

Decision on Gas Retail Market Scheme Procedure Change Proposals IN002/18W, IN003/18W, IN004/18W and IN005/18W

Submitted by the Australian Energy Market Operator

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Decision

In accordance with section 11ZOM of the *Energy Coordination Act 1994* (Act), the Economic Regulation Authority (ERA) approves the amendments in procedure change proposals IN002/18W, IN003/18W and IN005/18W submitted by the Australian Energy Market Operator (AEMO) on 27 November 2018.

The approvals of the amendments in procedure change proposals IN002/18W, IN003/18W and IN005/18W are subject to the changes set out by the ERA in Appendix 1 of this decision paper. The amendments in proposals IN002/18W and IN005/18W will be effective from 22 February 2019, following approval by the ERA. The amendments in proposal IN003/18W will be effective from 29 March 2019 to allow for AEMO to make system changes to implement this proposal.

The ERA considers that the proposed amendments in procedure change proposal IN004/18W do not meet the requirements for approval by the ERA in the *Energy Coordination Act 1994* and require further development to ensure that customer protection mechanisms are in place and that competition is safeguarded.

Reasons

1.1 Background

The Western Australian gas retail market scheme comprises AEMO, the Western Australian Retail Market Agreement and the market rules. AEMO is the formal entity responsible for the operation of the scheme. The Western Australian Retail Market Agreement is the main agreement between gas market participants,¹ obliging all members to comply with the market rules, which include:

- The Retail Market Procedures, which govern the major interactions between gas market participants in the gas retail market.
- The Specification Pack, which is a suite of documents supporting the operation of the market procedures.
- The Full Retail Contestability (FRC) Hub Operational Terms and Conditions that govern the communication protocol within the FRC Hub, which is the information system provided by AEMO.

Section 11ZOL of the *Energy Coordination Act 1994* specifies that members of an approved retail market scheme may prepare an amendment to the scheme and submit the amendment to the ERA for approval under section 11ZOM of the Act.

On 27 November 2018, the ERA received a submission from AEMO seeking approval of amendments to the scheme in procedure change proposals:

- IN002/18W – Minor change to clause 323A
- IN003/18W – Address attributes
- IN004/18W – Complete Meter Installation Registration Number (MIRN) listing²

¹ Market participants include users (ie retailers) and the network operator, which is currently ATCO.

² A MIRN is the unique alphanumeric identifier assigned to a meter by the network operator or meter manufacturer.

- IN005/18W – Notification of error by previous user

These proposals are described in detail below.

Changes to the procedures are classified by AEMO as requiring either an expedited or an ordinary process for making procedures.

The expedited process is for making procedures that are non-substantial or that cover urgently needed changes to address extreme events. A change to the procedures is considered:

- To have a non-substantial impact if it has no effect on the operations of AEMO, participants, interested persons or prescribed persons and merely corrects typographical errors, grammatical errors, cross-referencing errors or other similar trivial defects in the procedures.
- Urgently necessary if its purpose is to ensure:
 - the proper operation of the retail gas market
 - an adequate supply of natural gas
 - an appropriate response to an emergency.

The ordinary process is for changes that are not classified by AEMO as requiring an expedited process for making procedures.

AEMO proposed that the changes in IN002/18W and IN005/18W take effect on 25 January 2019, and the changes in IN003/18W and IN004/18W take effect on 29 March 2019. These dates meet the timing desired by the market and align with the targeted implementation date for system changes for IN003/18W and IN004/18W.³

1.2 Discussion

1.2.1 *Legislative requirements for the ERA's approval*

Where an amendment to the scheme is submitted to the ERA, the ERA is to:

- approve it
- request that it be changed and approve it in a changed form, or
- refuse to approve it.

The ERA may approve an amendment to the scheme if it is satisfied that:

- If the amendment is made, the scheme will:
 - Comply with the Act.
 - Be suitable for the purposes of ensuring that the retail gas market supplied through a distribution system is regulated and operates in a manner that is:
 - open and competitive
 - efficient

³ For example, the network operator will need to amend its system to generate the complete MIRN list at the end of each month and send it to AEMO via an agreed transfer method. AEMO will need to provide a file transfer facility for the network operator to submit the list and develop an automated process that will transfer the list to the designated area of each registered retailer.

- fair to gas market participants and their customers.
- Any other principle, criterion, or requirement that is prescribed for the purposes of this paragraph in the Act has been met.

Rule amendments for a distribution system scheme are not to be submitted without consulting potentially affected scheme members, including:

- A gas transmission operator whose pipeline is used to transport gas into that system.
- A prescribed person, including any shipper, swing service provider or self-contracting user.

The ERA may approve retail market rule amendments only if it is satisfied that such consultation has taken place and:

- Each person required to be consulted has agreed to the amendment.
- If any person required to be consulted has not so agreed, that person has been given a reasonable opportunity in the course of the consultation to provide reasons for not agreeing and any reasons so provided have been considered.

When determining whether or not to give an approval, the ERA is to have regard to:

- Any principles, criteria, or requirements that are prescribed for the purposes of this paragraph in the Act.
- Such other matters as the ERA considers relevant.

1.2.2 *IN002/18W – Minor change to clause 323A*

1.2.2.1 *Rationale and proposal for a minor change to clause 323A*

Procedure change proposal IN002/18W proposes amending clause 323A of the Retail Market Procedures to:

- Remove the obligation on the Compliance Panel to meet annually.
- Oblige the Compliance Panel to meet only if AEMO or a scheme participant informs the Chair of the Compliance Panel in writing that they wish to bring a matter before the Compliance Panel for discussion.

The Compliance Panel (Panel) is established under clause 309 of the Retail Market Procedures to hear and make determinations on matters referred to it by AEMO or a participant about alleged breaches of the procedures, interpretation of the procedures, and any other matter that can be referred to it under the procedures.⁴

Currently, clause 323A(1)(a) of the Retail Market Procedures requires that the Panel must meet at least once each calendar year. Clause 323A(1)(b) requires that the Panel must meet more frequently if 'AEMO' or 'a scheme participant' informs the Chair of the Panel in writing that they wish to bring a matter before the Panel for discussion.

⁴ The Compliance Panel comprises at least three members: a chairperson with a legal background, one member with financial experience and one member with technical and gas industry experience, preferably in Western Australia.

