

Operational review of Part 6 of the Code

Decisions and reasons paper Final decision

19 August 2014



Executive summary

The Electricity Authority (Authority) has completed its operational review of Part 6 (review) of the Electricity Industry Participation Code 2010 (Code) relating to the connection of distributed generation (DG). The review commenced in late 2011 and has included three consultation papers. The purpose of the review has been to improve the efficiency of the industry processes associated with the connection of DG that are covered under the Code. The review has considered all of Part 6 (and other relevant cross referenced Parts) other than Schedule 6.4 (Pricing Principles), which the Authority will review under a separate workstream at a later date.

The Authority appreciates the significant contributions to this review provided by those parties that have made submissions on the consultation papers. The feedback received has contributed to a significantly improved Part 6 that now reflects the reality that the majority of new DG connection applications are for relatively small-scale systems that use standards-compliant network interface equipment. Part 6 now enables most small-scale DG (SSDG), which has a maximum capacity of 10 kW, to follow a more streamlined connection application process than was previously available under the Code.

The process set out in the new Part 1A of Schedule 6.1 is available to applicants seeking approval to connect SSDG that conforms to the standard AS 4777. AS 4777 is a multipart standard that sets design, installation and equipment requirements that ensure safe and secure inter-operation of SSDG with a local distribution network. AS 4777 is currently under review and is likely to become a joint AS/NZS in the near future. While some distributors had implemented their own processes for more straightforward connection applications, Part 1A will standardise a simplified approach for the benefit of applicants with conforming systems and system installers operating across multiple distribution networks.

The new Part 1A provides for approval of a compliant application (installations of up to 10kW using approved, standards-compliant technology) within 10 business days after the date on which the application was submitted to the distributor. This significantly shortens the maximum time for approval that is available under the existing Part 1 of Schedule 6.1. Under the amended clause 6.3(2), every distributor must publish a list of all locations on the distributor's network known, or likely, to be subject to export congestion, as well as a list of previously approved inverter makes and models. This information will assist potential distributed generators and system installers with their applications to connect DG.

Part 1 of Schedule 6.1 remains available for processing more complex connection applications for systems up to 10 kW capacity. Part 2 of Schedule 6.1 remains available for processing connection applications for systems in excess of 10 kW capacity. The Authority has comprehensively reviewed both Parts 1 and 2 and sought to increase clarity, remove errors and anomalies and to address a wider range of relevant matters than anticipated when these processes were first introduced in 2007.

Having considered the submissions made in response to the 2013 consultation paper, the Authority has decided:

- to update its existing DG guidelines and factsheets and consider the possibility of workshops for stakeholders prior to implementing the proposed Code amendment

- to retain an interim period of six months between the Code amendment being made, and then coming into force.

The amended Part 6 will come into effect on 23 February 2015.

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1 Introduction and purpose of this paper

Part 6 of the Code regulates the connection of DG

- 1.1 DG is any form of electricity generation that is connected to:
 - (a) a local network
 - (b) an embedded network that conveys 5 GWh or more of electricity annually
 - (c) a network that is not connected, directly or indirectly, to the national grid (e.g. Chatham Islands).
- 1.2 A generation plant directly connected to the national grid is not DG.
- 1.3 Distributed generators own and operate a wide variety of DG equipment connected to distribution networks throughout New Zealand, ranging from small-scale plants of a few kilowatts or less through to large power stations capable of generating many megawatts of power.
- 1.4 Part 6 of the Code came into effect on 1 November 2010 and replaced the Electricity Governance (Connection of Distributed Generation) Regulations 2007 that were in force from 30 August 2007 until 31 October 2010. These regulations were developed in response to frequently raised issues regarding the process and the terms on which distributed generators connect DG to distributors' networks.
- 1.5 Part 6 of the Code:
 - (a) regulates the connection of DG to distribution networks and provides a set of default regulated terms that apply if a distributor and distributed generator do not negotiate a connection contract
 - (b) enables connection of DG if connection is consistent with the distributor's connection and operation standards.

The connection process for SSDG can be streamlined

- 1.6 Part 6 prescribes several safety and power quality requirements for parties wanting to connect DG. Distributed generators that connect SSDG to networks without notifying distributors breach these requirements, and can create safety and power quality problems. While distributed generators must follow the connection process under Part 6, the Authority has decided this process can be improved.
- 1.7 The current review concerns the regulated process by which distributed generators can apply to have their generation equipment connected to a distributor's local network. The purpose of this review was to investigate and resolve a number of technical issues with the current Part 6, including considering how the Authority might improve the efficiency of established processes for the long-term benefit of consumers.
- 1.8 In response to these issues, one of the Authority's key proposals is the addition of a new Part 1A to Schedule 6.1 of Part 6 of the Code. This new Part 1A provides for a simpler notifications process if distributed generators seek to

connect SSDG to a distribution network (or to a consumer installation connected to a distribution network). To connect under this process, the SSDG must have been designed, installed, tested, inspected, and connected in accordance with specified standards and regulations.

- 1.9 The objective of this simplified process is to encourage owners of SSDG to notify distributors of the presence of SSDG, by lowering the transaction costs to achieve compliance.
- 1.10 In addition to the proposed new Part 1A, a number of technical and operational Code amendments that propose a wide range of improvements to Part 6 are included. Many of these amendments correct clearly identifiable errors, or provide clarification where there is ambiguity in the interpretation of Code requirements. These amendments seek to lower transaction costs and reduce the likelihood of disputes arising between distributors and distributed generators, by improving the operation and clarity of Part 6.
- 1.11 The Authority commenced the review in 2011. To this point, the Authority has consulted interested parties on the following papers:
 - (a) *Pre-consultation: Connection of Distributed Generation*, 11 October 2011, which introduced the project and sought input from interested parties to assist with developing the scope of the review
 - (b) *Consultation Paper - An Operational Review of Part 6 of the Code: Connection of Distributed Generation*, 4 September 2012 (September 2012 consultation paper), which described a Code amendment proposal covering a range of detailed amendments to Part 6, and also discussed a number of additional questions relating to connecting DG to networks
 - (c) *Consultation Paper - An operational review of Part 6 of the Code - second consultation*, 2 December 2013 (December 2013 consultation paper), which described revisions to a small number of the proposals. In particular, the paper consulted on:
 - (i) a revised proposal for Part 1A of Schedule 6.1 that:
 - significantly shortened the window in which the distributor may consider the application for approval to connect SSDG
 - required the distributor to provide a notice of final approval of the connection of the distributed generation within 10 business days of being satisfied that the DG meets the requirements of clause 9G of Schedule 6.1
 - allowed the distributed generator to connect the DG if the distributor had not provided final approval within 10 business days of application, if the distributed generator had met the requirements for a compliant application
 - (ii) revised drafting to other Part 6 clauses.¹
- 1.12 The Authority received 102 submissions on the December 2013 consultation paper, including 6 confidential submissions.² The list of submitters is included at

¹ Each of these consultation papers is available at: <http://www.ea.govt.nz/development/work-programme/retail/operational-review-of-part-6/consultations/#c2090>.

Appendix A. The Authority has considered each of the submissions received and has subsequently made final decisions on the review. This paper sets out the decisions made and the reasons for them.

- 1.13 The earlier stages of the review progressed alongside a separate, related work stream, undertaken by the Retail Advisory Group (RAG). The RAG investigated potential barriers facing consumers seeking to invest in SSDG and concluded there were no regulatory barriers. The RAG made recommendations to the Authority in June 2012.³ The Authority Board agreed with RAG's analysis and accepted its recommendations on 29 June 2012.

2 The Authority's decision

- 2.1 The Authority has decided to proceed with a Code amendment to Part 6 and related Parts. This amendment will:

- (a) introduce a new Part 1A into Schedule 6.1, which provides a streamlined and standardised process for connection of SSDG, if:
 - (i) the distributed generator's SSDG is compliant with specified standards and, in particular, uses a grid-tie inverter (inverter) which conforms with AS 4777
 - (ii) the distributed generator provides a complete set of the information required under clause 9B(4) of Schedule 6.1 with its application
 - (iii) the distributed generator has installed the SSDG in accordance with relevant regulations and standards and provides the distributor with a copy of its Certificate of Compliance (CoC) under the Electrical (Safety) Regulations 2010
- (b) make a number of technical amendments throughout Part 6 and associated Parts.⁴

- 2.2 The Authority has considered the submissions it received on the December 2013 consultation paper and has made a number of changes to the proposals described in that paper. This decisions and reasons paper outlines the key changes and the Authority's view of key submission themes.

- 2.3 The finalised Code amendment is included in Appendix B and will have effect from 23 February 2015.

² The submissions on the December 2013 consultation paper are available at: <http://www.ea.govt.nz/development/work-programme/retail/operational-review-of-part-6/consultations/#c2090>.

³ The RAG paper describing its recommendations to the Authority Board is available at: <http://www.ea.govt.nz/development/advisory-technical-groups/rag/final-report-recomendations/>.

⁴ Not all of these technical amendments result from the December 2013 consultation paper. Many have been finalised as a result of the September 2012 consultation process. The Authority held off making the amendments supported in that consultation so that the amendments would be completed as a full package.

3 Submissions received on the December 2013 consultation paper

Most of the submissions arose from a social media campaign

- 3.1 The December 2013 consultation paper received an unusually large amount of interest and feedback, including from a large number of individuals within the umbrella of a campaign organised through social media (campaign). While the Authority is pleased that its consultation paper received so much feedback from many interested individuals, much of the feedback provided was unfortunately not within the scope of the review.
- 3.2 The main points the campaign submitters made related to market and energy policy aspects relevant to current and prospective owners of SSDG. The RAG workstream, referenced in paragraph 1.13 above, had previously considered some of the issues raised in this group of submissions.
- 3.3 The most frequent themes from the campaign submissions, and the Authority's responses, are set out in Table 1, below. While the points raised are not within the scope of the review, we have provided these summarised responses in recognition of the considerable level of interest generated by the Authority's consultation paper, and the efforts of the many respondents in providing submissions.

Table 1 Out of scope submission themes

Submission themes ⁵	Authority's response
Remove language in the Electricity Industry Participation Code 2010 that allows lines companies to make up the rules. It's anti-competitive and prevents government regulators from doing their job. It's time to level the playing field, so that small-scale renewable energy can have a fair go. Don't let private power companies impose extra requirements for connecting solar panels to the grid. The government already has its own requirements, and there is no reason to let power companies make up new rules, which often see solar electricity as a threat to their bottom line. The government should	It is not clear from this group of submissions which industry participant is the "power company" referred to here. Distributors (also referred to as "lines companies") own the local electricity networks and are responsible for the physical connection of privately owned electrical installations to their networks, including DG installations. Distributors also provide line function services (also referred to as "distribution services"), involving the safe and secure transport of electricity to consumers' premises from both local and remote sources of generation, most commonly via the national grid and their networks made up of local power lines and substations. Distributors are responsible under statute for the safety, quality and reliability of electricity supply. Electricity retailers buy wholesale electricity from generators (frequently involving purchases through the national wholesale electricity market), arrange with distributors for transporting this electricity to their consumers' premises (and, in some cases, for the metering of their consumers' consumption), and contract with consumers for this supply. If a consumer also owns DG connected within their premises, their

⁵ Note that we have paraphrased the most frequently raised views (but not all views) within this group of submissions. Many of the submissions have apparently drawn from a common submission draft and several have expanded upon this base citing a range of related personal views and experiences.

regulate - not the power companies.	retailer may offer to buy any excess generation the consumer does not use, and export it onto the local network. Retailers offer prices and options for the sale of electricity to consumers and (frequently, but not compulsorily) prices and options for buying back the electricity from distributed generators that they export from time to time onto the local network. Distributors do not “make up the rules” relating to DG. Distributors are themselves subject to a comprehensive suite of laws and regulations relating to different aspects of their businesses. Part 6 of the Code sets out the “rules” relating to the physical connection of DG to networks. Because distributors are responsible for the safety, quality and reliability of electricity supply, they must develop and enforce a set of connection and operation standards. These standards must allow consumers to receive supply from their network, and enable distributed generators to generate some of their own power without adversely impacting the service enjoyed by other consumers, or creating a hazard for themselves or others.
Power companies should be legally obliged to purchase excess solar electricity produced by households and businesses at a fair and predictable price.	Most New Zealand electricity consumers (particularly to domestic and business consumers) arrange their electricity supply through the competitive retail market. Retailers are under no obligation to supply any individual consumer. In other words, there is no “retailer of last resort” within the New Zealand system. The system relies on the pressure of competition to attract and service the needs of consumers. In the same way, there is no default retailer designated for the purpose of buying back excess generation exported onto the local network by a DG plant (such as a solar photo-voltaic (PV) installation). There are incentives for retailers to buy electricity exported by distributed generators if the cost of that transaction (including the electricity price and any associated transaction costs) represents a lower cost than an alternative (which is usually the cost of the retailers buying electricity from the wholesale market). The key point is that in New Zealand (and in all other open, competitive retail electricity markets around the world) the wholesale market sets a retailer’s alternative cost of supply, not regulation. Accordingly, retailers are free to decide how they obtain the supplies of electricity they need to meet the needs of their customers (i.e. consumers). If a distributed generator is also an electricity consumer at the same premises, the best deal for them will be a combination of the purchase price they pay when importing electricity from the local network and the buyback price they receive when exporting electricity to the local network. The Code requires traders (buyers and sellers) to ensure there is a meter for each quantity (i.e. the import and the export) of

	electricity conveyed separately. This enables proper reconciliation and settlement of the electricity delivered across networks.
Introduce true net metering as an option for all solar electricity producers, which means that people producing solar electricity are charged for the net amount of electricity they use. Distributed generators should also receive a fair price for the excess electricity they produce. This is the only truly fair way to go.	Net metering is a retail product that allows electricity exports to be netted off from electricity imports within a billing period. It is sometimes referred to as allowing the normal import meter to “run backwards” at times, when a distributed generator exports electricity to the local network. The RAG workstream (referenced in paragraph 1.13) considered the amount that retailers pay for electricity from SSDG, and concluded that it is inefficient for a retailer to pay more than the wholesale price (perhaps unless the retailer identified secondary benefits of offering a higher price).⁶ The RAG also concluded that contracts between retailers and SSDG investors should be on a commercial basis, and that there is no reason to require retailers to use standard or model contracts, to require retailers to contract with distributed generators or to mandate that retailers offer a set rate or contract duration to distributed generators. The Authority accepted the RAG’s recommendations and considers that introducing compulsory net metering for distributed generators is not an option available to it in accordance with its statutory objective, because it is not efficient in the long-term interests of consumers. That is to say, if compulsory net metering were introduced, consumers would pay more for the electricity they purchase from retailers.
Rethink the privatisation of NZ’s electricity sector. It has only led to higher prices for consumers and more power outages, and it has stifled solar electricity.	This is a matter of energy policy and therefore not an option the Authority can comment on.

