribution Network Service Provider for a regulatory control period:

1. the aggregate rewards or penalties for a regulatory year in that regulatory control period that are provided or imposed under that scheme and any other small-scale incentive schemes that apply to that Distribution Network Service Provider must not exceed 0.5% of the annual revenue requirement for the Distribution Network Service Provider for that regulatory year unless the Distribution Network Service Provider consents to the contrary, in which case that aggregate must not exceed 1% of the annual revenue requirement for the Distribution Network Service Provider for that regulatory year; and

2. the small-scale incentive scheme must cease to provide rewards or impose penalties in respect of a regulatory year after the expiry of such a period as is determined by the AER, being a period that is not more than two regulatory control periods after the commencement of that scheme.

(e) Notwithstanding anything else contained in this clause, the AER may require a Distribution Network Service Provider to participate in a trial of a small-scale incentive scheme under which, for the duration of that trial, the Distribution Network Service Provider is not required to bear any penalty and is not entitled to earn any reward.

Part DA Connection policies

6.7A Connection policy requirements

This Rule deals with the preparation of, requirements for and approval of connection policies.

6.7A.1 Preparation of, and requirements for, connection policy

(a) A Distribution Network Service Provider must prepare a document (its proposed connection policy) setting out:

1. the circumstances in which it may require a retail customer or real estate developer to pay a connection charge, for the provision of a connection service under Chapter 5A.; and

2. the circumstances in which it may specify a static zero export limit in a connection offer for a retail customer.

(b) The proposed connection policy:

1. must be consistent with:
   
   (i) the connection charge principles; and
   
   (ii) the connection charge guidelines; and

2. must specify:

   (i) the categories of persons that may be required to pay a connection charge and the circumstances in which such a requirement may be imposed; and
(ii) the aspects of a connection service for which a connection charge may be made; and

Example
The Distribution Network Service Provider might (for example) make separate connection charges for the provision of a distribution connection asset and for making a necessary extension to, or other augmentation of, the distribution network.

(iii) the basis on which connection charges are determined; and

(iv) the manner in which connection charges are to be paid (or equivalent consideration is to be given); and

Examples
The payment (or equivalent consideration) might take the form of a capital contribution, prepayment or financial guarantee.

(v) a threshold (based on capacity or any other measure identified in the connection charge guidelines) below which a retail customer (not being a non-registered embedded generator or a real estate developer) will not be liable for a connection charge for an augmentation other than an extension.

Part E Regulatory proposal and proposed tariff structure statement

6.8 Regulatory proposal and proposed tariff structure statement

6.8.1B Export Tariff Guidelines

(a) The AER must in accordance with the distribution consultation procedures, develop and publish guidelines (the Export Tariff Guidelines) taking into account the objective in paragraph (b).

(b) The objective of the Export Tariff Guidelines is to provide information and guidance to Distribution Network Service Providers, distribution service end users, retailers, Market Small Generation Aggregators and other stakeholders about the process for development and approval of export tariffs.

(c) The Export Tariff Guidelines may include information and guidance about:

(1) stakeholder engagement in relation to proposed export tariffs;

(2) the provision of information about stakeholder concerns and how they have been taken into account;

(3) the AER’s approach (including worked examples) to applying the network pricing objective and pricing principles for direct control services in relation to export tariffs;

(4) the development of export tariff transition strategies; and

(5) any other matters the AER considers appropriate.

(d) The Export Tariff Guidelines are not binding on the AER or a Distribution Network Service Provider.
6.8.2 Submission of regulatory proposal, tariff structure statement and exemption application

(a) A Distribution Network Service Provider must, whenever required to do so under paragraph (b), submit to the AER a regulatory proposal and a proposed tariff structure statement related to the distribution services provided by means of, or in connection with, the Distribution Network Service Provider's distribution system.

(a1) A Distribution Network Service Provider must submit to the AER any exemption application for an asset exemption under clause 6.4B.1(a)(1) or 6.4B.1(a)(2) for the regulatory control period at the same time as submitting the relevant regulatory proposal under paragraph (a).

(b) A regulatory proposal, a proposed tariff structure statement and, if required under paragraph (a1), an exemption application must be submitted:

(1) at least 17 months before the expiry of a distribution determination that applies to the Distribution Network Service Provider; or

(2) if no distribution determination applies to the Distribution Network Service Provider, within 3 months after being required to do so by the AER.

(c) A regulatory proposal must include (but need not be limited to) the following elements:

(1) a classification proposal:

(i) showing how the distribution services to be provided by the Distribution Network Service Provider should, in the Distribution Network Service Provider's opinion, be classified under this Chapter; and

(ii) if the proposed classification differs from the classification suggested in the relevant framework and approach paper – including the reasons for the difference;

(2) for direct control services classified under the proposal as standard control services – a building block proposal;

(3) for direct control services classified under the proposal as alternative control services – a demonstration of the application of the control mechanism, as set out in the framework and approach paper, and the necessary supporting information;

(4) [Deleted].

(5) for services classified under the proposal as negotiated distribution services – the proposed negotiating framework;

(5A) the proposed connection policy;

(6) an identification of any parts of the regulatory proposal the Distribution Network Service Provider claims to be confidential and wants suppressed from publication on that ground in accordance with the Distribution Confidentiality Guidelines; and
Note:
Additional information that must be included in a regulatory proposal is referred to in clause 6.3.1(c) and Schedule 6.1.

(7) a description (with supporting materials) of how the proposed tariff structure statement complies with the pricing principles for direct control services including:

(i) a description of where there has been any departure from the pricing principles set out in paragraphs 6.18.5(e) to (g); and

(ii) an explanation of how that departure complies with clause 6.18.5(c).

(c1) The regulatory proposal must be accompanied by an overview paper in reasonably plain language which includes each of the following matters:

(1) a summary of the regulatory proposal the purpose of which is to explain the regulatory proposal in reasonably plain language to electricity consumers

(1) a summary to explain:

(i) the regulatory proposal;

(ii) the proposed tariff structure statement including the export tariff transition strategy;

(iii) the interrelationship between the elements of the regulatory proposal;

(iv) the interrelationship between the regulatory proposal and performance; and

(v) the interrelationship between the proposed tariff structure statement and relevant elements of the regulatory proposal (including the proposed connection policy and capital expenditure or operating expenditure);

(2) a description of:

(i) how the Distribution Network Service Provider has engaged with relevant stakeholders including distribution service end users or groups representing them and (in relation to the tariff structure statement) retailers and Market Small Generation Aggregators electricity consumers in developing the regulatory proposal and the proposed tariff structure statement including the export tariff transition strategy;

(ii) and has sought to address any relevant concerns identified as a result of that engagement; and

(iii) how the Distribution Network Service Provider has sought to address those concerns;