At a compliance meeting in January 2018, the Panel agreed that an annual meeting was unnecessary and, should circumstances warrant it, either AEMO⁵ or the Panel could request that a meeting be held at any time. AEMO supported this proposal.

AEMO considers that procedure change proposal IN002/18W is a minor change to the Retail Market Procedures that only affects AEMO processes by allowing it the opportunity to spend time on other Western Australian retail market initiatives, rather than on convening the annual meeting. AEMO considers that the proposed change will contribute to avoiding unnecessary costs, keeping AEMO's fees down.

1.2.2.2 *Classification and consultation on a minor change to clause 323A*

At a meeting of the Procedure Change Committee on 24 August 2018, AEMO proposed that procedure change proposal IN002/18W was a non-substantial change to the procedures and that the expedited process for making procedures should be employed. AEMO's classification of the proposal was published on 20 August 2018 in the 'procedure change request for comment' by 21 September 2018. There were no dissenting views on AEMO's classification of the proposal.

AEMO published a final Impact and Implementation Report⁶ for IN002/18W on its website on 5 October 2018 and invited each participant, pipeline operator, prescribed person and interested person to lodge an objection to the proposed amendment by 26 October 2018. No objections were received and AEMO received three submissions of support from Origin Energy, Alinta Energy and AGL.

The feedback from AGL on 10 October 2018 also considered that a broader review of the compliance process should be undertaken, with a focus on compliance breach reporting and compliance management.

AGL proposed to further modify 323A to include pipeline operators and prescribed persons in the list of parties that can request a meeting with AEMO. AGL noted that the Panel covers compliance with the Retail Market Procedures, which govern the interactions between AEMO and scheme participants,⁷ pipeline operators and prescribed persons⁸. Pipeline operators and prescribed persons are not included in the list of parties that can request that the Panel meet.

AEMO supported AGL's proposed amendment to IN002/18W, extending the list of persons that may oblige the Panel to meet to include pipeline operators and prescribed persons.

This amendment to procedure change proposal IN002/18W and its implications were not discussed at a Procedure Change Committee meeting or directly with pipeline operators or prescribed persons, and there was no feedback from stakeholders about this matter.

⁵ Clause 343 of the Retail Market Procedures provides for the Compliance Panel to delegate its power to AEMO to assess and determine whether a breach is material or not material under clause 329.

⁶ The requirements for the Impact and Implementation Report on a proposed procedure change are described in the Retail Market Procedures in clause 382, page 256. https://www.aemo.com.au/-/media/Files/Gas/Retail_Markets_and_Metering/Market-Procedures/WA/2018/Retail-Market-Procedures-WA-version-40Clean.pdf

⁷ Scheme participants include the network operator and users (retailers).

⁸ A prescribed person is a person or class of persons to whom the retail market rules apply, including a swing service provider, a shipper and a self-contracting user. A Shipper is a person who has a gas transportation agreement with a Pipeline Operator to transport gas along a transmission pipeline for the delivery of gas at a gate point to a retailer. A Swing Service Provider is a Shipper or Pipeline Operator that uses its contractual rights to pipeline capacity to provide swing service (i.e. balancing) to users at a gate point. Self-contracting users withdraw gas from a sub-network for the sole purpose of supply to a customer that is either itself or a related body corporate.

AEMO notified the market that it had submitted the final procedure change proposal to the ERA for approval on 27 November 2018 and invited submissions by 8 January 2019. The ERA received one submission from AGL supporting this proposal. There were no submissions disagreeing with this proposal.

1.2.2.3 The ERA's assessment of the proposal for a minor change to clause 323A

The final proposed amendment under IN002/18W, which included pipeline operators and prescribed persons in the list of persons that can request that the Panel meet, appears fair to these persons. It provides pipeline operators and prescribed persons, which are governed by and must comply with the Retail Market Procedures, the same right to seek consideration of compliance matters by the Panel as AEMO and scheme participants.

However, it is not clear that inclusion of pipeline operators and prescribed persons in the amendment to 323A as part of the feedback process, rather than in the development of the proposal, allowed for full consideration of the implications of this change or for a thorough consultation process involving persons that may be directly affected by the change.

For example, there is no consideration of how the Compliance Panel would be remunerated for the services that it would provide to pipeline operators and prescribed persons.⁹ The Panel is currently remunerated through market fees, which are paid for by the network operator and retailers. The final amendment in IN002/18W does not include provision for payment for these services by pipeline operators and prescribed persons.

It is also not clear whether pipeline operators and prescribed persons read and agreed to the proposed changes to the original proposal that were made by AEMO following feedback from AGL. The final proposal was sent to pipeline operators and prescribed persons, and there were no dissenting submissions. However, pipeline operators and prescribed persons may have paid little attention to the final proposal, as the original intent of the proposal was simply to remove the requirement for an annual meeting of the Panel from a process that, to date, they have not been involved in. Material compliance matters involving these persons are dealt with by the ERA under section 11ZOU(1)(b) of the Act, following referral by AEMO under clause 329(1)(c) of the market procedures.

The ERA is not satisfied that scheme members that are potentially affected by their inclusion in this process were directly consulted and given a reasonable opportunity to consider and respond to the proposed amendment.

Where an amendment to the scheme is submitted to the ERA, the ERA can request that it be changed and approve it in a changed form. Given the points raised above, the ERA requests that the proposal to include pipeline operators and prescribed persons in the list of persons that can request that the Panel meet be removed from the original proposal and be given further consideration by the Procedure Change Committee.

An amended version of the proposal for approval by the ERA is provided in Appendix 1, which also corrects drafting errors that were identified in the proposed amendment to the procedures submitted by AEMO.

The ERA considers that the scheme will continue to comply with the Act following implementation of the minor change to clause 323A to remove the requirement for an annual meeting of the Panel and to replace it with a requirement to meet only when necessary. This

⁹ This applies to pipeline operators in particular, as retailers may also be registered in the market as shippers or swing service providers, ie. as prescribed persons.

removes unnecessary market fees and aligns with the objective of the scheme to ensure that the market is regulated and operates in an efficient manner.

The required consultation on the proposal to remove the annual meeting of the Panel and meet only when requested by AEMO or a scheme participant occurred with each person and there has not been any dissent to the proposed amendments. The ERA therefore considers that each person has agreed to procedure change proposal IN002/18W.