Other submissions received from industry participants and interested parties

- 3.4 The December 2013 consultation paper sought responses to a number of questions to assist the Authority with its review. The following sections will consider the responses provided and the Authority’s decisions.

Question 1: Do you agree that the proposed Code amendment to introduce a lower cost connection process promotes the Authority’s statutory objective? If not, please explain why not.

- 3.5 Responses varied on this question. Most submitters expressed either support or qualified support for the proposal to introduce Part 1A of Schedule 6.1 into the

⁶ The RAG report: *Review of arrangements for purchase of power by retailers from small-scale distributed generation*, 29 June 2012, is available at: <http://www.ea.govt.nz/development/advisory-technical-groups/rag/final-report-recomendations/>.

Code. Submitters' qualifications on support concerned specific design aspects of the proposal and are further considered under Question 2.

- 3.6 One distributor stated a preference for the status quo option (which is to not introduce Part 1A into the Code) on grounds that the existing Part 1 process would achieve the benefits sought under Part 1A without the costs involved. Some distributors also considered that the analysis of costs and benefits had overstated the benefits and understated the costs.
- 3.7 Two submitters representing DG installers considered that the proposal to streamline the existing Part 6 did not go far enough and that some SSDG systems should be connectable without reference to, or approval from, distributors.
- 3.8 After consideration of the submissions on the December 2013 consultation paper, the Authority has determined that the introduction of a streamlined, standards compliant SSDG connection process into the Code will be based on the proposal in that paper, together with several changes drawn from submissions. Submitters generally supported the proposed process, and the Authority did not receive submissions providing evidence or arguments sufficient to show that it did not align with the Authority's statutory objective.

4 The Part 1A proposal has been improved following consideration of submissions

- 4.1 This section considers the key improvements put forward by submitters, and outlines the decisions reached by after due consideration of the submissions. It also sets out the finalised design of a new Part 1A of Schedule 6.1 of the Code.

Question 2: What improvements should the Authority consider to the proposed process under Part 1A of Schedule 6.1?

- 4.2 A range of improvements to the proposed introduction of Part 1A have been suggested. The following sections summarise the areas of the December 2013 consultation paper proposal that the Authority has decided to change.

Previously approved inverter models (clause 6.3(2)(f) and clause 9B(2)(e) of Schedule 6.1)

- 4.3 Several distributors considered that it would be overly onerous to comply with the requirement for each distributor to publish on its website a list of the make and model of every inverter that the distributor had previously approved for connection to that distributor's network. The list would be required to identify the specific AS 4777 edition that was used for conformance testing of each inverter. Several distributors suggested that establishing a national register of approved inverters would be sufficient for this purpose.
- 4.4 The Authority's intention with the proposed clause was to provide external visibility of previously approved inverter models to potential distributed generators, to avoid unnecessary documentation having to be supplied with new applications. This visibility might also provide investors and installers with

confidence that a specific inverter would meet the prerequisites for a connection application under Part 1A.

- 4.5 Reflecting the expected update to AS4777-2005, submitters also proposed that the published information should reference the version number of the standard against which requirements the inverter had been tested and issued with a Declaration of Conformity (DoC).
- 4.6 While the concept of a national register of standards-compliant inverters has merit, the Authority considers that it would unnecessarily complicate a new Part 1A at this stage. The Authority is open to considering a coordinated proposal from distributors (or other interested parties) for the establishment of such a register in the future.
- 4.7 Having considered submissions on this topic, the Authority remains of the view that the list of previously approved inverters is helpful information for potential investors, can be helpful to distributors (by simplifying the assessment of applications using previously approved inverters), and that the costs of its provision should be minimal when compared to the benefits. Further, it is information that some distributors may be reluctant to provide voluntarily.
- 4.8 **The Authority has decided to retain the proposed clause 6.3(2)(f) and clause 9B(2)(e) of Schedule 6.1 (record of previously approved inverter models)**

Export congestion (clause 6.3(2)(da) and clause 9D of Schedule 6.1)

- 4.9 Most distributors considered that the proposal would require them to undertake exhaustive technical studies of their networks in order to comply with clause 6.3(2)(da). Based on this assumption, these submitters considered that the compliance costs would be significant (to an extent not reflected in the proposal's analysis of costs and benefits). Some pointed out that power flow and voltage are not routinely monitored in low voltage (LV) (400/230 volt) networks, meaning that distributors would not know if congestion was occurring.
- 4.10 It was not the Authority's intention to seek exhaustive network studies or expanded monitoring of LV networks. The key words in paragraph 3.3.10 of the December 2013 consultation paper are that the relevant parts of the networks would be "known to be ..." and "expected to become ..." subject to export congestion. The Authority intended to provide external visibility of areas in a distributor's network where congestion has previously been identified, indicating to potential SSDG investors (or SSDG designers/installers) the need to seek clarification from the distributor before financially committing to a project.
- 4.11 With current SSDG penetration levels, the Authority considers that in practical terms there are likely to be very few, if any, instances of known or expected export congestion on distribution networks that might be relevant to SSDG-level investment (i.e. where the net export from a domestic property will be of the order of a few kilowatts). However, in looking to the future and the increasing levels of interest in SSDG, now is a good time to establish a helpful base of service-related information, particularly as distribution engineers frequently cite export congestion and voltage management as pressing concerns relating to connection

of DG.⁷ That distributors have historically operated unmonitored LV networks is an asset management issue they will need to consider if demands on their networks become increasingly bidirectional.⁸

- 4.12 To put the topic of export congestion into perspective as it relates to SSDG installations connected to LV networks: the network impact of a typical domestic SSDG solar PV installation (at around 2 – 3 kW in peak sun) suddenly switching from fully off (i.e. 0 kW) to fully on⁹ mirrors the impact sustained when the premises' hot water cylinder heating element (that are commonly a 3 kW load) switches from on to off.
- 4.13 Export congestion requires that aggregated SSDG output on a feeder is large compared with the demand on that feeder at the same time. As a consequence, this only becomes a potential issue when there is a lot of SSDG capacity installed along a feeder relative to the demand on the feeder and its rated capacity. This may occur in the future, but submitters did not raise any current New Zealand examples of this.
- 4.14 If increasing SSDG capacity on a feeder started to approach levels that might cause concern (whether these are manifest as capacity or over-voltage concerns or both), the distributor would have access to the information necessary to predict potential issues well in advance of them becoming real issues.¹⁰ In the same way as distributors currently deal with feeders that become overloaded (e.g. such as might be caused by connection of in-fill housing), distributors would need to address any capacity concerns by exercising good network planning practice.
- 4.15 One submitter questioned the practicality of setting time-based export restrictions for SSDG installations if export congestion has been identified and notified under clause 6.3(2)(da). Clause 9D provides that the distributor may set export constraints in certain cases in accordance with its congestion management policy.
- 4.16 It is not the Authority's intention to suggest or limit the congestion management options that distributors might develop to manage scarce capacity on their networks. In the same way as ripple-signalled load control can be used to address capacity issues with increasing loads, new technologies are likely to underpin innovative solutions to deal with export-constrained parts of networks.
- 4.17 The Authority considers that clause 9D of Schedule 6.1 provides appropriate flexibility for future solutions to emerge as and when sufficiently high levels of SSDG penetration drive them.
- 4.18 A submitter considered that the proposed Code amendment should provide for a party independent of the distributor to mediate in cases in which a distributor claims export congestion to restrict SSDG connection or impose operational

⁷ Publicly available information is the low-cost "signpost at the top of the cliff" that should avoid the costs to all parties of operating the "ambulance service at the bottom".

⁸ In this context, monitoring could be as simple as recording the installed DG capacity profile on feeders relative to the circuit and transformer capacities and the (modelled) demand profile. Some simple engineering rules of thumb would provide early intervention indicators, possibly triggering closer measurement and analysis.

⁹ This is an unlikely extreme condition but is included to illustrate the point.

¹⁰ Additionally, advanced metering provides enhanced opportunities for monitoring such issues.

constraints on export. The submitter considered that distributors might define unreasonably large areas of their networks that might be subject to export constraints.

- 4.19 The Authority acknowledges this concern but considers that the ability to raise a dispute with the Authority under Schedule 6.3 would provide a suitable process to consider such a complaint. Parties can refer unresolved disputes concerning any matters under Part 6 to the Authority, including the impacts of export congestion on a connection application.¹¹
- 4.20 To be clear, the Authority considers that genuine instances of export congestion that impact a few kilowatts of SSDG export from an ICP will be extremely rare exceptions and, supported with robust engineering analysis, should be able to be localised to the LV feeder level. The specification of wide tracts of a network under clause 6.3(2)(da) would prompt immediate concern and investigation.
- 4.21 **The Authority has decided to retain clause 6.3(2)(da) and clause 9D of Schedule 6.1 of the proposal which clarify that the process (for notifying a distributed generator that its application may be subject to constraints) relates to known (i.e. previously identified) or expected instances of export congestion specified under clause 6.3(2)(da).**

Deemed approval to connect SSDG after 10 business days (clause 9F(3) of Schedule 6.1)

- 4.22 Several distributors submitted that the proposed deemed approval to connect DG following 10 business days could raise practical issues around when or whether the distributor had actually received an application. A submission from a retailer pointed out that it is difficult for a retailer or an independent contractor to verify that a distributor has granted approval for connection of a DG installation if there is no evidence of an explicit approval.
- 4.23 The Authority considers that the notice of approval that distributors must provide under clause 9F of Schedule 6.1 serves as explicit approval for this purpose. In the event that the distributor does not provide this notice of approval, clause 9F(3) of Schedule 6.1 allows the distributed generator to still connect the distributed generation. This ensures that the connection of distributed generation is not subject to unnecessary delays. The Authority has included a requirement for distributors to acknowledge receipt of an application for connection of SSDG, which is discussed in paragraph 4.34.
- 4.24 The Authority will make a consequential amendment to clause 9F(2) of Schedule 6.1 to clarify that the distributor has 10 business days from the date on which the application to connect SSDG was submitted to provide a notice of final approval to the distributed generator.
- 4.25 One submitter suggested that a distributor should be required to approve or reject an application to install DG within 10 business days, and that the lack of a response within 10 business days would mean the distributor is non-compliant with the Code. The Authority considers that clause 9F already provides for this. Unless the distributor has raised a deficiency issue with the distributed generator under clause 9E(2) of Schedule 6.1, the distributor will have breached clause 9F

¹¹ Clause 6.8(1)(b).

of Schedule 6.1 if it does not provide a notice of approval to the distributed generator within 10 business days.

- 4.26 Several distributors raised a corollary question in their submissions relating to whether 10 business days provides a sufficient period for the distributor to consider a Part 1A application and issue a notice of approval. The Authority notes that some distributors were comfortable with 10 business days.
- 4.27 In response to those seeking a period longer than 10 business days (whether this is a notice of intention to inspect or approval to connect), the Authority considers that an application could reasonably be screened within a day of receipt. An administrative level review would quickly establish whether the application met the application requirements, and this would enable the population of internal records. If the distributor has a policy to physically inspect a sample of applications, target applications for this treatment should be immediately identified and promptly notified. As a practical matter, given that distributors do not routinely monitor or model LV networks in any detail, an engineering review is unlikely to involve fresh, detailed system studies. Accordingly, the most that any analysis by the distributor could achieve would be a crosscheck against known instances of export congestion. With adequate internal information systems, distributors could address this with a simple additional administrative check on the application.
- 4.28 In any event, these processes should not require an efficient distributor more than a few days to complete. Given that some distributors are explicitly comfortable with the 10 business days included in the proposal, the Authority considers that such a period represents achievable good industry practice. Additionally, if the distributor has reasonable grounds to decline the application, the proposed Code amendment provides relief under clauses 9E and 9H(2) of Schedule 6.1.
- 4.29 **The Authority has decided to:**
- (a) **retain the proposed clause 9F(3) of Schedule 6.1 which allows the distributed generator to connect its DG if it has not received a notice of final approval under clause 9F(1) within 10 business days**
 - (b) **clarify in clause 9F(2) that the distributor has 10 business days from the date on which the application to connect SSDG was submitted to provide a notice of final approval to the distributed generator.**

The timing of certain information between the parties (clause 9B(3))

- 4.30 Several submitters pointed out that a CoC issued under the Electrical (Safety) Regulations 2010 is not normally available at the time a distributed generator makes an application for approval to connect to the distributor.
- 4.31 The Authority sought to address this known documentation timing issue in the proposed draft Code included in the December 2013 consultation paper by prefixing the requirement in clause 9B(3) with the words “when available, ...”.
- 4.32 Some submitters also considered it important that the distributor receives confirmation of the connection date from a distributed generator, as the distributor has requirements under the Code related to ICP information maintenance.

- 4.33 The Authority considers these two notices could be provided in a single post-approval confirmation from the distributed generator to the distributor.
- 4.34 Some submitters also considered it important that the distributed generator receives an acknowledgement of the application from the distributor. The Authority agrees that this would provide an applicant with certainty that the distributor had received the application. Confirmation of the application should be a simple process step to add.
- 4.35 While the number of transactions has increased from the proposal set out in the December 2013 consultation paper, any or all of these are suitable for electronic processing via email exchange or, if the distributor invested in a suitable system, via a web application. Scanned copies of DoCs and CoCs should suffice.
- 4.36 **The Authority has decided to include the following requirements to improve the connection process:**
- (a) **when a distributed generator submits application to connect DG, it must include the information and fee (if the distributor requires a fee) specified in clause 9B(2) of Schedule 6.1**
 - (b) **a distributor must acknowledge receipt of an application within 2 business days (refer to clause 9B(4) of Schedule 6.1).**
 - (c) **if a DG application is compliant, the distributor must provide a notice of approval to the distributed generator within 10 business days of the distributor generator submitting the application (refer clause 9F of Schedule 6.1)**
 - (d) **a distributed generator commissions the DG and provides a notice of connection and a copy of the CoC to the distributor within 10 business days. To assist with registry ICP maintenance, this notice should also include confirmation of the ICP identifier associated with the DG, as it is possible that this information was not available to the distributed generator at the time of application for connection (as envisaged under clause 9B(3) of Schedule 6.1).**

Application fees under Part 1A (Schedule 6.5)

- 4.37 Several distributor submissions raised a concern that the prescribed maximum fees in Schedule 6.5 for an application under Part 1A of Schedule 6.1 are too low.
- 4.38 In the December 2013 consultation paper, the Authority noted its understanding that certain distributors do not charge fees for applications under the current Part 1 of Schedule 6.1 for SSDG applications. This contradicts other distributors' claims relating to allocative efficiency concerns. The Authority notes that submitters provided no information that would justify higher maximum fees than those provided in the proposed Code amendment. Paragraphs 4.27 and 4.28 outline the Authority's expectations of a distributor's activities in processing a SSDG connection application.
- 4.39 **The Authority has decided that the prescribed maximum fees under Schedule 6.5 that a distributor may elect to charge for processing a connection application made under Part 1A of Schedule 6.1 are**

appropriate. The fees reflect the needs of a straightforward administrative process and incentivise the efficient application of engineering expertise if absolutely necessary.

