

Electricity Industry Participation Code 2010

Part 6 Connection of distributed generation

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6.1 Contents of this Part

This Part specifies—

- (a) a framework to enable the connection and continued connection of **distributed generation** if consistent with **connection and operation standards**; and
- (b) in Schedule 6.1, processes (including time frames) under which **distributed generators** may—
 - (i) connect **distributed generation**; or
 - (ii) continue an existing connection of **distributed generation** if the connection contract for the **distributed generation**—
 - (A) is in force and the **distributed generator** wishes to extend the term of the connection contract; or
 - (B) has expired; or
 - (iii) continue an existing connection of **distributed generation** that is connected without a connection contract if the **regulated terms** do not apply; or
 - (iv) change the **nameplate capacity** or fuel type of connected **distributed generation**; and
- (c) in Schedule 6.2, the **regulated terms** that apply to the connection of **distributed generation** in the absence of contractually agreed terms; and
- (d) in Schedule 6.3, a default dispute resolution process for disputes related to this Part; and
- (e) in Schedule 6.4, the pricing principles to be applied for the purposes of this Part; and
- (f) in Schedule 6.5, prescribed maximum fees.

Compare: SR 2007/219 r 4

Clause 6.1(a) and (b): substituted, on 23 February 2015, by clause 5 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 6.1(a): amended, on 5 October 2017, by clause 26(1) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 6.1(b): amended, on 5 October 2017, by clause 26(2) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 6.1(c): amended, on 23 February 2015, by clause 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 6.1(c): amended, on 5 October 2017, by clause 26(3) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

6.2 Purpose

The purpose of this Part is to enable **distributed generation** to be connected to a **distribution network** or to a **consumer installation** that is connected to a **distribution network**, if being connected is consistent with **connection and operation standards**.

Compare: SR 2007/219 r 3

Clause 6.2: amended, on 23 February 2015, by clauses 6 and 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 6.2: replaced, on 5 October 2017, by clause 27 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

6.2A Application of Part to distributors in respect of embedded networks

Nothing in this Part applies to—

- (a) a **distributor** in respect of the **distributor's** ownership or operation of an **embedded network** that conveys less than 5 GWh of **electricity** per annum; or
- (b) a **distributed generator** when the **distributed generator** wishes to connect or has **distributed generation** connected to such an **embedded network**.

Clause 6.2A: inserted, on 1 February 2016, by clause 7 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2015.

Clause 6.2A(b): amended, on 5 October 2017, by clause 28 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

6.2B Application of Part to distributors in respect of systems of lines not directly or indirectly connected to grid

Nothing in this Part applies to—

- (a) a **distributor** in respect of the **distributor's** ownership or operation of a system of **lines** that is used for providing **line function services** only to the **distributor**; or
- (b) a **distributor** in respect of the **distributor's** ownership or operation of a system of **lines**—
 - (i) that conveys less than 5 GWh of **electricity** per annum; and
 - (ii) that is not—
 - (A) directly connected to the **grid**; or
 - (B) indirectly connected to the **grid** through 1 or more other **networks**; or
- (c) a **distributed generator** when the **distributed generator** wishes to connect or has **distributed generation** connected to a system of **lines** described in paragraph (b).

Heading: amended, on 5 October 2017, by clause 29(1) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 6.2B: inserted, on 1 February 2016, by clause 7 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2015.

Clause 6.2B(b)(ii)(A) and (B): amended, on 5 October 2017, by clause 29(2) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 6.2B(c): amended, on 5 October 2017, by clause 29(2) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

6.3 Distributors must make information publicly available

- (1) The purpose of this clause is to require each **distributor** to make certain information publicly available to enable the approval of **distributed generation** under Schedule 6.1.
- (2) Each **distributor** must make publicly available, free of charge, from its office and Internet site,—
 - (a) forms for applications under Schedule 6.1; and
 - (b) the **distributor's connection and operation standards**; and
 - (c) a copy of the **regulated terms**, together with an explanation of how the **regulated terms** will apply if—
 - (i) approval is granted under Schedule 6.1; and
 - (ii) the **distributor** and the **distributed generator** do not enter into a connection contract; and
 - (d) a statement of the circumstances in which **distributed generation** will be, or may be, curtailed or interrupted from time to time in order to ensure that the **distributor's other connection and operation standards** are met; and
 - (da) a list of all locations on its **distribution network** that the **distributor**—
 - (i) knows to be subject to **export congestion**; or
 - (ii) expects to become subject to **export congestion** within the next 12 months; and
 - (e) a list of any fees that the **distributor** charges under Schedule 6.1, which must not exceed the relevant maximum fees prescribed in Schedule 6.5; and
 - (f) a list of the makes and models of inverters that the **distributor** has approved for connection to its **distribution network**; and
 - (g) the **distributor's** contact information for any enquiries relating to the connection of **distributed generation** to its **distribution network**.
- (3) The application forms referred to in subclause (2)(a) must specify the information, including any supporting documents, that must be provided with an application under Schedule 6.1.

Compare: SR 2007/219 r 6

Clause 6.3(1): substituted, on 23 February 2015, by clause 7(1) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 6.3(2)(a) – (c): substituted, on 23 February 2015, by clause 7(2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 6.3(2)(c)(ii), (f) and (g): amended, on 5 October 2017, by clause 30(1) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 6.3(2)(d): amended, on 23 February 2015, by clause 7(3) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 6.3(2)(d): amended, on 5 October 2017, by clause 30(2) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 6.3(2)(da): inserted, on 23 February 2015, by clause 7(4) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 6.3(2)(e): substituted, on 23 February 2015, by clause 7(5) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 6.3(2)(f) and (g): inserted, on 23 February 2015, by clause 7(5) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 6.3(3): substituted, on 23 February 2015, by clause 7(6) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

6.4 Process for obtaining approval

- (1) Schedule 6.1 applies if a **distributed generator** wishes to—

- (a) connect **distributed generation**, whether on the **regulated terms** or on other terms; or
 - (b) continue an existing connection of **distributed generation** if the connection contract for the **distributed generation**—
 - (i) is in force and the **distributed generator** wishes to extend the term of the connection contract; or
 - (ii) has expired; or
 - (c) continue an existing connection of **distributed generation** that is connected without a connection contract if the **regulated terms** do not apply; or
 - (d) change the **nameplate capacity** or fuel type of connected **distributed generation**.
- (2) A **distributor** must approve an application submitted under Schedule 6.1 if the application complies with the requirements of that Schedule.
- (3) Except as provided in clause 6.4A, a **distributor** cannot contract out of the provisions of Schedule 6.1 with a **distributed generator**.

Compare: SR 2007/219 r 7

Clause 6.4: substituted, on 23 February 2015, by clause 8 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 6.4(1): amended, on 5 October 2017, by clause 31 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

6.4A Distributor and distributed generator may agree to simpler process for existing connection

A **distributor** and a **distributed generator** may agree a simpler process for the continued connection of **distributed generation** to the **distributor's distribution network** than the relevant process set out in Schedule 6.1 if—

- (a) a connection contract for the **distributed generation**—
 - (i) is in force and the **distributed generator** wishes to extend the term of the connection contract; or
 - (ii) has expired; or
- (b) the **distributed generation** is connected without a connection contract; or
- (c) there is a change in the **nameplate capacity** or fuel type of the **distributed generation**.

Clause 6.4A: inserted, on 23 February 2015, by clause 8 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 6.4A: amended, on 5 October 2017, by clause 32 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

6.5 Connection contract

If a **distributor** and a **distributed generator** enter into a contract for the connection of **distributed generation**,—

- (a) their rights and obligations in respect of the connection of the **distributed generation** are governed by that contract, and accordingly the **regulated terms** do not apply; and
- (b) a breach of the terms of that contract is not a breach of this Code.

Compare: SR 2007/219 r 8

Heading: amended, on 23 February 2015, by clause 9 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 6.5: amended, on 23 February 2015, by clauses 9 and 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 6.5: amended, on 5 October 2017, by clause 33 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

6.6 Connection on regulated terms

- (1) Schedule 6.2 sets out the **regulated terms** for the connection of **distributed generation**.
- (2) The **regulated terms** apply in the following circumstances:
 - (a) if a **distributor** and a **distributed generator** do not enter into a connection contract by the expiry of the period for negotiating a connection contract under clauses 9 or 24 of Schedule 6.1:
 - (b) in accordance with clause 9G of Schedule 6.1.
- (3) If the **regulated terms** apply,—
 - (a) the parties' rights and obligations in respect of the connection of the **distributed generation** are governed by the **regulated terms**; and
 - (b) a breach of the **regulated terms** is not a breach of contract.
- (4) Despite this clause, a **distributor** and a **distributed generator** may at any time, by agreement, enter into a connection contract that will apply instead of the **regulated terms**.

Compare: SR 2007/219 r 9

Clause 6.6: amended, on 5 October 2017, by clause 34 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 6.6(1): amended, on 23 February 2015, by clause 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 6.6(2) and (4): substituted, on 23 February 2015, by clause 10 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 6.6(3): amended, on 23 February 2015, by clause 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

6.7 Extra terms

- (1) The parties' rights and obligations in respect of a connection on the **regulated terms** are also governed by any other terms and conditions that—
 - (a) were made publicly available under clause 6.3(2)(d) in a statement of the terms and conditions that would apply to **distributed generation** if there is congestion on the **distribution network**; or
 - (b) cover any other incidental matters (for example, invoicing procedures) if—
 - (i) the matters are not covered by the **regulated terms**; and
 - (ii) the other matters are reasonable terms and conditions that either were proposed by the **distributor** during the 30 **business day** negotiation period as part of a connection contract or are terms that would be implied by law if the connection was under a connection contract; and
 - (iii) the other terms and conditions do not contradict any of the **regulated terms**.
- (2) In this Part, if the parties have agreed to change all or any part of 1 or more of the **regulated terms** as part of a binding contract, the resulting contract is, in total, a connection contract on terms that apply instead of the **regulated terms** for the purposes of this Part.

Compare: SR 2007/219 r 10

Clause 6.7: amended, on 23 February 2015, by clauses 11 and 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 6.7: amended, on 5 October 2017, by clause 35 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

6.8 Dispute resolution

- (1) Subject to subclause (2), Schedule 6.3 applies to a dispute between a **distributed generator** that is a **participant** and a **distributor** arising from any one of the following—
- (a) an allegation that a party has breached any of the **regulated terms** that apply under clause 6.6(2); and
 - (aa) an allegation that conditions specified by the **distributor** under clause 18 of Schedule 6.1 are not reasonably required; and
 - (ab) an allegation that a party has not attempted to negotiate in good faith under clause 6 or clause 21 of Schedule 6.1; and
 - (b) an allegation that a party has breached any of the other provisions of this Part.
- (2) However, Schedule 6.3 does not apply to disputes between a **distributed generator** and a **distributor**—
- (a) arising from an allegation that a party has breached any of the terms of a connection contract; or
 - (b) arising from an allegation that a party has breached any of the extra terms referred to in clause 6.7(1); or
 - (c) that the **distributed generator** and the **distributor** have agreed should be determined by any other agreed method (for example, under any dispute resolution scheme under section 95 of the **Act**).

Compare: SR 2007/219 r 11

Clause 6.8: amended, on 5 October 2017, by clause 36 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 6.8(1) and (1)(a): amended, on 23 February 2015, by clause 12(1) and (2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 6.8(1)(aa) and (ab): inserted, on 23 February 2015, by clause 12(3) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 6.8(1)(b): substituted, on 23 February 2015, by clause 12(4) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 6.8(2)(a): amended, on 23 February 2015, by clauses 12(5) and 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

6.9 Pricing principles

Schedule 6.4 applies in accordance with—

- (a) clause 19 of Schedule 6.2; and
- (b) clause 4 of Schedule 6.3.

Compare: SR 2007/219 r 12

Clause 6.9(a): amended, on 23 February 2015, by clause 13 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

6.10 *[Revoked]*

Compare: SR 2007/219 r 13

Clause 6.10: revoked, on 23 February 2015, by clause 14 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

6.11 Distributors must act at arm's length

A **distributor** must use, in respect of all **distributed generators**, the same reasonable efforts in processing and considering applications and notices under Schedule 6.1, regardless of—

- (a) whether the **distributor** has an ownership interest or a beneficial interest in the **distributed generator**; or
- (b) who the **distributed generator** is.

Compare: SR 2007/219 r 14

Heading: amended, on 23 February 2015, by clause 15(1) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 6.11 and 6.11(a): amended, on 23 February 2015, by clause 15(2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 6.11(b): substituted, on 23 February 2015, by clause 15(3) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

6.12 This Part does not affect rights and obligations under Code

This Part does not affect any rights or obligations of a **distributor** or a **distributed generator** under any other clause in this Code.

Compare: SR 2007/219 r 15

Transitional provisions

6.13 This Part does not apply to earlier connections

This Part does not apply in relation to, or affect, any **distributed generation** that was connected under a contract entered into before 30 August 2007, except for the purpose of renewing or extending the term of the contract.