The ERA is satisfied that, with the proposal to move the requirement to meet annually and only to meet when requested by AEMO or a scheme participant, the provisions of the scheme will continue to ensure regulation of the market and that market operation is open and competitive, efficient, and fair to gas market participants and their customers.

1.2.3 IN003/18W – Address attributes

1.2.3.1 *Rationale and proposal for a new process to add new address attributes*

Procedure change proposal IN003/18W is to implement a fast track process to update address attributes¹⁰ in the scheme. This involves:

- Changes to the Retail Market Procedures to:
 - Include a new term ‘address based identifiers’ in the definitions in clause 2, that states:
 - “In relation to the address standard specified in the AEMO Specification Pack, the attributes that make up the address based identifiers are street type, street suffix, flat or unit type, floor or level type and postal delivery type.”
 - Update clause 14 to describe the rapid change process to be followed for adding an address based identifier to the aseXML schema enumeration list.¹¹ This process is set out in the aseXML Standards Working Group’s (ASWG’s) ‘ASWG Change Management Process’ on AEMO’s website. It permits any participant to raise a change request for the addition of any new address attribute.¹²
- Changes to the Data Dictionary of the ‘FRC B2B System Interface Definition’¹³ document to remove reference to specific address attributes, and to alert Western Australian participants to the Western Australian list of address attributes spreadsheet published on the AEMO website.
- Publication of the Western Australian list of prescribed address attributes, which adheres to the standards set by Landgate,¹⁴ on the AEMO website.

¹⁰ An example of an attribute or element of an address is the flat or unit type, which may be enumerated using various abbreviations, such as ‘APT’ for apartment or “OFF” for office.

¹¹ An enumerations.xsd file containing specific address enumeration values.

¹² The ASWG is an energy industry technical group. Its purpose is to ensure the ongoing development of the aseXML standard, adopt a multilateral approach to the development of aseXML with equal interests to each subscribing energy market, promote the convergence of aseXML across different markets, manage the development life cycle of aseXML, ensure that changes to the aseXML are consistent with the aseXML guidelines and establish a clear review and approval procedure for proposed changes to aseXML.

¹³ The abbreviation B2B in the title of this document stands for ‘business to business.’

¹⁴ The Western Australian Land Information Authority, which is the statutory authority responsible for property and land information in Western Australia.

AEMO provides FRC Hub Services for 'business to business' and 'business to market' communications.

The FRC B2B System Interface Definition document is part of the AEMO Specification Pack. Its purpose is to define the behaviour of the business and information technology systems and identify the manner in which participants will communicate with each other to manage their day-to-day business. It focuses on the specific aseXML interfaces to be used in business to business transactions.¹⁵

The aseXML schema consists of individual files that must be combined to form the entire schema. All but one of the files, which are fully version controlled, are released as a package under a specific schema version number. In Western Australia, the specific schema version number is r13.

The remaining file, an Enumerations.xsd file, contains specific address enumeration values that may require change at short notice. This file is maintained and released separately to the other files, and has its own version control. In order to obtain a fully functional aseXML schema, a user must download the complete set of files, including the latest Enumerations.xsd file relevant to that release, as a reference to configure the user's system.¹⁶

Rather than use the FRC Hub, small users with less than 500 customers can utilise a low volume interface for sending and receiving these communications. The low volume interface is configured to align with the address attributes, such as unit or flat types, specified in the FRC B2B System Interface Definition document.

An address attribute in any business to business or business to market transaction must be one of the attributes in the enumerations file or the transaction will be rejected by either the FRC Hub or the low volume interface.

In 2016/17, participants updated their information technology systems with the schema file Enumerations 6.0. The FRC B2B System Interface Definition document was not updated at this time. This led to a misalignment between the address attributes available to the Hub through the Enumerations 6.0 file, and the FRC B2B System Interface Definition document used by the low volume interface.¹⁷ Consequently, certain communications on the low volume interface using values available from Enumeration 6.0 were rejected.

The procedure change process described in chapter 9 of the Retail Market Procedures is required to make any amendments to the scheme, including adding simple abbreviations (such as BLDG for the word building) in the FRC B2B System Interface Definition document.

AEMO considers that the amendments in procedure change proposal IN003/18W will make it easier to add a new address attribute without going through the procedure change process, which can be a lengthy process due to the required timeframe in the consultation processes. It will also ensure that transactions that have address attribute fields can be processed without

¹⁵ The FRC Hub transmits aseXML messages. AseXML is a standard developed by Australian energy industries to facilitate the exchange of information between participants of the energy industries using Extensible Markup Language (XML; which is similar to HTML). The aseXML Standards Working Group is responsible for the ongoing development of the aseXML standard (ie aseXML Guidelines and aseXML schema) and changes to the aseXML schema. See: <https://www.aemo.com.au/Stakeholder-Consultation/Industry-forums-and-working-groups/IT-meetings/aseXML-Standards-Working-Group>

¹⁶ For general schema information see https://www.aemo.com.au/Electricity/IT-Systems/aseXML_standards/aseXML-Schemas

¹⁷ In particular, the abbreviation 'BLDG' which is specified as a flat or unit type in Enumerations 6.0 is not contained in Appendix A of the FRC B2B System Interface Definition document, which provides a data dictionary for aseXML transaction elements and CSV file column designators.

hindrance, as the validation criteria will match the scheme documentation, allowing customers to be serviced expediently.

1.2.3.2 Classification and consultation on the new process to add new address attributes

AEMO classified procedure change proposal IN003/18W as non-substantial, requiring an ordinary procedure change process. AEMO will require minor system changes to implement proposal IN003/18W.

AEMO's classification of the proposal as non-substantial was published on 29 August 2018 in the Procedure Change Request for comment by 27 September 2018. There were no dissenting views on this classification.

AEMO published a final Impact and Implementation Report for IN003/18W on its website on 12 October 2018 and invited each participant, pipeline operator, prescribed person and interested person to lodge an objection to the proposed amendment by 12 November 2018. AEMO received two submissions, one from each of AGL and Origin Energy.

AGL and Origin Energy supported using the fast track ASWG process to provide updates to the address enumeration list and ensure that new enumerations are processed quickly.