(3) a summary to explain the Distribution Network Service Provider’s approach to identifying demand for, and where relevant providing for, distribution services for supply into the distribution network from micro embedded generators and non-registered embedded generators;
(4) a summary of other approaches considered by the Distribution Network Service Provider in deciding on the approach referred to in subparagraph (3), including relevant proposals from distribution service end users, and how they compare to the approach referred to in subparagraph (3);

(5) a description of the key risks and benefits for distribution service end users of the regulatory proposal for and the proposed tariff structure statement including the export tariff transition strategy, electricity consumers; and

(6) a comparison of the Distribution Network Service Provider's proposed total revenue requirement with its total revenue requirement for the current regulatory control period and an explanation for any material differences between the two amounts; and

(7) a comparison of the Distribution Network Service Provider's proposed capital expenditure to support the provision of distribution services for supply into the distribution network from micro embedded generators and non-registered embedded generators for the current regulatory control period and its actual or committed capital expenditure in the current regulatory control period for that purpose and an explanation for any material differences between the two amounts.

(e1a) The overview paper must also include a description of how the Distribution Network Service Provider has engaged with retail customers and retailers in developing the proposed tariff structure statement and has sought to address any relevant concerns identified as a result of that engagement.

(c2) The regulatory proposal must be accompanied by information required by the Expenditure Forecast Assessment Guidelines as set out in the framework and approach paper.

(d) The regulatory proposal must comply with the requirements of, and must contain or be accompanied by the information required by any relevant regulatory information instrument.

(d1) The proposed tariff structure statement must be accompanied by an indicative pricing schedule.

(d2) The proposed tariff structure statement must comply with the pricing principles for direct control services.

(e) If more than one distribution system is owned, controlled or operated by a Distribution Network Service Provider, then, unless the AER otherwise determines, a separate regulatory proposal and a separate tariff structure statement are to be submitted for each distribution system.

(f) If, at the commencement of this Chapter, different parts of the same distribution system were separately regulated, then, unless the AER otherwise determines, a separate regulatory proposal and a separate tariff structure statement are to be submitted for each part as if it were a separate distribution system.
Part I  Distribution Pricing Rules

6.18  Distribution Pricing Rules

6.18.1A  Tariff structure statement

(a)  A tariff structure statement of a Distribution Network Service Provider must include the following elements:

   (1)  the tariff classes into which retail customers for direct control services will be divided during the relevant regulatory control period;

   (2)  the policies and procedures the Distribution Network Service Provider will apply for assigning retail customers to tariffs or reassigning retail customers from one tariff to another (including any applicable restrictions);

   (2A) a description of the strategy or strategies the Distribution Network Service Provider has adopted, taking into account the pricing principle in clause 6.18.5(h), for the introduction of export tariffs including where relevant the period of transition (export tariff transition strategy);

   (3)  the structures for each proposed tariff;

   (4)  the charging parameters for each proposed tariff; and

   (5)  a description of the approach that the Distribution Network Service Provider will take in setting each tariff in each pricing proposal of the Distribution Network Service Provider during the relevant regulatory control period in accordance with clause 6.18.5.

Note

Under clause 11.141.13(a), a tariff structure statement of a Distribution Network Service Provider applicable during the tariff transition period for the Distribution Network Service Provider must also include, for each proposed export tariff, the basic export level or the manner in which the basic export level will be determined and the eligibility conditions applicable to each proposed export tariff.

(b)  A tariff structure statement must comply with the pricing principles for direct control services.

(c)  A Distribution Network Service Provider must comply with the tariff structure statement approved by the AER and any other applicable requirements in the Rules, when the provider is setting the prices that may be charged for direct control services.

(d)  Subject to clause 6.18.1B, a tariff structure statement may not be amended during a regulatory control period.

Note

Rule 6.13 still applies in relation to a tariff structure statement because that rule deals with the revocation and substitution of a distribution determination (which includes a tariff structure statement) as opposed to its amendment.

(e)  A tariff structure statement must be accompanied by an indicative pricing schedule which sets out, for each tariff for each regulatory year of the regulatory control period, the indicative price levels determined in accordance with the tariff structure statement.
6.18.1B Amending a tariff structure statement with the AER's approval

(a) No later than nine months before the start of a regulatory year (other than the first regulatory year of a regulatory control period) (relevant regulatory year), a Distribution Network Service Provider may request the AER to approve an amendment to its current tariff structure statement.

(b) A request for an amendment to a tariff structure statement under paragraph (a) must include:

1. the proposed amended tariff structure statement;
2. a description of the event that has occurred to cause the Distribution Network Service Provider to seek an amendment to its current tariff structure statement and why the event:
   (i) was beyond the reasonable control of the Distribution Network Service Provider; and
   (ii) could not reasonably have been foreseen by the Distribution Network Service Provider at the time its current tariff structure statement was approved by the AER;
3. a description and justification of the differences between the proposed amended tariff structure statement and the Distribution Network Service Provider's current tariff structure statement;
4. a description of how the differences referred to in sub-paragraph (3) would impact the other elements of the tariff structure statement;
5. a description of how the proposed amended tariff structure statement would better comply with the pricing principles for direct control services than the current tariff structure statement; and
6. a description of:
   (i) how the Distribution Network Service Provider has engaged with relevant stakeholders including distribution service users or groups representing them, retail customers and retailers and Market Small Generation Aggregators in developing the proposed amended tariff structure statement;
   (ii) and has sought to address any relevant concerns identified as a result of that engagement; and
   (iii) how the Distribution Network Service Provider has sought to address the concerns.

(c) The AER must, on receipt of a Distribution Network Service Provider's request for an amendment to its tariff structure statement, publish the request.

(d) The AER must approve the request for an amendment to a tariff structure statement under paragraph (a) if the Distribution Network Service Provider demonstrates to the reasonable satisfaction of the AER that:

1. an event has occurred that:
   (i) was beyond the reasonable control of the Distribution Network Service Provider; and
(ii) could not reasonably have been foreseen by the Distribution Network Service Provider at the time its current tariff structure statement was approved by the AER; and

(2) as a result of the event referred to in sub-paragraph (1), the proposed amended tariff structure statement would, or would be likely to, materially better comply with the pricing principles for direct control services than the Distribution Network Service Provider's current tariff structure statement.

(e) No later than four months before the start of the relevant regulatory year, the AER must either approve or refuse to approve the request for an amendment to a tariff structure statement under paragraph (a) and set out reasons for its decision.

(f) If the AER refuses to approve the request for an amendment to a tariff structure statement under paragraph (a), the current tariff structure statement will apply for the relevant regulatory year and, subject to any subsequent amendment approved under this clause 6.18.1B, the remainder of the regulatory control period.