Compare: SR 2007/219 r 17

Clause 6.13: substituted, on 23 February 2015, by clause 16 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 6.13: amended, on 5 October 2017, by clause 37 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Schedule 6.1 Process for obtaining approval

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Heading: amended, on 23 February 2015, by clause 17 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

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Preliminary provisions

1A Contents of this Schedule

This Schedule specifies the procedures for processing applications from **distributed generators** for the connection or continued connection of **distributed generation**.

Clause 1A: amended, on 5 October 2017, by clause 38 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

1B Distributed generator must apply

Subject to clause 6.4A and clause 1D, a **distributed generator** that owns or operates **distributed generation** must apply to a **distributor** if it wishes to—

- (a) connect the **distributed generation** to the **distributor's distribution network**; or
(b) continue an existing connection of the **distributed generation** to the **distributor's distribution network** if a connection contract for the **distributed generation**—
(i) is in force and the **distributed generator** wishes to extend the term of the connection contract; or

- (ii) has expired; or
- (c) continue an existing connection of the **distributed generation** to the **distributor's distribution network** that is connected without a connection contract if the **regulated terms** do not apply; or
- (d) change the **nameplate capacity** or fuel type of the **distributed generation** connected to the **distributor's distribution network**.

Clause 1B: amended, on 5 October 2017, by clause 39 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

1C How Parts apply to applications

This Schedule applies to applications made under clause 1B as follows:

- (a) Part 1 applies to applications in respect of **distributed generation** that has a **nameplate capacity** of 10 kW or less in total, unless the **distributed generator** has elected, under clause 1D, to apply under Part 1A:
- (b) Part 1A applies to applications in respect of **distributed generation** that has a **nameplate capacity** of 10 kW or less in total, if the **distributed generator** has elected, under clause 1D, to apply under Part 1A:
- (c) Part 2 applies to applications in respect of **distributed generation** that has a **nameplate capacity** of more than 10 kW in total.

1D When application may be made under Part 1A

A **distributed generator** may elect to apply to a **distributor** under Part 1A instead of Part 1 if the **distributed generation** to which the application relates—

- (a) is designed and installed in accordance with AS 4777.1; and
- (b) incorporates an inverter that has been tested and issued a Declaration of Conformity with AS/NZS 4777.2 by a laboratory with accreditation issued or recognised by International Accreditation New Zealand; and
- (c) has protection settings that meet the **distributor's connection and operation standards**.

Cross heading and clauses 1A to 1D: inserted, on 23 February 2015, by clause 18 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 1D(b): amended, on 20 October 2016, by clause 4 of the Electricity Industry Participation Code Amendment (Inverter Standard for Distributed Generation) 2016.

Part 1 Applications for distributed generation 10 kW or less in total

Heading: amended, on 23 February 2015, by clause 19 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

1 Contents of this Part

- (1) This Part applies to applications relating to **distributed generation** that has a **nameplate capacity** of 10 kW or less in total, unless the **distributed generator** that owns or operates the **distributed generation** has elected, under clause 1D, to apply under Part 1A.
- (2) This Part of this Schedule provides for a 1-stage application process.

Compare: SR 2007/219 clause 1 Schedule 1

Clause 1(1): substituted, on 23 February 2015, by clause 20 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Application process

2 Applications under this Part of this Schedule

(1) *[Revoked]*

(2) A **distributed generator** must apply to a **distributor** by—

- (a) using the application form provided by the **distributor** that is publicly available under clause 6.3(2)(a); and
- (b) providing any information in respect of the **distributed generation** to which the application relates that is—
 - (i) referred to in subclause (3); and
 - (ii) specified by the **distributor** under clause 6.3(3) as being required to be provided with the application; and
- (c) paying the application fee (if any) specified by the **distributor** in accordance with clause 6.3(2)(e).

(3) The information may include the following:

- (a) the full name and address of the **distributed generator** and the contact details of a person that the **distributor** may contact regarding the **distributed generation**:
- (aa) whether the application is to—
 - (i) connect **distributed generation**; or
 - (ii) continue an existing connection of **distributed generation** that is connected in accordance with a connection contract if the connection contract—
 - (A) is in force and the **distributed generator** wishes to extend the term of the connection contract; or
 - (B) has expired; or
 - (iii) continue an existing connection of **distributed generation** that is connected without a connection contract; or
 - (iv) change the **nameplate capacity** or fuel type of connected **distributed generation**:
- (b) evidence of the **nameplate capacity** that the **distributed generation** will have, or other suitable evidence that the **distributed generation** is or will only be capable of generating **electricity** at a rate of 10 kW or less:
- (ba) if the application is to change the **nameplate capacity** or fuel type of connected **distributed generation**—
 - (i) the **nameplate capacity** that the **distributed generation** will have after the change; and
 - (ii) the aggregate **nameplate capacity** that all **distributed generation** that is connected at the **point of connection** at which the **distributed generation** is connected will have after the change; and
 - (iii) the fuel type that the **distributed generation** will have after the change:
- (c) details of the fuel type of the **distributed generation** (for example, solar, wind, or liquid fuel):
- (d) a brief description of the physical location at the address at which the **distributed generation** is or will be connected:
- (da) if the application is to connect **distributed generation**, when the **distributed generator** expects the **distributed generation** to be connected:

- (e) technical specifications of the **distributed generation** and **associated equipment**, including the following:
 - (i) technical specifications of equipment that allows the **distributed generation** to be **electrically disconnected** from the **distribution network** on loss of mains voltage:
 - (ii) manufacturer's rating of equipment:
 - (iii) number of phases:
 - (iv) proposed or current **point of connection** to the **distribution network** (for example, the **ICP identifier** and street address):
 - (v) details of either or both of any inverter and battery storage:
 - (vi) details of any load at the proposed or current **point of connection**:
 - (vii) details of the voltage (for example, 415 V or 11 kV) when it is **electrically connected**:
 - (f) information showing how the **distributed generation** complies with the **distributor's connection and operation standards**:
 - (g) any additional information or documents that are reasonably required by the **distributor**.
- (4) *[Revoked]*
- (5) The **distributor** must, within **5 business days** of receiving an application, give written notice to the applicant advising whether or not the application is complete.
- Compare: SR 2007/219 clause 2 Schedule 1
Heading: amended, on 23 February 2015, by clause 21(1) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.
Clause 2: amended, on 5 October 2017, by clause 40(1) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.
Clause 2(1): revoked, on 23 February 2015, by clause 21(2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.
Clause 2(2): substituted, on 23 February 2015, by clause 21(3) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.
Clause 2(3)(a): amended, on 23 February 2015, by clause 21(4) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.
Clause 2(3)(aa): inserted, on 23 February 2015, by clause 21(5) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.
Clause 2(3)(aa): amended, on 5 October 2017, by clause 40(3) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.
Clause 2(3)(aa), (3)(ba) and (3)(d): amended, on 5 October 2017, by clause 40(2) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.
Clause 2(3)(b): substituted, on 23 February 2015, by clause 21(6) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.
Clause 2(3)(ba): inserted, on 23 February 2015, by clause 21(7) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.
Clause 2(3)(ba)(ii): amended, on 23 February 2015, by clause 6(1) of the Electricity Industry Participation Code Amendment (Minor Code Amendments) (No 3) 2014.
Clause 2(3)(ba)(iii): inserted, on 23 February 2015, by clause 6(2) of the Electricity Industry Participation Code Amendment (Minor Code Amendments) (No 3) 2014.
Clause 2(3)(c) and (d): substituted, on 23 February 2015, by clause 21(8) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.
Clause 2(3)(da): inserted, on 23 February 2015, by clause 21(9) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.
Clause 2(3)(da): amended, on 5 October 2017, by clause 40(4) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.
Clause 2(3)(e): substituted, on 23 February 2015, by clause 21(10) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.
Clause 2(3)(e)(i): amended, on 5 October 2017, by clause 40(5) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.
Clause 2(3)(e)(vii): amended, on 5 October 2017, by clause 40(6) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 2(3)(g): amended, on 23 February 2015, by clause 21(11) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 2(4): revoked, on 23 February 2015, by clause 21(12) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

3 Distributor's decision on application

- (1) A **distributor** must, within 30 **business days** after the date of receipt of a completed application made in accordance with clause 2, give notice in writing to the applicant stating whether the application is approved or declined.
- (2) A **distributor** must approve an application if—
 - (a) the application has been properly made in accordance with Part 6 of this Code; and
 - (b) the information provided in the application would reasonably support an assessment by the **distributor** that—
 - (i) the **distributed generator** will comply at all times with the requirements of the Health and Safety at Work Act 2015; and
 - (ii) the **distributed generator** will ensure that the **distributed generation** complies at all times with the **Act**, and this Code; and
 - (iii) the **distributed generation** meets the **distributor's connection and operation standards**.
- (3) A notice stating that an application is declined must be accompanied by the following information:
 - (a) detailed reasons of why the application has been declined and the steps that the applicant can take to achieve approval if it makes a new application;
 - (b) information about the default process under Schedule 6.3 for the resolution of disputes between **participants** about an alleged breach of the **regulated terms** or any other provision of Part 6 of this Code;
 - (c) that if the **distributed generator** is not a **participant**, the **distributed generator** may report to the **Authority** under the Electricity Industry (Enforcement) Regulations 2010 if it considers that the **distributor** has breached any requirement in Part 6 of this Code.

Compare: SR 2007/219 clause 3 Schedule 1

Clause 3(2): amended, on 23 February 2015, by clause 22(1) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 3(2)(b)(i): amended, on 5 October 2017, by clause 41 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 3(2)(b)(ii) and (iii): substituted, on 23 February 2015, by clause 22(2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 3(3)(a) and (b): amended, on 23 February 2015, by clause 22(3) and (4) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 3(3)(c): inserted, on 23 February 2015, by clause 22(5) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

4 Extension of time by mutual agreement for distributor to process application

- (1) A **distributor** may seek an extension of the time specified in clause 3(1) by which the **distributor** must give notice in writing stating whether an application is approved or declined.
- (2) The **distributor** must do this by notice in writing to the **distributed generator** specifying the reasons for the extension.

- (3) The **distributed generator** that made the application—
- (a) may grant an extension which must not exceed **20 business days**; and
 - (b) must not unreasonably withhold consent to an extension.

Compare: SR 2007/219 clause 4 Schedule 1

Clause 4(1): amended, on 23 February 2015, by clause 23(1) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 4(3): substituted, on 23 February 2015, by clause 23(2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

5 Distributed generator must give notice of intention to negotiate

- (1) If a **distributor** advises a **distributed generator** that its application is approved, the **distributed generator** must give written notice to the **distributor** confirming whether the **distributed generator** intends to negotiate a connection contract under clause 6 and, if so, confirming the details of the **distributed generation** to which the application relates.
- (2) The **distributed generator** must give the notice within **10 business days** after the **distributor** gives notice of approval, or such later date as is agreed by the **distributor** and the **distributed generator**.
- (3) The **distributor's** duties under Part 6 of this Code arising from the application no longer apply if the **distributed generator** fails to give notice to the **distributor** within the time limit specified in subclause (2).
- (4) Subclause (3) does not prevent the **distributed generator** from making a new application under Part 6 of this Code.

Compare: SR 2007/219 clause 5 Schedule 1

Heading: amended, on 5 October 2017, by clause 42(1) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 5(1): substituted, on 23 February 2015, by clause 24(1) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 5(1): amended, on 5 October 2017, by clause 42(2) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017. Clause 5(2): amended, on 23 February 2015, by clause 24(2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 5(3) and (4): amended, on 23 February 2015, by clause 24(3) and (4) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Post-approval process

Cross heading: amended, on 23 February 2015, by clause 25 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

6 30 business days to negotiate connection contract if distributed generator notifies intention to proceed

- (1) If a **distributed generator** whose application under clause 2 is approved gives notice to a **distributor** under clause 5, the **distributor** and the **distributed generator** have **30 business days**, starting on the date on which the **distributor** receives the notice, during which they must, in good faith, attempt to negotiate a connection contract.
- (2) The **distributor** and the **distributed generator** may, by agreement, extend the time specified in subclause (1) for negotiating a connection contract.

Compare: SR 2007/219 clause 6 Schedule 1

Clause 6: amended, on 23 February 2015, by clauses 26 and 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 6: amended, on 5 October 2017, by clause 43 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

7 Testing and inspection

- (1) Subject to subclause (1A), a **distributed generator** whose application under clause 2 is approved by a **distributor** must test and inspect the **distributed generation** to which the application relates within a reasonable time frame specified by the **distributor**.
- (1A) The **distributor** may waive the requirement that the **distributed generator** test and inspect if the **distributor** is satisfied that the **distributed generation** complies with the **distributor's connection and operation standards**.
- (2) The **distributed generator** must give adequate notice of the testing and inspection to the **distributor**.
- (3) The **distributor** may send qualified personnel to the site to observe the testing and inspection.
- (4) The **distributed generator** must give the **distributor** with a written test report when testing and inspection is complete, including suitable evidence that the **distributed generation** complies with the **distributor's connection and operation standards**.
- (5) The **distributed generator** must pay any fee specified by the **distributor** in accordance with clause 6.3(2)(e) for observing the testing and inspection.