Analysed benefits too high and costs too low

- 4.40 Several submitters that put forward views opposing the introduction of Part 1A also expressed consequential concerns about the Authority's analysis of costs and benefits provided in the December 2013 consultation paper.
- 4.41 The Authority considers it has adequately addressed concerns about the costs associated with the new Part1A via the sensitivity analysis that was conducted as part of its assessment of the costs of the proposal. Further, the Authority remains of the view that the benefits from introducing a more streamlined, nationally consistent process for connecting standards-compliant SSDG are real, and that these benefits were appropriately valued in the December 2013 consultation paper's analysis of costs and benefits. .
- 4.42 The Authority has reviewed its input assumptions and considers that the improvements to the proposal detailed in this decisions and reasons paper reinforce the conclusion that there are material net benefits from a Code amendment that introduces a more streamlined, nationally consistent process for connecting standards-compliant SSDG.
- 4.43 **The Authority has decided that, based on its review of the assumptions and the net benefits flowing from the proposal, the cost-benefit analysis remains positive, and supports the introduction of the proposal.**

Information provision to parties interested in SSDG

- 4.44 Some submitters provided further comment regarding the need for better communication with stakeholders about the processes for getting SSDG connected. The Authority covered this topic in the September 2012 consultation paper, in which it concluded that a wide range of parties (including distributors, retailers, the Authority, EECA and SSDG industry associations and service providers) have a role in external communication and education around industry requirements.
- 4.45 The Authority reiterates that it has no intention at this stage to introduce requirements for participants around educational material. Each party will already have incentives to communicate with external stakeholders including potential investors in SSDG and their service providers.
- 4.46 **The Authority will update the existing DG documentation and consider the possibility of workshops for stakeholders prior to the implementation of the proposed Code amendment.**

Timeframe of 6 months to activate the revised Part 6

- 4.47 Some distributors considered that 6 months would provide insufficient time to prepare for activation of the new Part 1A of Schedule 6.1 and the other technical amendments to the Code. In earlier consultation rounds, distributor submitters generally considered that 3 – 6 months should provide sufficient time to prepare.

- 4.48 The Authority notes that the new Part 1A of Schedule 6.1 will require preparation by all distributors but considers that the preparation activities are not onerous. They include:
- (a) considering this decisions and reasons paper and gaining familiarity with the Code amendment
 - (b) developing a new internal process for Part 1A of Schedule 6.1 applications
 - (c) preparing and updating existing website material.
- 4.49 As clarified earlier, Part 1A of Schedule 6.1 does not require new system studies to identify network areas that may be subject to export congestion or investigation of inverter models that conform to AS 4777.2.
- 4.50 The Authority notes that most applications that are currently processed under Part 1 of Schedule 6.1 will soon qualify for application under Part 1A of Schedule 6.1 and considers that most distributors will already have a process in place that can be quite simply modified to meet the requirements of Part 1A of Schedule 6.1. Attention will need to be given to the administrative tasks necessary to efficiently process Part 1A applications and provide prompt approval notices for compliant applications.
- 4.51 For SSDG connection applicants and service providers, the Part 1A amendment will require consideration of the new option available for connection of SSDG. The Authority intends to publish an updated DG fact sheet that explains the changes. Distributors, retailers and SSDG industry associations are encouraged to develop, publish and publicise updated information and education material for the benefit of their stakeholders.
- 4.52 The Authority considers that the other amendments to Part 6 and associated Parts are largely technical in nature and will not require significant preparation by distributors or potential DG connection applicants, beyond gaining familiarity with the Code amendments that are relevant to them and that a preparation period of six months is sufficient preparation.
- 4.53 **The Authority has decided to retain an interim period of six months between the Code amendment being made, and then coming into force.**

Whether distributors' connection and operation standards should be standardised

- 4.54 Some submitters considered that distributors' discretion to set connection and operation standards provides an opportunity for distributors to impose unreasonable additional requirements on SSDG connections. While this was a frequently repeated concern, there were no examples provided of specific issues that the submitters alleged.
- 4.55 Some submitters suggested that connection and operation standards should be regulated so as to provide consistency across networks and a check on the reasonableness of such standards.
- 4.56 The Authority has considered these views and concluded as follows:
- (a) With the introduction of the new Part 1A of Schedule 6.1, there is very little left to define within a distributor's connection and operation standards that Part 1A does not already provide for. With respect to connection standards,

AS 4777 addresses all relevant safety and operational requirements for an inverter used in an SSDG installation as the network interface appliance. Residual distributor discretion is set out in AS 4777-2005 and the Authority understands this to be a topic that is under active consideration in respect of the anticipated revision to AS 4777.

The main discretion provided to distributors under the proposed Code amendment relates to under and over-voltage and under and over-frequency protection settings. The Authority acknowledges that several parties have expressed concern with the approach taken by some distributors when setting their own standards for these protection settings. This is a topic that the Authority has addressed in previous consultation papers.

In general, distributors should set under-voltage and under-frequency trip settings to the lowest settable values and the longest settable time delays. There is no benefit to either the distributor or the SSDG owner from setting these at any other value. These should be the factory pre-set values. They safely provide the maximum benefit because they ensure that power from the SSDG is available when the network is under stress, within the design capabilities of the inverter to safely deliver.

The over-frequency setting should conform to a nationally coordinated value for New Zealand and it is expected that this will be specified in the revised version of AS 4777.¹² In contrast, the over-voltage setting can have local voltage management implications and is potentially the setting that could be tailored for specific installations based on their location within a network.

Notwithstanding these comments relating to protection settings, the Authority expects that the new revision of AS 4777 will comprehensively specify these settings and the level of discretion available to a distributor to modify them from the guideline, if any.

- (b) With respect to operation standards, in the vast majority of cases, the local network will have sufficient capacity to accept the level of power exported from an electrical installation within which SSDG is connected. As discussed in the earlier section relating to export congestion, distributors may need to place constraints on export in some rare cases. The distributor's congestion management policy, which must be published on the distributor's website, must specify how the distributor manages these cases.
- (c) The regulated terms in Schedule 6.2 provide for all other circumstances under which the distributed generator and the distributor may need to interact.

¹² This is because system frequency is managed island-wide by the grid system operator, and generators of all capacities have a role in contributing to stable system frequency.

- 4.57 Each of the matters identified above effectively have precedence over whatever a distributor may include in its connection and operation standards. They cover the key concerns relevant to connection and operation of SSDG.
- 4.58 Notwithstanding these points, there may yet be an unrecognised connection or operational issue that a distributor may properly provide for in its distributor's connection and operation standards.
- 4.59 **The Authority has decided that there is no need to change the requirements relating to connection and operation.**

Whether dispute resolution provisions are appropriate

- 4.60 Some submitters consider there is a case for a specific fast dispute resolution process for issues relating to SSDG connection applications. These submissions consider that installation of SSDG (primarily solar PV) is a consumer-driven market and that the normal dispute resolution process is cumbersome and overly complicated for a consumer. There was no supporting information provided as to the nature of disputes that these submitters had encountered.
- 4.61 The Authority has considered these points and has reviewed the frequency and nature of disputes that have occurred under the previous regulations relating to connection of DG and the current Part 6. To date there have been three disputes referred to the Authority (and previously the Electricity Commission), and two of them have related to larger DG connections.
- 4.62 It is possible that there are frequent disputes that are not brought forward because the Authority is not easily accessible at a consumer level, as several of these submissions assert. Nevertheless, the Authority considers it would have become aware of such a situation by now through one channel or another.
- 4.63 However, the Authority recognises that the default dispute resolution process under Schedule 6.3 is not available to distributed generators who do not have DG connected (e.g. first time applicants), because they are not participants. Consequently, the Authority will make a small change to clause 3(3)(b) of Schedule 6.1 and clause 18(4)(b) of Schedule 6.1 to require distributors to advise distributed generators, who do not have DG connected, of their ability to report a breach of the Code under regulation 9 of the Electricity Industry (Enforcement) Regulations 2010 (Enforcement Regulations).
- 4.64 The Authority considers that regulation 9 of the Enforcement Regulations provides an adequate means for a distributed generator to challenge a distributor's application of the criteria under Schedule 6.1 for determining the distributed generator's application to connect DG.

4.65 **The Authority:**

- (a) **has decided to maintain the existing provisions within Part 6 of the Code relating to dispute resolution but remains open to considering wider views on the subject**
- (b) **will amend clause 3(3)(b) of Schedule 6.1 and clause 18(4)(b) of Schedule 6.1 to require distributors to advise distributed generators, who do not have DG connected, of their ability under the Enforcement Regulations to report a breach of the Code.**

Revising AS 4777-2005

- 4.66 A number of submitters consider there should be specific provisions in Part 6 that anticipate and reflect a pending revision to AS 4777-2005. The Authority understands that the standard is in the process of becoming a joint AS/NZS standard but that this is still to occur.
- 4.67 The proposal set out in the December 2013 consultation paper originally contained provisions anticipating future revisions to AS 4777.2. The proposal anticipated that future revisions to AS 4777.2 would impose increasingly stringent requirements on inverters that will address increasingly complex technical connection issues associated with network-connected inverter-interfaced SSDG.
- 4.68 To cater for this, the proposal provided that, if a new inverter standard (or version of the incumbent standard) was released, references in the Code to the former standard would be treated as references to the new standard (or version of the incumbent standard). However, the Authority has since determined that it does not have the power to create Code to this effect. Consequently, the Authority has removed the relevant provisions from the proposed Code amendment.
- 4.69 In the event that a new version of AS 4777.2 is released, or a new standard overtakes AS 4777-2005, the Authority will adopt the new version or standard by notice in the *Gazette* under clause 5 of Schedule 1 of the Electricity Industry Act 2010 (Act).
- 4.70 However, the Authority considers it would be unreasonable for a revised equipment standard to render a fleet of previously compliant existing inverters obsolete. The Authority's proposal catered for previously approved and installed inverters *within their current installations*. The proposal also provided for an orderly transfer from one standard revision to the next in a way that did not render existing New Zealand stocks of unsold inverters effectively unsellable in New Zealand.
- 4.71 The proposal achieved this by providing a 12-month window within which inverters that conformed to the new version of AS 4777.2, or the new AS 4777-2005 standard, could be included in a new connection application. The Authority will now provide for this 12-month window by specifying in the *Gazette* notice introducing a new version or standard:
- (a) the date that the new version or standard will come into effect
 - (b) that the incumbent version or standard remains valid for a further 12 months after the date that the new version or standard comes into effect.

- 4.72 The Authority considers that this 12-month window (from the date that the new version or standard comes into effect) will provide adequate time to applicants who wish to connect DG under the incumbent version or standard to apply for, and connect, DG under Part 1A of Schedule 6.1..
- 4.73 One submitter considered that inverters approved under a replaced edition of AS 4777 should be reusable in new installations. The Authority disagrees. Obsolete electrical equipment (in general, not just inverters) cannot be safely reused in new installations and regulations reflect this. The suggestion could also have serious insurance implications.
- 4.74 **The Authority cannot incorporate a general provision in the proposed Code amendment that would remove the need to make further amendments to Part 6 in the event that a new standard overtakes AS 4777-2005. However, the Authority will provide a transition period for changes from one standard or version to the next by providing a 12-month window (from the date in the *Gazette* that the new standard or version will have effect) within which the incumbent standard or version is still valid.**

The status of distributed generators as participants within the Code

- 4.75 Some submitters noted that existing distributed generators would appear to qualify as participants under section 7 of the Act but are not in the current participant register. They sought clarification from the Authority of this situation.
- 4.76 The Authority agrees that a distributed generator connected to a consumer installation that is connected to a distribution network qualifies under section 7(1)(g) of the Act as an industry participant, but notes that it has not required such distributed generators to register unless they sell electricity directly to the clearing manager.
- 4.77 In order to completely clarify the situation, the Authority will, when resources allow, investigate whether it would be appropriate to seek a class exemption from the Ministry of Business, Innovation and Employment (MBIE) from registration for certain distributed generators, particularly those with SSDG.
- 4.78 Under the proposed Code amendment, distributors have the ability to manage the safety and security considerations for consumer and generation connections to their networks. SSDG that does not participate in the wholesale market does not have a significant impact on market or system security, so there is no immediate urgency to pursue the exemption.
- 4.79 **The Authority will investigate whether to seek a class exemption from MBIE under section 110 of the Act to relieve distributed generators from the obligation to register as a participant if their generators each have a nameplate capacity of less than 10kW.**

Technical drafting improvements to Part 6

Question 3: Do you have any comments relating to the proposed Code amendments that have resulted from the Authority's review of Part 6? Please provide comments and suggested drafting improvements with reference to specific parts, schedules and clauses of the draft Code amendments set out in Appendix B.

- 4.80 The Authority has made a small number of suggested improvements in respect of the draft Code amendment for Part 6 included in the December 2013 consultation paper. The following sections summarise the areas of the December 2013 consultation paper proposal where the Authority has decided to make changes.

Site access for inspections of distributed generation

- 4.81 A submitter noted that clause 9C of Schedule 6.1 does not prescribe what happens in the situation in which the distributed generator (or the premises owner in a situation where the owner of the premises is not the distributed generator) does not allow access for the distributor to inspect the distributed generation in order to verify:
- (a) that it meets or continues to meet the requirements of clause 1D of Schedule 6.1
 - (b) the information contained in the application.
- 4.82 The Authority notes that, while the distributor does not need the distributed generator's explicit approval to inspect the distributed generation, nothing prevents the distributed generator delaying or not arranging site access to the distributed generation for the inspection. It is possible that if the distributor cannot inspect the distributed generation, the distributor will be unable to raise a deficiency under clause 9E of Schedule 6.1, and after 10 business days, the distributor will be deemed to have approved the application under clause 9F(3) of Schedule 6.1.
- 4.83 For clarification, the Authority will amend clauses 9C and 9H of Schedule 6.1 so that the distributed generator must provide reasonable access to the site of the distributed generation and that approval will not be implied if the distributed generator does not provide reasonable access.
- 4.84 **The Authority has decided to amend clauses 9C and 9H of Schedule 6.1 to clarify that the distributed generator must provide or arrange reasonable access to the distributed generation for inspection purposes.**

Metering requirements for SSDG in Part 10

- 4.85 The proposed Code amendment included in the December 2013 consultation paper included amendments to the metering provisions in the regulated terms under Schedule 6.2 that anticipated that Part 10 of the Code would deal comprehensively with metering requirements for DG of all capacities.
- 4.86 Some submitters consider that, in relation to connection of DG, Part 10 does not specify metering requirements if a category 1 metering installation is required under clause 5(b) of Schedule 10.7.

