



Economic Regulation Authority

WEM Procedure

Portfolio Assessment

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VERSION HISTORY

Version	Effective Date	Notes
1	1 October 2023	Creation of WEM Procedure for New Market (Procedure Change Proposal EEPC_2023_02)
2	27 November 2024	Update following FCESS review associated rule changes made by Wholesale Electricity Market Amendment (FCESS Cost Review) Rules 2024
3	1 July 2026	Updated reference to Electricity System and Market Rules (from the previous Wholesale Electricity Market Rules). Updated example in Explanatory Note 1 to provide further clarification about how Facilities are allocated to Portfolios. The form to request guidance about the Offer Construction Guideline has been changed to a link to the ERA's website where the form can be requested. Removed the wording on 'practical influence' test to align with the ESM Rules.

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1. PROCEDURE OVERVIEW

1.1 Relationship with the ESM Rules

- 1.1.1 This WEM Procedure sets out the methodology and processes by which the Economic Regulation Authority (ERA) makes a Portfolio Assessment determination in accordance with the *Electricity System and Market Rules* (ESM Rules) [ESM Rule 2.16D.15].
- 1.1.2 This WEM Procedure: Portfolio Assessment must be read in conjunction with the ESM Rules 2.16A to 2.16E and is made in accordance with the ERA's functions under those Rules.

1.2 Interpretation

- 1.2.1 In this WEM Procedure, unless the contrary intention is expressed:
- (a) Terms used have the same meaning as those given in the ESM Rules (made pursuant) to the Electricity Industry (Electricity System and Market) Regulations 2004 (ESM Regulations).
 - (b) To the extent that this procedure is contrary or inconsistent with the ESM Rules, the ESM Rules shall prevail to the extent of the inconsistency.
 - (c) A reference to the ESM Rules or WEM Procedures includes any associated forms required or contemplated by the ESM Rules or WEM Procedures.
 - (d) Words expressed in the singular include the plural and vice versa.
- 1.2.2 References to the ESM Rules in this Procedure in square brackets [ESM Rule #] are included for convenience only and do not form part of this Procedure.
- 1.2.3 References to the ESM Rules within this WEM Procedure are to the ESM Rules as in force at 1 May 2026.
- 1.2.4 Terms defined in the Electricity Industry Act 2004, the ESM Regulations and the ESM Rules have the same meanings in this Procedure unless the context requires otherwise.

1.3 Purpose of this procedure

- 1.3.1 This WEM Procedure: Portfolio Assessment is developed to meet the requirement of the ESM Rule 2.16D.15 to document:
- (a) The methodologies and processes to be followed by the ERA in relation to:
 - (i) Identifying each Portfolio and Constrained Portfolio operating in the Wholesale Electricity Market pursuant to the ESM Rules 2.16B.1(a) and 2.16B.2, respectively (see section 3);

- (ii) Carrying out the calculations under ESM Rules 2.16C.1(a) and 2.16C.2(a) in relation to identifying each Material Portfolio and Material Constrained Portfolio, respectively (see sections 4.1 and 4.2); and
 - (iii) Monitoring prices offered by a Market Participant under ESM Rule 2.16C.4 and making determinations under ESM Rules 2.16C.6 and 2.16C.7 (see section 2.3) in relation to those price offers.
- (b) The types and format of the information, and level of detail required to be maintained or recorded by a Market Participant to enable the ERA to carry out its monitoring of price offers under ESM Rule 2.16C.4 (see section 5).
 - (c) Details of the processes the ERA and Market Participants must follow in respect to a request for guidance under ESM Rule 2.16D.5 which may include a template that a Market Participant must use for making a request (see section 6).
 - (d) The form and process for making a declaration under clause 2.16B.4.

1.4 Application of this procedure

- 1.4.1 In this WEM Procedure where obligations are conferred on a Rule Participant, that Rule Participant must comply with the relevant obligations [ESM Rule 2.9.8].

1.5 Associated market procedures and guidelines

- 1.5.1 WEM Procedure: Monitoring Protocol (ERA Procedure)
- 1.5.2 WEM Procedure: ERA triggering the SESSM (ERA Procedure)
- 1.5.3 Offer Construction Guideline
- 1.5.4 Trading Conduct Guideline

1.6 Conventions used

- 1.6.1 In this WEM Procedure, the conventions specified in ESM Rules 1.3 to 1.5 apply.
- 1.6.2 Explanation boxes, headings and comments, including those in footnotes are for convenience only and do not affect the interpretation of these ESM Rules.