Compare: SR 2007/219 clause 7 Schedule 1

Clause 7(1): substituted, on 23 February 2015, by clause 27(1) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 7(1A): inserted, on 23 February 2015, by clause 27(2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 7(4) and (5): amended, on 23 February 2015, by clause 27(3) and (4) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

8 Connection of distributed generation if connection contract negotiated

- (1) This clause applies if a **distributor** and a **distributed generator** whose application under this Part of this Schedule is approved enter into a connection contract before the period for negotiating a connection contract under this Part of this Schedule expires.
- (2) If the application is to connect **distributed generation** under clause 1B(a), the **distributor** must allow the **distributed generator** to connect the **distributed generation** in accordance with the contract as soon as practicable.
- (3) If the application is to continue an existing connection of **distributed generation** under clause 1B(b), the **distributor** must use its best endeavours to ensure that the new terms under which the **distributed generator's** existing connection continues apply—
 - (a) as soon as practicable, if the previous connection contract has expired; or
 - (b) no later than the expiry of the previous connection contract, if the contract is in force.
- (4) If the application is to continue an existing connection for which there is no connection contract under clause 1B(c), the **distributor** must use its best endeavours to ensure that the new terms under which the **distributed generator's** existing connection continues apply as soon as practicable.
- (5) If the application is to change the **nameplate capacity** or fuel type of connected **distributed generation** under clause 1B(d), the **distributor** must use its best endeavours to ensure that the new terms under which the **distributed generator's** existing connection continues apply as soon as practicable.

Compare: SR 2007/219 clause 8 Schedule 1

Clause 8: substituted, on 23 February 2015, by clause 28 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 8: amended, on 5 October 2017, by clause 44 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

9 Connection of distributed generation on regulated terms if connection contract not negotiated

- (1) This clause applies if a **distributor** and a **distributed generator** whose application under this Part of this Schedule is approved do not enter into a connection contract before the period for negotiating a connection contract under this Part of this Schedule expires.
- (2) If the application is to connect **distributed generation** under clause 1B(a), the **distributor** must allow the **distributed generator** to connect the **distributed generation** on the **regulated terms** as soon as practicable after the expiry of the period.
- (3) If the application is to continue an existing connection of **distributed generation** under clause 1B(b), the **regulated terms** apply to the **distributed generator's** existing connection as follows:
 - (a) if the previous connection contract has expired, the **regulated terms** apply from the day after the date on which the period for negotiating a connection contract under this Part of this Schedule expires:
 - (b) if the previous connection contract is still in force, the **regulated terms** apply from the day after the date on which the contract expired.
- (4) If the application is to continue an existing connection for which there is no connection contract under clause 1B(c), the **regulated terms** apply from the day after the date that the period for negotiating a connection contract under this Part of this Schedule expires.
- (5) If the application is to change the **nameplate capacity** or fuel type of connected **distributed generation** under clause 1B(d), the **regulated terms** apply from the day after the date that the period for negotiating a connection contract under this Part of this Schedule expires.

Compare: SR 2007/219 clause 9 Schedule 1

Clause 9: substituted, on 23 February 2015, by clause 28 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 9: amended, on 5 October 2017, by clause 45(1) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 9(2): amended, on 5 October 2017, by clause 45(2) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 9(5): amended, on 5 October 2017, by clause 45(3) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Part 1A

Applications for distributed generation of 10 kW or less in total in specified circumstances

9A Contents of this Part

- (1) This Part applies to applications relating to **distributed generation** that has a **nameplate capacity** of 10 kW or less in total if the **distributed generator** that owns or operates the **distributed generation** has elected, under clause 1D, to apply under this Part of this Schedule.
- (2) This Part of this Schedule provides for a simplified 1-stage application process.

9B Application for distributed generation of 10 kW or less in total in specified circumstances

- (1) A **distributed generator's** application to a **distributor** must specify which of the following circumstances applies:
 - (a) the **distributed generator** wishes to connect **distributed generation**:
 - (b) the **distributed generator** wishes to continue an existing connection of **distributed generation** that is connected in accordance with a connection contract that—
 - (i) is in force and the **distributed generator** wishes to extend the term of the connection contract; or
 - (ii) has expired:
 - (c) the **distributed generator** wishes to continue an existing connection of **distributed generation** that is connected without a connection contract:
 - (d) the **distributed generator** wishes to change the **nameplate capacity** or fuel type of connected **distributed generation**.
- (2) An application must include the following:
 - (a) the name, contact, and address details of the **distributed generator** and, if applicable, the **distributed generator's** agent:
 - (b) a brief description of the physical location at the address at which the **distributed generation** is or will be connected:
 - (c) any application fee specified by the **distributor** in accordance with clause 6.3(2)(e):
 - (d) details of the make and model of the inverter:
 - (e) confirmation as to whether the inverter—
 - (i) is included on the **distributor's** list of approved inverters made publicly available under clause 6.3(2)(f); or
 - (ii) conforms with the protection settings specified in the **distributor's connection and operation standards**:
 - (f) if the inverter is not included on the **distributor's** list of approved inverters, a copy of the AS/NZS 4777.2 Declaration of Conformity certificate for the inverter:
 - (g) details of—
 - (i) the **nameplate capacity** of the **distributed generation**; and
 - (ii) the fuel type of the **distributed generation** (for example, solar, wind, or liquid fuel).
- (3) The **distributed generator** must also give the **distributor** the following information as soon as it is available, but no later than 10 **business days** after the approval of the application:

- (a) a copy of the Certificate of Compliance issued under the Electricity (Safety) Regulations 2010 that relates to the **distributed generation**;
 - (b) the **ICP identifier** of the **ICP** at which the **distributed generation** is connected or is proposed to be connected, if one exists.
- (4) A **distributor** must, no later than 2 **business days** after receiving an application from a **distributed generator**, acknowledge receipt of the application.

Clause 9B: amended, on 5 October 2017, by clause 46(3) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 9B(1)(a): amended, on 5 October 2017, by clause 46(1) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 9B(1): amended, on 5 October 2017, by clause 46(2) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 9B(2)(f): amended, on 20 October 2016, by clause 5 of the Electricity Industry Participation Code Amendment (Inverter Standard for Distributed Generation) 2016.

9C Distributor may inspect distributed generation

- (1) A **distributor** may inspect **distributed generation** that is connected or is proposed to be connected to its **distribution network** for the purpose of—
- (a) verifying that the **distributed generation** meets, or continues to meet, the requirements specified in clause 1D; or
 - (b) verifying the information contained in an application made under this Part of this Schedule.
- (2) If a **distributor** wishes to inspect **distributed generation**, the **distributor** must give the **distributed generator** at least 2 **business days**' notice of the time and date on which the inspection will take place.
- (3) Following receipt of a notice, the **distributed generator** must—
- (a) pay the fee specified by the **distributor** in accordance with clause 6.3(2)(e) for the inspection (if any); and
 - (b) provide or arrange for the **distributor** to have reasonable access to the **distributed generation**.

Clause 9C(1): amended, on 5 October 2017, by clause 47 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

9D Export congestion

- (1) This clause applies if a **distributed generator** applies to a **distributor** under this Part of this Schedule to connect **distributed generation** or continue an existing connection of **distributed generation** to a location on the **distributor's distribution network** that is included in the list made publicly available in accordance with clause 6.3(2)(da).
- (2) The **distributor** may advise the **distributed generator** that the **distributed generation** may be subject to **export congestion** as set out in the **distributor's congestion management policy**.
- (3) If a **distributor** has advised a **distributed generator** under subclause (2), the **distributor** must take reasonable steps to work with the **distributed generator** to assess whether solutions exist to mitigate the **export congestion**.

Clause 9D(1): amended, on 5 October 2017, by clause 48 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

9E Non-compliance or incomplete information

- (1) This clause applies if a **distributor** considers that an application made to it by a **distributed generator** under this Part of this Schedule has 1 or more of the following deficiencies:

- (a) the **distributed generation** to which the application relates does not meet the requirements specified in clause 1D;
 - (b) the **distributed generation** to which the application relates is not as described in the information given under clause 9B(2);
 - (c) the **distributed generator** has not complied with clause 9B(2).
- (2) If this clause applies, the **distributor** must advise the **distributed generator** of the deficiency or deficiencies.
- (3) If the **distributed generator** is advised of a deficiency or deficiencies, it must remedy each deficiency to the satisfaction of the **distributor** no later than 10 **business days** after being advised of the deficiency.
- (4) If the **distributed generator** is required to remedy a deficiency it must pay the relevant fee specified by the **distributor** in accordance with clause 6.3(2)(e).
- (5) If the **distributed generator** does not remedy each deficiency of which it is advised within the time frame specified in subclause (3)—
- (a) if the **distributed generation** to which the application relates is **electrically connected** to the **distributor's distribution network** at the time the **distributor** advises the **distributed generator** under subclause (2), the **distributor** may, by notice to the **distributed generator**, require the **distributed generator** to—
 - (i) **electrically disconnect** the **distributed generation** within a reasonable time frame specified by the **distributor** (if applicable); and
 - (ii) keep the **distributed generation electrically disconnected** until each deficiency is remedied to the **distributor's** satisfaction; or
 - (b) if the **distributed generation** is not connected to the **distributor's distribution network** at the time of being advised under subclause (2), the **distributor** may, by notice to the **distributed generator**, prohibit the **distributed generator** from connecting the **distributed generation** to the **distributor's distribution network** until each deficiency is remedied to the **distributor's** satisfaction.
- (6) The **distributor** must approve connection of the **distributed generation** as soon as is reasonable in the circumstances if—
- (a) the **distributed generator** complies with a notice given under subclause (5)(a) (if applicable); and
 - (b) the **distributed generator** remedies each deficiency advised under subclause (2)—
 - (i) to the satisfaction of the **distributor**; and
 - (ii) no later than 12 months after the date of the notice given under subclause (5) or such later date as is agreed by the **distributor** and the **distributed generator**.
- (7) If the **distributor** approves the connection of **distributed generation**, it must give a notice of final approval to the **distributed generator** under clause 9F.

Clause 9E(5)(a): replaced, on 5 October 2017, by clause 49(1) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 9E(5)(b): amended, on 5 October 2017, by clause 49(2) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 9E(6): amended, on 5 October 2017, by clause 49(3) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 9E(7): amended, on 5 October 2017, by clause 49(4) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

9F Notice of final approval

- (1) A **distributor** must give a notice of final approval of **distributed generation** to a **distributed generator** that has made an application to the **distributor** under this Part of this Schedule if the **distributor** is satisfied that—
 - (a) the **distributed generation** meets the requirements specified in clause 1D; and
 - (b) the information given by the **distributed generator** under clause 9B(2) is complete and accurate.
- (2) The **distributor** must give the notice no later than 10 **business days** after the date on which the application was submitted.
- (3) If the **distributed generator** does not receive a notice by the date specified in subclause (2), the **distributor** is deemed to have given notice of final approval.

9G Regulated terms apply

- (1) If a **distributor** gives a notice of final approval to a **distributed generator** under clause 9F, the **regulated terms** apply.
- (2) Despite subclause (1), and in accordance with clause 6.6(4), the **distributor** and **distributed generator** may at any time enter into a connection contract on terms that apply instead of the **regulated terms**.

Clause 9G(2): amended, on 5 October 2017, by clause 50 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

9H When distributed generator may connect to distribution network

- (1) A **distributed generator** that has submitted an application to a **distributor** under clause 1D may connect the **distributed generation** to which the application relates to the **distributor's distribution network** if the **distributed generator** receives a notice of final approval under clause 9F(1), or is deemed to have received a notice of final approval under clause 9F(3).
- (2) Despite subclause (1) a **distributor** may prohibit a **distributed generator** from connecting if—
 - (a) the **distributor** has advised the **distributed generator** of a deficiency under clause 9E(2) and the deficiency has not been remedied in accordance with clause 9E(3); or
 - (b) the **distributor** gave notice that it wished to inspect the **distributed generation** under clause 9C(2), but the **distributed generator** has not provided or arranged for the **distributor** to have reasonable access to the **distributed generation** under clause 9C(3)(b).

Part 1A: inserted, on 23 February 2015, by clause 29 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 9H(1) and (2): amended, on 5 October 2017, by clause 51 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Part 2
Applications for distributed generation
above 10 kW in total

Heading: amended, on 23 February 2015, by clause 30 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

10 Contents of this Part

(1) This Part of this Schedule applies to applications relating to **distributed generation** that has a **nameplate capacity** of more than 10 kW in total.

(2) This Part of this Schedule provides for a 2-stage application process.

