Electricity Industry Participation Code 2010

Part 6
Connection of distributed generation

Contents

6.1 Contents of this Part
6.2 Purpose
6.2A Application of Part to distributors in respect of embedded networks
6.2B Application of Part to distributors in respect of systems of lines not directly or indirectly connected to grid
6.3 Distributors must make information publicly available
6.4 Process for obtaining approval
6.4A Distributor and distributed generator may agree to simpler process for existing connection
6.5 Connection contract
6.6 Connection on regulated terms
6.7 Extra terms
6.8 Dispute resolution
6.9 Pricing principles
6.10 [Revoked]
6.11 Distributors must act at arm’s length
6.12 This Part does not affect rights and obligations under Code

Transitional provisions

6.13 This Part does not apply to earlier connections

Schedule 6.1
Process for obtaining approval

Preliminary provisions

Part 1
Applications for distributed generation 10 kW or less in total
Application process
Post-approval process

Part 1A

Part 2
Applications for distributed generation above 10 kW in total
Initial application process
Final application process
Post-approval process

Part 3
General provisions
Confidentiality
Annual reporting and record keeping
Costs

Schedule 6.2
Regulated terms for distributed generation
General
Meters
Access

Interruptions and disconnections
Confidentiality
Pricing
Liability

Schedule 6.3
Default dispute resolution process

Schedule 6.4
Pricing principles

Share of generation-driven costs
Repayment of previously funded investment
Non-firm connection service

Schedule 6.5
Prescribed maximum fees

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.

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

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.

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).
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)(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.

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.

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.
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(2) and (4): substituted, on 23 February 2015, by clause 10 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
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).

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.

6.10 [Revoked]

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

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
Schedule 6.1

Process for obtaining approval


Contents

Preliminary provisions

1A Contents of this Schedule
1B Distributed generator must apply
1C How Parts apply to applications
1D When application may be made under Part 1A

Part 1

Applications for distributed generation 10 kW or less in total

1 Contents of this Part

Application process

2 Applications under this Part of this Schedule
3 Distributor’s decision on application
4 Extension of time by mutual agreement for distributor to process application
5 Distributed generator must give notice of intention to negotiate

Post-approval process

6 30 business days to negotiate connection contract if distributed generator notifies intention to proceed
7 Testing and inspection
8 Connection of distributed generation if connection contract negotiated
9 Connection of distributed generation on regulated terms if connection contract not negotiated

Part 1A

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

9A Contents of this Part
9B Application for distributed generation of 10 kW or less in total in specified circumstances
9C Distributor may inspect distributed generation
9D Export congestion
9E Non-compliance or incomplete information
9F Notice of final approval
9G Regulated terms apply
9H When distributed generator may connect to distribution network

Part 2

Applications for distributed generation above 10 kW in total

10 Contents of this Part

Initial application process

11 Distributed generator must make initial application and give information
12 Distributor must give information to distributed generator
Other matters to assist with decision making
Distributor and distributed generator must make reasonable endeavours regarding new information

**Final application process**
Distributed generator must make final application
Notice to third parties
Priority of final applications
Distributor’s decision on application
Time within which distributor must decide final applications
Distributed generator must give notice of intention to proceed

**Post-approval process**
30 business days to negotiate connection contract if distributed generator notifies intention to proceed
Testing and inspection
Connection of distributed generation if connection contract negotiated
Connection of distributed generation on regulated terms if connection contract not negotiated

**Part 3**
General provisions

**Confidentiality**
Confidentiality of information provided

**Annual reporting and record keeping**

[Revoked]

Distributors must keep records

**Costs**
Responsibility for costs under this Schedule

---

**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.

**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.


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.


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


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
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(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)(c) and (d): substituted, on 23 February 2015, by clause 21(8) 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)(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(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
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.

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
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.

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
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:
Electricity Industry Participation Code 2010
Schedule 6.1

(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.

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.

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.

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.

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.


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 2
Applications for distributed generation
above 10 kW in total


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.