Note
Rule 6.13 still applies in relation to a tariff structure statement because that rule deals with the revocation and substitution of a distribution determination (which includes a tariff structure statement) as opposed to its amendment.

6.18.1C Sub-threshold tariffs

(a) No later than four months before the start of a regulatory year (other than the first regulatory year of a regulatory control period), a Distribution Network Service Provider may notify the AER, affected retailers and Market Small Generation Aggregators and affected retail customers of a new proposed tariff (a relevant tariff) that is determined otherwise than in accordance with the Distribution Network Service Provider's current tariff structure statement, if both of the following are satisfied:

(1) the Distribution Network Service Provider's forecast revenue from the relevant tariff during each regulatory year in which the tariff is to apply is no greater than 0.5 per cent of the Distribution Network Service Provider's annual revenue requirement for that regulatory year (the individual threshold); and

(2) the Distribution Network Service Provider's forecast revenue from the relevant tariff, as well as from all other relevant tariffs, during each regulatory year in which those tariffs are to apply is no greater than one per cent of the Distribution Network Service Provider's annual revenue requirement for that regulatory year (the cumulative threshold).

(b) Notwithstanding any other provision in the Rules to the contrary, a relevant tariff notified by the Distribution Network Service Provider in accordance with paragraph (a) is, for the remainder of the regulatory control period in which the notification is given:

(1) not required to comply with the pricing principles for direct control services; and
(2) for the purposes of the submission and approval of a pricing proposal,
demeaned to comply with the Distribution Network Service Provider's current tariff structure statement,

unless, at any point in time after the notification of the relevant tariff is given under paragraph (a) (the post-notification point), either the individual threshold or the cumulative threshold (in each case calculated using actual rather than forecast revenue) are exceeded by virtue of the amount of revenue that is attributable to the relevant tariff, in which case sub-paragraphs (1) and (2) cease to apply to the relevant tariff in relation to the regulatory years that commence after the post-notification point.

(c) Where sub-paragraphs (b)(1) and (2) cease to apply to a relevant tariff in accordance with paragraph (b), then sub-paragraphs (b)(1) and (2) will be taken to continue to apply to other relevant tariffs that were notified before the post-notification point, but only to the extent that those sub-paragraphs would apply if the first-mentioned relevant tariff were not a relevant tariff.

6.18.4 Principles governing assignment or re-assignment of retail customers to tariff classes and assessment and review of basis of charging

(a) In formulating provisions of a distribution determination governing the assignment of retail customers to tariff classes or the re-assignment of retail customers from one tariff class to another, the AER must have regard to the following principles:

(1) retail customers should be assigned to tariff classes on the basis of one or more of the following factors:
   (i) the nature and extent of their usage or intended usage of distribution services;
   (ii) the nature of their connection to the network;
   (iii) whether remotely-read interval metering or other similar metering technology has been installed at the retail customer's premises as a result of a regulatory obligation or requirement;

(2) retail customers with a similar connection and distribution service usage profile should be treated on an equal basis;

(3) [deleted] however, retail customers with micro-generation facilities should be treated no less favourably than retail customers without such facilities but with a similar load profile;

(4) a Distribution Network Service Provider's decision to assign a customer to a particular tariff class, or to re-assign a customer from one tariff class to another should be subject to an effective system of assessment and review.

Note:

If (for example) a customer is assigned (or re-assigned) to a tariff class on the basis of the customer's actual or assumed maximum demand, the system of assessment and review should allow for the reassignment of a customer who demonstrates a reduction or increase in maximum demand to a tariff class that is more appropriate to the customer's load profile.
(b) If the charging parameters for a particular tariff result in a basis of charge that varies according to the distribution service usage profile or load profile of the customer, a distribution determination must contain provisions for an effective system of assessment and review of the basis on which a customer is charged.

6.18.5 Pricing principles

Network pricing objective

(a) The network pricing objective is that the tariffs that a Distribution Network Service Provider charges in respect of its provision of direct control services to a retail customer should reflect the Distribution Network Service Provider's efficient costs of providing those services to the retail customer.

Note:
Charges in respect of the provision of direct control services may reflect efficient negative costs.

Application of the pricing principles

(b) Subject to paragraph (c), a Distribution Network Service Provider's tariffs must comply with the pricing principles set out in paragraphs (e) to (j).

(c) A Distribution Network Service Provider's tariffs may vary from tariffs which would result from complying with the pricing principles set out in paragraphs (e) to (g) only:

(1) to the extent permitted under paragraph (h); and

(2) to the extent necessary to give effect to the pricing principles set out in paragraphs (i) to (j).

(d) A Distribution Network Service Provider must comply with paragraph (b) in a manner that will contribute to the achievement of the network pricing objective.

Pricing principles

(e) For each tariff class, the revenue expected to be recovered must lie on or between:

(1) an upper bound representing the stand alone cost of serving the retail customers who belong to that class; and

(2) a lower bound representing the avoidable cost of not serving those retail customers.

(f) Each tariff must be based on the long run marginal cost of providing the service to which it relates to the retail customers assigned to that tariff with the method of calculating such cost and the manner in which that method is applied to be determined having regard to:

(1) the costs and benefits associated with calculating, implementing and applying that method as proposed;

(2) the additional costs likely to be associated with meeting demand from retail customers that are assigned to that tariff at times of greatest utilisation of the relevant service part of the distribution network; and
(3) the location of retail customers that are assigned to that tariff and the extent to which costs vary between different locations in the distribution network.

(g) The revenue expected to be recovered from each tariff must:

(1) reflect the Distribution Network Service Provider's total efficient costs of serving the retail customers that are assigned to that tariff;

(2) when summed with the revenue expected to be received from all other tariffs, permit the Distribution Network Service Provider to recover the expected revenue for the relevant services in accordance with the applicable distribution determination for the Distribution Network Service Provider; and

(3) comply with sub-paragraphs (1) and (2) in a way that minimises distortions to the price signals for efficient usage of the relevant service that would result from tariffs that comply with the pricing principle set out in paragraph (f).

(h) A Distribution Network Service Provider must consider the impact on retail customers of changes in tariffs from the previous regulatory year and may vary tariffs from those that comply with paragraphs (e) to (g) to the extent the Distribution Network Service Provider considers reasonably necessary having regard to:

(1) the desirability for tariffs to comply with the pricing principles referred to in paragraphs (f) and (g), albeit after a reasonable period of transition (which may extend over more than one regulatory control period);

(2) the extent to which retail customers can choose the tariff to which they are assigned; and

(3) the extent to which retail customers are able to mitigate the impact of changes in tariffs through their usage decisions about usage of services.