Compare: SR 2007/219 clause 10 Schedule 1

Clause 10(1): substituted, on 23 February 2015, by clause 31 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Initial application process

11 Distributed generator must make initial application and give information

(1) *[Revoked]*

(2) A **distributed generator** must apply to a **distributor** ("**initial application**") by—

(a) using the application form provided by the **distributor** that is publicly available under clause 6.3(2)(a); and

(b) providing any information in respect of the **distributed generation** to which the application relates that is—

(i) referred to in subclause (3); and

(ii) specified by the **distributor** under clause 6.3(3) as being required to be provided with the application; and

(c) paying the application fee (if any) specified by the **distributor** in accordance with clause 6.3(2)(e).

(3) The information may include the following:

(a) the full name and address of the **distributed generator** and the contact details of a person whom the **distributor** may contact regarding the **distributed generation**:

(aa) whether the application is to—

(i) connect **distributed generation**; or

(ii) continue an existing connection of **distributed generation** that is connected in accordance with a connection contract if the connection contract—

(A) is in force and the **distributed generator** wishes to extend the term of the connection contract; or

(B) has expired; or

(iii) continue an existing connection of **distributed generation** that is connected without a connection contract; or

(iv) change the **nameplate capacity** or fuel type of connected **distributed generation**:

(b) evidence of the **nameplate capacity** that the **distributed generation** will have:

(ba) if the application is to change the **nameplate capacity** or fuel type of connected **distributed generation**,—

- (i) the **nameplate capacity** that the **distributed generation** will have after the change; and
 - (ii) the aggregate **nameplate capacity** that all **distributed generation** that is connected at the **point of connection** at which the **distributed generation** is connected will have after the change; and
 - (iii) the fuel type that the **distributed generation** will have after the change:
 - (c) details of the fuel type of the **distributed generation** (for example, solar, wind, or liquid fuel):
 - (d) a brief description of the physical location at the address at which the **distributed generation** is or will be connected:
 - (da) if the application is to **connect distributed generation**, when the **distributed generator** expects the **distributed generation** to be connected:
 - (e) technical specifications of the **distributed generation** and **associated equipment**, including the following:
 - (i) technical specifications of equipment that allows the **distributed generation** to be **electrically disconnected** from the **distribution network** on loss of mains voltage:
 - (ii) manufacturer's rating of equipment:
 - (iii) number of phases:
 - (iv) proposed or current **point of connection** to the **distribution network** (for example, the **ICP identifier** and street address):
 - (v) details of either or both of any inverter and battery storage:
 - (vi) details of any load at the proposed or current **point of connection**:
 - (vii) details of the voltage (for example, 415 V or 11 kV) when **electrically connected**:
 - (f) information showing how the **distributed generation** complies with the **distributor's connection and operation standards**:
 - (g) the maximum **active power** injected (**MW max**):
 - (h) the **reactive power** requirements (**MVARs**) (if any):
 - (i) resistance and reactance details of the **distributed generation**:
 - (j) fault level contribution (**kA**):
 - (k) method of voltage control:
 - (l) single line diagram of proposed connection:
 - (m) means of **synchronising** with, **electrically connecting** to, and **electrically disconnecting** from, the **distribution network**, including the type and ratings of the proposed **circuit breaker**:
 - (n) details of compliance with frequency and voltage support requirements as specified in this Code (if applicable):
 - (o) proposed periods and amounts of **electricity injections** into, and **oftakes** from, the **distribution network** (if known):
 - (p) any other information that is required by the **system operator**:
 - (q) any additional information or **documents** that are reasonably required by the **distributor**.
- (4) *[Revoked]*

- (5) The **distributor** must, within 5 **business days** of receiving an **initial application**, give written notice to the applicant advising whether or not the application is complete.

Compare: SR 2007/219 clause 11 Schedule 1

Heading: amended, on 23 February 2015, by clause 32(1) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 11: amended, on 5 October 2017, by clause 52(1) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 11(1): revoked, on 23 February 2015, by clause 32(2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 11(2): substituted, on 23 February 2015, by clause 32(3) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 11(3)(a): amended, on 23 February 2015, by clause 32(4) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 11(3)(aa): inserted, on 23 February 2015, by clause 32(5) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 11(3)(aa): amended, on 5 October 2017, by clause 52(2) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 11(3)(aa), (ba) and (d): amended, on 5 October 2017, by clause 52(3) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 11(3)(b): substituted, on 23 February 2015, by clause 32(6) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 11(3)(ba): inserted, on 23 February 2015, by clause 32(7) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 2(3)(ba)(ii): amended, on 23 February 2015, by clause 7(1) of the Electricity Industry Participation Code Amendment (Minor Code Amendments) (No 3) 2014.

Clause 2(3)(ba)(iii): inserted, on 23 February 2015, by clause 7(2) of the Electricity Industry Participation Code Amendment (Minor Code Amendments) (No 3) 2014.

Clause 11(3)(c) and (d): substituted, on 23 February 2015, by clause 32(8) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 11(3)(da): inserted, on 23 February 2015, by clause 32(9) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 11(3)(da): amended, on 5 October 2017, by clause 52(4) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 11(3)(e): substituted, on 23 February 2015, by clause 32(10) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 11(3)(e)(i): amended, on 5 October 2017, by clause 52(5) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 11(3)(e)(vii): amended, on 5 October 2017, by clause 52(6) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 11(3)(i): amended, on 23 February 2015, by clause 32(11) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 11(3)(l): amended, on 23 February 2015, by clause 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 11(3)(l): amended, on 5 October 2017, by clause 52(7) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 11(3)(m): amended, on 23 February 2015, by clauses 32(12) and 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 11(3)(m): replaced, on 5 October 2017, by clause 52(8) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 11(3)(q): amended, on 23 February 2015, by clause 32(13) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 11(4): revoked, on 23 February 2015, by clause 32(14) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

12 Distributor must give information to distributed generator

A **distributor** must give a **distributed generator** that makes an **initial application** the following within 30 **business days** of receiving the completed **initial application**:

- (a) information about the **capacity** of the **distribution network**, including both the design **capacity** (including fault levels) and actual operating levels:

- (b) information about the extent to which connection and operation of the **distributed generation** may result in a breach of the relevant standards for safety, voltage, power quality, and reliability of **electricity** conveyed to **points of connection** on the **distribution network**:
- (c) information about any measures or conditions (including modifications to the design and operation of the **distribution network** or to the operation of the **distributed generation**) that may be necessary to address the matters referred to in paragraphs (a) and (b):
- (d) the approximate costs of any **distribution network** related measures or conditions identified under paragraph (c) and an estimate of time constraints or restrictions that may delay connecting the **distributed generation**:
- (e) information about any further detailed investigative studies that the **distributor** reasonably considers are necessary to identify any potential adverse effects the **distributed generation** may have on the system, together with an indication of—
 - (i) whether the **distributor** agrees to the **distributed generator**, or a suitably qualified agent of the **distributed generator**, undertaking those studies; or
 - (ii) if not, whether the **distributor** could undertake those studies and, if so, the reasonable estimated cost of the studies that the **distributed generator** would be charged:
- (f) information about any obligations to other parties that may be imposed on the **distributor** and that could affect the **distributed generation** (for example, obligations to **Transpower**, in respect of other **networks**, or under this Code):
- (g) any additional information or documents that the **distributor** considers would assist the **distributed generator's** application:
- (h) information about the extent to which planned and **unplanned outages** may adversely affect the operation of the **distributed generation**.

Compare: SR 2007/219 clause 12 Schedule 1

Heading: amended, on 23 February 2015, by clause 33(1) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 12: amended, on 23 February 2015, by clause 33(2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 12(b): amended, on 23 February 2015, by clauses 33(3) and 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 12(b): amended, on 5 October 2017, by clause 53(1) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 12(d): amended, on 23 February 2015, by clauses 33(4) and 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 12(d): amended, on 5 October 2017, by clause 53(2) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 12(e): amended, on 23 February 2015, by clause 33(5) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

13 Other matters to assist with decision making

- (1) A **distributor** must provide, if requested by a **distributed generator** making an **initial application**, further information that is reasonably necessary to enable the **distributed generator** to consider and act on the information given by the **distributor** under clause 12.
- (2) The information that the **distributor** must provide under subclause (1) may include single line diagrams, equipment ratings, normal switch configurations (including fault

levels), and protection system details relevant to the current or proposed **point of connection** of the **distributed generation** to the **distribution network**.

- (3) The **distributor** must provide the further information under this clause within 10 **business days** of the request being received.

Compare: SR 2007/219 clause 13 Schedule 1

Clause 13(2): amended, on 23 February 2015, by clause 34 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

14 Distributor and distributed generator must make reasonable endeavours regarding new information

If a **distributor** or a **distributed generator** has given information under this Part of this Schedule and subsequently becomes aware of new information that is relevant to the application, the party that becomes aware of the new information must use reasonable endeavours to provide the other party with the new information.

Compare: SR 2007/219 clause 14 Schedule 1

Clause 14: amended, on 23 February 2015, by clause 35 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Final application process

15 Distributed generator must make final application

- (1) A **distributed generator** that makes an **initial application** to a **distributor** must make a **final application**, no later than 12 months after receiving information under clauses 12 and 13, if the **distributed generator** wishes to proceed with the application, unless—

- (a) the **distributor** and the **distributed generator** agree that a **final application** is not required; and
- (b) there are no persons to whom notification is required under clause 16 at the time that the **distributor** and **distributed generator** agree that a **final application** is not required.

- (1A) If a **final application** is not required—

- (a) subclause (2) does not apply; and
- (b) the **distributed generator's initial application** must be treated as a **final application** for the purposes of clauses 16 to 24.

- (2) The **distributed generator** must make the **final application** by—

- (a) using the **final application** form provided by the **distributor** that is publicly available under clause 6.3(2)(a); and
- (b) providing the results of any investigative studies that were identified by the **distributor** under clause 12(e)(i) as to be undertaken by the **distributed generator** or the **distributed generator's agent**.

Compare: SR 2007/219 clause 15 Schedule 1

Clause 15(1): substituted, on 23 February 2015, by clause 36(1) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 15(1A): inserted, on 23 February 2015, by clause 36(2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

16 Notice to third parties

A **distributor** that receives a **final application** must give written notice to the following persons no later than 10 **business days** after receiving the **final application**:

- (a) all persons that have made an **initial application** relating to a particular part of the **distribution network** that the **distributor** considers would be affected by the approval of the **final application**; and
- (b) all **distributed generators** that have **distributed generation** with a **nameplate capacity** of 10 kW or more in total connected on the **regulated terms** to the particular part of the **distribution network** that the **distributor** considers would be affected by the approval of the **final application**.

Compare: SR 2007/219 clause 16 Schedule 1

Clause 16: substituted, on 23 February 2015, by clause 37 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 16(b): amended, on 5 October 2017, by clause 54 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

17 Priority of final applications

- (1) Subclause (2) applies if—
 - (a) a **distributor** receives a **final application** (the **first application**); and
 - (b) the **distributor** receives another **final application**, within 20 **business days** after receiving the **first application**, relating to a particular part of the **distribution network** that the **distributor** considers would be affected by the approval of the **first application**.
- (2) If this subclause applies, the **distributor**—
 - (a) may consider the **final applications** together as if they were competitive bids to use the same part of the **distribution network**; and
 - (b) must consider the **final applications** in light of the purpose of Part 6 of this Code.
- (3) In any other case in which a **distributor** receives more than 1 **final application** relating to a similar part of the **distribution network**, the **distributor** must consider an earlier **final application** in priority to other **final applications**.
- (4) Subclause (3) does not limit clause 19.

Compare: SR 2007/219 clause 17 Schedule 1

Clause 17(1) and (2): substituted, on 23 February 2015, by clause 38(1) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 17(3): amended, on 23 February 2015, by clause 38(2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

18 Distributor's decision on application

- (1) A **distributor** must, within the time limit specified in clause 19, give notice in writing to the applicant stating whether the **final application** is approved or declined.
- (2) A **distributor** must approve a **final application**, subject to any conditions specified by the **distributor** that are reasonably required, if—
 - (a) the application has been properly made in accordance with Part 6 of this Code; and
 - (b) the information provided in the application would reasonably support an assessment by the **distributor** that—
 - (i) the **distributed generator** will comply at all times with the requirements of the Health and Safety at Work Act 2015; and
 - (ii) the **distributed generator** will ensure that the **distributed generation** complies at all times with the **Act** and this Code; and

- (iii) the **distributed generation** meets the **distributor's connection and operation standards** (assuming that the **distributed generator** meets the conditions (if any) referred to in subclause (3)).
- (3) A notice stating that an application is approved must be accompanied by the following information:
- (a) a detailed description of any conditions (or other measures) that are conditions of the approval under subclause (2), and what the **distributed generator** must do to comply with them;
 - (b) detailed reasons for those conditions (or other measures);
 - (c) a detailed description of any charges payable by the **distributed generator** to the **distributor** or by the **distributor** to the **distributed generator**, and an explanation of how the charges have been, or will be, calculated;
 - (d) the default process for resolving disputes under Schedule 6.3, if the **distributed generator** disputes all or any of the conditions (or other measures) or charges payable.
- (4) A notice stating that an application is declined must be accompanied by the following information:
- (a) detailed reasons as to why the application has been declined and what the applicant must do to get approval if it makes a new application:
 - (aa) if the application is one to which clause 17(2) applies, the criteria used in making a decision under clause 17(2)(a) and clause 17(2)(b):
 - (b) the default process for resolving disputes between **participants** under Schedule 6.3:
 - (c) that if the **distributed generator** is not a **participant**, the **distributed generator** may report to the **Authority** under the Electricity Industry (Enforcement) Regulations 2010 if it considers that the **distributor** has breached any requirement in Part 6 of this Code.