- 4.87 The Authority has reviewed the Part 10 requirements relating to metering installations for DG connections. Clause 10.37(1) provides for the situation in which the metering installation required is a category other than category 1. However, the relevant Code provisions for metering requirements for ICPs that require a category 1 installation are not explicit about the need for separate metering of import and export quantities.
- 4.88 Firstly, the Authority confirms that ICPs with category 1 metering installations with DG must have the import and export quantities metered separately.
- 4.89 Secondly, the need for both import and export metering is implicit in clause 10.24, as all electricity conveyed must be quantified and the trader must not use subtraction to determine the quantities for reconciliation purposes. This implicitly requires the inclusion of both import and export meter registers if it is possible that export may occur and this will always apply if DG is connected regardless of the relative capacities of DG and any local load.¹³
- 4.90 The Authority acknowledges that it would be better to amend the Code to be absolutely clear that distributors must always include import and export meter registers if DG is connected. The Authority will consider the inclusion of a suitable technical amendment to Part 10 for this purpose, at a future opportunity.
- 4.91 **The Authority has decided that there is no need to amend the metering provisions in Schedule 6.2 to include import and export metering at Category 1 metering installations if DG is present, but that it may consider clarifying in Part 10 the need for import and export metering at Category 1 metering installations if DG is present.**

Net instantaneous metering in multi-phase connections

- 4.92 A submitter raised a detailed technical point relating to multi-phase ICPs when, for example, import occurs on two phases while export occurs on the third phase. The question is whether this is treated as a net three-phase power flow or as three independent power flows.
- 4.93 The Authority's view is that the requirements under existing clause 10.24(b) that "all electricity conveyed is quantified in accordance with this Code", necessitate separate measurements for each instance in which either extraction for consumption or injection for generation occurs at the relevant ICP.
- 4.94 Any injection for any one phase back into the distributor's network is an "injection" for this purpose, regardless of what occurs on the other phase(s). Therefore, each phase that is capable of injection and extraction needs to have both values separately measured, and not netted into the measurement of other phase power flows, as this would amount to "net metering", breaching clause 10.24(b).
- 4.95 If all the phases are part of the same ICP, then it is permissible to aggregate the injection from all phases into one meter register, and the extraction into another register. Alternatively, each phase may have its own injection and extraction registers.

¹³ Even if the DG capacity is expected to always be less than the load, it is technically possible that the load could reduce to the point that export occurs, even if only momentarily.

Minor proposed drafting amendments

4.96 Submitters proposed a number of recommendations to improve the clarity of the drafting in Part 6. These include:

- (a) amend the heading of clause 2A of Schedule 6.1 to remove ambiguity regarding when an application is required under Part 1A of Schedule 6.1
- (b) remove the duplication in clause 9A(2) of Schedule 6.1
- (c) amend clause 2A(1) of Schedule 6.1 to allow the Part 1A application process to be used when a CoC is not yet available.

4.97 **The Authority has decided:**

- (a) to remove clause 2A of Schedule 6.1 and replace it with preliminary provisions in clauses 1A to 1D to remove any ambiguity regarding when an application is required under Part 1A
- (b) to amend clause 9A(2) of Schedule 6.1 to remove any duplication
- (c) to remove clause 2A(1)(e) of Schedule 6.1 as a CoC cannot be issued until after the connection of DG and, as such, cannot be provided with an application under Part 1A of Schedule 6.1 (note: the remainder of clause 2A has been replaced by clause 1D).

5 The finalised Schedule 6.1 Part 1A Code amendment

5.1 Having considered all of the submissions relevant to the proposed Schedule 6.1 Part 1A amendment, this section incorporates the decisions made by the Authority after due consideration of the submissions and summarises the final structure of the Part.

5.2 This section updates the detail provided in the December 2013 consultation paper commencing at paragraph 3.3.7.

5.3 The final version of the proposed Code amendment is attached as Appendix B.¹⁴

Detail of the Authority's finalised Part 1A Code amendment for Schedule 6.1

5.4 Each distributor must provide suitable guidance documentation for connection of DG on its website, including an application form for Part 1A applications.

5.5 The distributed generator must complete and submit an application for connection of distributed generation under Part 1A of Schedule 6.1. A service provider can assist with paperwork preparation but the party that seeks to become the distributed generator must authorise the application by signing it.¹⁵

¹⁴ Please note that the Code amendment included in Appendix B is included for easy reference while reading this paper. The final Gazetted Code amendment may differ from the version included in this paper and reference to the Code as published on the Authority's website is recommended.

¹⁵ This anticipates that the DG will become connected on the regulated terms set out in Schedule 6.2, in which case the contractual relationship is between the distributor and the distributed generator. In this case it is important that the identity of the distributed generator is clearly established in the application.

- 5.6 A distributed generator that seeks to connect a SSDG installation to the distributor's network may apply to the distributor for approval under Part 1A (instead of Part 1) provided that:
- (a) the SSDG is designed and installed in accordance with AS 4777
 - (b) the SSDG incorporates an inverter that has been type-tested and issued a DoC with all relevant parts of AS 4777 by a laboratory with accreditation issued or recognised by International Accreditation New Zealand
 - (c) the SSDG will have protection settings applied to the inverter in accordance with the requirements of AS 4777 and, if a discretion is provided to the distributor under AS 4777, the distributor's connection and operation standards¹⁶
 - (d) the SSDG complies with the distributor's connection and operation standards and congestion management policy.
- 5.7 The distributor must approve a connection applied for under Part 1A of Schedule 6.1, if it is satisfied that the SSDG in the application meets the requirements in paragraph 5.6.
- 5.8 Each distributor must publish on its website a list of the make and model of every inverter the distributor has previously approved for connection to the network and to keep the list up to date. The list must identify the specific AS 4777 edition that was used for conformance testing of each approved inverter (e.g. AS 4777-2005).¹⁷
- 5.9 Each distributor must publish on its website a list of all specific locations on its network that are currently known to be subject to export congestion¹⁸ (or expected to become subject to export congestion within the next 12 months) and, hence, unable to accept additional export of electricity from DG connections at specific times. The list must be kept up to date.
- 5.10 Each distributor should identify export-congested parts of the distributor's network with reference to districts, suburbs, feeders, streets or street addresses (as may be relevant) so as to clearly indicate to a reasonable person that a point of connection of DG with the network may be subject to operational export congestion restrictions. In practice, location descriptions will relate to specific feeders and suitable descriptions will accordingly be in the same format as a distributor uses when notifying consumers and retailers of planned outages. Generic network area descriptions (such as, for example, "parts of the northern

¹⁶ Having a DoC issued and specified protection settings applied provides the distributor with assurance that the inverter will operate safely and reliably when the DG is connected to the distribution network. Furthermore, the DoC includes compliance with Australian Standard (AS) /New Zealand Standard (NZS) 3100 (covering general requirements for electrical equipment) and a range of standards relating to electromagnetic compatibility.

¹⁷ To be clear, the distributor is not responsible for conformance testing of inverters. It is simply required to publish information that identifies the make and model of all inverters that have previously been submitted in applications under Part 6 and for which appropriate DoC documentation has been received.

¹⁸ Export congestion occurs if an additional unit of electricity injected into the network would cause a component in the network (e.g. a circuit or a transformer) to operate beyond its rated maximum capacity or give rise to an unacceptably high level of voltage at the point of connection to the network. The purpose of identifying areas of the network subject to export congestion is to provide prospective distributed generators with information that may impact their decision to invest in DG at the earliest possible time.

suburbs of Wellington”) are not acceptable. The list must provide contact information for follow up enquiries relating to connection of DG and/or a link to relevant website documentation.

- 5.11 Each distributor may approve connection of new SSDG (or approve an increase to the nameplate capacity of an existing installation) within an area of the network subject to export congestion and require export restrictions at certain times. A distributed generator that never exports excess generation into the network (i.e. all of the generated electricity is consumed within the premises at all times) will not be subject to network export congestion restrictions.
- 5.12 If the Authority gazettes a new version of AS 4777.2, or a new standard, an SSDG installation connected under a previous edition may remain connected to the distribution network, provided that it continues to comply with the regulated terms in Schedule 6.2 or, if applicable, the terms of the relevant connection contract.
- 5.13 New applications under Part 1A made after the date of publication of any revision to AS 4777.2 may be made under the previous edition of AS 4777.2 for a further period of 12 months from the effective date of the revised AS 4777.2, as notified by the Authority in the *Gazette*. This will provide an orderly transition to a new edition of AS 4777, including allowing for clearance of inverter stock that received a DoC to the earlier edition of AS 4777.2, while providing time for inverters that conform to the new edition of the standard to become available in the market.
- 5.14 If the distributed generator applies for connection under Part 1A of Schedule 6.1 then the application must specify which of the following circumstances apply. Either:
 - (a) connection to the distribution network is sought for a new SSDG installation;
 - (b) continued connection is sought for an existing SSDG connection if a connection contract is in force or has expired;
 - (c) continued connection is sought for an existing SSDG connection that has not previously been connected under a connection contract; or
 - (d) a change in nameplate capacity or fuel type is sought for an existing SSDG connection.¹⁹
- 5.15 The application must include the following information:
 - (a) the name and contact details of the distributed generator and, if applicable, the distributed generator’s system installer
 - (b) the ICP identifier that applies to the SSDG, if it is known at the time of application (or if it is not known at the time of application, the distributed generator must notify the distributor of the ICP identifier as soon as this information is available, but no later than 10 business days after the approval of the application)
 - (c) the physical location (i.e. the location of the SSDG within the premises) of the SSDG installation

¹⁹ To enable the distributor to meet the requirement under clause 8(1) of Schedule 11.1 in respect of a change in nameplate capacity, the distributor must be made aware of any changes (both increases and decreases) to the nameplate capacity of the ICP.

- (d) the nameplate capacity of the DG
 - (e) the SSDG fuel type (e.g. solar, wind, hydro or liquid fuel)
 - (f) the make and model of inverter to be installed and information as to whether the inverter:
 - (i) is included on the distributor's published list of approved inverters; or
 - (ii) is not included on the distributor's published list of approved inverters, in which case the application must include a copy of the inverter's DoC with AS 4777.
- 5.16 The distributed generator must accompany its application with payment of any application fee specified by the distributor, using a payment method specified by the distributor. Schedule 6.5 specifies the maximum fee a distributor may charge for processing a connection application under Part 1A of Schedule 6.1.
- 5.17 If the distributor approves the connection application, the regulated terms for the connection of DG set out in Schedule 6.2 apply, unless the parties agree to substitute negotiated terms in place of the regulated terms.
- 5.18 The distributor must acknowledge receipt of an application under Part 1A of Schedule 6.1 within two business days of receiving the application.
- 5.19 If the distributor approves the application made under Part 1A of Schedule 6.1, it must notify the applicant within 10 business days of receiving the application. However, failure by the distributor to notify the applicant of approval of a compliant application within 10 business days does not prevent the distributed generator from connecting to the network after 10 business days.
- 5.20 If the distributor detects a deficiency with the application under Part 1A of Schedule 6.1, it must notify the distributed generator within 10 business days and provide clear reasons for the decision and the steps the distributed generator must take to have the application reconsidered. If the distributed generator wishes to proceed with the application, the distributed generator must remedy all deficiencies to the distributor's satisfaction and not connect the distributed generation unless final approval is given. If the distributed generator elects to remedy the deficiency, the distributor may charge the appropriate fee(s) up to the limit set out in Schedule 6.5.²⁰
- 5.21 If the distributor requires an inspection, the distributed generator must provide reasonable access to the site of the distributed generation. A distributor will not be deemed to have approved the distributed generator's application after 10 business days if, following an inspection request, the distributed generator has not provided reasonable access to the site.
- 5.22 If the intended point of connection is in a part of the network subject to export congestion (as per paragraph 5.9), the distributor must take reasonable steps to work with the distributed generator to assess whether solutions exist to mitigate the export constraint. Resolution may include restricting export to certain time periods.

²⁰

Potentially requiring payment of a resubmission fee reflects the additional cost incurred by the distributor and provides an incentive for the distributed generator to submit complete and compliant documents in its application for connection.

- 5.23 The distributed generator may connect the SSDG installation to the network if it receives a notice of approval from the distributor. However, as noted in paragraph 5.19, a failure on the distributor's part to notify the applicant of approval of a compliant application within 10 business days does not prevent the distributed generator from connecting to the network after 10 business days.
- 5.24 Following connection of the distributed generation, the distributed generator must supply the following post-connection documentation to the distributor within 10 business days of the date of connection to the network:
- (a) a copy of the CoC for the SSDG installation issued under the Electricity (Safety) Regulations 2010²¹
 - (b) if it was not provided in the connection application, the ICP identifier that applies to the SSDG.
- 5.25 Under Schedule 6.5, the prescribed maximum fees for applications processed under Part 1A of Schedule 6.1 are:
- (a) \$100 (excluding GST) for making an application for connection
 - (b) \$80 (excluding GST) for processing information related to the remedy of a deficiency with the application documentation
 - (c) \$60 (excluding GST) for an inspection of the SSDG, if the distributor requires an inspection.
- 5.26 The Code amendment will come into force six months from the date that the amendment is published in the *Gazette*. The six-month window will enable each distributor to:
- (a) create business processes and forms relating to the proposed new Part 1A process in Schedule 6.1
 - (b) modify existing application forms
 - (c) modify existing guidance material
 - (d) publish new and revised documentation on its website and make them available at their offices
 - (e) publish a list of previously approved inverters on its websites
 - (f) publish the identity of any export constrained areas of its network on its website.

²¹ Having a CoC issued by a person authorised under the Electricity (Safety) Regulations 2010 provides assurance that the SSDG meets the relevant safety requirements set out in those regulations.