(i) The structure of each tariff must be reasonably capable of:

(1) being understood by retail customers that are or may be assigned to that tariff (including in relation to how decisions about usage of services or controls may affect the amounts paid by those customers); or

(2) being directly or indirectly incorporated by retailers or Market Small Generation Aggregators in contract terms offered to those customers,

having regard to information available to the Distribution Network Service Provider, which may include:

(3) the type and nature of those retail customers; and

(4) the information provided to, and the consultation undertaken with, those retail customers; and

(5) the information provided by, and consultation undertaken with, retailers and Market Small Generation Aggregators.

(j) A tariff must comply with the Rules and all applicable regulatory instruments.
Part J  Billing and Settlements

6.20  Billing and Settlements Process

This clause describes the manner in which Distribution Customers and Embedded Generators are billed by Distribution Network Service Providers for distribution services and how payments for distribution services are settled.

6.20.1  Billing for distribution services

(a) A Distribution Network Service Provider must bill Distribution Network Users for distribution services as follows:

1. Embedded Generators:
   
   (i) by applying the charge for entry service as a fixed annual charge to each Embedded Generator; and
   
   (ii) by applying any other charge the Distribution Network Service Provider makes consistently with the Rules and the applicable distribution determination.

2. Distribution Customers:

   The charges to Distribution Customers must be determined according to use of the distribution network as determined in accordance with a metrology procedure or, in the absence of a metrology procedure allowing such a determination to be made, by meter or by agreement between the Distribution Customer and the Distribution Network Service Provider by applying one or more of the following measures:

   (i) demand-based prices to the Distribution Customer's metered or agreed half-hourly demand for distribution services;
   
   (ii) energy-based prices to the Distribution Customer's metered or agreed energy consumption or export;
   
   (iii) the Distribution Customer charge determined under this clause as a fixed periodic charge to each Distribution Customer;
   
   (iv) a fixed periodic charge, a prepayment or other charge determined by agreement with the Distribution Customer;
   
   (v) any other measure the Distribution Network Service Provider is authorised to apply by the applicable distribution determination.

(b) Subject to paragraph (c), where a Distribution Customer (other than a Market Customer or Market Small Generation Aggregator) incurs distribution service charges, the Distribution Network Service Provider must bill the Market Customer or Market Small Generation Aggregator from or to whom the Distribution Customer purchases or sells electricity directly or indirectly for such distribution services in accordance with paragraph (a)(2).

(c) If a Distribution Customer and the Market Customer or Market Small Generation Aggregator from or to whom it—the Distribution Customer purchases or sells electricity agree, the Distribution Network Service Provider may bill the Distribution Customer directly for distribution services used by that Distribution Customer in accordance with paragraph (a)(2).
(d) Distribution Network Service Providers must:

1. calculate transmission service charges and distribution service charges for all connection points in their distribution network; and
2. pay to Transmission Network Service Providers the transmission service charges incurred in respect of use of a transmission network at each connection point on the relevant transmission network.

(e) Charges for distribution services based on metered kW, kWh, kVA, or kVAh for:

1. Embedded Generators that are Market Generators; and
2. Market Customer and Market Small Generation Aggregators; and
3. Second-Tier Customers;

must be calculated by the Distribution Network Service Provider from:

4. settlements ready data obtained from AEMO's metering database, for those Embedded Generators, Market Customers and Second-Tier Customers with connection points that have a type 1, 2, 3 or 4 metering installation; and
5. metering data, in accordance with a metrology procedure that allows the Distribution Network Service Provider to use energy data for this purpose, or otherwise settlements ready data obtained from AEMO's metering database, for those Embedded Generators, Market Small Generation Aggregators, Market Customers and Second-Tier Customers with connection points that have a type 4A, 5, 6 or 7 metering installation.

(f) Charges for distribution services based on metered kW, kWh, kVA or kVAh for:

1. Embedded Generators that are not Market Generators; and
2. Non-Registered Customers; and
3. franchise customers,

must be calculated by the Distribution Network Service Provider using data that is consistent with the metering data used by the relevant Local Retailer in determining energy settlements.

(g) The Distribution Network Service Provider may bill the relevant Local Retailer for distribution services used by Non-Registered Customers and franchise customers.

(h) Where the billing for a Distribution Customer for a particular financial year is based on quantities which are undefined until after the commencement of the financial year, charges must be estimated from the previous year's billing quantities with a reconciliation to be made when the actual billing quantities are known.

(i) Where the previous year's billing quantities are unavailable or no longer suitable, nominated quantities may be used as agreed between the parties.
Part L Dispute resolution

6.22 Dispute Resolution

6.22.2 Determination of dispute

(a) In determining an access dispute about terms and conditions of access to a direct control service, the AER must apply:

(1) in relation to price, the Distribution Network Service Provider's approved pricing proposal and the Distribution Network Service Provider's tariff structure statement or, in respect of the Distribution Network Service Provider's transmission standard control services in respect of which the AER has made a determination under clause 6.25(b) that pricing in respect of those services should be regulated under Part J of Chapter 6A through the application of rule 6.26, the Distribution Network Service Provider's approved pricing methodology;

(2) in relation to other terms and conditions, Chapters 4, 5, this Chapter 6 and Chapter 7 and any other applicable regulatory instrument; and

(3) in relation to all terms and conditions of access (including price) the decisions of AEMO or the AER where those decisions relate to those terms and conditions and are made under Chapters 4, 5, this Chapter 6 and Chapter 7.

(b) In determining an access dispute about the terms and conditions of access to a direct control service, the AER may:

(1) have regard to other matters the AER considers relevant; and

(2) hear evidence or receive submissions from AEMO about power system security and from Distribution Network Users who may be adversely affected.

Note:

Section 130 of NEL requires the AER, in making an access determination, to give effect to a network revenue or pricing determination applicable to the services that are the subject of the dispute even though the determination may not have been in force when the dispute arose.

(c) In determining an access dispute about terms and conditions of access to a negotiated distribution service, the AER must apply:

(1) in relation to price (including access charges), the Negotiated Distribution Service Criteria that are applicable to the dispute in accordance with the relevant distribution determination; and

(2) in relation to other terms and conditions, the Negotiated Distribution Service Criteria that are applicable to the dispute and Chapters 4, 5, this Chapter 6 and Chapter 7 of the Rules; and

(3) in relation to all terms and conditions of access (including price) the decisions of AEMO or the AER where those decisions relate to those terms and conditions and are made under Chapters 4, 5, this Chapter 6 and Chapter 7 of the Rules;

and must have regard:
(4) to the relevant *negotiating framework* prepared by the *Distribution Network Service Provider* and approved by the *AER*.

(d) In determining an access dispute about the *terms and conditions of access* to a *negotiated distribution service*, the *AER* may:

1. have regard to other matters the *AER* considers relevant; and
2. hear evidence or receive submissions from *AEMO* and *Distribution Network Users* notified and consulted under the *Distribution Network Service Provider's negotiating framework*.