Compare: SR 2007/219 clause 18 Schedule 1

Clause 18(2): amended, on 23 February 2015, by clause 39(1) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 18(2)(b)(i): amended, on 5 October 2017, by clause 55 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 18(3): substituted, on 23 February 2015, by clause 39(2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 18(4)(a): substituted, on 23 February 2015, by clause 39(3) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 18(4)(aa): inserted, on 23 February 2015, by clause 39(4) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 18(4)(b): substituted, on 23 February 2015, by clause 39(5) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 18(4)(c): inserted, on 23 February 2015, by clause 39(5) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

19 Time within which distributor must decide final applications

- (1) A notice required by clause 18 must be given by a **distributor** to a **distributed generator** no later than—
- (a) 45 **business days** after the date of receipt of the **final application**, in the case of **distributed generation** that will have a **nameplate capacity** of less than 1 MW;
- or

- (b) 60 **business days** after the date of receipt of the **final application**, in the case of **distributed generation** that will have a **nameplate capacity** of 1 **MW** or more but less than 5 **MW**; or
- (c) 80 **business days** after the date of receipt of the **final application**, in the case of **distributed generation** that will have a **nameplate capacity** of 5 **MW** or more.
- (2) The **distributor** may seek 1 or more extensions of the time specified in subclause (1).
- (3) The **distributor** must do this by notice in writing to the **distributed generator** specifying the reasons for the extension.
- (4) A **distributed generator** that receives a notice seeking an extension—
 - (a) may grant an extension which must not exceed 40 **business days**; and
 - (b) must not unreasonably withhold consent to an extension.

Compare: SR 2007/219 clause 19 Schedule 1

Clause 19(1): substituted, on 23 February 2015, by clause 40(1) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 19(4): substituted, on 23 February 2015, by clause 40(2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

20 Distributed generator must give notice of intention to proceed

- (1) If a **distributor** advises a **distributed generator** that the **distributed generator's final application** is approved, the **distributed generator** must give written notice to the **distributor** confirming whether or not the **distributed generator** intends to proceed to negotiate a connection contract under clause 21(1) and, if so, confirming—
 - (a) the details of the **distributed generation**; and
 - (b) that the **distributed generator** accepts all of the conditions (or other measures) that have been specified by the **distributor** under clause 18.
- (2) The **distributed generator** must give the notice no later than 30 **business days** after the day on which the **distributor** gives notice of approval under clause 18, or such later date as is agreed by the **distributor** and the **distributed generator**.
- (3) If the **distributed generator** is a **participant** and does not accept 1 or more of the conditions specified by the **distributor** under clause 18(2) (if any), but intends to proceed to negotiate a connection contract under clause 21(1), the **distributed generator** must—
 - (a) give notice of the dispute in accordance with clause 2 of Schedule 6.3 within 30 **business days** after the day on which the **distributor** gives notice of approval under clause 18; and
 - (b) give a notice under subclause (1) within 30 **business days** after the dispute is resolved.
- (4) The **distributor's** duties under Part 6 of this Code arising from the application no longer apply if the **distributed generator** fails to give notice to the **distributor** of an intention to proceed to negotiate a connection contract under clause 21(1) within the time limits specified in this clause.
- (5) Subclause (4) does not prevent the **distributed generator** from making a new application under Part 6 of this Code.

Compare: SR 2007/219 clause 20 Schedule 1

Clause 20: substituted, on 23 February 2015, by clause 41 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 20: amended, on 5 October 2017, by clause 56 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Post-approval process

Cross heading: amended, on 23 February 2015, by clause 42 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

21 30 business days to negotiate connection contract if distributed generator notifies intention to proceed

- (1) If a **distributed generator** whose **final application** is approved gives notice to a **distributor** under clause 20(1), the **distributor** and the **distributed generator** have **30 business days**, starting on the date on which the **distributor** receives the notice, during which they must, in good faith, attempt to negotiate a connection contract.
- (2) The **distributor** and the **distributed generator** may, by agreement, extend the time specified in subclause (1) for negotiating a connection contract.

Compare: SR 2007/219 clause 21 Schedule 1

Clause 21: amended, on 23 February 2015, by clauses 43 and 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 21: amended, on 5 October 2017, by clause 57 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

22 Testing and inspection

- (1) A **distributed generator** whose **final application** is approved by a **distributor** must test and inspect the **distributed generation** to which the **final application** relates within a reasonable time frame specified by the **distributor**.
- (1A) The **distributor** may waive the requirement that the **distributed generator** test and inspect if the **distributor** is satisfied that the **distributed generation** complies with the **distributor's connection and operation standards**.
- (2) The **distributed generator** must give adequate notice of the testing and inspection to the **distributor**.
- (3) The **distributor** may send qualified personnel to the site to observe the testing and inspection.
- (4) The **distributed generator** must give the **distributor** with a written test report when testing and inspection is complete, including suitable evidence that the **distributed generation** complies with the **distributor's connection and operation standards**.
- (5) The **distributed generator** must pay any fee specified by the **distributor** in accordance with clause 6.3(2)(e) for observing the testing and inspection.

Compare: SR 2007/219 clause 22 Schedule 1

Clause 22(1): substituted, on 23 February 2015, by clause 44(1) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 22(1A): inserted, on 23 February 2015, by clause 44(2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 22(4): amended, on 23 February 2015, by clause 44(3) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 22(5): amended, on 23 February 2015, by clause 44(4) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

23 Connection of distributed generation if connection contract negotiated

- (1) This clause applies if a **distributor** and a **distributed generator** whose **final application** is approved enter into a connection contract before the period for negotiating a connection contract under this Part of this Schedule expires.

- (2) If the application is to connect **distributed generation** under clause 1B(a), the **distributor** must allow the **distributed generator** to connect the **distributed generation** in accordance with the contract as soon as practicable.
- (3) If the application is to continue an existing connection of **distributed generation** under clause 1B(b), the **distributor** must use its best endeavours to ensure that the new terms under which the **distributed generator's** existing connection continues apply—
 - (a) as soon as practicable, if the previous connection contract has expired; or
 - (b) no later than the expiry of the previous connection contract, if the contract is in force.
- (4) If the application is to continue an existing connection for which there is no connection contract under clause 1B(c), the **distributor** must use its best endeavours to ensure that the new terms under which the **distributed generator's** existing connection continues apply as soon as practicable.
- (5) If the application is to change the **nameplate capacity** or fuel type of connected **distributed generation** under clause 1B(d), the **distributor** must use its best endeavours to ensure that the new terms under which the **distributed generator's** existing connection continues apply as soon as practicable.

Compare: SR 2007/219 clause 23 Schedule 1

Clause 23: substituted, on 23 February 2015, by clause 45 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 23: amended, on 5 October 2017, by clause 58(1) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 23(2): amended, on 5 October 2017, by clause 58(2) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 23(5): amended, on 5 October 2017, by clause 58(3) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

24 Connection of distributed generation on regulated terms if connection contract not negotiated

- (1) This clause applies if a **distributor** and a **distributed generator** whose **final application** is approved do not enter into a connection contract before the period for negotiating a connection contract under this Part of this Schedule expires.
- (2) If the application is to connect **distributed generation** under clause 1B(a), the **distributor** must allow the **distributed generator** to connect the **distributed generation** on the **regulated terms** as soon as practicable after the later of the following:
 - (a) the expiry of the period for negotiating a connection contract under this Part of this Schedule;
 - (b) the date on which the **distributed generator** has fully complied with any conditions (or other measures) that were specified by the **distributor** under clause 18 as conditions of the connection.
- (3) If the application is to continue an existing connection of **distributed generation** under clause 1B(b), the **regulated terms** apply to the **distributed generator's** existing connection from the later of the following:
 - (a) the expiry of the period for negotiating a connection contract under this Part of this Schedule;
 - (b) the expiry of the existing connection contract;
 - (c) the date on which the **distributed generator** has fully complied with any conditions (or other measures) that were specified by the **distributor** under clause 18 as conditions of the connection.

- (4) If the application is to continue an existing connection for which there is no connection contract under clause 1B(c), the **regulated terms** apply from the later of the following:
- (a) the expiry of the period for negotiating a connection contract under this Part of this Schedule;
 - (b) the date on which the **distributed generator** has fully complied with any conditions (or other measures) that were specified by the **distributor** under clause 18 as conditions of the connection.
- (5) If the application is to change the **nameplate capacity** or fuel type of connected **distributed generation** under clause 1B(d), the **regulated terms** apply from the later of the following:
- (a) the expiry of the period for negotiating a connection contract under this Part of this Schedule;
 - (b) the date on which the **distributed generator** has fully complied with any conditions (or other measures) that were specified by the **distributor** under clause 18 as conditions of the connection.

Compare: SR 2007/219 clause 24 Schedule 1

Clause 24: substituted, on 23 February 2015, by clause 45 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 24: amended, on 5 October 2017, by clause 59(1) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 24(2): amended, on 5 October 2017, by clause 59(2) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 24(5): amended, on 23 February 2015, by clause 8 of the Electricity Industry Participation Code Amendment (Minor Code Amendments) (No 3) 2014.

Clause 24(5): amended, on 5 October 2017, by clause 59(3) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Part 3 General provisions

Confidentiality

25 Confidentiality of information provided

- (1) All information given with, or relating to, an application made under this Schedule to a **distributor** must be kept confidential by the **distributor** except as agreed otherwise by the person that gave the information.
- (1A) A **distributor** may require a **distributed generator** to keep confidential information that—
- (a) is given to the **distributed generator** by the **distributor** for the purpose of an application under this Schedule; and
 - (b) the **distributor** reasonably identifies as being confidential.
- (1B) A **distributor** is excused from processing an application made by a **distributed generator** under this Schedule if the **distributed generator** does not agree to comply with a requirement to keep information confidential imposed under subclause (1A).
- (2) Despite subclause (1), the **distributor**—
- (a) may, in response to an application under this Schedule, disclose to the applicant that another **distributed generator** has made an application under this Schedule (without identifying who the other **distributed generator** is); and

- (b) may, in the case of an application under Part 1 of this Schedule, generally indicate the location or proposed location of the **distributed generation** that is the subject of the other application; and
 - (c) may, in the case of an application under Part 2 of this Schedule, disclose the **nameplate capacity** and proposed location of the **distributed generation** that is the subject of the other application.
- (3) The obligation to keep information confidential set out in subclause (1) includes—
- (a) an obligation not to use the information for any purpose other than considering the application under this Schedule and enabling the connection or continued connection of the **distributed generation**; and
 - (b) an obligation to destroy the information as soon as is reasonably practicable after the later of—
 - (i) the date on which the information is no longer required for the purposes in paragraph (a); and
 - (ii) 60 months after receiving the information.

Compare: SR 2007/219 clause 25 Schedule 1

Heading: amended, on 23 February 2015, by clause 46(1) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 25(1): substituted, on 23 February 2015, by clause 46(2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 25(1A) and (1B): inserted, on 23 February 2015, by clause 46(3) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 25(2) and (3): substituted, on 23 February 2015, by clause 46(4) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 25(3)(a): amended, on 5 October 2017, by clause 60 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Record keeping

Heading: amended, on 29 August 2013, by clause 4(1) of the Electricity Industry Participation (Additional Registry Fields) Code Amendment 2012

26 [Revoked]

Compare: SR 2007/219 clause 26 Schedule 1

Clause 26: revoked, on 29 August 2013, by clause 4(2) of the Electricity Industry Participation (Additional Registry Fields) Code Amendment 2012

27 [Revoked]

Compare: SR 2007/219 clause 27 Schedule 1

Clause 27: amended, on 21 September 2012, by clause 6 of the Electricity Industry Participation (Minor Amendments) Code Amendment 2012

Clause 27: revoked, on 29 August 2013, by clause 4(2) of the Electricity Industry Participation (Additional Registry Fields) Code Amendment 2012

28 Distributors must keep records

A **distributor** must maintain records of each application and notification received under this Schedule and the resulting outcomes, including records of how long it took to approve or decline the application, and justification for these outcomes, for a minimum of 60 months after the day on which the application was approved or declined.

Compare: SR 2007/219 clause 28 Schedule 1

Clause 28: substituted, on 23 February 2015, by clause 47 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Costs

29 Responsibility for costs under this Schedule

A **distributor** and **distributed generator** must pay their respective costs (including legal costs) incurred under this Schedule.