2. PARTICIPANT OBLIGATIONS

2.1 General trading obligations

- 2.1.1 Market Participants are prohibited from:
 - (a) Engaging in conduct in the STEM or Real-Time Market that:

- (i) Is false, misleading or deceptive, or likely to mislead or deceive.
- (ii) Is fraudulent, dishonest or in bad faith.
- (iii) Has the purpose, or has or is likely to have the effect, of distorting or manipulating prices in the WEM.

[ESM Rule 2.16A.3].

- (b) Making an Irregular Price Offer in their Real-Time Market Submissions or STEM Portfolio Supply Curve that results in an inefficient market outcome. [ESM Rule 2.16C.5]. [The Offer Construction Guideline provides information on constructing offers in a way that does not result in inefficient market outcomes.]

2.2 ERA Guidelines

2.2.1 To help guide Market Participants on their general trading obligations (as outlined in section 2.1.1 of this Procedure), the ERA maintains an Offer Construction Guideline and Trading Conduct Guideline in accordance with ESM Rule 2.16D.1.¹

2.2.2 The ERA may amend any of these guidelines at any time consistent with the procedure set out under ESM Rule 2.16D. The ERA may amend the guidelines in situations including:

- (a) When new technologies with materially different cost components enter the market.
- (b) As a result of new information gathered as part of the Supplementary Essential System Services Mechanism.
- (c) Following any judicial or quasi-judicial decisions relating to matters covered by the guidelines.

2.3 ERA Monitoring and Investigation

2.3.1 The ERA's WEM Procedure Monitoring Protocol sets out how the ERA will monitor, investigate and enforce compliance with the ESM Rules and WEM Procedures.² The ERA will conduct any investigation of suspected breaches in accordance with the WEM Procedure Monitoring Protocol and ESM Rule 2.13.27.

2.3.2 When monitoring compliance with the price offer obligations, the ERA monitors:

¹ Economic Regulation Authority, 1 February 2025, Offer Construction Guideline, ([online](#)).

Economic Regulation Authority, 1 February 2025, Trading Conduct Guideline, ([online](#)).

² Economic Regulation Authority, 14 September 2023, WEM Procedure Monitoring Protocol, ([online](#)).

- (a) The prices offered by a Market Participant in its STEM Portfolio Supply Curve.³
- (b) The prices offered by a Market Participant in its Real-Time Market Submissions for each of its Registered Facilities.⁴

[ESM Rule 2.16C.4].

2.3.3 To determine if a Market Participant has not met the obligations under Section 2.16A of the ESM Rules, the ERA will consider if:

- (a) The price offered was an Irregular Price Offer [ESM Rule 2.16C.6].
- (b) The Irregular Price Offer resulted in an inefficient market outcome [ESM Rules 2.16C.5 and 2.16C.7].

2.3.4 In determining whether a Market Participant has engaged in conduct prohibited by ESM Rule 2.16A.3, the ERA may consider:

- (a) Historical STEM Submissions or Real-Time Market Submissions made by the Market Participant with effect on or after the New WEM Commencement Day, including changes to STEM Submissions and Real-Time Market Submissions in which there is, or there appears to be, a pattern of behaviour that may indicate such conduct was engaged in.
- (b) The timeliness and accuracy of a Market Participant's Forced Outage notifications.
- (c) Information regarding whether the Market Participant did not comply with a Dispatch Instruction in respect of its Facility and the reasons for the non-compliance.
- (d) Any other information the ERA considers relevant to its determination.

[ESM Rule 2.16A.4]

2.3.5 The ERA may consider that a Market Participant made a STEM Submission or a Real-Time Market Submission in bad faith notwithstanding that the intention of the Market Participant is ascertainable only by inference from:

- (a) the conduct of the Market Participant
- (b) the conduct of any other person
- (c) the relevant circumstances.

[ESM Rule 2.16A.6]

³ The process for the ERA to determine Material Portfolios is provided in section 3 of this WEM Procedure.

⁴ The process for the ERA to determine Material Constrained Portfolios is provided in section 3 of this WEM Procedure.