(e) In determining an access dispute about *access charges*, or involving *access charges*, the *AER* must give effect to the following principle:

*Access charges* should be based on the costs reasonably incurred by the *Distribution Network Service Provider* in providing *distribution network user access* and, where they consist of compensation referred to in clause 5.3AA(f)(4)(ii) and (iii) and 5.5(f)(4)(ii) and (iii), on the revenue that is likely to be foregone and the costs that are likely to be incurred by a person referred to in those provisions where an event referred to in those provisions occurs.

### Part O  
**Network service provider performance reports**  
**Annual Benchmarking Report**

#### 6.27  
**Annual Benchmarking Report**

(a) The *AER* must prepare and *publish* a *network service provider performance report* (an *annual benchmarking report*) the purpose of which is to describe, in reasonably plain language, the relative efficiency of each *Distribution Network Service Provider* in providing *direct control services* over a 12 month period.

(b) Clause 8.7.4 (excluding clause 8.7.4(a)) applies in respect of the preparation of an *annual benchmarking report*.

(c) Subject to paragraphs (d) and (e), the *AER* must *publish* an *annual benchmarking report* at least every 12 months.

(d) The first *annual benchmarking report* must be *published* by 30 September 2014.

(e) The second *annual benchmarking report* must be *published* by 30 November 2015.

#### 6.27A  
**Annual DER network service provider performance report**

(a) The *AER* must prepare and *publish* a *network service provider performance report*, the purpose of which is to provide information about the performance of each *Distribution Network Service Provider* in providing *distribution services* for supply from *embedded generating units* into the *distribution network* over a 12 month period.

(b) A report under paragraph (a) may include information about such matters as the *AER* considers appropriate, which may include information about:
(1) the relative performance of each Distribution Network Service Provider in providing the distribution services;

(2) the use of static zero export limits;

(3) the impact of system limitations on availability or use of the distribution services; and

(4) performance relative to export tariff offerings.

(c) Clause 8.7.4 applies in respect of the preparation of a report under paragraph (a).

(d) The AER must publish a report under paragraph (a) at least every 12 months.

(e) A report under paragraph (a) may be published with another network service provider performance report published by the AER.
6B. Retail markets

Part A Retail support

Division 1 Application and definitions

6B.A1.1 Application of this Part

This Part:

(a) applies to a Distribution Network Service Provider and a retailer or a Market Small Generation Aggregator who have shared customers; and

(b) applies to the exclusion of Part J of Chapter 6 to a Market Customer who is a retailer or a Market Small Generation Aggregator; and

(c) prevails over any inconsistent provisions in a distribution determination.

6B.A1.2 Definitions

In this Part:

customer connection service has the same meaning as in the NERL.

date of issue of a statement of charges means the date on which the Distribution Network Service Provider sends the statement to the retailer or a Market Small Generation Aggregator.

default rate means the bank bill rate (as in force from time to time) plus two percentage points per annum.

due date for payment means 10 business days from the date of issue specified on a statement of charges.

network charges means charges that a Distribution Network Service Provider is entitled to claim for customer connection services in respect of shared customers under the Rules.

retail billing period means a calendar month or any other period agreed between a Distribution Network Service Provider and a retailer or a Market Small Generation Aggregator.

retailer, except where used in this Division 1, includes a Market Small Generation Aggregator.

shared customer:

(a) in relation to a Distribution Network Service Provider and a retailer, has the same meaning as in the NERL; and

(b) in relation to a Distribution Network Service Provider and a Market Small Generation Aggregator, means a person who is an M SGA customer of the Market Small Generation Aggregator and whose small generating unit is connected to the Distribution Network Service Provider’s distribution system.

statement of charges ——see clause 6B.A2.4.
Division 2  Billing and payment rules

6B.A2.2 Direct customer billing and energy-only contracts

(a) Where a Distribution Network Service Provider and a shared customer agree that the customer will be responsible for paying network charges directly to the Distribution Network Service Provider (a direct billing arrangement), the Distribution Network Service Provider may issue a bill to that customer for any or all of the customer connection services provided to that customer's premises.

(b) The Distribution Network Service Provider must notify the retailer of the direct billing arrangement as soon as reasonably practicable after commencement of the agreement.

(c) A retailer has no liability to pay network charges that have been, or are to be, billed to the shared customer under a direct billing arrangement.

(d) Where a retailer and a shared customer enter into a contract for the sale or purchase of electricity only, the retailer must notify the relevant Distribution Network Service Provider as soon as reasonably practicable after commencement of the contract.

6B.A3.2 Tariff reassignment

(a) A retailer:

(1) must, if a shared customer informs the retailer of a change in use of electricity consumption at the customer's premises as a result of which the retailer reasonably considers that the existing tariff applying to the customer should no longer apply; and

(2) may, for any other reason, but not more than once in any 12 month period in respect of the same premises, request the Distribution Network Service Provider to review the tariff to which the customer is assigned.

(b) The request is to include:

(1) the reasons for the request; and

(2) any relevant information provided by the customer; and

(3) the tariff proposed by the retailer.

(c) On receipt of the request, the Distribution Network Service Provider must decide whether the tariff assignment should be changed.

(c1) In deciding whether the tariff assignment should be changed, the Distribution Network Service Provider must have regard to the provisions of the Distribution Network Service Provider's distribution determination governing the assignment or re-assignment of retail customers to tariffs.

Note:
See clause 6.18.4.

(d) The Distribution Network Service Provider must inform the retailer of its decision and, if the decision is not to change the tariff assignment or to assign
If the Distribution Network Service Provider decides to change the tariff assignment, it must make the change in accordance with:

1. the requirements of the NERL and the NERR;
2. any provisions of the Distribution Network Service Provider’s distribution determination governing the assignment or re-assignment of retail customers to tariffs; and

Note:
See clause 6.18.4.

3. the Rules and the Retail Market Procedures.
7. Metering

Part C Appointment of Metering Coordinator

7.6 Appointment of Metering Coordinator

7.6.2 Persons who may appoint Metering Coordinators

(a) A Metering Coordinator may only be appointed:

(1) with respect to a connection point or proposed connection point on a transmission network, by the Market Participant which is financially responsible at the connection point;

(2) with respect to a connection point (other than the connection point of a small customer or large customer) that connects, or is proposed to connect, a generating system to a distribution network, by:

(i) the Market Participant which is financially responsible at the connection point;

(ii) a Non-Market Generator who owns, controls or operates the generating system that is connected to the distribution network at the connection point; or

(iii) a person who owns, controls or operates the generating system that is connected to the distribution network at the connection point and is exempt from the requirement to register as a Generator under clause 2.2.1(c); and

(3) with respect to any other connection point, by:

(i) the Market Participant which is financially responsible at the connection point; or

(ii) the large customer whose premises are supplied at the connection point.