Cross heading and clause 29: inserted, on 23 February 2015, by clause 48 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Schedule 6.2

cl 6.6

Regulated terms for distributed generation

Heading: amended, on 23 February 2015, by clause 49 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

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General

1 Contents of this Schedule

This Schedule sets out the **regulated terms** that apply to a **distributor** and a **distributed generator** in respect of **distributed generation** that is connected in accordance with clause 6.6 of Part 6 of this Code and Schedule 6.1.

Compare: SR 2007/219 clause 1 Schedule 2

Clause 1: amended, on 23 February 2015, by clauses 50 and 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 1: amended, on 5 October 2017, by clause 61 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

2 Interpretation

These **regulated terms** must be interpreted—

- (a) in light of the purpose of Part 6 of this Code; and
- (b) so as to give business efficacy to the relationship between the **distributor** and the **distributed generator** created by Part 6 of this Code.

Compare: SR 2007/219 clause 2 Schedule 2

3 General obligations

- (1) The **distributor** and the **distributed generator** must perform all obligations under these **regulated terms** in accordance with **connection and operation standards** (where applicable).
- (2) The **distributor** and the **distributed generator** must each **construct**, connect, operate, test, and **maintain** their respective equipment in accordance with—
 - (a) these **regulated terms**; and
 - (b) **connection and operation standards** (where applicable); and
 - (c) this Code.
- (3) The **distributed generator** must, subject to subclause (2), **construct**, connect, operate, test, and **maintain** its **distributed generation** in accordance with—
 - (a) **reasonable and prudent operating practice**; and
 - (b) the applicable manufacturer's instructions and recommendations.
- (4) The **distributor** and **distributed generator** must each be fully responsible for the respective facilities they own or operate.
- (5) The **distributor** and **distributed generator** must each ensure that their respective facilities adequately protect each other's equipment, personnel, and other persons and their property, from damage and injury.
- (6) The **distributed generator** must comply with any conditions specified by the **distributor** under clause 18 of Schedule 6.1 (or, to the extent that those conditions were the subject of a dispute under clause 20(3) of that Schedule, or of negotiation during the period for negotiation of the connection contract, the conditions or other measures as finally resolved or negotiated).

Compare: SR 2007/219 clause 3 Schedule 2

Clause 3(1): amended, on 23 February 2015, by clause 51(1) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 3(2) and (3): amended, on 5 October 2017, by clause 62(1) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 3(6): amended, on 23 February 2015, by clauses 51(2) and 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 3(6): amended, on 5 October 2017, by clause 62(2) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Meters

4 Installation of meters and access to metering information

(1) *[Revoked]*

(2) The **distributed generator** must give the **distributor**, at the **distributor's** request, the interval data and cumulative data recorded by the **metering installations** at the **point of connection** at which the **distributed generation** is connected or is proposed to be connected.

(3) The **distributed generator** must provide **reactive** metering if—

(a) the **meter** for the **distributed generation** is part of a **category 2 metering installation**, or a higher category of **metering installation**; and

(b) the **distributed generator** is required to do so by the **distributor**.

(4) The **distributor's** requirements in respect of metering measurement and accuracy must be the same as set out in Part 10 of this Code.

Compare: SR 2007/219 clause 4 Schedule 2

Clause 4(1): revoked, on 23 February 2015, by clause 52(1) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014. Clause 4(2): amended, on 5 October 2017, by clause 63 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 4(3): substituted, on 1 December 2011, by clause 5 of the Electricity Industry Participation Code (Distributor Use-of-System Agreements and Distributor Tariffs) Amendment 2011.

Clause 4(2) to (4): substituted, on 23 February 2015, by clause 52(2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Access

5 Right of distributor to access distributed generator's premises

(1) The **distributed generator** must provide the **distributor**, or a person appointed by the **distributor**, with safe and unobstructed access onto the **distributed generator's** premises at all reasonable times—

(a) for the purpose of installing, testing, inspecting, maintaining, repairing, replacing, operating, reading, or removing any of the **distributor's** equipment and for any other purpose related to these **regulated terms**; and

(b) for the purpose of verifying **metering information**; and

(c) for the purpose of ascertaining the cause of any interference to the quality of delivery services being provided by the **distributor** to the **distributed generator**; and

(d) for the purpose of protecting, or preventing danger or damage to, persons or property; and

(e) for the purposes of **electrically connecting** or **electrically disconnecting** the **distributed generation**; and

(f) for any other purpose relevant to either or both of—

- (i) the **distributor** connecting **distributed generation** in accordance with **connection and operation standards**; and
 - (ii) maintaining the integrity of the **distribution network**.
- (2) The rights of access conferred by these **regulated terms** are in addition to any right of access the **distributor** may have under a statute or regulation or contract.

Compare: SR 2007/219 clause 5 Schedule 2

Clause 5(1)(e): amended, on 5 October 2017, by clause 64(1) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 5(1)(f)(i): amended, on 23 February 2015, by clause 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 5(1)(f)(i): amended, on 5 October 2017, by clause 64(2) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

6 Process if distributor wants to access distributed generator's premises

- (1) The **distributor** must exercise its right of access under clause 5 by,—
- (a) wherever practicable, giving to the **distributed generator** reasonable notice of its intention and of the purpose for which it will exercise its right of access; and
 - (b) causing as little inconvenience as practicable to the **distributed generator** in carrying out its work; and
 - (c) observing **reasonable and prudent operating practice** at all times; and
 - (d) observing any reasonable security or site safety requirements that are made known to the **distributor** by the **distributed generator**.
- (2) However, the **distributor** may take all reasonable steps to gain immediate access where it reasonably believes there is immediate danger to persons or property.

Compare: SR 2007/219 clause 6 Schedule 2

7 Distributor must not interfere with distributed generator's equipment

- (1) The **distributor** must not interfere with the **distributed generator's** equipment without the prior written consent of the **distributed generator**.
- (2) However, if emergency action has to be taken to protect the health and safety of persons, or to prevent damage to property, the **distributor**—
- (a) may interfere with the **distributed generator's** equipment without prior written consent; and
 - (b) must, as soon as practicable, inform the **distributed generator** of the occurrence and circumstances involved.

Compare: SR 2007/219 clause 7 Schedule 2

8 Distributed generator must not interfere with, and must protect, distributor's equipment

- (1) The **distributed generator** must not interfere with the **distributor's** equipment without the prior written consent of the **distributor**.
- (2) However, if emergency action has to be taken to protect the health and safety of persons, or to prevent damage to property, the **distributed generator**—
- (a) may interfere with the **distributor's** equipment without prior written consent; and
 - (b) must, as soon as practicable, inform the **distributor** of the occurrence and circumstances involved.

- (3) The **distributed generator** must protect the **distributor's** equipment against interference and damage.

Compare: SR 2007/219 clause 8 Schedule 2

Clause 8(1): amended, on 23 February 2015, by clause 53 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

9 **Obligation to advise if interference with distributor's equipment or theft of electricity is discovered**

- (1) If the **distributor** or the **distributed generator** discovers evidence of interference with the **distributor's** equipment, or evidence of theft of **electricity**, the party discovering the interference or evidence must advise the other party within 24 hours.

- (2) If interference with the **distributor's** equipment at the **distributed generator's** installation is suspected, the **distributor** may itself carry out an investigation and present the findings to the **distributed generator** within a reasonable period.

- (3) The cost of the investigation—

(a) must be borne by the **distributed generator** if it is discovered that interference by the **distributed generator**, or by its subcontractors, agents, or invitees, has occurred, or if the interference has been by a third party, and the **distributed generator** has failed to provide reasonable protection against interference to the **distributor's** equipment; and

(b) must be borne by the **distributor** in any other case.

Compare: SR 2007/219 clause 9 Schedule 2

Heading: amended, on 23 February 2015, by clause 54(1) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 9(1): amended, on 23 February 2015, by clause 54(2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Interruptions and disconnections

10 **General obligation relating to interruptions**

The **distributor** must make reasonable endeavours to ensure that the connection of the **distributed generation** is not interrupted.

Compare: SR 2007/219 clause 10 Schedule 2

Clause 10: amended, on 23 February 2015, by clause 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 10: amended, on 5 October 2017, by clause 65 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

11 **Circumstances allowing distributor to temporarily electrically disconnect distributed generation**

Despite clause 10, the **distributor** may interrupt the connection service, or curtail either the operation or output of the generation, or both, and may temporarily **electrically disconnect** the **distributed generation** in any of the following cases:

- (a) in accordance with the **distributor's congestion management policy**;
- (b) if reasonably necessary for planned **maintenance, construction**, and repairs on the **distribution network**;
- (c) for the purpose of protecting, or preventing danger or damage to, persons or property:

- (d) if the **distributed generator** fails to allow the **distributor** access as required by clause 5:
- (e) *[Revoked]*
- (f) in accordance with clause 13 (adverse operating effects):
- (g) if the **distributed generator** fails to comply with the **distributor's**—
 - (i) **connection and operation standards**; or
 - (ii) safety requirements.

Compare: SR 2007/219 clause 11 Schedule 2

Heading: amended, on 5 October 2017, by clause 66(1) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 11: amended, on 23 February 2015, by clauses 55(1) and 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 11: amended, on 5 October 2017, by clause 66(2) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 11(e): revoked, on 23 February 2015, by clause 55(2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 11(g): inserted, on 23 February 2015, by clause 55(3) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

12 Obligations if distributed generation temporarily electrically disconnected by distributor

- (1) The **distributor** must make reasonable endeavours to—
 - (a) advise the **distributed generator** before an interruption under clause 11; and
 - (b) co-ordinate with the **distributed generator** to minimise the impact of the interruption.
- (2) The **distributor** and the **distributed generator** must co-operate to restore the **distribution network** and the **distributed generation** to a normal operating state as soon as is reasonably practicable following the **distributed generation** being temporarily **electrically disconnected**.
- (3) In the case of a forced outage, the **distributor** must, subject to the need to restore the **distribution network**, make reasonable endeavours to—
 - (a) restore service to the **distributed generator**; and
 - (b) advise the **distributed generator** of the expected duration of the outage.

Compare: SR 2007/219 clause 12 Schedule 2

Heading: amended, on 5 October 2017, by clause 67(1) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 12(1)(a): amended, on 23 February 2015, by clause 56(1) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 12(2): amended, on 5 October 2017, by clause 67(2) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 12(3): amended, on 23 February 2015, by clause 56(2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

13 Adverse operating effects

- (1) The **distributor** must advise the **distributed generator** as soon as is reasonably practicable if it reasonably considers that operation of the **distributed generation** may—
 - (a) adversely affect the service provided to other **distribution network** customers; or
 - (b) cause damage to the **distribution network** or other facilities; or
 - (c) present a hazard to a person.

- (2) If, after receiving that advice, the **distributed generator** fails to remedy the adverse operating effect within a reasonable time, the **distributor** may **electrically disconnect the distributed generation** by giving reasonable notice (or without notice when reasonably necessary in the event of an emergency or hazardous situation).

Compare: SR 2007/219 clause 13 Schedule 2

Clause 13(1): amended, on 23 February 2015, by clause 57(1) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 13(2): amended, on 23 February 2015, by clause 57(2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 13(2): amended, on 5 October 2017, by clause 68 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

14 Interruptions by distributed generator

- (1) This clause applies to any connected **distributed generation** above 10 kW in total.
- (2) The **distributed generator** must advise the **distributor** of any **planned outages** and must make reasonable endeavours to advise the **distributor** of an event that affects **distribution network** operations.
- (3) The **distributed generator** must make reasonable endeavours to advise the **distributor** of the interruption and to co-ordinate with the **distributor** to minimise the impact of the interruption.

Compare: SR 2007/219 clause 14 Schedule 2

Clause 14: amended, on 23 February 2015, by clauses 58 and 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 14(1): amended, on 5 October 2017, by clause 69 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

15 Disconnecting distributed generation

- (1) Despite clause 10, the **distributor** may disconnect **distributed generation** in the following circumstances:
- (a) on receipt of a request from a **distributed generator**:
- (b) without notice, if a **distributed generator** has been temporarily **electrically disconnected** under clause 11(g) and—
- (i) the **distributed generator** fails to remedy the non-compliance within a reasonable period of time; and
- (ii) there is an ongoing risk to persons or property:
- (c) without notice, if the **trader** that is recorded in the **registry** as being responsible for the **ICP** to which the **distributed generation** is connected to the **distribution network** has **electrically disconnected** the **ICP** and updated the **ICP's** status in the **registry** to "inactive" with the reason of "electrically disconnected – ready for decommissioning":
- (d) on at least 10 **business days'** notice of intention to disconnect, if—
- (i) the **distributed generator** has not injected **electricity** into the **distribution network** at any time in the preceding 12 months; and
- (ii) the **distributed generator** has not given written notice to the **distributor** of the reasons for the non-injection; and
- (iii) the **distributor** has reasonable grounds for believing that the **distributed generator** has ceased to operate the **distributed generation**.
- (2) *[Revoked]*

- (3) If a **distributor** disconnects **distributed generation** under subclause (1) and the **point of connection** is to be **decommissioned**, the **distributor** must—
- (a) remove all electrical conductors between the **distributed generation** and the **distributor's lines**;
 - (b) advise the **distributed generator** within 2 **business days** of the completion of the work referred to in paragraph (a).