Both AGL and Origin Energy rejected the drafting of the update to clause 14. AGL noted that a legal review of the drafting indicated that if AGL identifies a new address not listed in the current scheme, it is obliged, as a user, to amend the enumeration file and advise the market of the amendment. This is not the correct process and is an obligation that the user cannot meet. Where a participant identifies the need for a new enumeration for an address attribute it should raise a request with the ASWG. The ASWG will discuss and agree on whether to add the address attribute, and if so, advise the market of an update to the enumeration list. Both Origin Energy and AGL supplied new drafting to address this issue.

AEMO did not support this redrafting as it wanted to keep the drafting of the process consistent with that in other jurisdictions. AEMO considers that the process works in the other jurisdictions in its present form. AEMO explained to AGL and Origin Energy, the need to consider the issue holistically and noted that that a review of the process to update enumerations would be added to the future program of work for all jurisdictions. AEMO noted that AGL agreed not to proceed with its revised wording on this basis but AEMO did not indicate whether Origin Energy also agreed not to proceed with its revised wording.

AEMO notified the market that it had submitted the procedure change proposal to the ERA for approval on 27 November 2018 and invited submissions by 8 January 2019. The ERA received one submission from AGL supporting this proposal.

1.2.3.3 The ERA's assessment of the proposal for a new process to add new address attributes

The ERA considers that the scheme will continue to comply with the Act, given implementation of the new process to add new address attributes to the scheme.

The amendment under IN003/18W will ensure that the enumerations in the scheme are quickly and accurately updated with new address attributes as they arise, and that communications on the low volume interface are not disrupted. This will ensure that the retail market scheme operates in a manner that is efficient and fair to gas market participants and their customers.

The required consultation occurred with each person. While AGL and Origin Energy supported the use of a fast track change process, both participants dissented to the drafting in clause 14 of the Retail Market Procedures, which inadvertently places an obligation on retailers to make changes to the schema. This was resolved for AGL through a commitment by AEMO to include concerns about the drafting of the process in clause 14 in the program of work for all jurisdictions.

However, it was not clear in AEMO's application to the ERA that Origin Energy was satisfied with AEMO's response. The ERA therefore does not conclude that each person has agreed to the amendment proposed under IN003/18W.

AEMO acknowledged that the wording employed in other jurisdictions, which is proposed for implementation in Western Australia, is problematic. However, it has committed to add the issue to its future work program for all jurisdictions. It is not efficient to implement a problematic procedure in the Western Australian market in the interest of aligning the procedures in each state, only to have to run another procedure change process, at a cost to market participants and their customers, to correct known issues.

Where an amendment to the scheme is submitted to the ERA, the ERA can request that it be changed and approve it in a changed form. On the basis of the arguments set out above, the ERA requests that the wording in clause 14 be amended to remove the obligation on AEMO and scheme participants to amend the scheme and instead advise the ASWG of the required change. The proposed wording is set out in Appendix 1.

The ERA is satisfied that, through the new process proposed under IN003/18W and the ERA's amendment to the drafting of clause 14(5) in the Retail Market Procedures, the provisions of the scheme will continue to ensure regulation of the market and that market operation is open and competitive, efficient, and fair to gas market participants and their customers.

1.2.4 IN004/18W – Complete MIRN listing

1.2.4.1 Rationale and proposal for a complete MIRN listing

Unlike other Australian jurisdictions, the Western Australian Gas Retail Market does not have a central Meter Installation Registration Number (MIRN) database, allowing retailers to immediately crosscheck information provided by a customer on their MIRN and associated address.

Procedure change proposal IN004/18W seeks to implement the requirement for a complete MIRN listing in the Western Australian market. This will require:

- Retail Market Procedure changes to include a new clause 74A placing an obligation on:
 - The network operator to generate the list each month.
 - AEMO to provide the list to each registered retailer in that market.
 - The retailer to ensure that they access the list only for confirming a customer's address and MIRN details, and only when they have received the explicit informed consent from the customer.
- Specification pack changes, in particular to the FRC B2B System Interface Definition document, to include a new transaction type 'T299 (Complete MIRN Listing)' in

‘Appendix E – Non-Automated Electronic Files’ and add a description of the format of the MIRN listing and how it is generated and made available to the retailers.¹⁸

In the Western Australian Retail Market Procedures, the MIRN discovery process enables a retailer to request and receive information regarding a delivery point at which a network operator delivers gas to a retailer for immediate on-delivery to a customer.¹⁹

The discovery process is important for customers transferring between retailers, allowing retailers to crosscheck information provided by a customer for accuracy.

The current MIRN discovery process is not immediate, as the retailer must submit a MIRN discovery request transaction to the network operator. Depending on the information provided by the customer and the discovery response, a transaction may fail. A failed MIRN discovery request affects the:

- Network operator, as it must analyse and respond to a failed request.
- Retailer, as it must review and re-request the necessary information and recontact the customer.
- Customer, as transactions are delayed while the failure is responded to and the transaction is completed. This may require conversations between the customer and retailer to establish the correct details of the associated address and MIRN.

This process is different to the process used in other markets, such as Victoria, Queensland, South Australia and New South Wales/Australian Capital Territory. In these markets, each network operator generates a list of all MIRNs and addresses within their distribution area every month and provides it to AEMO to distribute to retailers registered in that market.

Until recently, the MIRN discovery process has sufficed in the Western Australian market, as customers rarely switched between retailers. However, activity has increased since the entry of AGL, Origin Energy and Simply Energy to the Western Australian market, increasing the number of MIRN discovery requests.

AEMO considers that while the complete MIRN listing will not remove the need for some MIRN discovery requests, it will substantially lower the number of requests submitted to the Network Operator. In this way, it will substantially reduce the resources required for generating responses. AEMO considers that the likely effects of the changes are:

- A one-off cost of developing the full MIRN discovery report and delivering it to AEMO incurred by the network operator. It will also incur the cost of sending a file to AEMO each month, a process which can be automated.
- A reduced wait time for MIRN discovery, allowing retailers to manage the next stage in the process directly. Retailers will also require fewer resources to manage MIRN discovery and failure processes.
- An improvement in customer service through a reduction in the number of failures and faster transfer between retailers.

¹⁸ The network operator will need to amend its system to generate the complete MIRN list at the end of each month and send it to AEMO via an agreed transfer method. AEMO will need to provide a file transfer facility for the network operator to submit the list and develop an automated process that will transfer the list to the designated area of each registered retailer.

