

## Commencement Notice: Wholesale Electricity Market Rules

Amending Rules RC\_2018\_05

**These Amending Rules were made under the *Electricity Industry Act 2004* and the *Electricity Industry (Wholesale Electricity Market) Regulations 2004* on 7 April 2020.**

**These Amending Rules commence at 8:00 AM on 21 July 2020.**

The following clauses are amended (~~deleted wording~~, new wording):

- 2.13.3A. AEMO must co-operate with the Economic Regulation Authority and facilitate any processes and systems put in place by the Economic Regulation Authority under clause 2.13.3, including by providing any market related data, information and document produced or exchanged in accordance with the Market Rules or Market Procedures in AEMO's possession or control (including in AEMO's role as System Management) that the Economic Regulation Authority has reason to believe may assist the Economic Regulation Authority to monitor Rule Participants' behaviour for compliance with the provisions of the Market Rules and Market Procedures.
- 2.13.3B. The Economic Regulation Authority must disclose the market related data, information or documents provided by AEMO to the Economic Regulation Authority as part of the systems and processes the Economic Regulation Authority must have in place in accordance with clause 2.13.3A as follows:
- (a) where AEMO periodically provides market related data, information or documents as part of the systems and processes in place under clause 2.13.3A, publishing the types of market related data, information or documents provided on the Economic Regulation Authority's website in as much detail as the Economic Regulation Authority considers is reasonably practicable;
- (b) where the Economic Regulation Authority requests AEMO to provide the Economic Regulation Authority with market related data, information or documents in accordance with clause 2.13.3A and the market related data, information or documents:
- i. is not one of the types disclosed under clause 2.13.3B(a); and
- ii. relate to a specific Rule Participant (or group of Rule Participants), then the Economic Regulation Authority must notify that Rule Participant (or group of Rule Participants).
- ...
- 2.13.9A. AEMO must support the Economic Regulation Authority's function of monitoring Rule Participants' behaviour for compliance with the provisions of the Market Rules

~~(other than a provision of the Market Rules referred to in clause 2.13.9)~~ and the Market Procedures.

- 2.13.9B. AEMO must ensure it has processes and systems in place to allow it to support the Economic Regulation Authority's monitoring of Rule Participants' behaviour, including processes and systems to provide the Economic Regulation Authority with data, information and documents under clause 2.13.3A.

...

- 2.15.4. ~~[Blank]~~The monitoring processes referred to in clause 2.15.3(a) that are to be specified in the Market Procedure specified in clause 2.15.1 must include, where the Economic Regulation Authority has identified an alleged breach by a Rule Participant:
- (a) a requirement for notice to be given by the Economic Regulation Authority to that Rule Participant that identifies the alleged breach; and
  - (b) a process through which the Rule Participant may make submissions to the Economic Regulation Authority to explain the alleged breach, prior to the Economic Regulation Authority reaching a decision on whether a Rule Participant has breached the Market Rules.

...

- 2.16.9G. ~~[Blank]~~Where the Economic Regulation Authority determines pursuant to the investigation under clause 2.16.9B that:
- (a) prices offered in the Portfolio Supply Curve, the subject of the investigation, did not reflect the Market Generator's reasonable expectation of the short run marginal cost of generating the relevant electricity;
  - (b) prices offered in a Balancing Submission, the subject of the investigation, exceeded the Market Generator's reasonable expectation of the short run marginal cost of generating the relevant electricity; or
  - (c) prices offered in the LFAS Submission, the subject of the investigation, exceeded the Market Generator's reasonable expectation of the incremental change in short run marginal cost incurred by the LFAS Facility in providing the relevant LFAS,
- and that the behaviour related to market power, the Economic Regulation Authority may bring proceedings before the Electricity Review Board.

...

- 2.16.14. The Economic Regulation Authority ~~must~~may use any information collected under this ~~clause~~section 2.16, including information provided to it by AEMO, ~~only~~ for the purpose of carrying out any of its functions under the Market Rules~~this clause 2.16~~. The Economic Regulation Authority must treat information collected under this section 2.16 as confidential and must not publish any of that information other than in accordance with this ~~clause~~section 2.16 or where required in the performance of the Economic Regulation Authority's functions under the Market Rules. AEMO

must use information provided to it by the Economic Regulation Authority under clause 2.16.6(c) only for the purpose of carrying out its functions under this ~~clause~~section 2.16. AEMO must treat information provided to it by the Economic Regulation Authority under clause 2.16.6(c) as confidential and must not publish any of that information other than in accordance with this ~~clause~~section 2.16.

...