



EnergyAustralia

LIGHT THE WAY

26 May 2022

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Dear Commissioners,

NATIONAL ELECTRICITY AMENDMENT (IMPROVING RULES CONSULTATION PROCEDURES) RULE DRAFT DETERMINATION

EnergyAustralia (EA) welcomes the opportunity to comment on the Australian Energy Market Commission's (AEMC's) Draft Determination on improving consultation procedures for the National Electricity, Gas and Retail Rules (NER, NGR and NERR).

EA is one of Australia's largest energy companies. We have around 2.4 million electricity and gas customers in NSW, Victoria, Queensland, South Australia, and the Australian Capital Territory. We own, contract and operate a diversified energy generation portfolio that includes coal, gas, battery storage, demand response, solar and wind assets. Combined, these assets represent around 4,500MW of generation capacity.

EA is dedicated to building an energy system that lowers emissions and delivers secure, reliable and affordable energy to all households and businesses. This requires being a good neighbour in the communities we operate in. We, therefore, recognise and value working with Aboriginal and Torres Strait Islander peoples as the traditional custodians of this land. We acknowledge and respect their continued connection to all aspects of Country.

EA strongly supports the AEMC's Draft Determination to make a more preferable draft rule. As noted in our earlier submission to the Consultation Paper, the Australian Energy Market Operator's (AEMO's) original proposal favoured expediency for decision-makers over engagement with stakeholders. The preferred rule strikes a much better balance and aligns closely with our suggested approach. In so doing, we consider it will result in a more efficient, transparent and equitable consultation framework.

In particular, we support:

- retention of the existing two-stage consultation process for the standard NER rule change process;
- introduction of new processes for non-material, minor and administrative NER changes;
- maintaining the ability for participants to make meetings requests;
- new transparency obligations around marked-up drafts and meeting notes;

- flexibility to alter consultation timelines for more complicated or unforeseen developments;
- streamlining the NGR consultative procedure; and
- that the NERR consultative procedure is maintained for now, with a separate investigation to occur at a later date.

Our one suggested improvement concerns the ability of participants to trigger instrument reviews. We note the AEMC's concerns around resourcing implications for decision-makers to support such requests. However, we highlight that the same resourcing issues also apply to industry stakeholders. With the same incentive to minimise regulatory burden, we see little risk of regulatory 'tyre-kicking' eventuating. When coupled with the predictability and transparency benefits noted in the Draft Determination, we consider this would promote the best regulatory practice. We, therefore, respectfully ask that the draft decision not to allow industry stakeholders to initiate an instrument review be reconsidered.

We would welcome the opportunity to discuss this submission further with you. Should you have any questions, please contact me via bradley.woods@energyaustralia.com.au or on 0435 435 533.

Regards,

Bradley Woods

Regulatory Affairs Lead