(b) A person making an appointment under paragraph (a) must do so in accordance with the Rules and procedures authorised under the Rules.

(c) The Market Settlement and Transfer Solution Procedures must specify that a Metering Coordinator at a connection point is responsible for the metering installation:

(1) where the change in the Metering Coordinator at a connection point is effected due to a change in the financially responsible Market Participant at that connection point, on the day that the market load at the connection point transfers to the new financially responsible Market Participant; and

(2) otherwise, on any other day.
Part D Metering installation

7.8 Metering installation arrangements

7.8.10 Metering installation malfunctions

(a) Unless an exemption is obtained by the Metering Coordinator from AEMO under this clause 7.8.10, the Metering Coordinator must, if a metering installation malfunction occurs, cause repairs to be made to the metering installation as soon as practicable but no later than the following date (as applicable):

(1) for a type 1, 2 or 3 metering installation, 2 business days after the Metering Coordinator has been notified of the metering installation malfunction; or

(2) for a metering installation at a small customer’s premises:

   (i) subject to subparagraph (ii), 15 business days after the Metering Coordinator has been notified of the metering installation malfunction; or

   (ii) where the Metering Coordinator has become aware that repairing the metering installation requires interrupting supply to another small customer or large customer retail customer, 30 business days after the Metering Coordinator has become aware of the need for that interruption; or

(3) for a metering installation other than the installations referred to in subparagraphs (1) and (2):

   (i) subject to subparagraph (ii), 10 business days after the Metering Coordinator has been notified of the metering installation malfunction; or

   (ii) where the Metering Coordinator has become aware that repairing the metering installation requires interrupting supply to another small customer or large customer retail customer, 30 business days after the Metering Coordinator has become aware of the need for that interruption.

Note
For the application of this clause 7.8.10(a) to type 5 or 6 metering installations, where the Local Network Service Provider is the Metering Coordinator, see clause 11.86.7.

Note
This clause is classified as a civil penalty provision under the National Electricity (South Australia) Regulations. (See clause 6(1) and Schedule 1 of the National Electricity (South Australia) Regulations.)

(b) AEMO must establish, maintain and publish a procedure applicable to the provision of exemptions for the purpose of paragraph (a).

(c) If an exemption is provided by AEMO under this clause 7.8.10 then the Metering Provider must provide AEMO with a plan for the rectification of the metering installation.
Note
This clause is classified as a civil penalty provision under the National Electricity (South Australia) Regulations. (See clause 6(1) and Schedule 1 of the National Electricity (South Australia) Regulations.)

(d) A Registered Participant, Metering Provider or Metering Data Provider who becomes aware of a metering installation malfunction of a metering installation that cannot be rectified within the applicable timeframes as specified in paragraph (a) must notify the Metering Coordinator of the metering installation malfunction within 1 business day.

Note
This clause is classified as a civil penalty provision under the National Electricity (South Australia) Regulations. (See clause 6(1) and Schedule 1 of the National Electricity (South Australia) Regulations.)
CHAPTER 8
8. Administrative Functions

Part J Customer export curtailment values

8.13 Development of methodology and publication of values

(a) For the purposes of this rule 8.13:

CECV methodology has the meaning given in clause 8.13(b).

CECV objective is that the CECV methodology and customer export curtailment values should be fit for purpose for any current or potential uses of customer export curtailment values that the AER considers to be relevant.

customer export means supply to a distribution network of electricity generated by a micro embedded generator or non-registered embedded generator.

customer export curtailment means reducing, tripping or otherwise limiting customer export.

jurisdictional regulator has the meaning in clause 8.12(a).

(b) The AER must, in accordance with the Rules consultation procedures:

(1) develop a methodology (CECV methodology) to be used by the AER to calculate customer export curtailment values each year; and

(2) review and where applicable update the CECV methodology in accordance with paragraph (f).

(c) Notwithstanding paragraph (b), the AER may make minor and administrative amendments to the CECV methodology without complying with the Rules consultation procedures.

(d) The AER must publish and maintain on its website:

(1) the CECV methodology promptly after it has been developed or updated; and

(2) each year, the customer export curtailment values determined in accordance with the CECV methodology.

(e) The AER must ensure that the CECV methodology developed under paragraph (b), and any customer export curtailment values calculated in accordance with that methodology, are consistent with the CECV objective.

(f) The AER must, at least once every five years, review the CECV methodology and following such review, publish either:

(1) an updated CECV methodology; or

(2) a notice stating that the existing CECV methodology was not varied as a result of the review.

(g) For the purpose of complying with the Rules consultation procedures under paragraph (b), the AER must consult with:

(1) AEMO;
(2) each jurisdictional regulator;
(3) Registered Participants; and
(4) such other persons who, in the AER’s reasonable opinion, have, or have identified themselves to the AER as having, an interest in the CECV methodology and customer export curtailment values.
10. Glossary

**billed but unpaid charges**

For a Distribution Network Service Provider, network charges that have been billed to a failed retailer or a failed Market Small Generation Aggregator by the Distribution Network Service Provider, but that the failed retailer or failed Market Small Generation Aggregator has not yet paid (whether before or after the relevant due date for payment).

**connection offer**

Has (in the context of Chapters 5A and 6) the meaning given in clause 5A.A.1.

**distribution network user access**

The power transfer capability of the distribution network in respect of:

(a) generating units or a group of generating units; and

(b) network elements,

at a connection point which has been negotiated in accordance with rule 5.3AA and 5.5.

**distribution service end user**

An electricity consumer, micro embedded generator or non-registered embedded generator (other than a non-registered embedded generator who has made an election under clause 5A.A.2(c) for connection under Chapter 5).

**embedded generating unit**

A generating unit connected within a distribution system and not having direct access to the transmission network.

**embedded generating unit operator**

A person that owns, controls or operates an embedded generating unit.

**Embedded Generator**

A Generator who owns, operates or controls an embedded generating unit.

**Note:**

In the context of Chapter 5A, the above definition has been displaced by the definition "embedded generator" specifically applicable to that Chapter. See clause 5A.A.1.

**export tariff**

A tariff for distribution services that includes a charging parameter relating to supply from embedded generating units into the distribution network.

**Export Tariff Guidelines**

Guidelines made by the AER under clause 6.8.1B.

**export tariff transition strategy**

The strategy in a tariff structure statement of a Distribution Network Service Provider referred to in clause 6.18.1A(a)(2A).
**failed Market Small Generation Aggregator**

A Market Small Generation Aggregator in respect of whom an insolvency official has been appointed.

**Generator**

A person who engages in the activity of owning, controlling or operating a generating system that is connected to, or who otherwise supplies electricity to, a transmission system or distribution system and who is registered by AEMO as a Generator under Chapter 2.