- 2.3.6 The ERA must investigate and determine, whether an Irregular Price Offer has resulted in an inefficient market outcome, no later than six months from the day the ERA commenced its investigation [ESM Rule 2.16C.8 and ESM Rule 2.16C.8A].

3. PORTFOLIO ASSESSMENT [ESM RULE 2.16B]

3.1 Annual ERA assessment of portfolios

- 3.1.1 Declarations from Market Participants required by paragraphs 3.1.4 and 3.1.5 of this WEM Procedure, must be provided to the ERA, by the Market Participant, by 1 August of each year [ESM Rule 2.16B.4(a)].
- 3.1.2 The ERA will by 1 October of each year, identify each Portfolio operating in the WEM by applying the following principles:
- (a) Each Scheduled Facility, Semi-Scheduled Facility and Non-Scheduled Facility must be allocated to a Portfolio.
 - (b) Registered Facilities which are registered to the same Market Participant, or wholly or partly owned by the same entity (either directly or indirectly), or wholly or partly controlled by the same entity (either directly or indirectly), must be allocated to the same Portfolio.
 - (c) A Registered Facility must not be allocated to a Portfolio containing another Registered Facility unless it is required by ESM Rule 2.16B.1(a)(iv).
- [ESM Rule 2.16B.1(a)]
- 3.1.3 The ERA will use the Facility registration information provided by AEMO, and as recorded on the AEMO website.⁵
- 3.1.4 Market Participants must declare to the ERA the list of Facilities registered to all of their associated entities and the parent entity by completing the form provided in Appendix 2.
- 3.1.5 Market Participants must declare to the ERA their control of any Registered Facilities that are registered to another Market Participant by completing the form provided in Appendix 2.
- 3.1.6 A Market Participant is deemed to have control of a Registered Facility where the Market Participant:
- (a) Can determine the outcome of decisions about financial and operating policies that influence Market Submissions.
 - (b) Has the authority to directly or indirectly control Market Submissions to the STEM or Real-Time Market.

⁵ Australian Energy Market Operator, 'Market Data Western Australia – Facilities', ([online](#)) [accessed 10 June 2026].

- 3.1.7 A Registered Facility could be deemed to be controlled by more than one Market Participant. This means that a Registered Facility may belong to more than one Portfolio.
- 3.1.8 When identifying which Market Participant or other entity has control of a Registered Facility, the ERA will, among other matters, consider:
- (a) The authority of the Market Participant, its associated entity or other entity, to introduce and implement financial or operating policies for the Registered Facility.
- 3.1.9 Where multiple Market Participants or other entities have the authority to control a Facility's offers to the WEM, the Market Participant to whom the Facility is registered is responsible for advising the ERA which Market Participant or entity has operational control of the Facility.

Explanatory Note 1

When allocating an individual Facility to a Portfolio, the ERA considers the Market Participant or entity to whom the Facility is:

- Registered; or
- Owned; or
- Controlled.

In many cases, Portfolios will comprise of Facilities registered to the same Market Participant, because many Facilities are registered to Market Participants that operationally control and own Facilities.

However, sometimes, Facilities registered to different Market Participants will be assigned to the same Portfolio based on shared ownership or control structures. To help demonstrate this point, the example below shows a range of possible ownership, control and registration structures.

In this example:

FAC_A and FAC_B share the same ownership interests (Owner_R & Owner_S) and are controlled by the same entity (Controller_X). However, they are registered to different Market Participants (MP_001 & MP_002).

FAC_C shares a common owner (Owner_S) with FAC_A and FAC_B, creating a link between the Facilities. Although FAC_C is registered to a different Market Participant (MP_003), the shared ownership interest means it may still form part of the same Portfolio as A and B under the ERA's assessment.

FAC_D does not share any ownership or control relationships with the other Facilities and therefore forms its own standalone Portfolio.

This example demonstrates how Portfolios may include Facilities registered to different Market Participants where ownership or control connections exist, and how Facilities with no such relationships will be allocated to separate Portfolios.

Table 1

Facility	Market Participant	Owner 1	Owner 2	Owner 3	Controller
FAC_A	MP_001	Owner_R	Owner_S		Controller_X
FAC_B	MP_002	Owner_R	Owner_S		Controller_X
FAC_C	MP_003	Owner_T	Owner_S		MP_003
FAC_D	MP_004	Owner_U	Owner_V	Owner_W	MP_004

Based on the analysis in Table 1, we are able to allocate Facilities to the following Portfolios:

Table 2

Portfolio_1	Portfolio_2	Portfolio_3
FAC_A FAC_B	FAC_A FAC_B FAC_C	FAC_D

FAC_A and FAC_B are allocated to Portfolio_1 based on shared ownership and shared control structures.