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 (MVAr) (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 **offtakes** 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


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)(m): amended, on 23 February 2015, by clauses 32(12) and 75 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
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(d): amended, on 23 February 2015, by clauses 33(4) and 75 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

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

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(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.

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.

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

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.

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 19 Schedule 1

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.
Electricity Industry Participation Code 2010
Schedule 6.1

Post-approval process

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

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.

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

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.

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.

Record keeping

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.
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

Regulated terms for distributed generation


Contents

General

1 Contents of this Schedule
2 Interpretation
3 General obligations

Meters

4 Installation of meters and access to metering information

Access

5 Right of distributor to access distributed generator’s premises
6 Process if distributor wants to access distributed generator’s premises
7 Distributor must not interfere with distributed generator’s equipment
8 Distributed generator must not interfere with, and must protect, distributor’s equipment
9 Obligation to advise if interference with distributor’s equipment or theft of electricity is discovered

Interruptions and disconnections

10 General obligations relating to interruptions
11 Circumstances allowing distributor to temporarily electrically disconnect distributed generation
12 Obligations if distributed generation temporarily electrically disconnected by distributor
13 Adverse operating effects
14 Interruptions by distributed generator
15 Disconnecting distributed generation

Time frame for construction

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

Confidentiality

16 General obligations relating to confidentiality
17 When confidential information can be disclosed
18 Disclosures by employees, agents, etc

Pricing

19 Pricing principles

Liability

20 General obligations relating to liability
21 Exceptions to general obligations relating to liability
22 Limits on liability
23 Liability clauses do not apply to fraud, wilful breach, and breach of confidentiality
24 [Revoked]
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.

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(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.


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(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

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

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.

---

**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

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:
Electricity Industry Participation Code 2010
Schedule 6.2

(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
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(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

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

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

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]
Electricity Industry Participation Code 2010
Schedule 6.2

(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
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(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 reassess 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.
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*


---

**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 distributed generator 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.

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.

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.
24  [Revoked]
Compare: SR 2007/219 clause 25 Schedule 2

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

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

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

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

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

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(c): amended, on 23 February 2015, by clauses 70(4) and 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(j): amended, on 23 February 2015, by clauses 70(9) and 75 of the Electricity Industry Participation Code Amendment (Distributed Generation) 2014.
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—

(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).


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.


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.


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).

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:

<table>
<thead>
<tr>
<th>Description of fee</th>
<th>$ (exclusive of GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Part 1 of Schedule 6.1 application</strong></td>
<td></td>
</tr>
<tr>
<td>Application fee under clause 2(2)(c)</td>
<td>200</td>
</tr>
<tr>
<td>Fee for observation of testing and inspection under clause 7(5)</td>
<td>60</td>
</tr>
<tr>
<td><strong>Part 1A of Schedule 6.1 application</strong></td>
<td></td>
</tr>
<tr>
<td>Application fee under clause 9B(2)(c)</td>
<td>100</td>
</tr>
<tr>
<td>Fee for inspection under clause 9C(3)</td>
<td>60</td>
</tr>
<tr>
<td>Deficiency fee under clause 9E(4)</td>
<td>80</td>
</tr>
<tr>
<td><strong>Part 2 of Schedule 6.1 application</strong></td>
<td></td>
</tr>
<tr>
<td>Application fee for distributed generation with nameplate capacity of more than 10 kW but less than 100 kW under clause 11(2)(c)</td>
<td>500</td>
</tr>
<tr>
<td>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)</td>
<td>1,000</td>
</tr>
<tr>
<td>Application fee for distributed generation with nameplate capacity of 1 MW or more under clause 11(2)(c)</td>
<td>5,000</td>
</tr>
<tr>
<td>Fee for observation of testing and inspection of distributed generation with</td>
<td>120</td>
</tr>
<tr>
<td><strong>nameplate capacity</strong> of more than 10 kW but less than 100 kW under clause 22(5)</td>
<td></td>
</tr>
<tr>
<td>Fee for observation of testing and inspection of <strong>distributed generation</strong> with <strong>nameplate capacity</strong> of 100 kW or more under clause 22(5)</td>
<td>1,200</td>
</tr>
</tbody>
</table>

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.