(4) *[Revoked]*

(5) *[Revoked]*

Compare: SR 2007/219 clause 15 Schedule 2

Heading: replaced, on 5 October 2017, by clause 70(1) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 15(1): amended, on 5 October 2017, by clause 70(2) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 15(1)(b): amended, on 5 October 2017, by clause 70(3) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 15(1)(b) and (c): substituted, on 23 February 2015, by clause 59(1) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 15(1)(c): amended, on 5 October 2017, by clause 70(4) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 15(1)(d)(i): amended, on 23 February 2015, by clause 59(2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 15(1)(d)(ii): replaced, on 5 October 2017, by clause 70(5) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 15(2): revoked, on 23 February 2015, by clause 59(3) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 15(3): amended, on 23 February 2015, by clause 59(4) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 15(3): replaced, on 5 October 2017, by clause 70(6) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 15(4) and (5): revoked, on 23 February 2015, by clause 59(5) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Time frame for construction

15A Distributed generator must construct distributed generation within 18 months of approval

- (1) This clause applies if the **distributor** approves the **distributed generator's** application to connect **distributed generation** under Part 1, Part 1A, or Part 2 of Schedule 6.1.
- (2) The **regulated terms** cease to apply if the **distributed generator** does not **construct the distributed generation** within—
- (a) 18 months from the date on which approval was granted; or
 - (b) such later date as is agreed by the **distributor** and **distributed generator**.
- (3) The **distributed generator** must reapply under Schedule 6.1 if—
- (a) the **regulated terms** no longer apply in accordance with subclause (1); and
 - (b) the **distributed generator** wishes to connect **distributed generation** to the **distributor's distribution network**.

Cross heading and clause 15A: inserted, on 23 February 2015, by clause 60 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 15A: amended, on 5 October 2017, by clause 71 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Confidentiality

16 General obligations relating to confidentiality

- (1) Each party must preserve the confidentiality of **confidential information**, and must not directly or indirectly reveal, report, publish, transfer, or disclose the existence of any **confidential information**, except as permitted in subclause (2).
- (2) Each party must only use **confidential information** for the purposes expressly permitted by these **regulated terms**.

Compare: SR 2007/219 clause 17 Schedule 2

17 When confidential information can be disclosed

Either party may disclose **confidential information** in any of the following circumstances:

- (a) if the **distributed generator** and **distributor** agree in writing to the disclosure of information:
- (b) if disclosure is expressly provided for under these **regulated terms**:
- (c) if, at the time of receipt by the party, the **confidential information** is in the public domain or if, after the time of receipt by either party, the **confidential information** enters the public domain (except where it does so as a result of a breach by either party of its obligations under this clause or a breach by any other person of that person's obligation of confidence):
- (d) if either party is required to disclose **confidential information** by—
 - (i) a statutory or regulatory obligation, body, or authority; or
 - (ii) a judicial or arbitration process; or
 - (iii) the regulations of a stock exchange upon which the share capital of either party is from time to time listed or dealt in; or
 - (iv) this Code:
- (e) if the **confidential information** is released to the officers, employees, directors, agents, or advisors of the party, provided that—
 - (i) the information is disseminated only on a need-to-know basis; and
 - (ii) recipients of the **confidential information** have been made fully aware of the party's obligations of confidence in relation to the information; and
 - (iii) any copies of the information clearly identify it as **confidential information**:
- (f) if the **confidential information** is released to a bona fide potential purchaser of the business or any part of the business of a party, subject to that bona fide potential purchaser having signed a confidentiality agreement enforceable by the other party in a form approved by that other party, and that approval may not be unreasonably withheld.

Compare: SR 2007/219 clause 18 Schedule 2

18 Disclosures by employees, agents, etc

To avoid doubt, a party is responsible for any unauthorised disclosure of **confidential information** made by that party's officers, employees, directors, agents, or advisors.

Compare: SR 2007/219 clause 19 Schedule 2

Pricing

19 Pricing principles

Charges that are payable by the **distributed generator** or the **distributor** must be determined in accordance with the pricing principles set out in Schedule 6.4.

Compare: SR 2007/219 clause 20 Schedule 2

Clause 19: amended, on 23 February 2015, by clause 61 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Liability

20 General obligations relating to liability

- (1) If the **distributor** or the **distributed generator** breaches any of the **regulated terms** (whether by act or omission), that party is liable to the other.
- (2) The **distributed generator's** and the **distributor's** liability to each other is limited to damages for any direct loss caused by that breach.
- (3) This clause and clauses 21 to 25 do not limit the liability of either party to pay all charges and other amounts due under Part 6 of this Code or the **regulated terms**.

Compare: SR 2007/219 clause 21 Schedule 2

Clause 20(1) and (3): amended, on 23 February 2015, by clause 62 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

21 Exceptions to obligations relating to liability

- (1) Neither the **distributor** nor the **distributed generator**, nor any of its officers, employees, directors, agents, or advisors, are in any circumstances liable to the other party for—
 - (a) any indirect loss, consequential loss (including, but not limited to, incidental or special damages), loss of profit, loss of revenue (except any liability under clause 20(3)), loss of use, loss of opportunity, loss of contract, or loss of goodwill; or
 - (b) any loss resulting from the liability of the other party to another person; or
 - (c) any loss or damage incurred by the other party if, and to the extent that, this results from any breach of the **regulated terms** or any negligent action.
- (2) The **distributor** is not liable, except to the extent caused or contributed to by the **distributor** in circumstances where the **distributor** was not acting in accordance with Part 6 of this Code (including these **regulated terms**), for—
 - (a) any momentary fluctuations in the voltage or frequency of **electricity** conveyed to or from the **distributed generation's point of connection** or nonconformity with harmonic voltage and current levels; or
 - (b) any failure to convey **electricity** to the extent that—
 - (i) the failure arises from any act or omission of the **distributed generator** or other person, excluding the **distributor** and its officers, employees, directors, agents, or advisors; or

- (ii) the failure arises from a reduced **injection** of **electricity** into the **distribution network**; or
 - (iia) the failure arises from an interruption in the conveyance of **electricity** in the **distribution network**, if the interruption was at the request of the **system operator** or under a nationally or regionally co-ordinated response to an **electricity** shortage; or
 - (iii) the failure arises from any defect or abnormal conditions in or about the **distributed generator's** premises; or
 - (iv) the **distributor** was taking any action in accordance with Part 6 of this Code or the **regulated terms**; or
 - (v) the **distributor** was prevented from making necessary repairs (for example, by police at an accident scene).
- (3) The **distributed generator** is not liable for—
- (a) a failure to perform an obligation under these **regulated terms** caused by the **distributor's** failure to comply with the obligation; or
 - (b) a failure to perform an obligation under these **regulated terms** arising from any defect or abnormal conditions in the **distribution network**.

Compare: SR 2007/219 clause 22 Schedule 2

Clause 21(1): amended, on 23 February 2015, by clause 63(1) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 21(2)(b)(ii): substituted, on 23 February 2015, by clause 63(2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 21(2)(b)(iia): inserted, on 23 February 2015, by clause 63(3) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

22 Limits on liability

The maximum total liability of each party, as a result of a breach of the **regulated terms**, must not in any circumstances exceed, in respect of a single event or series of events arising from the same event or circumstance, the lesser of—

- (a) the direct damage suffered or the maximum total liability that the party bringing the claim against the other party has at the time that the event (or, in the case of a series of related events, the first of such events) giving rise to the liability occurred; or
- (b) \$1,000 per kW of **nameplate capacity** up to a maximum of \$5 million.

Compare: SR 2007/219 clause 23 Schedule 2

Clause 22(b): amended, on 23 February 2015, by clause 64 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

23 Liability clauses do not apply to fraud, wilful breach, and breach of confidentiality

The exceptions in clause 21, and the limits on liability in clause 22, do not apply—

- (a) if the **distributor** or the **distributed generator**, or any of its officers, employees, directors, agents, or advisors, has acted fraudulently or wilfully in breach of these **regulated terms**; or
- (b) to a breach of confidentiality under clause 16 by either party.

Compare: SR 2007/219 clause 24 Schedule 2

Clause 23(a): amended, on 23 February 2015, by clause 65 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

24 *[Revoked]*

Compare: SR 2007/219 clause 25 Schedule 2
Clause 24: revoked, on 23 February 2015, by clause 66 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

25 Force majeure

- (1) A failure by either party to comply with or observe any provisions of these **regulated terms** (other than payment of any amount due) does not give rise to any cause of action or liability based on default of the provision if—
- (a) the failure is caused by—
 - (i) an event or circumstance occasioned by, or in consequence of, an act of God, being an event or circumstance—
 - (A) due to natural causes, directly or indirectly and exclusively without human intervention; and
 - (B) that could not reasonably have been foreseen or, if foreseen, could not reasonably have been resisted; or
 - (ii) a strike, lockout, other industrial disturbance, act of public enemy, war, blockade, insurrection, riot, epidemic, aircraft, or civil disturbance; or
 - (iii) the binding order or requirement of a Court, government, **local authority**, the **Rulings Panel**, or the **Authority**, and the failure is not within the reasonable control of the affected party; or
 - (iv) the partial or entire failure of the **injection of electricity** into the **distribution network**; or
 - (v) any other event or circumstance beyond the control of the party invoking this clause; and
 - (b) the party could not have prevented such failure by the exercise of the degree of skill, diligence, prudence, and foresight that would reasonably and ordinarily be expected from a skilled and experienced **distributor** or **distributed generator** engaged in the same type of undertaking under the same or similar circumstances in New Zealand at the time.
- (2) If a party becomes aware of a prospect of a forthcoming **force majeure event**, it must advise the other party as soon as is reasonably practicable of the particulars of which it is aware.
- (3) If a party invokes this clause, it must as soon as is reasonably practicable advise the other party that it is invoking this clause and of the full particulars of the **force majeure event** relied on.
- (4) The party invoking this clause must—
- (a) use all reasonable endeavours to overcome or avoid the **force majeure event**; and
 - (b) use all reasonable endeavours to mitigate the effects or the consequences of the **force majeure event**; and
 - (c) consult with the other party on the performance of the obligations referred to in paragraphs (a) and (b).
- (5) Nothing in subclause (4) requires a party to settle a strike, lockout, or other industrial disturbance by acceding, against its judgement, to the demands of opposing parties.
- Compare: SR 2007/219 clause 26 Schedule 2

Electricity Industry Participation Code 2010
Schedule 6.2

Clause 25(1)(a)(iv): substituted, on 23 February 2015, by clause 67(1) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 25(2) and (3): amended, on 23 February 2015, by clause 67(2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Schedule 6.3 Default dispute resolution process

cl 6.8

Contents

-
- 1 Application of this schedule
 - 2 Notice of dispute
 - 3 Complaints
 - 4 Application of pricing principles to disputes
 - 5 Orders that Rulings Panel can make
-

1 Application of this Schedule

This Schedule applies in accordance with clause 6.8.

Compare: SR 2007/219 clause 1 Schedule 3

Clause 1: substituted, on 23 February 2015, by clause 68 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

2 Notice of dispute

- (1) A party must give written notice to the other party of the dispute.
- (2) The parties must attempt to resolve the dispute with each other in good faith.
- (3) If the parties are unable to resolve the dispute, either party may complain in writing to the **Authority**.

Compare: SR 2007/219 clause 2 Schedule 3

3 Complaints

- (1) A complaint made under clause 2(3) must be treated as if it were a notification given under regulations made under section 112 of the **Act**.
- (2) The following provisions apply to the complaint:
 - (a) sections 53-62 of the **Act**; and
 - (b) the Electricity Industry (Enforcement) Regulations 2010 except regulations 5, 6, 7, 9, 17, 51 to 75, and subpart 2 of Part 3.
- (3) Those provisions apply—
 - (a) to the dispute that is the subject of the complaint in the same way as those provisions apply to a notification of an alleged breach of this Code; and
 - (b) as if references to a **participant** in those provisions were references to a party under Part 6 of this Code; and
 - (c) with any further modifications that the **Authority** or the **Rulings Panel**, as the case may be, considers necessary or desirable for the purpose of applying those provisions to the complaint.

Compare: SR 2007/219 clause 3 Schedule 3

4 Application of pricing principles to disputes

- (1) The **Authority** and the **Rulings Panel** must apply the pricing principles set out in Schedule 6.4 to determine any connection charges payable.
- (2) Subclause (1) applies if—

- (a) there is a dispute under Part 6 of this Code; and
- (b) in the opinion of the **Authority** or the **Rulings Panel** it is necessary or desirable to apply subclause (1) in order to resolve the dispute.

Compare: SR 2007/219 clause 4 Schedule 3

Clause 4(1): amended, on 23 February 2015, by clause 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 4(1): amended, on 5 October 2017, by clause 72 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

5 Orders that Rulings Panel can make

If a complaint is referred to it, the **Rulings Panel** may make any order, or take any action, that it is able to make or take in accordance with section 54 of the **Act**.