¹⁹ The delivery point is normally located at the inlet of a gas installation at a customer’s premises or the outlet of a meter at a customer’s premises.

1.2.4.2 *Classification and consultation on a complete MIRN listing*

AEMO classified procedure change proposal IN004/18W as non-substantial, and requiring an ordinary procedure change process. Western Australian gas retail participants that currently do not have access to AEMO's Market Information Bulletin Board will need to organise access. The network operator will need to make system changes to generate the complete MIRN listing. AEMO will need to develop an automated process similar to other jurisdictions to transfer the list from the network operator's area on the Market Information Bulletin Board to all registered retailers areas.

AEMO's classification of the proposal as non-substantial was published on 29 August 2018 in the procedure change request for comment by 27 September 2018. There was no dissent to AEMO's classification of this proposal.

AEMO published a final Impact and Implementation Report for IN004/18W on its website on 12 October 2018 and invited each participant, pipeline operator, prescribed person and interested person to lodge an objection to the proposed amendment by 12 November 2018. No objections were received by AEMO.

AEMO received submissions from AGL and Origin Energy supporting the proposal. AGL noted that it had prepared the request for a procedure change and would like to see it delivered as quickly as possible to minimise customer transfer issues.

Both AGL and Origin noted that the majority of the fields in the proposed T299 transaction were listed as 'optional' and considered that these fields should be 'required' so that the information is provided if it is available.²⁰ Origin Energy considered that this could be denoted by 'R'.

AEMO acknowledged these comments but advised that the suggested value of 'R' is not allowed in the program, which will only accept values of mandatory 'M' or optional 'O'. If a field type is mandatory and there is no value in it, it will result in an error. If a field type is optional a value may not always be present. Optional fields in a MIRN listing may not always be available and the program will not raise an error when this occurs.

To address AGL and Origin Energy's concerns, AEMO amended the description of the format of the Complete MIRN Listing (T299) document to make it clear that the network operator must ensure that all data fields in Transaction 299 that are available in the network database are transferred to the Complete MIRN listing:

"The Network Operator must ensure that all data fields as per Transaction 299 that are available in their database are transferred to the Complete MIRN listing."

AGL suggested that AEMO's wording could be clearer and proposed the following text:

"The Network Operator must ensure that all data fields as per Transaction 299 that are available in their database are transferred to the Complete MIRN listing irrespective of whether the data field is designated as O (optional) in the table for T299."

AEMO acknowledged AGL's feedback and advised that the description of the format of the complete MIRN listing was updated to reflect the requests from this change. However, the amendment was not updated in the final proposal.

²⁰ AGL understands that other networks provide the information if it is available.

AGL suggested further minor edits, capitalising certain terms throughout the description, which were included in the final proposal by AEMO.

AEMO notified the market that it had submitted the procedure change proposal to the ERA for approval on 27 November 2018 and invited submissions by 8 January 2019. The ERA received one submission from AGL supporting this proposal.

1.2.4.3 The ERA's assessment of the proposal for a complete MIRN listing

The amendment under IN004/18W will implement a tested process for ensuring successful transfer of customers between retailers that is already employed in other jurisdictions. In a growing Western Australian market, it will create efficiencies in the time and resources needed to undertake the MIRN discovery process, benefitting the network operator, retailers and customers.

The required consultation occurred with each person and there has not been any dissent to the proposed amendments. The ERA therefore considers that each person has agreed to the amendments proposed under IN004/18W.

However, as set out above, AEMO omitted to make an update to the text describing the Complete MIRN Listing (T299) for Western Australia. The ERA requests that the wording describing the Complete MIRN Listing (T299) for Western Australia is amended to reflect AEMO's decision to adopt AGL's proposed text.

The ERA also notes that, while the amendment in IN004/18W contains clauses requiring that the complete MIRN listing is accessed and used solely to confirm customer address and MIRN details,²¹ and that explicit informed consent is obtained from the customer,²² there is no requirement for audit of this process.

Without the need for audit of this process, as prescribed for other clauses requiring users to obtain explicit informed consent in the Retail Market Procedures,²³ there is no regulatory oversight to ensure that there are no negative consequences for customers²⁴ or that competition in the market is not adversely affected.²⁵

In approving an amendment to a retail market scheme, the ERA must be satisfied that if the amendment is made, the provisions of the scheme will comply with the Act and ensure that the retail gas market that is supplied through that system is regulated and operates in a manner that is open and competitive, efficient and fair to gas market participant and their customers. For the reasons set out above, the ERA is not satisfied that the requirements under the Act have been met for proposal IN004/18W.

²¹ See proposed clause 74A(c).

²² See proposed clause 74A(d).

²³ See Procedure 350(2), which requires that for each calendar year, a user must appoint an auditor to undertake a negative assurance audit of the user's compliance during the year with clauses 55A, 72(1), 72(4), 79(1), 79(4), 166A and 349.

²⁴ That is, that a customer's information is used for purposes other than the actions consented to by the customer, as described in proposed procedure 74A(c).

²⁵ For example, by retailers accessing the MIRN listing without obtaining explicit informed consent from customers and for purposes other than crosschecking customer information.

Where an amendment to the scheme is submitted to the ERA, the ERA can approve it, request that it be changed and approve it in a changed form, or refuse to approve it. The ERA has chosen to refuse procedure change proposal IN004/18W in its current form.

Given the benefits of implementing access to users of a complete MIRN listing, the ERA requests that AEMO revisits the Retail Market Procedures to ensure that all customer protection mechanisms are updated to reflect the requirements in the new procedure 74A and that competition is safeguarded, before resubmitting the proposal to the ERA for approval.

1.2.5 IN005/18W – Notification of error by previous user

1.2.5.1 *Rationale and proposal for the notification of an error by the previous user*

Clause 32 of the Retail Market Procedures sets out the process that is followed when a current user²⁶ becomes aware of an error in standing data. This is when they have lodged an incorrect transfer request with AEMO, or the network operator has lodged an incorrect delivery point transaction with AEMO.

Often, it is the previous user that first becomes aware of the error because of the incorrect customer being transferred by the current user. In this case, an informal process usually follows, with the previous user contacting the current user to inform them of the possible error. Investigations by the current user can be slow and it can be a month or more before the current user notifies the previous user of the outcome.