6 Summary of the Authority's decisions

6.1 Having considered the submissions made in response to the 2013 consultation paper, the Authority has decided:

- (a) to retain the proposed clause 6.3(2)(f) and clause 9B(2)(e) of Schedule 6.1 (record of previously approved inverter models)
- (b) to retain clause 6.3(2)(da) and clause 9D of Schedule 6.1 of the proposal which clarify that the process (for notifying a distributed generator that its application may be subject to constraints) relates to known (i.e. previously identified) or expected instances of export congestion specified under clause 6.3(2)(da)
- (c) to retain the proposed clause 9F(3) of Schedule 6.1 which allows the distributed generator to connect its DG if it has not received a notice of final approval under clause 9F(1) within 10 business days
- (d) to clarify in clause 9F(2) that the distributor has 10 business days, from the date on which the distributed generator submitted the application to connect SSDG, to provide a notice of final approval to the distributed generator
- (e) to include the following requirements that are designed to improve the connection process :
 - (i) when a distributed generator submits application to connect DG, it must include the information and fee (if the distributor requires a fee) specified in clause 9B(2) of Schedule 6.1
 - (ii) a distributor must acknowledge receipt of an application within 2 business days (refer clause 9B(4) of Schedule 6.1)
 - (iii) if a DG application is compliant, the distributor must provide a notice of approval to the distributed generator within 10 business days of the distributed generator submitting the application (refer clause 9F)
 - (iv) a distributed generator commissions the DG and provides a notice of connection and a copy of the CoC to the distributor within 10 business days. To assist with registry ICP maintenance, this notice should also include confirmation of the ICP identifier associated with the DG, as it is possible that this information was not available to the distributed generator when it applied for connection (as envisaged under clause 9B(3) of Schedule 6.1)
- (f) that the prescribed maximum fees under Schedule 6.5 that a distributor may elect to charge for processing a connection application made under Part 1A are appropriate. The fees reflect the needs of a straightforward administrative process and incentivise the efficient application of engineering expertise if absolutely necessary
- (g) that, based on its review of the assumptions and the net benefits flowing from the proposal, the cost benefit analysis was robust
- (h) to update the existing DG documentation consider the possibility of workshops for stakeholders prior to implementing the proposed Code amendment

- (i) to retain an interim period of six months between the Code amendment being made, and then coming into force
- (j) that there is no need to change the requirements relating to connection and operation standards
- (k) to maintain the existing provisions within Part 6 of the Code relating to dispute resolution but remain open to considering wider views on the subject
- (l) to amend clause 3(3)(b) of Schedule 6.1 and clause 18(4)(b) of Schedule 6.1 to require distributors to advise distributor generators, who do not yet have DG connected, of their ability under the Enforcement Regulations to report a breach of the Code
- (m) to provide a transition period for changes from one inverter standard or version to the next by providing a 12-month window from the date in the *Gazette* that the new standard or version will have effect within which the incumbent standard or version is still valid
- (n) to investigate whether to seek a class exemption from MBIE under section 110 of the Act to relieve distributed generators from the obligation to register as a participant if their generators each have a nameplate capacity of less than 10kW
- (o) to amend clauses 9C and 9H of Schedule 6.1 to clarify that the distributed generator must provide or arrange reasonable access to the distributed generation for inspection purposes
- (p) that there is no need to amend the metering provisions in Schedule 6.2 to include import and export metering at category 1 metering installations if DG is present, but that it may consider clarifying in Part 10 the need for import and export metering at category 1 metering installations if DG is present
- (q) to remove clause 2A of Schedule 6.1 and replace it with preliminary provisions in clauses 1A to 1D to remove any ambiguity regarding when an application is required under Part 1A
- (r) to amend clause 9A(2) of Schedule 6.1 to remove any duplication
- (s) to remove clause 2A(1)(e) of Schedule 6.1 as a CoC cannot be issued until after the connection of DG and, as such, cannot be provided with an application under Part 1A of Schedule 6.1 (note: the remainder of clause 2A has been replaced by clause 1D).

Appendix A Parties providing submissions on the December 2013 consultation paper

A.1 The following parties made submissions on the December 2013 consultation paper.

- | | | |
|--|--------------------------------------|-------------------------------------|
| 1. Alpine Energy | 38. Laura Fynn | 77. Sue Pugmire |
| 2. Electricity Networks Association | 39. Stefan Geyer | 78. Cornelia Regnier |
| 3. Environment and Conservation Organisations NZ | 40. Barbara Gillatt | 79. Sian Robinson |
| 4. Genesis | 41. David Godfrey | 80. Michael Robinson |
| 5. Meridian | 42. Jean Grace | 81. Jackie Roos |
| 6. Network Tasman | 43. Vivienne Gray NZROT | 82. David Salas |
| 7. Northpower | 44. Suzan Hall | 83. Janet Salas and Dr Peter Pfundt |
| 8. Orion | 45. Kate Hartland | 84. Bert Schoneveld |
| 9. Pioneer Generation Ltd | 46. Marianne van der Hass | 85. Rachel Shields |
| 10. Powerco | 47. Dr Jennie Harré Hindmarsh | 86. Michael and Gisela Simon |
| 11. PowerSmart Solar | 48. Sallie Hobbs | 87. Ian Stephenson |
| 12. PwC | 49. David Hodges | 88. Makere Stewart-Harawira |
| 13. Right House | 50. Roelant Hofmans | 89. Hugh Tennent |
| 14. SEANZ | 51. Anna Hughes | 90. Peter Thompson |
| 15. Trustpower | 52. William Hughes-Games | 91. Max Thomson |
| 16. Unison | 53. Louise Humpage and Bradley Smith | 92. Dr Mark R. Titchener |
| 17. Vector | 54. Bill Irwin | 93. Wilma Trjsen |
| 18. WEL Networks | 55. J.H. [Hans] Jansen | 94. Sarah Walsh |
| 19. Dr W Allan | 56. Philippa Johnson | 95. Alicia Warren |
| 20. Cashy & Gary Ball | 57. Louis Kittleson | 96. Michael Watson |
| 21. Gaylene Barnes | 58. Jaguar Kukulcan | 97. Lynley Webster |
| 22. Dr Hugh Barr | 59. Janice Lorier | 98. Peter Whitmore |
| 23. Kirsten Bracey | 60. Morag Lorigan | 99. Ben Whitmore |
| 24. Carrol Browne | 61. Jan Mabey | 100. Trevor Willmot |
| 25. Pippa Cain | 62. Geoff Mason | 101. Jenny Wollerman |
| 26. David Cassey | 63. Andrew Massie | 102. Stephen |
| 27. Jenny Christie | 64. Stella McArthur | |
| 28. Phillip Clarke | 65. Glen McGeachen | |
| 29. Pauline Cooper and William Griffin | 66. Stephen McLuckie | |
| 30. Dr Leigh A.L. Corner | 67. David McNeill | |
| 31. Richard Davison | 68. Alex Mitcalfe | |
| 32. Charles Dawson | 69. Ann Louise Mitcalfe | |
| 33. Russell Devlin | 70. Leith Morrimire | |
| 34. Christopher T.J. Dusch | 71. Diana Musgrave | |
| 35. Adrian Feasey | 72. Patricia Norton | |
| 36. Paula Fisher | 73. Tim Petterson | |
| 37. Russell Fulton | 74. Graham Petterson | |
| | 75. Sue Pockett | |
| | 76. Tess Porter | |

Appendix B Code amendment (tracked copy)

Electricity Industry Participation Code 2010

Part 1 Preliminary provisions

Contents

- 1.1 Interpretation
- 1.2 General principles of construction
- 1.3 Special definition of “related”
- 1.4 Special definition of “independent”
- 1.5 Special definition of “purchaser” and “payer”
- 1.6 Contents tables
- 1.7 Defined terms appear in bold

Schedule 1.1

**Notice of assumption of rights and obligations under Parts 8,
13, and 14 of the Electricity Industry Participation Code 2010**

Schedule 1.2

**Revocation of notice of assumption of rights and obligations
under Parts 8, 13, and 14 of the Electricity Industry
Participation Code 2010**

1.1 Interpretation

- (1) In this Code, unless the context otherwise requires,—

...

associated equipment, for the purposes of the definition of **distribution network** and Part 6, means any equipment that is used, or designed or intended for use, in connection with any works or ~~electrical consumer installation~~, if such use is for **construction**, maintenance, or safety purposes and not for purposes that relate directly to the generation, conversion, transformation, conveyance, or use of **electricity**

...

~~**capacity**, in relation to a **distribution network**, means the capability of the **network** to convey **electricity** under a range of load and generation conditions in accordance with **reasonable and prudent operating practice**~~

...

connect, in relation to **distributed generation**, means to be electrically connected to a **distribution network** or to a **consumer installation** that is electrically connected to a **distribution network**, and **connected**, **connection**, and **connecting** have corresponding meanings

connection and operation standards, in relation to a **distributor** or **distributed generation**,—

- (a) means requirements, as amended from time to time by the **distributor**, that—
 - (i) are set out in written policies and standards of the **distributor**; and
 - (ii) relate to the connection of **distributed generation** and the operation of the **distribution network**, including requirements relating to the planning, design, construction, testing, inspection, and operation of **assets** that are, or are proposed to be, **connected** ~~connected to the **distribution network**~~; and
 - (iii) are made publicly available in accordance with clause 6.3; and
 - (iv) reflect, or are consistent with, ~~reasonable and prudent operating practice~~ **reasonable and prudent operating practice**; and
- (b) includes the following, as amended from time to time by the **distributor**:
 - (i) the **distributor's congestion management policy**, as referred to in clause 6.3(2)(d); and
 - (ii) the **distributor's** emergency response policies; and
 - (iii) the **distributor's** safety standards

...

consumer installation, for the purposes of the definitions of **associated equipment**, **connect**, **distributed generation**, **electrical installation**, **fittings**, and Part 6, means includes—

- (a) ~~an **electrical installation**~~ all fittings that are part of a system for conveying **electricity** from a **consumer's point of supply** to any point from which **electricity** conveyed through that system may be consumed; and

- (b) includes any fittings that are used, or designed or intended for use, by any person in or in connection with the generation of **electricity**—
 - (i) for that person’s use and not for supply to any other person; or
 - (ii) so that **electricity** can be injected into a **distribution network**; but
- (c) does not include any appliance that uses, or is designed or intended to use, **electricity**, whether or not it also uses, or is designed or intended to use, any other form of energy

...

distributed generation means ~~equipment used, or proposed to be used, for generating **electricity**~~ **generating plant** that is **connected**, or proposed to be **connected**, but does not include—

- (a) ~~is connected, or proposed to be connected, to a **distribution network**, or to a **consumer installation** that is connected to a **distribution network**~~ **generating plant connected** and operated by a **distributor** for the purpose of maintaining or restoring the provision of **electricity** to part or all of the **distributor’s distribution network**; ~~and or—~~
 - (i) as a result of a planned **distribution network** outage; or
 - (ii) as a result of an unplanned **distribution network** outage; or
 - (iii) during a period when the **distribution network capacity** would otherwise be exceeded on part or all of the **distribution network**; or
- (b) ~~is capable of injecting **electricity** into that **distribution**~~ **generating plant** that is only momentarily **synchronised** with the **distribution network** for the purpose of switching operations to start or stop the **generating plant**

distributed generator, for the purposes of Part 6, means a person who owns or operates, ~~or intends to own or operate,~~ **distributed generation**

...

distribution network means the **electricity lines**, and **associated equipment**, owned or operated by a **distributor**, but does not include—

- ~~(a) the **national grid**; or~~
- ~~(b) an **embedded network** that is used to convey less than 5 GWh per annum~~

distribution network capacity means the capacity of a **distribution network** to convey **electricity** under a range of load and **generation** conditions in accordance with **reasonable and prudent operating practice**

distributor means as follows:

- ~~(a) except in Part 12A, and as provided in paragraphs (b) and (c), a **participant** who supplies **line function services** to another person:~~
- ~~(b) in Parts 1 (except for the definitions of **connection and operation standards**, **distribution network**, and **specified participant**), 8, and 10 to 15, a **participant** who owns or operates a **local network**; and—~~
 - ~~(i) in Part 8, includes a **direct consumer**; and~~
 - ~~(ii) in Parts 10, 11, 13 and 15 includes an **embedded network owner**;~~
- ~~(c) for the purposes of the definitions of **connection and operation standards**, **distributed generation** and **distribution network**, and Part 6, a **participant** who owns—~~
 - ~~(i) a **local network**; or~~
 - ~~(ii) an **embedded network** that is used to convey 5 GWh or more of **electricity** per annum; or~~
 - ~~(iii) a system of **lines** that—~~
 - ~~(A) is used for providing **line function services** to a person other than the owner of those **lines**; and~~
 - ~~(B) is not part of the **grid** and has no direct or indirect connection to the **grid**; and~~
 - ~~(C) conveys 5 GWh or more of **electricity** per annum~~

...

electrical installation means,—

- (a) ~~for the purposes of the definitions of **associated equipment** and **consumer installation**~~—
- (i) ~~all **fittings** that form part of a system for conveying **electricity** at any point from the **point of supply** to a **consumer** to any point from which **electricity** conveyed through that system may be consumed; and~~
- (ii) ~~includes any **fittings** that are used, or designed or intended for use, by any person, in or in connection with the generation of **electricity** for that person's use and not for supply to any other person; but~~
- (iii) ~~does not include any appliance that uses, or is designed or intended to use, **electricity**, whether or not it also uses, or is designed or intended to use, any other form of energy;~~
- (b) ~~for the purposes of the rest of this Code, all fittings that form part of a system for conveying **electricity** at any point from an **ICP** to any point from which **electricity** conveyed through that system may be consumed, including any fittings that are used or designed or intended for use by any person in, or in connection with, the generation of **electricity** for that person's use and not for supply to any other person, but does not include any electrical appliance~~

...

export congestion means a situation in which a **distribution network** is unable to accept **electricity** exported from a **distributed generation** connection because the injection of an additional unit of **electricity** into the **distribution network** would—

- (a) directly cause a component in the **distribution network** to operate beyond the component's rated maximum capacity; or
- (b) give rise to an unacceptably high level of voltage at the **point of connection** between the **distribution network** and the **distributed generation**

...

incremental costs, for the purpose of Part 6, means the reasonable costs that an efficient **distributor** would incur in providing **electricity** distribution services with connection services to **distributed generation**, less the costs that the efficient **distributor** would incur if it did not provide those connection services

...

lines, for the purpose of the definition of **distribution network**, **distributor**, and Part 6, means works that are used or intended to be used for the conveyance of **electricity**

...

nameplate capacity means the lesser of—

- (a) the full-load continuous rating of **generating plant** under conditions specified by its designer in **MW** or kilowatts; or
- (b) the full-load continuous rating of the **generating plant's** inverter (if any) under conditions specified by its designer in **MW** or kilowatts

...

~~**national grid**, for the purposes of the definition of **distribution network**, has the meaning given to it in section 5 of the Act~~

...

reasonable and prudent operating practice, in relation to **distributed generation**, includes—

- (a) the industry operating standards; and
- (b) measures to avoid the injection of **electricity** from **distributed generation** that—
 - (i) exceeds the **distribution network capacity** of the ~~**distribution network**~~ at the point of injection; or
 - (ii) results in excessive power flow at feeder points or a significant adverse effect on voltage levels; or
 - (iii) results in a significant adverse effect on the quality and reliability of ~~supply~~ **electricity conveyed** to other users of the **distribution network**; and

- (c) the use or proposed use of reasonable and prudent measures to enable the connection of **distributed generation**

Electricity Industry Participation Code 2010

Part 6 Connection of distributed generation

Contents

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- 6.2 Purpose
- 6.3 Distributors must make information publicly available
- 6.4 Process for obtaining approval ~~to connect~~
- 6.4A Distributor and distributed generator may agree to simpler process for existing connection
- 6.5 Connection contract ~~outside regulated terms~~
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- 6.10 ~~Application of this Part to persons other than distributors and distributed generators~~
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Schedule 6.1

Process for obtaining approval ~~to connect~~

Part 1

Applications for ~~connection and operation of~~ distributed generation 10 kW or less in total

Application process

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Schedule 6.4

Pricing principles

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Repayment of previously funded investment

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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 where connection is consistent with connection and operation standards; and
- (b) in Schedule 6.1, processes (including time frames) under which **distributed generators** may ~~apply to distributors for approval to connect distributed generation~~ (including the information to be exchanged and the criteria for approval)
 - (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

6.2 Purpose

The purpose of this Part is to enable the connection and continued connection of distributed generation if connection is consistent with connection and operation standards.