For the purposes of Chapter 5, the term includes a person who is required or intends to register in that capacity or is a non-registered embedded generator (as defined in clause 5A.A.1) who has made an election under clause 5A.A.2(c).

**micro EG connection**

Has (in the context of Chapter 5A) the meaning given in clause 5A.A.1

**micro embedded generator**

A small customer, large customer or MSGA customer who operates, or proposes to operate, an embedded generating unit for which a micro EG connection is appropriate. Has (in the context of Chapter 5A) the meaning given in clause 5A.A.1

**MSGA customer**

Has the meaning given in clause 5A.A.1.

**network**

The apparatus, equipment, plant and buildings used to convey, and control the conveyance of, electricity to customers (whether wholesale or retail) excluding any connection assets. In relation to a Network Service Provider, a network owned, operated or controlled by that Network Service Provider.

**non-registered embedded generator**

An embedded generating unit operator that is neither a micro embedded generator nor a Registered Participant.

In the context of clause 6.7A, has the meaning given in chapter 5A.

**retail customer**

A small customer or a large customer.

**Note:**

In the context of Chapter 5A, the above definition has been supplemented by a definition specifically applicable to that Chapter. See clause 5A.A.1.

**retail customer**

A person who is one or more of the following:

(a) a small customer;
(b) a large customer;
(c) a micro embedded generator; or
(d) a non-registered embedded generator, other than a non-registered embedded generator who has made an election under clause 5A.A.2(c) for connection under Chapter 5.

Retail Market Procedures

Procedures made under the Rules for or in connection with the sale and supply of electricity to retail customers, the export of electricity by retail customers or the operation of retail electricity markets including:

(a) B2B procedures; and
(b) the Market Settlement and Transfer Solution Procedures; and
(c) the metrology procedures; and
(d) other procedures dealing with, or incidental to, the retail sale or supply of electricity or related services.

retailer insolvency costs

For a Distribution Network Service Provider:

(a) billed but unpaid charges;
(b) the actual amount of unbilled network charges accrued by a failed retailer or failed Market Small Generation Aggregator; and
(c) other costs that the Distribution Network Service Provider has incurred or is likely to incur as a result of a retailer insolvency event.

retailer insolvency event

The failure of a retailer or a Market Small Generation Aggregator during a regulatory control period, to pay a Distribution Network Service Provider an amount to which the service provider is entitled for the provision of direct control services, if:

(a) an insolvency official has been appointed in respect of that retailer or Market Small Generation Aggregator; and
(b) the Distribution Network Service Provider is not entitled to payment of that amount in full under the terms of any credit support provided in respect of that retailer or Market Small Generation Aggregator.

static zero export limit

A maximum specified capacity to supply to the distribution network of zero at all times of day and in all network operating conditions.

Voter Category

Means:

(a) in respect of the Distribution Network Service Provider Member, Distribution Network Service Providers;
(b) in respect of the Retailer Member, Retailer Member Voters, collectively;
(c) in respect of the Metering Member, Metering Member Voters, collectively; and
(d) in respect of the Third Party B2B Participant Member, Third Party B2B Participants.
11. Savings and Transitional Rules

Part ZZZZQ Access, pricing and incentive arrangements for distributed energy resources

11.141 Rules consequential on the making of the National Electricity Amendment (Access, pricing and incentive arrangements for distributed energy resources) Rule 2021

11.141.1 Definitions

(a) In this rule 11.141:

*Amending Rule* means the *National Electricity Amendment (Access, pricing and incentive arrangements for distributed energy resources) Rule 2021*.

*basic export level* means a threshold (calculated by reference to capacity, energy or other measure permitted in a distribution determination) specified for the purposes of clause 11.141.12(a) in the applicable *tariff structure statement*.

*basic export level guidelines* means the guidelines, forming part of the *Export Tariff Guidelines*, made by the *AER* in accordance with clause 11.141.14.

*CECV effective date* means the date of commencement of Schedule 2 of the Amending Rule.

*commencement date* means the date of commencement of Schedules 1 and 3 of the Amending Rule.

*existing DER customer* means a *retail customer* who:

(1) is an *embedded generating unit operator* on the commencement date in relation to the *connection point* through which the customer’s *embedded generating unit* is connected;

(2) on or before the commencement date has accepted a *connection offer* under former Chapter 5A for the *connection of an embedded generating unit* but where the relevant works are not yet complete; or

(3) on the commencement date is in receipt of a *connection offer* under former Chapter 5A for the *connection of an embedded generating unit* that (on the commencement date) remains open for acceptance.

*former Chapter 5A* means Chapter 5A of the *Rules* as in force immediately prior to the commencement date.

*former clause 5.13.1* means clause 5.13.1 as in force immediately before the commencement date.

*former clause S5.8* means clause S5.8 as in force immediately before the commencement date.

*new clause 5.13.1* means clause 5.13.1 as in force on and from the commencement date.
new clause **S5.8** means clause S5.8 as in force on and from the commencement date.

new clause **5A.F.1(c)** means clause 5A.F.1(c) as in force on and from the commencement date.

new clause **6.2.8** means clause 6.2.8 as in force on and from the commencement date.

new clause **6.18.1A(a)** means clause 6.18.1A(a) as in force on and from the commencement date.

new clause **6.18.5** means clause 6.18.5 as in force on and from the commencement date.

new rule **6.27A** means rule 6.27A as in force on and from the commencement date.

new rule **8.13** means rule 8.13 as in force on and from the CECV effective date.

tariff transition period means, for a [Distribution Network Service Provider](http://example.com), the period comprising the following regulatory control periods of the Distribution Network Service Provider:

1. the regulatory control period immediately following the regulatory control period in which the commencement date occurs; and
2. the regulatory control period immediately following the regulatory control period referred to in paragraph (1).

(b) Italicised terms used in this rule 11.141 have the same meaning as in Chapter 10 as in force on and from the commencement date.

### 11.141.2 Amendments to AER documents

(a) By 1 July 2022 the AER must review and where the AER considers it necessary or desirable amend and publish the following documents to take into account the Amending Rule:

1. the Expenditure Forecast Assessment Guidelines;
2. the Distribution Service Classification Guidelines;
3. the Cost Allocation Guidelines; and
4. the connection charge guidelines.

(b) By 1 July 2023 the AER must review and where the AER considers it necessary or desirable amend and publish the following documents to take into account the Amending Rule:

1. the Distribution Reliability Measures Guidelines;
2. the demand management incentive scheme; and
3. the demand management innovation allowance mechanism.

(c) In reviewing and where applicable amending the Expenditure Forecast Assessment Guidelines, the AER must have regard to the need for different approaches for different classes of retail customers.
11.141.3 Performance incentive schemes for services for supply from embedded generating units to the distribution network

(a) The AER must undertake a review to consider arrangements (which may include a service target performance incentive scheme) to provide incentives for Distribution Network Service Providers to provide efficient levels of distribution services provided to retail customers for supply from embedded generating units into the distribution network.