Compare: SR 2007/219 clause 5 Schedule 3

Schedule 6.4 Pricing principles

cl 6.9

- 1 This Schedule sets out the pricing principles to be applied for the purposes of Part 6 of this Code in accordance with clause 6.9 (which relates to clause 19 of Schedule 6.2 and clause 4 of Schedule 6.3).

Compare: SR 2007/219 clause 1 Schedule 4

Clause 1: amended, on 23 February 2015, by clause 69 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

- 2 The pricing principles are as follows:

Charges to be based on recovery of reasonable costs incurred by distributor to connect the distributed generator and to comply with connection and operation standards within the distribution network, and must include consideration of any identifiable avoided or avoidable costs

- (a) subject to paragraph (i), connection charges in respect of **distributed generation** must not exceed the **incremental costs** of providing connection services to the **distributed generation**. To avoid doubt, **incremental cost** is net of—
- (i) if the **distributed generation** is included in a list **published** by the **Authority** under clause 2C(1), transmission costs that an efficient **distributor** would be able to avoid as a result of the **electrical connection** of the **distributed generation** at the **nameplate capacity** specified for that **distributed generation** in the list; and
- (ii) **distribution** costs that an efficient **distributor** would be able to avoid as a result of the **electrical connection** of the **distributed generation**:
- (b) costs that cannot be calculated (eg, avoidable costs) must be estimated with reference to reasonable estimates of how the **distributor's** capital investment decisions and operating costs would differ, in the future, with and without the generation:
- (c) estimated costs may be adjusted ex post. Ex-post adjustment involves calculating, at the end of a period, what the actual costs incurred by the **distributor** as a result of the **distributed generation** being **electrically connected** to the **distribution network** were, and deducting the costs that would have been incurred had the generation not been **electrically connected**. In this case, if the costs differ from the costs charged to the **distributed generator**, the **distributor** must advise the **distributed generator** and recover or refund those costs after they are incurred (unless the **distributor** and the **distributed generator** agree otherwise):

Capital and operating expenses

- (d) if costs include distinct capital expenditure, such as costs for a significant **asset** replacement or upgrade, the connection charge attributable to the **distributed generator's** actions or proposals is payable by the **distributed generator** before

the **distributor** has committed to incurring those costs. When making reasonable endeavours to facilitate connection, the **distributor** is not obliged to incur those costs until that payment has been received:

- (e) if **incremental costs** are negative, the **distributed generator** is deemed to be providing network support services to the **distributor**, and may invoice the **distributor** for this service and, in that case, the **distributed generator** must comply with all relevant obligations (for example, obligations under Part 6 of this Code and in respect of tax):
- (f) if costs relate to ongoing or periodic operating expenses, such as costs for routine **maintenance**, the connection charge attributable to the **distributed generator's** actions or proposals may take the form of a periodic charge:
- (g) *[Revoked]*
- (h) after the connection of the **distributed generation**, the **distributor** may review the connection charges payable by a **distributed generator** not more than once in any 12-month period. Following a review, the **distributor** must advise the **distributed generator** in writing of any change in the connection charges payable, and the reasons for any change, not less than 3 months before the date the change is to take effect:

Share of generation-driven costs

- (i) if multiple **distributed generators** are sharing an investment, the portion of costs payable by any 1 **distributed generator**—
 - (i) must be calculated so that the charges paid or payable by each **distributed generator** take into account the relative expected peak of each **distributed generator's** injected generation; and
 - (ii) may also have regard to the percentage of **assets** that will be used by each **distributed generator**, the percentage of **distribution network capacity** used by each **distributed generator**, the relative share of expected maximum combined peak output, and whether the combined peak generation is coincident with the peak load on the **distribution network**:
- (j) in order to facilitate the calculation of equitable connection charges under paragraph (i), the **distributor** must make and retain adequate records of investments for a period of 60 months, provide the rationale for the investment in terms of facilitating **distributed generation**, and indicate the extent to which the associated costs have been or are to be recovered through generation connection charges:

Repayment of previously funded investment

- (k) if a **distributed generator** has paid connection charges that include (in part) the cost of an investment that is subsequently shared by other **distributed generators**, the **distributor** must refund to the **distributed generator** all connection charges paid to the **distributor** under paragraph (i) by other **distributed generators** in respect of that investment:

- (l) if there are multiple prior **distributed generators**, a refund to each **distributed generator** referred to in paragraph (k) must be provided in accordance with the expected peak of that **distributed generator's** injected generation over a period of time agreed between the **distributed generator** and the **distributor**. The refund—
- (i) must take into account the relative expected peak of each **distributed generator's** injected generation; and
 - (ii) may also have regard to the percentage of **assets** that will be used by each **distributed generator**, the percentage of **distribution network capacity** used by each **distributed generator**, the relative share of expected maximum combined peak output, and whether the combined peak generation is coincident with the peak load on the **distribution network**:
- (m) no refund of previous payments from the **distributed generator** referred to in paragraph (k) is required after a period of 36 months from the initial connection of that **distributed generator**:

Non-firm connection service

- (n) to avoid doubt, nothing in Part 6 of this Code creates any **distribution network capacity** or property rights in any part of the **distribution network** unless these are specifically contracted for. **Distributors** must **maintain** connection and **lines** services to **distributed generators** in accordance with their **connection and operation standards**.

Compare: SR 2007/219 clause 2 Schedule 4

Heading: amended, on 23 February 2015, by clause 70(1) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 2: amended, on 23 February 2015, by clause 70(2) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 2(a): amended, on 23 February 2015, by clauses 70(3) and 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 2(a): replaced, on 9 January 2017, by clause 4 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2016.

Clause 2(a): amended, on 5 October 2017, by clause 73(1) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 2(c): amended, on 23 February 2015, by clauses 70(4) and 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 2(c): amended, on 5 October 2017, by clause 73(2) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 2(d): amended, on 23 February 2015, by clause 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 2(d), (f), (h), (j), (k), and (m): amended, on 5 October 2017, by clause 73(3) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Clause 2(f): amended, on 23 February 2015, by clauses 70(5) and 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 2(g): revoked, on 23 February 2015, by clause 70(6) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 2(h): amended, on 23 February 2015, by clauses 70(7) and 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 2(i)(ii): amended, on 23 February 2015, by clause 70(8) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 2(j): amended, on 23 February 2015, by clauses 70(9) and 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 2(k): amended, on 23 February 2015, by clause 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 2(l)(ii): amended, on 23 February 2015, by clause 70(10) of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 2(m): amended, on 23 February 2015, by clauses 70(11) and 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 2(n): amended, on 23 February 2015, by clauses 70(2) and 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

Clause 2(n): amended, on 5 October 2017, by clause 73(4) of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

2A Transpower to provide reports to Authority in relation to distributed generation

- (1) **Transpower** must, by 15 March 2017 (or such later date as the **Authority** may allow), provide a report to the **Authority** that identifies which (if any) **distributed generation** located in the Lower South Island is required for **Transpower** to meet the **grid reliability standards** in the period from 1 April 2017 to 31 March 2020.
- (2) **Transpower** must, by 30 August 2017, provide a report to the **Authority** that identifies which (if any) **distributed generation** located in the Lower North Island is required for **Transpower** to meet the **grid reliability standards** in the period from 1 April 2017 to 31 March 2020.
- (3) **Transpower** must, by 31 January 2018, provide a report to the **Authority** that identifies which (if any) **distributed generation** located in the Upper North Island is required for **Transpower** to meet the **grid reliability standards** in the period from 1 April 2017 to 31 March 2020.
- (4) **Transpower** must, by 31 January 2018, provide a report to the **Authority** that identifies which (if any) **distributed generation** located in the Upper South Island is required for **Transpower** to meet the **grid reliability standards** in the period from 1 April 2017 to 31 March 2020.
- (5) In this clause and clause 4,—
 - (a) Upper North Island is that part of the North Island situated on, or north and west of, a line—
 - (i) commencing at 38°02'S and 174°42'E; then
 - (ii) proceeding in a generally north-easterly direction directly to 37°36'S and 175°27'E; then
 - (iii) proceeding north along the 175°27'E line of longitude; and
 - (b) Lower North Island is that part of the North Island not referred to in subclause (a); and
 - (c) Upper South Island is that part of the South Island situated on, or north of, a line passing through 43°30'S and 169°30'E, and 44°40'S and 171°12'E; and
 - (d) Lower South Island is that part of the South Island not referred to in subclause (c).

Clause 2A: inserted, on 9 January 2017, by clause 5 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2016.

Clause 2A(5): amended, on 5 October 2017, by clause 74 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

2B Authority to review Transpower's reports in relation to distributed generation

- (1) The **Authority** must, as soon as practicable after receiving a report from **Transpower** under clause 2A,—
 - (a) approve the report; or
 - (b) decline to approve the report.
- (2) If the **Authority** declines to approve the report,—
 - (a) the **Authority** must, as soon as practicable,—
 - (i) advise **Transpower** of its reasons for declining to approve the report; and

- (ii) direct **Transpower** as to how it should amend the report before resubmitting it; and
- (b) **Transpower** must amend the report in accordance with the **Authority's** direction, and resubmit the report to the **Authority**,—
 - (i) for the report provided under clause 2A(1), within 10 **business days**; and
 - (ii) for reports provided under clauses 2A(2), (3), or (4), within 20 **business days**.
- (3) The **Authority** must, as soon as practicable after receiving a resubmitted report from **Transpower**,—
 - (a) approve the report; or
 - (b) decline to approve the report.
- (4) Subclause (2) applies to the resubmitted report as if it were the report originally provided under clause 2A.
Clause 2B: inserted, on 9 January 2017, by clause 5 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2016.

2C Authority to publish list of distributed generation

- (1) The **Authority** must, after approving a report provided by **Transpower** under clause 2A, **publish** a list of **distributed generation** for the relevant region for the purposes of clause 2(a)(i).
- (2) A list **published** under subclause (1) must include—
 - (a) only **distributed generation** that is connected as at 6 December 2016; and
 - (b) the **nameplate capacity** of the **distributed generation** as at 6 December 2016.Clause 2C: inserted, on 9 January 2017, by clause 5 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2016.
Clause 2C(2)(a): amended, on 5 October 2017, by clause 75 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

3 [Revoked]

Compare: SR 2007/219 clause 3 Schedule 4
Clause 3: revoked, on 23 February 2015, by clause 71 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.

4 Delayed application of Electricity Industry Participation Code Amendment (Distributed Generation) 2016

- (1) Despite clause 2 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2016,—
 - (a) until the close of 31 March 2018, Part 6 of this Code applies to the Lower South Island as if the Electricity Industry Participation Code Amendment (Distributed Generation) 2016 had not been made; and
 - (b) until the close of 30 September 2018, Part 6 of this Code applies to the Lower North Island as if the Electricity Industry Participation Code Amendment (Distributed Generation) 2016 had not been made; and
 - (c) until the close of 31 March 2019, Part 6 of this Code applies to the Upper North Island as if the Electricity Industry Participation Code Amendment (Distributed Generation) 2016 had not been made; and
 - (d) until the close of 30 September 2019, Part 6 of this Code applies to the Upper South Island as if the Electricity Industry Participation Code Amendment (Distributed Generation) 2016 had not been made.

- (2) In this clause, Upper North Island, Lower North Island, Upper South Island, and Lower South Island have the meanings set out in clause 2A(5).

Clause 4: inserted, on 5 October 2017, by clause 76 of the Electricity Industry Participation Code Amendment (Code Review Programme) 2017.

Schedule 6.5 cls 2(4), 7(5), 11(4), and 22(5) of Sch 6.1 Prescribed maximum fees

- 1 *[Revoked]*
Clause 1: revoked, on 23 February 2015, by clause 72 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.
- 2 A **distributor** may require the payment of fees for any of the following activities prescribed under Part 6 of this Code to the maximum fee specified in the column opposite that activity:

Description of fee	\$ (exclusive of GST)
Part 1 of Schedule 6.1 application	
Application fee under clause 2(2)(c)	200
Fee for observation of testing and inspection under clause 7(5)	60
Part 1A of Schedule 6.1 application	
Application fee under clause 9B(2)(c)	100
Fee for inspection under clause 9C(3)	60
Deficiency fee under clause 9E(4)	80
Part 2 of Schedule 6.1 application	
Application fee for distributed generation with nameplate capacity of more than 10 kW but less than 100 kW under clause 11(2)(c)	500
Application fee for distributed generation with nameplate capacity of 100 kW or more in total but less than 1 MW under clause 11(2)(c)	1,000
Application fee for distributed generation with nameplate capacity of 1 MW or more under clause 11(2)(c)	5,000
Fee for observation of testing and inspection of distributed generation with	120

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nameplate capacity of more than 10 kW but less than 100 kW under clause 22(5)	
Fee for observation of testing and inspection of distributed generation with nameplate capacity of 100 kW or more under clause 22(5)	1,200

Compare: SR 2007/219 Schedule 5

Clause 2: substituted, on 23 February 2015, by clause 73 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.