FAC_A, FAC_B and FAC_C are allocated to Portfolio_2 based on common ownership.

FAC_D is allocated to its own Portfolio because it does not share common ownership or control with any other Facility.

- 3.1.10 The ERA will publish a list on its website specifying the name of each Registered Facility within each identified Portfolio, within 10 Business Days of identifying each Portfolio [ESM Rule 2.16B.1(b)] and within 20 Business Days of a declaration provided under ESM Rules 2.16B.4(b) or 2.16B.4(c), update the published list [ESM Rule 2.16B.5].

- (a) Any list published on the ERA website will be included in a Portfolio Assessment report.

Updates to the list of identified Portfolios

- 3.1.11 In addition to the obligation for Market Participants to provide declarations to the ERA by 1 August each year (see 3.1.1), Market Participants must provide declarations to the ERA:

- (a) Within 30 Business Days of registering a new Scheduled Facility, Semi-Scheduled Facility or Non-Scheduled Facility; and
- (b) Within 30 Business Days of a change in registration or ownership of a Scheduled Facility, Semi-Scheduled Facility or Non-scheduled Facility currently registered in the WEM.

[ESM Rule 2.16B.4]

- 3.1.12 A declaration by a Market Participant in accordance with paragraph 3.1.11 is to be made by completing the form provided in Appendix 2. [ESM Rule 2.16D.15(d)]

- 3.1.13 Within 20 Business Days of receiving a declaration from a Market Participant under 3.1.11(a) or (b), the ERA must update the list of Portfolios.

[ESM Rule 2.16B.5]

Confidentiality of Information

Information provided by Market Participants relating to ownership, registration and/or control of a Facility will be considered Public Information by the ERA unless the Market Participant considers the information to be Confidential Information and makes a submission as set out in ESM Rule 10.2.7.

Constrained portfolios

3.1.14 Within 20 Business Days of the Settlement Date determined under ESM Rule 9.3.1(d) for the Trading Week containing the last Trading Day of each Rolling Test Window, the ERA will identify:

- (a) Each Constraint Equation for a Network Constraint that bound during one or more Dispatch Intervals in the Rolling Test Window.⁶
- (b) Each Constrained Portfolio for each Constraint Equation identified above. A Constrained Portfolio, for a Constraint Equation, is a set comprising all the Registered Facilities within a single Portfolio that are located behind the relevant Network Constraint.

[ESM Rule 2.16B.2]

3.1.15 The ERA may specify a Registered Facility within more than one Constrained Portfolio [ESM Rule 2.16B.3].

4. PORTFOLIO ASSESSMENTS [ESM RULE 2.16C]

4.1 Material Portfolio Assessment [ESM Rule 2.16C.1]

4.1.1 The ERA will within 10 Business Days of identifying each Portfolio as detailed in section 3.1 of this WEM Procedure, calculate the Portfolio percentage share of the total maximum sent out capacity of all Registered Facilities assigned to a Portfolio, and identify each Portfolio where the value determined is equal to or greater than 10 per cent. Such identified portfolios are deemed to be a Material Portfolio.

4.1.2 The ERA will calculate Portfolio percentage share as follows:

$$\text{MSOC_Share}(p) = \frac{\sum_{f \in p} \text{MSOC}(f)}{\sum_{f \in \text{Facilities}} \text{MSOC}(f)} \times 100$$

where:

- (a) MSOC(f) is the maximum sent out capacity specified for Registered Facility f in Appendix 1(b)(v), Appendix 1(c)(v) or Appendix 1(d)(v) as applicable.

⁶ A dispatch interval means each 5-minute period commencing at 0, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50 and 55 minutes past the hour, as specified in Chapter 11 of the Electricity System and Market Rules.

- (b) $f \in p$ denotes all Scheduled Facilities, Semi-Scheduled Facilities and Non-Scheduled Facilities f assigned to Portfolio p .
- (c) $f \in \text{Facilities}$ denotes all Scheduled Facilities, Semi-Scheduled Facilities and Non-Scheduled Facilities assigned to a Portfolio identified under ESM Rule 2.16B.1(a).