Compare: SR 2007/219 r 3

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~~connection of distributed generation where consistent with connection and operation standards.~~
- (2) Each **distributor** must make publicly available, free of charge, from its office and Internet site,—
 - (a) ~~application forms for applications under Schedule 6.1~~connection of distributed generation; 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 to connect distributed generation is granted under Schedule 6.1~~; and
 - (ii) the **distributor** and the **distributed generator** do not enter into a **connection** contract ~~outside the regulated terms~~; and
 - (d) a statement of the policies, rules, or conditions under 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) ~~the application a list of any fees specified by that the distributor in respect of applications for connection of distributed generation 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

6.4 Process for obtaining approval ~~to connect~~

- (1) Schedule 6.1 applies if a **distributed generator** wishes to—
(a) ~~apply for approval to connect distributed generation,~~ (whether on the **regulated terms** or ~~outside the regulated terms~~ 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 ~~grant approval to connect distributed generation~~ if and as required to do so by Schedule 6.1 approve an application submitted under Schedule 6.1 if the application complies with the requirements of that Schedule.
- (3) Except as provided in clause 6.4A, A **distributor** cannot contract out of the provisions of Schedule 6.1 with a **distributed generator**.

Compare: SR 2007/219 r 7

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 ~~outside regulated terms~~

If a **distributor** and a **distributed generator** ~~who wishes to apply for approval to connect distributed generation~~ enter into a **connection** contract ~~outside the regulated terms~~ for the **connection** of **distributed generation**,—

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

Compare: SR 2007/219 r 8

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** ~~who wishes to apply for approval to connect distributed generation~~ do not enter into a **connection** contract ~~outside the regulated terms~~ by the expiry of the period for negotiating a **connection** contract under clauses 9 or 24 of Schedule 6.1; or
- (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, ~~the a **distributor** and the a **distributed generator** who wishes to apply for approval to connect distributed generation~~ may at any time, by mutual agreement, enter into a **connection** contract ~~outside the regulated terms~~ that will apply instead of the **regulated terms**.

Compare: SR 2007/219 r 9

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 ~~(extra terms)~~ 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 ~~outside the regulated terms~~ or are terms that would be implied by law if the **connection** was under a **connection** contract ~~outside the regulated terms~~; 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 ~~outside 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) to disputes between a **distributed generator** that is a **participant** and a **distributor** arising from 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;~~
 - ~~(ab) an allegation that a party has not attempted to negotiate in good faith under clause 6 or clause 21 of Schedule 6.1;~~
 - ~~(b) if there is any other dispute between a **distributor** and a **distributed generator** about an allegation that a party has breached alleged breach of 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 ~~outside the regulated terms~~; or
 - (b) arising from an allegation that a party has breached any of the extra terms referred to in clause 6.7(1); or

- (c) that the **distributed generator** and the **distributor** have agreed should be determined by any other agreed method (for example, under any dispute resolution scheme under section 95 of the **Act**).

Compare: SR 2007/219 r 11

6.9 Pricing principles

Schedule 6.4 applies in accordance with—

- (a) clause ~~2019~~ of Schedule 6.2; and
(b) clause 4 of Schedule 6.3.

Compare: SR 2007/219 r 12

~~6.10 Application of this Part to persons other than distributors and distributed generators~~

- ~~(1) This Part applies, in so far as it is applicable, to—~~
~~(a) a **retailer** with whom a **distributor** or a **distributed generator** has entered into a contract (for example, a use of systems agreement) that provides for the **retailer** to have any of the applicable rights, or carry out any of the obligations, that are regulated by this Part; and~~
~~(b) a person to whom any of the **distributor's** or the **distributed generator's** obligations under the **regulated terms** are transferred, or a person who assumes any of those obligations.~~
~~(2) This Part applies to the other persons referred to in subclause (1)(a) and (b) in the same way in which it applies to the **distributor** or the **distributed generator**, as the case may be.~~
~~(3) This clause does not limit the rights and obligations of the **distributor** and the **distributed generator** under this Part.~~

Compare: SR 2007/219 r 13

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~~for the connection of **distributed generation**, and in connecting **distributed generation**~~, regardless of whether—

- (a) whether the **distributor** has an ownership interest or a beneficial interest in the **distributed generator**; or
(b) the proposed generation is owned by the **distributor's** associate or by another **distributed generator** 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 ~~Regulations do~~ This Part does not apply to earlier connections

- (1) 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 ~~to the extent that the contract has expired for the purpose of renewing or extending the term of the contract.~~
- (2) ~~For the purpose of subclause (1), expired does not include cancelled by the **distributor** before the date on which the contract would otherwise have expired.~~

Compare: SR 2007/219 r 17

Schedule 6.1

Process for obtaining approval to connect

cl 6.4

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Part 3

General provisions

Confidentiality

25 Confidentiality of information provided ~~before connection~~

~~Annual reporting and~~ Record keeping

26 *[Revoked]*

27 *[Revoked]*

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29 Responsibility for costs under this Schedule

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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 of Part 6 of this Code 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 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**.

Part 1

Applications for ~~connection and operation of~~
distributed generation 10 kW or less in total

1 Contents of this Part

- (1) ~~This Part of this Schedule applies only to applications relating to **distributed generation** that is only capable of generating electricity at a rate 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 ~~Distributed generator wishing to connect must apply~~ Applications under this Part

- ~~(1) A **distributed generator** who wishes to **connect** with **distributed generation** that is only capable of generating **electricity** at a rate of 10 kW or less in total must apply to the **distributor**.~~
- (2) ~~The~~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) of Part 6 of this Code; and
 - (b) providing any information in respect of the **distributed generation** to which the application relates ~~proposed to be connected~~ that is—
 - (i) referred to in subclause (3); and

- (ii) specified by the **distributor** under clause 6.3(3) of Part 6 of this Code 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) of Part 6 of this Code.
- (3) The information may include the following:
 - (a) ~~the full name and address of the owner or operator of the distributed generation~~**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) ~~whether the proposed connection is a new connection or an increase in capacity for an existing connection and—evidence of the nameplate capacity size (nominal capacity) of that the generating unit distributed generation will have, including the nameplate rating (if known) or other suitable evidence that the generating unit distributed generation is or will be only be capable of generating electricity at a rate of 10 kW or less; including,—~~
 - (i) ~~if the proposed connection is a new connection, the size (nominal capacity) of the total generation:~~
 - (ii) ~~if the application is for an increase in capacity for an existing connection, both the size (nominal capacity) of the additional generation and the aggregate size (nominal capacity) of all devices at the point of connection:~~
 - (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:
- (c) details of the fuel type of the **distributed generation** (for example, solar, wind, or liquid fuel-photovoltaic):
- (d) ~~proposed location~~ a brief description of the physical location of the **distributed generation** at the address at which the **distributed generation** is or will be **connected** and when the **distributed generation** is likely to be connected:
- (da) if the application is to **connect distributed generation**, when the **distributed generation** is expected 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 **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 number 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 ~~connected~~ voltage (for example, 415 V or 11 kV) **when 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) The application must be accompanied by the application fee specified by the **distributor**, which must not exceed the maximum fee prescribed in Schedule 6.5.~~
- (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

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 ~~to connect distributed generation~~ 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 in Employment Act 1992; and
 - (ii) the **distributed generation generator** will ensure that the **distributed generation** ~~complies~~comply at all times with the **Act**, and this Code; and
 - (iii) ~~the connection of the distributed generation would be consistent with~~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, ~~if the distributed generator intends to make a new application,~~ the steps that the applicant can take to ~~ensure connection~~achieve approval if it makes a new application; and
 - (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

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

- (1) ~~A~~The **distributor** may seek an extension of the time specified in clause 3(1) by which the **distributor** must give notice in writing stating whether ~~the~~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** ~~who that~~ made the application—
 - (a) ~~may grant an extension, of up to 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

5 Distributed generator must give notice of intention to proceed

- (1) ~~If the a distributor advises a that the distributed generator's that its application to connect distributed generation is approved, the distributed generator must provide give written notice to the distributor confirming whether or not the distributed generator intends to proceed to negotiate a connection contract under clause 6 with the connection—and, if so, confirming the details of the distributed generation to which the application relates generation to be connected.~~
- (2) The **distributed generator** must give the notice within 10 **business days** after the **distributor** gives notice of approval ~~to connect distributed generation, or within a longer period of time such later date as is agreed between by the distributor and the distributed generator.~~
- (3) The **distributor's** duties under Part 6 of this Code arising from the application ~~for connection of distributed generation~~ 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 ~~for connection of distributed generation~~ under Part 6 of this Code.

Compare: SR 2007/219 clause 5 Schedule 1

~~Connection~~ *Post-approval process*

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

- (1) If a **distributed generator** whose application ~~to connect distributed generation~~ 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 ~~mutual~~ 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 to connect distributed generation~~ is approved by a **distributor** must test and inspect ~~the its 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 ~~provide~~ give the **distributor** with a written test report when testing and inspection is complete, including suitable evidence that the ~~metering installation distributed generation~~ complies with the ~~metering standards in this Code~~ **distributor's connection and operation standards**.
- (5) The **distributed generator** must pay any fee specified by the **distributor** for observing the testing and inspection, ~~up to a maximum fee prescribed in Schedule 6.5 in accordance with clause 6.3(2)(e) of Part 6 of this Code~~.

Compare: SR 2007/219 clause 7 Schedule 1

8 Connection of distributed generation ~~outside regulated terms if connection contract negotiated~~

- (1) ~~This clause applies if a the distributor and a the distributed generator whose application under this Part to connect distributed generation is approved enter into a connection contract before the period for negotiating a connection contract under this Part of this Schedule expires, —~~
- (a2) If the application is to **connect distributed generation** under clause 1B(a), the **distributor** must **connect the distributed generation** in accordance with the ~~at~~ contract as soon as practicable; and (b) ~~the distributed generator must complete the testing and inspection under clause 7.~~
- (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

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

- (1) This clause applies if a ~~the~~ **distributor** and a ~~the~~ **distributed generator** whose application under this Part to ~~connect distributed generation~~ is approved do not enter into a **connection** contract before the period for negotiating a **connection** contract under this Part of this Schedule expires,—
- (a2) If the application is to **connect distributed generation** under clause 1B(a), the **distributor** must **connect** the **distributed generation** on the **regulated terms** as soon as practicable after the expiry of ~~that period~~;~~—and~~
- (b) ~~the distributed generator must complete the testing and inspection under clause 7.~~
- (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 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 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 expires.

Compare: SR 2007/219 clause 9 Schedule 1

Part 1A

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

9A Contents of this Part

- (1) This Part applies to applications relating to **distributed generation** that has a **nameplate capacity** of 10 kW or less in total if the **distributed generator** that owns or operates the **distributed generation** has elected, under clause 1D, to apply under this Part.
- (2) This Part 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 4777.2 Declaration of Conformity certificate for the inverter:
 - (g) details of—
 - (i) the **nameplate capacity** of the **distributed generation**; and
 - (ii) the fuel type of the **distributed generation** (for example, solar, wind, or liquid fuel).
- (3) The **distributed generator** must also give the **distributor** the following information as soon as it is available, but no later than 10 **business days** after the approval of the application:
- (a) a copy of the Certificate of Compliance issued under the Electricity (Safety) Regulations 2010 that relates to the **distributed generation**:
 - (b) the **ICP identifier** of the **ICP** at which the **distributed generation** is **connected** or is proposed to be **connected**, if one exists.
- (4) A **distributor** must, no later than 2 **business days** after receiving an application from a **distributed generator**, acknowledge receipt of the application.

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.
- (2) If a **distributor** wishes to inspect the **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) of Part 6 of this Code 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 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 published in accordance with clause 6.3(2)(da) of Part 6 of this Code.
- (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 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) of Part 6 of this Code.

- (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 **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**, require the **distributed generator** to disconnect the **distributed generation** within a reasonable time frame specified by the **distributor**; 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 the **connection** or reconnection of the **distributed generation** (as the case may be) as soon as is reasonable in the circumstances if—
- (a) the **distributed generator** disconnects its **distributed generation** 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** or reconnection 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 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) of Part 6 of this Code, 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 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 ~~connection and operation~~
of distributed generation above 10 kW in total

10 Contents of this Part

- (1) This Part ~~of this Schedule~~ applies ~~only to applications relating to distributed generation that is capable of generating electricity at a rate above~~ has a **nameplate capacity** of more than 10 kW in total.
- (2) This Part ~~of this Schedule~~ provides for a 2-stage application process.