This can significantly affect the customer, who is left confused as to which user they are currently supplied by, and who may receive bills from a user they have not entered into a contract with.

Rule change proposal IN005/18W proposes to amend clause 32 to:

- Add a subclause 32(1)(c) requiring that if a previous user notifies a current user of a transfer error, the current user must investigate it and notify the previous user of the outcome.
- Amend clause 32(1) and 32(2) to include a time limit of ten business days and the requirement to complete the task as soon as is practicable.

AEMO considered that the benefit of the proposal is that it will introduce a formal process and time limit ensuring potential transfer errors are investigated and resolved in a timely manner.

1.2.5.2 *Classification and consultation on the notification of an error by the previous user*

At a meeting of the Procedure Change Committee on 24 August 2018, AEMO proposed that procedure change proposal IN005/18W was a non-substantial change to the procedures and that the expedited process for making procedures should be employed. AEMO's classification of the proposal was published on 20 August 2018 in the procedure change request for comment by 21 September 2018. There were no dissenting views on AEMO's classification of the proposal.

²⁶ A user is a gas retailer.

AEMO published a final Impact and Implementation Report for IN005/18W on its website on 5 October 2018 and invited each participant, pipeline operator, prescribed person and interested person to lodge an objection to the proposed amendment by 26 October 2018. No objections were received by AEMO.

AEMO received submissions from AGL and Origin Energy supporting the proposed changes. However, both Origin and AGL noted that both the current and previous users are now identified in a transfer transaction,²⁷ and questioned the relevance of AEMO involvement in this process.

Origin further considered that it would be beneficial to have the work flow mapped out so that each participant can understand the process.

AEMO notified the market that it had submitted the procedure change proposal to the ERA for approval on 27 November 2018 and invited submissions by 8 January 2019. The ERA received one submission from AGL supporting this proposal.

1.2.5.3 The ERA's assessment of the proposal for the notification of an error by the previous user

In its initial assessment of procedure change proposal IN005/18W, the ERA identified multiple drafting errors. There were numbering errors and changes to one clause in the process did not flow through to other related clauses.

Following discussions with Alinta and AEMO, and in the interest of avoiding having to re-run a lengthy procedure change process for a proposal that had tacit support from market participants, AEMO committed to working with Alinta and Western Australian market participants to amend these drafting errors and resubmit the proposal in an amended form. On 11 January 2019, AEMO sent a draft of the rewording of clause 32 in IN005/18W to all Western Australian participants requesting feedback on this wording by 16 January 2019.

As part of this consultation process, Simply Energy and Kleenheat suggested further changes to ensure that the '10 business days' timeframe has a clear starting point in all cases. AEMO recirculated the proposed changes for consensus by close of business on 16 January 2019. AEMO received approval from Alinta, AGL, Origin, Kleenheat, Synergy, ATCO and Simply Energy.

The amended version removed all drafting errors, including incorrect numbering and changes to one clause in the process that did not flow through to other related clauses. Consistent with the intent of the original proposal, the amended version of IN005/18W included a clause providing for a previous user to notify a current user of a transfer error, and required that the current user must investigate it and notify the previous user of the outcome. Time limits of ten business days were also imposed in each clause to ensure that required tasks are completed within a reasonable timeframe.

Where an amendment to the scheme is submitted to the ERA, the ERA can request that it be changed and approve it in a changed form. The ERA requests that the original proposal be amended to reflect the new version of the proposal, submitted to the ERA by AEMO on 16 January 2019 and supported by the Western Australian market Participants. Appendix 1 provides an overview of the errors identified by the ERA in the original proposal, and the required amendments for approval of IN005/18W.

²⁷ Following approval of procedure change proposal IN003/17W by the ERA in April 2018.

The ERA considers that the scheme will continue to comply with the Act following amendment to clause 32. The amendment under IN005/18W provides a clear and understandable process ensuring that customer transfer errors are attended to in a timely manner, benefiting retailers and their customers.

The required consultation occurred with each person and there has not been any dissent to the final proposed amendments. The ERA therefore considers that each person has agreed to the amendments in the new proposal under IN005/18W.

The ERA is satisfied that through the final amendments proposed under IN005/18W on 16 January 2019, the provisions of the scheme will continue to ensure regulation of the market and that market operation is open and competitive, efficient, and fair to gas market participants and their customers.

Conclusion

The ERA considers that the proposed amendments to the scheme in procedure change proposals IN002/18W, IN003/18W and IN005/18W meet the requirements for approval in accordance with sections 11ZOO and 11ZOP of the Act.

In accordance with section 11ZOM of the Act, the ERA approves the amendments proposed in procedure change proposals IN002/18W, IN003/18W and IN005/18W, subject to the changes set out by the ERA in Appendix 1 of this decision paper.

The ERA considers that the proposed amendments in procedure change proposal IN004/18W do not meet the requirements for approval in accordance with sections 11ZOO and 11ZOP of the Act and require further consideration before being resubmitted to the ERA for approval. The ERA asks that AEMO consider whether all customer protection mechanisms in the Retail Market Procedures are updated to reflect the proposed requirements in the new procedure 74A and that competition is safeguarded, prior to resubmitting this proposal for approval.

Appendix 1 ERA Amendments to Procedure Change Proposals IN002/18W to IN005/18W

The following amendments are required to procedure change proposals IN002/18W to IN005/18W in order for ERA approval of the changes set out in each proposal.

IN002/18W

Final AEMO proposed amendments in track changes, including feedback from AGL

Red ~~strikeout~~ means “delete” and blue underline means “insert”

322. Independence of compliance panel

- (1) Except as provided in clause 1(2), the *compliance panel* is independent of direction or control by *AEMO* or any *participant*, *pipeline operator* or *prescribed person* in the performance of its functions.
- (2) AEMO may give written directions to the compliance panel chairperson to the extent allowed by clause 1(3), and the compliance panel chairperson must give effect to any such direction.
- (3) Directions under clause 1(2) —
 - (a) may relate only to general policies to be followed by the *compliance panel* in matters of administration, including financial administration; and
 - (b) cannot constrain the *compliance panel* with respect to the performance of any function referred to in clause (a)a(1)1.323.
- (4) If a direction is given under clause 1(2), then *AEMO* must give a copy of the direction to each *participant*, *pipeline operator* or *prescribed person*, and to any other *interested person* who requests a copy.