[ESM Rule 2.16C.1(a)]

4.1.3 The ERA will, within 10 Business Days of identifying each Material Portfolio, publish a list specifying the name of each Registered Facility within each identified Portfolio and the results of the calculation on its website and notify each Market Participant that has a Registered Facility assigned to a Material Portfolio [ESM Rule 2.16C.1(c)].

- (a) Unless otherwise specified, Market Participants identified under ESM Rule 2.16C.1(c)(ii) will be notified in writing.

4.1.4 Each set of Material Portfolios identified by the ERA replaces the previous set of Material Portfolios identified with effect from the time that the ERA publishes the results of the relevant calculations on the ERA's website [ESM Rule 2.16C.1A].

4.2 Material Constrained Portfolio Assessment [ESM Rule 2.16C.2]

4.2.1 The ERA must, not more than 20 Business Days after the Settlement Date determined under ESM Rule 9.3.1(d) for the Trading Week containing the last Trading Day of a Rolling Test Window:

- i. Calculate for that Rolling Test Window, as a percentage, the Constrained Uplift Payment Ratio (see clause 4.2.5 of this Procedure) for each Constrained Portfolio identified under paragraph 3 of this Procedure; and
- ii. Calculate for any relevant Fixed Assessment Period, as a percentage, the Constrained Uplift Payment Ratio (see paragraph 4.2.5 of this Procedure) for each Constrained Portfolio identified under paragraph 3 of this Procedure; and
- iii. Publish the results of the calculation and the Material Constrained Portfolios identified for the relevant quarter on its website.

[ESM Rules 2.16C.2(a) and (c)]

4.2.2 The Rolling Test Window is a period of three consecutive Trading Months, commencing at the start of the first Trading Day of a Trading Month and ending at the end of the last Trading Day of a Trading Month. A Rolling Test Window does not overlap with any other Rolling Test Window with a new Rolling Test Window commencing immediately after the end of the preceding Rolling Test Window. [ESM Rules Chapter 11].

4.2.3 A Fixed Assessment Period is a period of at least seven consecutive Trading Days in which the Constraint Equation relevant to the identification of a Constrained Portfolio under ESM Rule 2.16B.2(b) has continuously

bound within or across a Rolling Test Window. A Rolling Test Window may contain multiple Fixed Assessment Periods [ESM Rules Chapter 11].

- 4.2.4 The ERA will identify each Constrained Portfolio with a Constrained Uplift Payment Ratio equal to or greater than 10 per cent and notify each Market Participant with a Constrained Uplift Payment Ratio equal to or greater than 10 per cent of this outcome. Such constrained portfolios are defined as a Material Constrained Portfolio [ESM Rule 2.16C.2(b) and (d)]. The ERA will publish the results of the calculations identifying each Material Constrained Portfolio [ESM Rule 2.16C.2(c)].

- 4.2.5 The ERA will calculate the Constrained Uplift Payment Ratio as follows:

$$\text{Constrained Uplift Payment Ratio} = \frac{\text{CP_UP}}{\text{NC}} \times 100$$

where:

- (a) CP_UP is the number of Dispatch Intervals in the Rolling Test Window or Fixed Assessment Period (as applicable) in which:
 - i. The Constraint Equation relevant to the identification of the Constrained Portfolio identified under paragraph 3.1.14(a).
 - ii. A Registered Facility in the Constrained Portfolio received an Energy Uplift Payment.
- (b) NC is the total number of Dispatch Intervals in the Rolling Test Window or Fixed Assessment Period (as applicable) in which the Constraint Equation relevant to the identification of the Constrained Portfolio bound.

[ESM Rule 2.16C.2(a)]

- 4.2.6 Each set of Material Constrained Portfolios identified replaces the previous set of Material Constrained Portfolios identified with effect from the time that the ERA publishes the results of the relevant calculations [ESM Rule 2.16C.2A].

5. MARKET PARTICIPANT INFORMATION RECORDING

- 5.1.1 By no later than three months from the date of receipt of a notice from the Economic Regulation Authority under clause 2.16C.1(c)(ii) or clause 2.16C.2(d) of the ESM Rules, subject to clause 2.16C.3A of the ESM Rules, a Market Participant must, in accordance with the WEM Procedure referred to in clause 2.16D.15 of the ESM Rules:

- (a) Maintain adequate records (that are capable of independent verification) of the internal governance arrangements the Market Participant has in place to comply with its obligations under ESM Rule 2.16C.5.