Compare: SR 2007/219 clause 10 Schedule 1

Initial application process

- 11 Distributed generator wishing to connect must make initial application and provide information**
- (1) ~~A distributed generator who wishes to connect distributed generation that is capable of generating electricity at a rate above 10 kW in total must first make an initial application to the distributor.~~
- (2) A The distributed generator must make apply to a distributor ("the initial application") by—
- (a) using the application form provided by the distributor that is publicly available under clause 6.3(2)(a) of Part 6 of this Code; and
 - (b) providing any information in respect of the distributed generation to which the application relates proposed to be connected that is—
 - (i) referred to in subclause (3); and
 - (ii) specified by the distributor under clause 6.3(3) of Part 6 of this Code 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) of Part 6 of this Code.
- (3) The information may include the following:
- (a) the full name and address of the owner or operator of the distributed generation 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) whether the proposed connection is a new connection or an increase in capacity for an existing connection and evidence of the nameplate capacity size (nominal capacity) of that the distributed generation will

- have: **generating unit**, including the name plate rating (if known), including,
- ~~(i) if the proposed connection is a new connection, the size (nominal **capacity**) of the total generation:~~
 - ~~(ii) if the application is for an increase in **capacity** for an existing connection, both the size (nominal **capacity**) of the additional generation and the aggregate size (nominal **capacity**) of all devices at the **point of connection**:~~
- (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;
- (c) details of the fuel type of the **distributed generation** (for example, solar, wind, or liquid fuel-photovoltaic):
- (d) ~~proposed location~~ a brief description of the physical location of the **distributed generation** at the address at which the **distributed generation** is or will be **connected** and when the **distributed generation** is likely to be connected:
- (da) if the application is to **connect distributed generation**, when the **distributed generation** is expected 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 **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 number/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 ~~connected~~ voltage (for example, 415 V or 11 kV) when **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 **generating unit**~~and distributed generation~~:
 - (j) fault level contribution (kA):
 - (k) method of voltage control:
 - (l) single line diagram of proposed **connection**:
 - (m) means of **synchronisation** and **connection** and disconnection to the **distribution network**, including the type and ratings of the proposed circuit breaker~~proposed~~:
 - (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) ~~The application must be accompanied by the application fee specified by the distributor, which must not exceed the maximum fee prescribed in Schedule 6.5.~~
- (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

12 Distributor must ~~provide~~ give information to distributed generator

~~A~~The **distributor** must ~~provide~~ give a **distributed generator** that makes an initial application ~~who wishes to connect distributed generation with a copy of the~~ following within 30 **business days** of receiving ~~at~~ 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 ~~supply~~electricity conveyed to other connected parties 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 the **connecting** of 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 resulting from the proposed connection, 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

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~~^{who} 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 who wishes to connect distributed generation~~ must make a **final application**, ~~within no later than 12 months after receiving the information under clauses 12 and 13, if the distributed generator wishes to proceed with the application, intends to proceed to connect to the distribution network 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) ~~of Part 6 of this Code~~; 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

16 Application for connection~~Notice to third parties~~

A **distributor** ~~who~~that receives a **final application** must use ~~reasonable endeavours to notify in writing give written notice to~~ the following persons no later than **10 business days** after receiving the **final application**:—

- (a) all persons ~~who~~that have made an **initial application** for connection of ~~distributed generation~~ relating to the particular part of the **distribution network** that the **distributor** considers would be affected by the connection of the ~~distributed generation~~ that is the subject of the **final application** approval of the **final application**; and
- (b) all **distributed generators** ~~who~~that have **distributed generation** with a **nameplate capacity** of above 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 connection of the **distributed generation**.

Compare: SR 2007/219 clause 16 Schedule 1

17 Priority of final applications

(1) ~~This clause~~ Subclause (2) applies if—

- (a) a **distributor** receives a **final application** ~~for connection to a distribution network~~ ("the **first application**"); and
- (b) the **distributor** receives another **final application** within ~~40~~**20 business days** after receiving the ~~first application~~**first application** for connection relating to a particular part of the **distribution network** that the **distributor** considers would be affected by the approval the connection of the **distributed generation** that is the subject of the **first application**.

(2) If this subclause applies, ~~The distributor—~~

- (a) may consider the ~~2 or more~~ **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; ~~and~~
- (c) ~~in giving reasons under clause 18 in the case of a final application that is declined, must set out the criteria used in making a decision that relates to paragraph (a) or (b).~~

(3) In any other case in which a **distributor** receives more than 1 **final application** ~~for connection~~ 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

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 to connect distributed generation**, 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 in Employment Act 1992; and
 - (ii) the **distributed generation generator** will ensure that the **distributed generation** complies with at all times with the **Act**, and this Code; and
 - (iii) the connection of the **distributed generation** would be consistent with meets the **distributor's connection and operation standards** (assuming that the **distributed generator** performs meets the conditions (if any) referred to in subclause (3)).
- (3) A notice stating that an application is approved ~~subject to conditions~~ must be accompanied by the following information:
- (a) a detailed description of ~~the~~ any conditions (or other measures) that are conditions of the approval under subclause (2) connection, and what the **distributed generator who wishes to connect distributed generation** must do to comply with them;
 - (b) detailed reasons for those conditions (or other measures);
 - (c) a detailed description of ~~the~~ any charges payable by ~~the distributed generator who wishes to connect distributed generation~~ the distributed generator to the distributor or the distributor to the distributed generator, and an explanation of how the charges have been, or will be, calculated;
 - (d) the default process for resolution of disputes under Schedule 6.3, if the **distributed generator who wishes to connect distributed generation** 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, if the distributed generator who wishes to connect distributed generation makes a new application, the steps that the applicant can take to ensure connection achieve 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 resolution of 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) ~~The written~~A notice required by clause 18 must be ~~provided within~~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 ~~an application for distributed generation that is not capable of generating electricity at a rate that will have a nameplate capacity of at least~~less than 1 MW; or
 - (b) **60 business days** after the date of receipt of the **final application**, in the case of ~~an application for distributed generation that is capable of generating electricity at a rate of that will have a nameplate capacity of 1 MW or more but less than 5 MW at least 1 MW but is not capable of generating electricity at a rate of at least 5 MW~~; or
 - (c) **80 business days** after the date of receipt of the **final application**, in the case of ~~an application for distributed generation that is capable of generating electricity at a rate that will have a nameplate capacity of at least 5 MW or above.~~
- (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) ~~The~~ **distributed generator** ~~who~~ that receives a notice seeking an extension— ~~who wishes to connect distributed generation~~
 - (a) may grant an extension of up to which must not exceed 40 business days; and
 - (b) must not unreasonably withhold consent to an extension.

Compare: SR 2007/219 clause 19 Schedule 1

20 Distributed generator must give notice of intention to proceed

- (1) If ~~the~~ **distributor** advises a **distributed generator** that the **distributed generator's final application—to connect distributed generation** is approved, the **distributed generator** must ~~provide~~ 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) ~~with the connection~~ and, if so, confirming—
 - (a) the details of the **distributed generation—to be connected**; and
 - (b) that the **distributed generator** accepts all of the conditions (or other measures) that have been specified by the **distributor** under clause 18 ~~as conditions of the connection.~~
- (2) The **distributed generator** must give ~~that~~ notice ~~within no later than 30 business days~~ after the day on which the **distributor** gives notice of approval under clause 18 to connect distributed generation, or ~~within a longer period of time~~ such later date as is agreed between by the distributor and the distributed generator.
- (3) If the **distributed generator** is a participant and does not accept ~~all of those 1 or more of the conditions specified by the distributor under clause 18(2) (if any), but does~~ intends to proceed to negotiate a **connection** contract under clause 21(1) ~~connect distributed generation~~, 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 to connect distributed generation; 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 ~~for connection of distributed generation~~ 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) ~~with the connection~~ within the time limits specified in this clause.
- (5) Subclause (4) does not prevent the **distributed generator** from making a new application ~~for connection of distributed generation~~ under Part 6 of this Code.
- Compare: SR 2007/219 clause 20 Schedule 1

~~Connection~~ 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** ~~application to connect distributed generation~~ 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 ~~mutual~~ 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~~The **distributed generator** whose **final application** ~~application to connect distributed generation~~ is approved by a **distributor** must test and inspect ~~its~~ 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 ~~provide~~give the **distributor** with a written test report when testing and inspection is complete, including suitable evidence that the ~~metering installation distributed generation~~ complies with the appropriate metering standards in this Code distributor's connection and operation standards.

- (5) The **distributed generator** must pay any fee specified by the **distributor** for observing the testing and inspection, ~~up to the maximum fee prescribed in Schedule 6.5 in accordance with clause 6.3(2)(e) of Part 6 of this Code.~~

Compare: SR 2007/219 clause 22 Schedule 1

23 Connection of distributed generation ~~outside regulated terms if connection contract negotiated~~

- (1) ~~This clause applies if thea distributor and thea distributed generator whose final application application to connect distributed generationis approved enter into a connection contract before the period for negotiating a connection contract under this Part of this Schedule expires,—~~
- (a2) ~~If the application is to connect distributed generation under clause 1B(a), the distributor must connect the distributed generation in accordance with theat contract as soon as practicable; and~~
- (b3) ~~the distributed generator must complete the testing and inspection under clause 22.~~ 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 thea distributor and thea distributed generator whose final application application to connect distributed generationis approved do not enter into a connection contract before the period for negotiating a connection contract under this Part of this Schedule expires,—~~

- (a2) If the application is to **connect distributed generation** under clause 1B(a), the **distributor** must **connect** the **distributed generation** on the **regulated terms** as soon as practicable after the later of—
- (ia) the expiry of the period for negotiating a **connection contract** under this Part; and
 - (ib) 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**; and
- (b) ~~the **distributed generator** must complete the testing and inspection under clause 22.~~
- ~~(2) However, to the extent that those conditions (or other measures) were the subject of a dispute under clause 20(3), or of negotiation during the period for negotiation of the connection contract, the **distributor** must **connect** the **distributed generation** on the **regulated terms**, as soon as practicable after the later of—~~
- ~~(a) the dates referred to in subclause (1); and~~
 - ~~(b) the date on which the dispute about the conditions or other measures is finally resolved or negotiated and the **distributed generator** has performed those conditions (or other matters).~~
- (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;
 - (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;
 - (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** or **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;
- (b) the date on which the **distributed generator** has fully complied with any conditions (or other measures) that were specified by the **distributor** under clause 18 as conditions of the **connection**.

Compare: SR 2007/219 clause 24 Schedule 1

Part 3 General provisions

Confidentiality

25 **Confidentiality of information provided—before connection**

- (1) ~~All information provided—given with, or relating to, an application made under this Schedule to a **distributor**, or otherwise provided by a **distributed generator** who wishes to connect **distributed generation** under this Schedule,~~ must be kept confidential by the **distributor** except as agreed otherwise by the person ~~that who provides~~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 for connection of **distributed generation**,~~ disclose to the applicant that another **distributed generator** has made an application under this Schedule to connect **distributed generation** to the **distribution network** (without identifying who ~~that~~ other **distributed generator** is); and
 - (b) may, in the case of an application under Part 1 of this Schedule for connection of **distributed generation** that is only capable of generating electricity at a rate of 10 kW or less in total, generally indicate the location

- or proposed location of the **distributed generation** that is the subject of the other application possible connection; and
- (c) may, in the case of an application under Part 2 of this Schedule ~~for connection of **distributed generation** that is capable of generating electricity at a rate above 10 kW,~~ disclose the ~~size~~ **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 ~~when~~ the information is no longer required for the purposes in paragraph (a) ~~of the connection of the **distributed generation**;~~ and
- (ii) 5—years ~~60 months~~ after receiving the information.

Compare: SR 2007/219 clause 25 Schedule 1

~~Annual reporting and r~~Record keeping

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

26 **[Revoked]**

Compare: SR 2007/219 clause 26 Schedule 1

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

27 **[Revoked]**

Compare: SR 2007/219 clause 27 Schedule 1

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

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

28 **Distributors must keep records**

A **distributor** must maintain ~~for 5 years,~~ records of each all applications and notification received under this Schedule and the resulting outcomes, (including records of how long it took to ~~connect~~ approve or decline an the application, and justification for these outcomes,) for a minimum of 60 months after the day on which the application was approved or declined.

Compare: SR 2007/219 clause 28 Schedule 1

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.

Schedule 6.2 cl 6.6

Regulated terms for ~~connection of~~ distributed generation

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General

1 Contents of this Schedule

This Schedule sets out the **regulated terms** ~~for connection of distributed generation that apply to the connection of a distributor and a distributed generator~~ **in respect of distributed generation that is ~~connected~~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

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 A—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**, interconnect, 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**, interconnect, 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 generation** 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 ~~as conditions of the connection~~ (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

Meters

4 Installation of meters and access to metering information

- (1) ~~The **distributed generator** must ensure that 1 or more **metering installations** are installed that—~~

~~(a) separately record any inflows of **electricity** from the **distribution network** and any **electricity** injected into the **distribution network**; and~~

~~(b) fully comply with this Code.~~

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

- (3) ~~If the meter is part of a **category 2 metering installation**, or a **category 3 metering installation**, or a **category 4 metering installation**, or a **category 5 metering installation**, or a **category 6 metering installation**, the distributor may require that **reactive** metering be installed.~~ **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) it is required to do so by the distributor.

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

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

Compare: SR 2007/219 clause 4 Schedule 2

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 reconnecting or 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 ~~notify~~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 ~~notify~~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

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 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 disconnect the **distributed generation** in any of the following cases:

- (a) in accordance with the **distributor's congestion management policy**;
- (b) if reasonably necessary for planned **maintenance, construction**, and repairs on the **distribution network**;
- (c) for the purpose of protecting, or preventing danger or damage to, persons or property;
- (d) if the **distributed generator** fails to allow the **distributor** access as required by clause 5;
- ~~(e) if the **distributed generator** modifies its **distributed generation**, without prior authorisation from the **distributor**, in such a way that it has a material effect on the **distributed generator's injection** of electricity into the **network**;~~
- (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

12 Obligations if distributed generation temporarily disconnected by distributor

- (1) The **distributor** must make reasonable endeavours to—
 - (a) ~~notify~~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 temporary disconnection.
- (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~~**A distributor** must ~~notify~~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 ~~notice~~advice, the **distributed generator** fails to remedy the adverse operating effect within a reasonable time, the **distributor** may 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

14 Interruptions by distributed generator

- (1) This clause applies to any ~~connected~~connected **distributed generation** above 10 kW in total.
- (2) The **distributed generator** must ~~notify~~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 ~~notify~~ 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 Permanent disconnections

- (1) Despite clause 10, the **distributor** may permanently 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 disconnected under clause 11(g) and has failed to comply with either the connection or safety requirements of the distributor –
 - (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, ~~on receipt of the registry inactivestatus with reason “De-energised ready for decommissioning”~~if the ~~trader~~**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 **de-energised the ICP** and advised the **registry** that the **ICP** has a status of “inactive” with the reason of “de-energised – ready for decommissioning” a site, ~~attempted to recover the meters, and updated the registry to that status:~~
- (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 **distributor** has not been advised by the **distributed generator** of 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) If the point of connection is to remain as a consumption point, the distributed generator must (if applicable) cancel any seller contracts and ensure the trader decommissions the embedded generation network service point with the reconciliation manager. The site must revert to a standard ICP.~~

- (3) If the **point of connection** is to be disestablished in its entirety, a permanent disconnection must be performed by means of isolation of generation by removal of all electrical connections to **distributor's lines**. The **distributor** must ~~notify~~**advise** the **distributed generator** within 2 **business days** of the work having been completed. ~~If applicable, the distributed generator must cancel any seller contracts, ensure that the retailer decommissions the embedded generation network service point with the reconciliation manager, and that the retailer arranges decommissioning of the ICP.~~
- (4) ~~Once having the status of decommissioned on the registry, the ICP must not be used again. The process for new connections in Part 1 or 2, as the case may be, of Schedule 6.1 must be followed if generation is to be connected again at this point of connection.~~
- (5) ~~Both the distributor and the distributed generator (through notification to a retailer where selling to a retailer) must ensure that the registry is correctly updated throughout this process in accordance with this Code.~~
- Compare: SR 2007/219 clause 15 Schedule 2

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

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

~~Connection~~ Charges that are payable by the distributed generator or the distributor ~~a distributed generator~~ 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 does not limit the liability of either party ~~(a) to pay all charges and other amounts due under Part 6 of this Code or the regulated terms; or (b) to the Crown under the Act or any regulations made under the Act.~~

Compare: SR 2007/219 clause 21 Schedule 2

21 Exceptions to obligations relating to liability

- (1) Neither the **distributor** nor ~~the~~ **distributed generator**, nor any of its officers, employees, directors, agents, or advisors, are in any circumstances liable to the other party for—
 - (a) any indirect loss, consequential loss (including, but not limited to, incidental or special damages), loss of profit, loss of revenue (except any liability under clause 20(3)), loss of use, loss of opportunity, loss of contract, or loss of goodwill; or

- (b) any loss resulting from the liability of the other party to another person; or
 - (c) any loss or damage incurred by the other party if, and to the extent that, this results from any breach of the **regulated terms** or any negligent action.
- (2) The **distributor** is not liable, except to the extent caused or contributed to by the **distributor** in circumstances where the **distributor** was not acting in accordance with Part 6 of this Code (including these **regulated terms**), for—
 - (a) any momentary fluctuations in the voltage or frequency of **electricity** conveyed to or from the **distributed generation's point of connection** or nonconformity with harmonic voltage and current levels; or
 - (b) any failure to convey **electricity** to the extent that—
 - (i) the failure arises from any act or omission of the **distributed generator** or other person, excluding the **distributor** and its officers, employees, directors, agents, or advisors; or
 - (ii) the failure arises from a reduced **injection of electricity** into the **distribution network**; or—
 - ~~(A) a failure to convey or a reduction of **injection** or supply of **electricity** into the **distribution network**; or~~
 - ~~(B) an interruption in the conveyance of **electricity** in the **network**, 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 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
 - (iv) the failure arises from any defect or abnormal conditions in or about the **distributed generator's** premises; or
 - (v) the **distributor** was taking any action in accordance with Part 6 of this Code or the **regulated terms**; or
 - (vi) the **distributor** was prevented from making necessary repairs (for example, by police at an accident scene).
- (3) The **distributed generator** is not liable for—
 - (a) a failure to perform an obligation under these **regulated terms** caused by the **distributor's** failure to comply with the obligation; or

- (b) a failure to perform an obligation under these **regulated terms** arising from any defect or abnormal conditions in the **distribution network**.