323. Functions of the compliance panel

The functions of the *compliance panel* are to hear and make determinations on matters referred to it by *AEMO* or a *participant* regarding:

2. alleged breaches of the *procedures*; or
3. the interpretation of the *procedures*; or
4. any other matter that can be referred to the *compliance panel* under these *procedures*.

323A. ~~Annual~~ Meeting

(1) The *compliance panel* must meet: if AEMO, a scheme participant, pipeline operator or prescribed person informs the Chair of the compliance panel in writing that they wish to bring a matter before the compliance panel for discussion.

~~(a) at least once in each calendar year; and~~

~~(b) more frequently if AEMO or a Scheme participant informs the Chair of the compliance panel in writing that they wish to bring a matter before the compliance panel for discussion.~~

IN002/18W

ERA approved process

Numbering and wording amendments to the proposal in orange underline.

322. Independence of compliance panel

- (1) Except as provided in clause 322(2), the *compliance panel* is independent of direction or control by *AEMO* or any *participant*, *pipeline operator* or *prescribed person* in the performance of its functions.
- (2) *AEMO* may give written directions to the compliance panel chairperson to the extent allowed by clause 322(3), and the compliance panel chairperson must give effect to any such direction.
- (3) Directions under clause 322(2) —
 - (a) may relate only to general policies to be followed by the *compliance panel* in matters of administration, including financial administration; and
 - (b) cannot constrain the *compliance panel* with respect to the performance of any function referred to in clause 323.
- (4) If a direction is given under clause 322(2), then *AEMO* must give a copy of the direction to each *participant*, *pipeline operator* or *prescribed person*, and to any other *interested person* who requests a copy.

323. Functions of the compliance panel

The functions of the *compliance panel* are to hear and make determinations on matters referred to it by *AEMO* or a *participant* regarding:

- (a) alleged breaches of the *procedures*; or
- (b) the interpretation of the *procedures*; or
- (c) any other matter that can be referred to the *compliance panel* under these *procedures*.

323A. Meeting

- (1) The *compliance panel* must meet if *AEMO* or a *scheme participant* inform the Chair of the *compliance panel* in writing that they wish to bring a matter before the *compliance panel* for discussion.

IN003/18W

Final AEMO proposed amendments to clause 14 in track changes

Blue underline means “insert”

14 Other Instruments

- (1) Each person required to comply with these procedures, must also comply with the following documents (as applicable):
 - (a) the *AEMO Specification Pack*, but not the portions of the *AEMO Specification Pack* that apply only in South Australia; and
 - (b) *FRC Hub Operational Terms and Conditions*.
- (2) For the avoidance of doubt, Chapter 9 and the *procedure* change process under these *procedures* do apply to any amendment made to the documents listed in clause 2(1)(a), but not to the document listed in 14(1)(b) or to the portions of the *AEMO Specification Pack* that apply only in South Australia.
- (3) In the event of any inconsistency between the provisions of these *procedures* and either of the documents listed in clause 2(1), the inconsistency is to be resolved by giving precedence to these *procedures* and then each of the other documents shall be read in the order of precedence as listed in clause 2(1).
- (4) AEMO must publish the *AEMO Specification Pack* and the *FRC Hub Operational Terms and Conditions*, as amended from time to time.
- (5) If a User or Network Operator or AEMO becomes aware of an addition to the aseXML Schema enumerated address based identifiers, as soon as practicable after becoming aware of the change the relevant User or Network Operator or AEMO must:
 - (a) Ensure that this new address based identifier is added to the aseXML Schema enumerated address based identifiers using the rapid change process as set out in the ASWG Change Management Process as published on the AEMO website; and
 - (b) Where there has been an update to the aseXML Schema enumerated address based identifiers, provide a notice via the FRC Hub broadcast email distribution list that an addition to the list has been implemented; and
 - (c) Where a User or Network Operator or AEMO has received a notice as set out in clause 14(5)(b), AEMO, all Users and Network Operators must use reasonable endeavours to implement the updated enumerations file within 10 business days but no later than 35 business days.

IN003/18W

ERA approved clause 14

Numbering and wording amendments in orange underline.

14 Other Instruments

- (1) Each person required to comply with these procedures, must also comply with the following documents (as applicable):
 - (a) the *AEMO Specification Pack*, but not the portions of the *AEMO Specification Pack* that apply only in South Australia; and
 - (b) *FRC Hub Operational Terms and Conditions*.
- (2) For the avoidance of doubt, Chapter 9 and the *procedure* change process under these *procedures* do apply to any amendment made to the documents listed in clause 14(1)(a), but not to the document listed in 14(1)(b) or to the portions of the *AEMO Specification Pack* that apply only in South Australia.
- (3) In the event of any inconsistency between the provisions of these *procedures* and either of the documents listed in clause 14(1), the inconsistency is to be resolved by giving precedence to these *procedures* and then each of the other documents shall be read in the order of precedence as listed in clause 14(1).
- (4) AEMO must publish the *AEMO Specification Pack* and the *FRC Hub Operational Terms and Conditions*, as amended from time to time.
- (5) If a *User* or *Network Operator* or AEMO becomes aware of an addition needed to the aseXML Schema enumerated *address based identifiers*, as soon as practicable after becoming aware of the change, the relevant *User* or *Network Operator* or AEMO must:
 - (a) Ensure that the ASWG is advised of this new *address based identifier* for addition to the aseXML Schema enumerated *address based identifiers* using the rapid change process, as set out in the ASWG Change Management Process published on the AEMO website.
- (6) Where there has been an update to the aseXML Schema enumerated *address based identifiers*, AEMO must provide a notice via the *FRC Hub* broadcast email distribution list that an addition to the list has been implemented.
- (7) Where a *User* or *Network Operator* has received a notice as set out in clause 14(6), it must use reasonable endeavours to implement the updated enumerations file within 10 *business days* but no later than 35 *business days*.