- (b) Maintain adequate records (that are capable of independent verification) of the methods, assumptions and cost inputs the Market Participant used to develop the prices in the Portfolio Supply Curve offered in its STEM Submissions or Standing STEM Submissions, including, for each relevant Facility; and
- (c) Maintain adequate records (that are capable of independent verification) of the methods and cost inputs the Market Participant used to develop the prices offered, quantities and Ramp Rate Limits in its Real-Time Market Submissions or Standing Real-Time Market Submissions, including, for each relevant Facility.

[ESM Rule 2.16C.3]

- 5.1.2 The ERA will maintain and publish in the Offer Construction Guideline the list of information that Market Participants are required to record to demonstrate compliance with ESM Rule 2.16C.5.

6. REQUEST FOR GUIDANCE [ESM RULE 2.16D.5]

- 6.1.1 The ERA aims to assist Market Participants to understand their obligations, noting that the responsibility for meeting obligations rests with individual Market Participants.
- 6.1.2 The ERA intends that its guidance will be made public by default and confidential by exception.
- 6.1.3 A Market Participant that has received a notice from the ERA, under ESM Rule 2.16C.1(c)(ii) or 2.16C.2(d), that their Facility has been allocated to a Material Portfolio and/or Material Constrained Portfolio, may request guidance from the ERA in relation to the Offer Construction Guideline, including, for the purposes of the ERA's assessment (under ESM Rule 2.16C.6 and 2.16C.6A) of prices offered, how the matters in the Offer Construction Guideline may apply to the Market Participant's Registered Facility [ESM Rule 2.16D.5].
- 6.1.4 The ERA is not required to provide guidance to a Market Participant where the ERA considers that:
- (a) The Offer Construction Guideline already provides sufficient guidance on the matters raised in the request.
 - (b) The request does not meet the requirements as set out in ESM Rule 2.16D.6.
 - (c) The cost the ERA would incur to provide the guidance sought in the request is unreasonable or excessive.
 - (d) The request is substantially similar to a previous request considered by the ERA from the same Market Participant.

[ESM Rule 2.16D.10]

- 6.1.5 A Market Participant must provide sufficient information to enable the ERA to respond to its specific request for guidance.
- A Market Participant must use the template provided in Appendix 1 for making a request for guidance [ESM Rule 2.16D.15(c)].
- 6.1.6 Within 20 Business Days of receipt of a request under ESM Rule 2.16D.5 for guidance, the ERA will consider the request and use reasonable endeavours to provide guidance on the matters specified in the request, unless the ERA has already commenced processing another request received under clause 2.16D.5, in which case the 20 Business Days timeframe will commence after the earlier request has been resolved [ESM Rule 2.16D.7].
- 6.1.7 The ERA may request further information from a Market Participant that has made a request for guidance. If, within 15 Business Days of the date of the ERA's request for further information, the Market Participant does not provide the information requested, or the ERA reasonably considers the information provided is not satisfactory, the Market Participant will be deemed to have withdrawn the relevant request [ESM Rule 2.16D.8].
- 6.1.8 Prior to the ERA deeming that the Market Participant has withdrawn a request under paragraphs 6.1.7 and 6.1.11, the ERA will contact the Market Participant who has provided unsatisfactory information, the ERA will provide details to the Market Participant of the reason why the ERA has deemed the information provided to be unsatisfactory. After providing the clarifying details to the Market Participant, the ERA will add an additional five Business Days to the timeline under paragraph 6.1.6.
- 6.1.9 The ERA will consider requests for extensions of time where the Market Participant can demonstrate the provision of information under paragraphs 6.1.7 and 6.1.11, will take longer than that specified in the ESM Rule.
- 6.1.10 If the ERA issues a request for further information under ESM Rule 2.16D.8, the timeframe specified in ESM Rule 2.16D.7 for the ERA to provide the relevant guidance will recommence from the date the Market Participant has provided all of the further information requested by the ERA [ESM Rule 2.16D.9].
- 6.1.11 Any guidance provided by the ERA is not binding on the ERA, the Market Participant who made the request, or any other person, and the ERA may, at any time, reconsider, revise or withdraw any guidance provided to a Market Participant [ESM Rule 2.16D.11].
- 6.1.12 When investigating, the ERA must take into account any guidance provided to the Market Participant that is relevant to the matters being investigated [ESM Rule 2.16D.12].
- 6.1.13 Where the ERA provides guidance to a Market Participant, the ERA must consider whether the Offer Construction Guideline should be amended to reflect that guidance. Where the ERA considers that amendments are required, the ERA must initiate an update to the Offer Construction Guideline as soon as practicable [ESM Rule 2.16D.13].