(b) The AER must publish its report on the outcome of its review under paragraph (a) by 31 December 2022 and must include in the report its recommendations for incentive arrangements.

(c) In conducting the review under paragraph (a), the AER must consult in the manner the AER considers appropriate.

11.141.4 Initial rule 6.27A network service provider performance report

The AER must publish the first network service provider performance report made in accordance with new rule 6.27A by 31 December 2023.

11.141.5 Initial Export Tariff Guidelines

(a) By 1 July 2022, the AER must develop and publish the initial Export Tariff Guidelines.

(b) The AER must comply with the distribution consultation procedures when preparing the initial Export Tariff Guidelines under paragraph (a).

11.141.6 Annual benchmarking reports

(a) The AER must consult in accordance with the distribution consultation procedures about how the AER will take into account the Amending Rule in the annual benchmarking reports under rule 6.27.

(b) By 1 July 2022, the AER must publish a report on the consultation conducted in accordance with paragraph (a) which must include guidance about the AER’s proposed approach.

11.141.7 Initial CECV methodology

(a) By 1 July 2022, the AER must:

(1) develop and publish the initial CECV methodology under new rule 8.13; and

(2) determine and publish the initial customer export curtailment values calculated in accordance with the CECV methodology.

(b) The AER must comply with the Rules consultation procedures when preparing the initial CECV methodology under paragraph (a).
11.141.8 Sub-threshold tariffs

(a) This clause applies in relation to a Distribution Network Service Provider in relation to each regulatory year in the following regulatory control periods of the Distribution Network Service Provider:

(1) the regulatory control period in which the commencement date occurs; and

(2) the regulatory control period immediately following the regulatory control period in which the commencement date occurs.

(b) Where in accordance with paragraph (a) this clause applies in relation to a Distribution Network Service Provider and regulatory year:

(1) for the purposes of calculating the individual threshold for the Distribution Network Service Provider for the regulatory year under clause 6.18.1C(a)(1), the clause will apply as if ‘0.5 per cent’ had been omitted and ‘1 per cent’ inserted in its place; and

(2) for the purposes of calculating the cumulative threshold for the Distribution Network Service Provider for the regulatory year under clause 6.18.1C(a)(2), the clause will apply as if ‘one per cent’ had been omitted and ‘five per cent’ inserted in its place.

11.141.9 Retail Market Procedures

(a) By 1 July 2022 AEMO must review and where AEMO considers it necessary or desirable propose amendments to the Retail Market Procedures to take into account the Amending Rule.

(b) Amendments made in accordance with paragraph (a) must where reasonably practical take effect on and from 1 July 2022.

11.141.10 Distribution Annual Planning Report

A Distribution Network Service Provider is not required to include the following information in a Distribution Annual Planning Report that has a DAPR date falling before the first anniversary of the commencement date:

(a) the information in paragraph (d1) of new clause 5.13.1 or paragraph (b)(2A) or (d1) of new clause S5.8; or

(b) the information in paragraph (d)(2) of new clause 5.13.1 or paragraph (c)(5) or (I) of new clause S5.8, but in each case only to the extent the information is not required under former clause 5.13.1 or former clause S5.8.

11.141.11 Tariff reassignment restriction for existing DER customers

(a) Subject to paragraph (b), a Distribution Network Service Provider must not, during the period starting on the commencement date and ending on 30 June 2025, assign or reassign an existing DER customer to an export tariff.

(b) Paragraph (a) does not apply if a retailer or Market Small Generation Aggregator has requested the tariff assignment or reassignment.

11.141.12 Export tariffs subject to basic export level

(a) A Distribution Network Service Provider must not charge a retail customer...
for distribution services provided for or in relation to supply from an embedded generating unit into the distribution network where the use of the distribution services:

(1) does not exceed the basic export level applicable to the export tariff to which the retail customer is assigned; and

(2) occurs during the tariff transition period for the Distribution Network Service Provider.

(b) Paragraph (a) does not preclude charges for the provision of connection services.

11.141.13 Basic export levels to be specified in tariff structure statements

(a) For the purposes of new clause 6.18.1A(a), a tariff structure statement of a Distribution Network Service Provider that will apply during the tariff transition period for the Distribution Network Service Provider must include, in addition to the elements in new clause 6.18.1A(a):

(1) for each proposed export tariff, the basic export level or the manner in which the basic export level will be determined; and

(2) the eligibility conditions applicable to each proposed export tariff.

(b) In assessing provision in a Distribution Network Service Provider’s proposed tariff structure statement relating to basic export levels, the AER must have regard to the following principles:

(1) basic export levels must be set having regard to:

(i) the capacity of a distribution network (or part of a distribution network) to accept supply from embedded generating units to the extent the AER considers that the capacity arises from the provision of distribution services for supply to retail customers in that distribution network (or part) with minimal or no further investment; and

(ii) forecast use of distribution services relating to supply from embedded generating units in the distribution network (or relevant part);

(2) a basic export level may be specified by reference to any one or more of the following measures:

(i) the capacity to supply into the distribution network at a connection point;

(ii) the quantity of supply into the distribution network at a connection point; or

(iii) any other measure the Distribution Network Service Provider is authorised to apply by the applicable distribution determination;

(3) a different basic export level may apply to different export tariffs of a Distribution Network Service Provider; and

(4) which basic export level applies to a particular export tariff or group of export tariffs may be determined according to tariff class, connection...
point voltage, the location of a connection point in the distribution network or any other measure.

11.141.14 Basic export level guidelines

(a) The AER must develop guidelines about methodologies for determining basic export levels and related matters (basic export level guidelines).

(b) In developing the basic export level guidelines, the AER must have regard to:

1. historical and geographical differences between networks;
2. different levels of demand between networks for distribution services relating to supply from embedded generating units;
3. inter jurisdictional differences related to regulatory control mechanisms, classification of services and other relevant matters;
4. the network pricing objective and the pricing principles in new clause 6.18.5; and
5. any other matters the AER considers relevant.

(c) The basic export level guidelines form part of the Export Tariff Guidelines and are subject to new clause 6.2.8 and clause 11.141.5.

(d) The AER must publish the basic export level guidelines as part of:

1. the initial Export Tariff Guidelines made under clause 11.141.5; and
2. any amendment to or replacement of the Export Tariff Guidelines in effect prior to the expiry of this clause.

(e) This clause expires at the end of the last of the tariff transition periods of all Distribution Network Service Providers.

11.141.15 Static zero export limits

New clause 5A.F.1(c) does not apply to a connection offer made before 1 July 2022.