IN005/18W

Original AEMO proposed amendments to clause 32 in track changes

Red ~~strikeout~~ means “delete” and blue underline means “insert”

32. Error correction notice

(1) If a *current user* becomes aware of an error or inaccuracy in an item of the *AEMO standing data* as the result of:

(a) lodging an incorrect *transfer request* with AEMO, then the *current user* must as soon as practicable and in any event within 10 business days notify the *previous user* of this fact. ~~If the current user does not know the identity of the previous user then:~~

(i) There is no clause 32(1)(a)(i)

(i) the *current user* must as soon as practicable and in any event within 10 business days notify AEMO and request ~~AEMO to notify it of the identity of the previous user. The current user's request must include the following details:~~

~~A. the MIRN for the relevant delivery point;~~

~~B. the GBO identification of the person lodging the notice;~~

~~C. the date the transfer request was completed (being the transfer day on which the transfer was purported to have occurred).~~

(ii) within one *business day* of receiving a *notice* under clause 32(1)(a)(~~i~~) AEMO must confirm that:

A. the person lodging the notice is the *current user*;

B. the *delivery point* exists within the *AEMO Registry*; and

C. a *transfer* was completed on the day referred to in the *notice*; and

(i) if AEMO is able to confirm these matters, *notify* the *current user* of the identity of the *previous user*; or

if AEMO is not able to confirm the matters in clause 32(1)(a)(ii), then within one *business day* of receiving a *notice* under clause 32(1)(a)(~~i~~) AEMO must *notify* the *current user*.

(ii) As soon as practicable after receiving a *notice* under clause 32(1)(a)(ii), the *current user* must *notify* the *previous user* that it has become aware of an error or inaccuracy in an item of *AEMO standing data* as a result of lodging an incorrect *transfer request*;

(a) the *network operator* having lodged an incorrect *delivery point transaction* with AEMO in respect of *new connection confirmation notice* or *permanent removal confirmation notice* — the *current user* must as

soon as practicable and in any event within 10 business days notify the *network operator* of this fact.

(b) the previous user notifying the current user of the error or inaccuracy, then the current user must investigate the error or inaccuracy and notify the previous user of the outcome as soon as practicable and in any event within 10 business days.

(2) If a *previous user* is notified under clause 32(1)(a) or clause 32(1)(c) it may as soon as practicable and in any event within 10 business days lodge an *error correction notice* for the *delivery point* with *AEMO*.

Final AEMO proposed amendments to clause 32 in track changes

32. Error correction notice

(1) If a *current user* becomes aware of an error or inaccuracy in an item of the *AEMO standing data* as ~~a~~^{the} result of:

- (a) lodging an incorrect *transfer request* with *AEMO*, then the *current user* must as soon as practicable and in any event within 10 business days of becoming aware, notify the *previous user* of this fact. The previous user must as soon as practicable and in any event within 10 business days of being notified, investigate the error or inaccuracy. ~~If the current user does not know the identity of the previous user then:~~

(i) There is no clause 32(1)(a)(i)

- ~~(i) — the current user must as soon as practicable and in any event within 10 business days notify AEMO and request AEMO to notify it of the identity of the previous user. The current user's request must include the following details:~~

- ~~A. — the MIRN for the relevant delivery point;~~
~~B. — the GBO identification of the person lodging the notice;~~
~~C. — the date the transfer request was completed (being the transfer day on which the transfer was purported to have occurred).~~

(ii) There is no clause 32(1)(a)(ii)

- ~~(ii) — within one business day of receiving a notice under clause 32(1)(a)(i) AEMO must confirm that:~~

- ~~A. — the person lodging the notice is the current user;~~
~~B. — the delivery point exists within the AEMO Registry; and~~
~~C. — a transfer was completed on the day referred to in the notice; and~~

(iii) There is no clause 32(1)(a)(iii)

- ~~(iii) — if AEMO is able to confirm these matters, notify the current user of the identity of the previous user; or~~

~~if AEMO is not able to confirm the matters in clause 32(1)(a)(ii), then within one business day of receiving a notice under clause 32(1)(a)(i) AEMO must notify the current user.~~

(iv) There is no clause 32(1)(a)(iv)

- ~~(iv) — As soon as practicable after receiving a notice under clause 32(1)(a)(ii), the current user must notify the previous user that it has become aware of an error or inaccuracy in an item of AEMO standing data as a result of lodging an incorrect transfer request;~~
- (b) the *network operator* having lodged an incorrect *delivery point transaction* with AEMO in respect of *new connection confirmation notice* or *permanent removal confirmation notice* — the *current user* must as soon as practicable and in any event within 10 business days of becoming aware, notify the *network operator* of this fact.
- (c) the previous user notifying the current user of the error or inaccuracy, then the current user must investigate the error or inaccuracy and notify the previous user of the outcome as soon as practicable and in any event within 10 business days of being notified.
- (2) If a *previous user* is notified under clause 32(1)(a) or clause 32(1)(c) and chooses to lodge an *error correction notice* for the *delivery point* with AEMO then it must do so ~~it may~~ as soon as practicable and in any event within 10 *business days* of being notified by the *current user* ~~lodge an error correction notice for the delivery point with AEMO.~~

ERA approved amendment to clause 32

Wording amendment to the proposal in orange underline.

32. Error correction notice

(1) If a *current user* becomes aware of an error or inaccuracy in an item of the *AEMO standing data* as a result of:

- (a) lodging an incorrect *transfer request* with *AEMO*, then the *current user* must as soon as practicable and in any event within 10 *business days* notify the *previous user* of this fact. The *previous user* must as soon as practicable and in any event within 10 *business days* investigate the error or inaccuracy.
 - (i) There is no clause 32(1)(a)(i)
 - (ii) There is no clause 32(1)(a)(ii)
 - (iii) There is no clause 32(1)(a)(iii)
 - (iv) There is no clause 32(1)(a)(iv)
- (b) the *network operator* having lodged an incorrect *delivery point transaction* with *AEMO* in respect of a new connection confirmation notice or *permanent removal confirmation notice* — the *current user* must as soon as practicable and in any event within 10 *business days* notify the *network operator* of this fact.
- (c) the *previous user* notifying the *current user* of the error or inaccuracy, then the *current user* must investigate the error or inaccuracy and notify the *previous user* of the outcome as soon as practicable and in any event within 10 *business days*.

(2) If a *previous user* is notified under clause 32(1)(a) or clause 32(1)(c) and chooses to lodge an *error correction notice* for the *delivery point* with *AEMO* then it must do so as soon as practicable and in any event within 10 *business days* of being notified by the *current user*.