- 6.1.14 The ERA must publish on its website a copy of any guidance provided to a Market Participant after redacting all information that is confidential or commercially sensitive, including the name of the Market Participant to whom the guidance was provided. Where the ERA considers that the guidance cannot be redacted to ensure the identity of the Market Participant remains confidential, the ERA will not publish the guidance [ESM Rule 2.16D.14].
- 6.1.15 In the event the ERA determines that a guidance cannot be published under paragraph 6.1.14, the ERA will seek to publish a non-confidential example of the guidance provided.

Appendix 1 Request for offer construction guidance

The form to request guidance about offer construction once a Market Participant has been identified as holding Material Portfolios and/or Material Constrained Portfolios under ESM Rules 2.16C.1(c)(ii) and/or 2.16C.2(d), respectively, can be found on the ERA's [website](#).

Appendix 2 Declaration of control of a Facility

The Economic Regulation Authority must, in accordance with this WEM Procedure, by 1 October each year, identify each Portfolio operating in the Wholesale Electricity Market by applying the following principles:

- a. Each Scheduled Facility, Semi-Scheduled Facility and Non-Scheduled Facility must be allocated to a Portfolio;
- b. Registered Facilities which are registered to the same Market Participant, or wholly or partly owned by the same entity, or wholly or partly controlled by the same entity must be allocated to the same Portfolio; and
- c. a Registered Facility must not be allocated to a Portfolio containing another Registered Facility unless it is required by ESM Rule 2.16B.1(a)(iv).

[ESM Rule 2.16B.1(a)]

This form is for a Market Participant to declare to the ERA the entity that controls (either through association, ownership or other arrangements) each of their Registered Facilities. An entity is deemed to have control of a Registered Facility where the entity is able to determine the outcome of decisions about financial and operating policies that influence Market Submissions, or which has the authority to directly or indirectly control Market Submissions to the STEM or Real-Time Market.

Information provided in this form will be treated as public information unless the Market Participant makes a submission under ESM Rule 10.2.7 that the information is confidential information.

Section 1: Your details

Name of Market Participant (required)

Contact person (first and last name) (required)

Contact phone (required)

Contact email (required)

Section 2: Facility details

Name of Registered Facility (required)

Name of Market Participant the Facility is registered to (required)

Name of Owner of Registered Facility (required)

Name of Controlling entity for Registered Facility (required)

The manner of control of the Registered Facility (required – select all relevant):

☐	able to determine the outcome of decisions about financial policies
☐	able to determine the outcome of decisions about operating policies
☐	authority to directly control Market Submissions to the STEM or Real-Time Market
☐	authority to indirectly control Market Submissions to the STEM or Real-Time Market
☐	Other (please provide details below)

Section 3: Supporting evidence

Please provide (as attachments) supporting evidence demonstrating control and ownership of the Registered Facility. Please indicate below if you do not possess any material in addition to evidence of Facility Registration.

Examples of evidence that can be provided by Market Participants include contracts that demonstrate a controlling interest, or other arrangement allowing another entity or another Market Participant to determine, influence or make Market Submissions to the STEM and Real-Time Market on behalf of the Market Participant to whom the Facility is registered.

The Market Participant must clearly identify the relevant parts in the attached documents that demonstrate the relevant controlling interests and arrangements based on which the Market Participants attributes control of Facilities to entities. Market Participants must provide explanation on their reasoning for attributing control of Facilities to entities.

<i>Name of Supporting Material</i>	<i>Summary of how material supports justification of control</i>

Please add additional lines as required.

Please provide below (or attach) any other information that you believe details the approach undertaken to determine the control of the Facility:

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Please notify the ERA and detail in the below textbox if there is any **confidential information**.

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