Compare: SR 2007/219 clause 22 Schedule 2

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 installed ~~nameplate capacity~~, up to a maximum of \$5 million.

Compare: SR 2007/219 clause 23 Schedule 2

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

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

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

Compare: SR 2007/219 clause 24 Schedule 2

~~24 Indemnity~~

- ~~(1) Each party (the **indemnifying party**) must indemnify the other for damages claimed by third parties to the extent that the loss is caused by a breach of these **regulated terms** by the **indemnifying party**, where the loss is materially caused by an action or omission of the **indemnifying party**.~~
- ~~(2) The indemnity in this clause is subject to the limits on liability specified in clauses 20 to 23.~~

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 ~~supply or availability~~ **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 ~~notify~~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 ~~notify~~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

Schedule 6.3

Default dispute resolution process

cl 6.8

Contents

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

1 Application of this Schedule

- (1) This Schedule applies in accordance with clause 6.8 of Part 6 of this Code.
- ~~(2) To avoid doubt, this Schedule applies to disputes about either of the following:~~
 - ~~(a) the conditions specified by the **distributor** under clause 18 of Schedule 6.1;~~
 - ~~(b) whether a party is attempting to negotiate in good faith under clauses 6 or 21 of Schedule 6.1.~~

Compare: SR 2007/219 clause 1 Schedule 3

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

cl 6.9

- 1 This Schedule sets out the pricing principles to be applied for the purposes of Part 6 of this Code in accordance with clause 6.9 of Part 6 of this Code (which relates to clause 2019 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~~**incremental costs** of providing **connection** services to the **distributed generation**. To avoid doubt, ~~incremental cost~~**incremental cost** is net of transmission and distribution costs that an efficient ~~distributor~~**distributor** would be able to avoid as a result of the **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 ~~connected~~**connected** to the **distribution network** were, and deducting the costs that would have been incurred had the generation not been ~~connected~~**connected**. In this case, if the costs differ from the costs charged to the **distributed generator**, the **distributor** must ~~notify~~**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~~ **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 expressed in dollars per annum;
- ~~(g) before the connection of **distributed generation**, the **distributor** must notify the **distributed generator** in writing of the connection charges that will be payable, and explain how the connection charges have been calculated;~~
- (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 ~~notify~~ 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 ~~5 years~~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 ~~3 years~~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

~~3 — In this Schedule, **incremental costs** means the reasonable costs that an efficient **market operation service provider** would incur in providing **electricity** distribution services with connection services to the **distributed generation**, less the costs that the efficient **market operation service provider** would incur if it did not provide those connection services.~~

Compare: SR 2007/219 clause 3 Schedule 4

Schedule 6.5

cls 6.3(2)(e), and 2(4), 7(5), 11(4), and 22(5) of Sch 6.1

Prescribed maximum fees

- 1 ~~In this Schedule, reference to nameplate capacity a kW or MW rate, in relation to **distributed generation**, is a reference to the nameplate capacity kW or MW rate at which **distributed generation** is capable of generating electricity.~~
- 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:

Fee for application for distributed generation 10 kW or less in total	\$
Distributed generation of 10 kW or less in total	200
Fee for initial application for distributed generation above 10 kW	
Distributed generation of above 10 kW in total but less than 100 kW in total	500
Distributed generation of 100 kW or above in total but less than 1 MW	1,000
Distributed generation of 1 MW and above	5,000
Fee for observation of testing and inspection under clauses 7 and 22 of Schedule 6.1	
Distributed generation of 10 kW or less in total	60
Distributed generation of above 10 kW in total but less than 100 kW in total	120
Distributed generation of 100 kW and above	1,200

Compare: SR 2007/219 Schedule 5

<u>Description of fee</u>	<u>\$</u> <u>(exclusive of GST)</u>
<u>Part 1 of Schedule 6.1 application</u>	

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

Electricity Industry Participation Code 2010

Part 11 Registry information management

...

Schedule 11.1

Creation and management of ICPs, ICP identifiers and NSPs

...

Provision of ICP information to the registry

7 **Distributors to provide ICP information to registry**

- (1) A **distributor** must, for each **ICP** on the **distributor's** network, provide the following information to the **registry**:

...

- (o) if the **ICP** connects the **distributor's network** to **distributed generation**,—
- (i) the ~~nameplate capacity~~ **nameplate capacity** of the **distributed generation**; and
 - (ii) the generation fuel type of the **distributed generation**:

Appendix C Code amendment (clean copy)

Electricity Industry Participation Code 2010

Part 1 Preliminary provisions

Contents

- 1.1 Interpretation
- 1.2 General principles of construction
- 1.3 Special definition of “related”
- 1.4 Special definition of “independent”
- 1.5 Special definition of “purchaser” and “payer”
- 1.6 Contents tables
- 1.7 Defined terms appear in bold

Schedule 1.1 Notice of assumption of rights and obligations under Parts 8, 13, and 14 of the Electricity Industry Participation Code 2010

Schedule 1.2 Revocation of notice of assumption of rights and obligations under Parts 8, 13, and 14 of the Electricity Industry Participation Code 2010

1.1 Interpretation

- (1) In this Code, unless the context otherwise requires,—

...

associated equipment, for the purposes of the definition of **distribution network** and Part 6, means any equipment that is used, or designed or intended for use, in connection with any works or **consumer installation**, if such use is for **construction**, maintenance, or safety purposes and not for purposes that relate directly to the generation, conversion, transformation, conveyance, or use of **electricity**

...

connect, in relation to **distributed generation**, means to be **electrically connected** to a **distribution network** or to a **consumer installation** that is **electrically connected** to a **distribution network**, and **connected**, **connection**, and **connecting** have corresponding meanings

connection and operation standards, in relation to a **distributor** or **distributed generation**,—

- (a) means requirements, as amended from time to time by the **distributor**, that—
- (i) are set out in written policies and standards of the **distributor**; and
 - (ii) relate to the connection of **distributed generation** and the operation of the **distribution network**, including requirements relating to the planning,

design, construction, testing, inspection, and operation of **assets** that are, or are proposed to be, **connected**; and

- (iii) are made publicly available in accordance with clause 6.3; and
 - (iv) reflect, or are consistent with, **reasonable and prudent operating practice**; and
- (b) includes the following, as amended from time to time by the **distributor**:
- (i) the **distributor's congestion management policy**, as referred to in clause 6.3(2)(d); and
 - (ii) the **distributor's** emergency response policies; and
 - (iii) the **distributor's** safety standards

...

consumer installation, for the purposes of the definitions of **associated equipment**, **connect**, **fittings**, and Part 6, means—

- (a) all fittings that are part of a system for conveying **electricity** from a **consumer's point of supply** to any point from which **electricity** conveyed through that system may be consumed; and
- (b) includes any fittings that are used, or designed or intended for use, by any person in or in connection with the generation of **electricity**—
 - (i) for that person's use and not for supply to any other person; or
 - (ii) so that **electricity** can be injected into a **distribution network**; but
- (c) does not include any appliance that uses, or is designed or intended to use, **electricity**, whether or not it also uses, or is designed or intended to use, any other form of energy

...

distributed generation generating plant that is **connected**, or proposed to be **connected**, but does not include—

- (a) **generating plant connected** and operated by a **distributor** for the purpose of maintaining or restoring the provision of **electricity** to part or all of the **distributor's distribution network**—
 - (i) as a result of a planned **distribution network** outage; or
 - (ii) as a result of an unplanned **distribution network** outage; or
 - (iii) during a period when the **distribution network capacity** would otherwise be exceeded on part or all of the **distribution network**; or
- (b) **generating plant** that is only momentarily **synchronised** with the **distribution network** for the purpose of switching operations to start or stop the **generating plant**

distributed generator, for the purposes of Part 6, means a person who owns or operates, or intends to own or operate, **distributed generation**

...

distribution network means the **electricity lines**, and **associated equipment**, owned or operated by a **distributor**

distribution network capacity means the capacity of a **distribution network** to convey **electricity** under a range of load and **generation** conditions in accordance with **reasonable and prudent operating practice**

distributor means as follows:

- (a) except in Part 12A, and as provided in paragraphs (b) and (c), a **participant** who supplies **line function services** to another person:
- (b) in Parts 1 (except for the definitions of **connection and operation standards**, **distribution network**, and **specified participant**), 8, and 10 to 15, a **participant** who owns or operates a **local network**; and—
 - (i) in Part 8, includes a **direct consumer**; and
 - (ii) in Parts 10, 11, 13 and 15 includes an **embedded network owner**:
- (c) for the purposes of the definitions of **connection and operation standards**, **distributed generation** and **distribution network**, and Part 6, a **participant** who owns—
 - (i) a **local network**; or
 - (ii) an **embedded network** that is used to convey 5 GWh or more of **electricity** per annum; or
 - (iii) a system of **lines** that—
 - (A) is used for providing **line function services** to a person other than the owner of those **lines**; and
 - (B) is not part of the **grid** and has no direct or indirect connection to the **grid**; and
 - (C) conveys 5 GWh or more of **electricity** per annum

...

electrical installation means all fittings that form part of a system for conveying **electricity** at any point from an **ICP** to any point from which **electricity** conveyed through that system may be consumed, including any fittings that are used or designed or intended for use by any person in, or in connection with, the generation of **electricity** for that person's use and not for supply to any other person, but does not include any electrical appliance

...

export congestion means a situation in which a **distribution network** is unable to accept **electricity** exported from a **distributed generation** connection because the injection of an additional unit of **electricity** into the **distribution network** would—

- (a) directly cause a component in the **distribution network** to operate beyond the component's rated maximum capacity; or

- (b) give rise to an unacceptably high level of voltage at the **point of connection** between the **distribution network** and the **distributed generation**

...

incremental costs, for the purpose of Part 6, means the reasonable costs that an efficient **distributor** would incur in providing **electricity** distribution services with **connection** services to **distributed generation**, less the costs that the efficient **distributor** would incur if it did not provide those **connection** services

...

lines, for the purpose of the definition of **distribution network**, **distributor**, and Part 6, means works that are used or intended to be used for the conveyance of **electricity**

...

nameplate capacity means the lesser of—

- (a) the full-load continuous rating of **generating plant** under conditions specified by its designer in **MW** or kilowatts; or
- (b) the full-load continuous rating of the **generating plant's** inverter (if any) under conditions specified by its designer in **MW** or kilowatts

...

reasonable and prudent operating practice, in relation to **distributed generation**, includes—

- (a) the industry operating standards; and
- (b) measures to avoid the injection of **electricity** from **distributed generation** that—
- (i) exceeds the **distribution network capacity** at the point of injection; or
 - (ii) results in a significant adverse effect on voltage levels; or
 - (iii) results in a significant adverse effect on the quality and reliability of **electricity** conveyed to other users of the **distribution network**; and
- (c) the use or proposed use of reasonable and prudent measures to enable the connection of **distributed generation**

Electricity Industry Participation Code 2010

Part 6 **Connection of distributed generation**

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6.1 Contents of this Part

This Part specifies—

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

Compare: SR 2007/219 r 4

6.2 Purpose

The purpose of this Part is to enable the **connection** and continued **connection** of **distributed generation** if **connection** is consistent with **connection and operation standards**.

Compare: SR 2007/219 r 3

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 policies, rules, or conditions under 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.
- (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

6.4 Process for obtaining approval

- (1) Schedule 6.1 applies if a **distributed generator** wishes to—
 - (a) **connect distributed generation**, whether on the **regulated terms** or on other terms; or
 - (b) continue an existing **connection** of **distributed generation** if the **connection** contract for the **distributed generation**—

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

Compare: SR 2007/219 r 7

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 **connection** contract for the **connection** of **distributed generation**,—

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

Compare: SR 2007/219 r 8

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

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 outside the **regulated terms** 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**).

Compare: SR 2007/219 r 11

6.9 Pricing principles

Schedule 6.4 applies in accordance with—

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

Compare: SR 2007/219 r 12

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

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Preliminary provisions

1A Contents of this Schedule

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

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 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**.

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

- (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:
 - (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 generation** is expected 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 **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 **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**.

- (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

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 in Employment Act 1992; 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

4 **Extension of time by 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

5 Distributed generator must give notice of intention to proceed

- (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 or not the **distributed generator** intends to proceed 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

Post-approval process

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

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

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

Part 1A

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

9A Contents of this Part

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

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

- (1) A **distributed generator's** application to a **distributor** must specify which of the following circumstances applies:
 - (a) the **distributed generator** wishes to **connect distributed generation**:
 - (b) the **distributed generator** wishes to continue an existing **connection** of **distributed generation** that is **connected** in accordance with a **connection** contract that—
 - (i) is in force and the **distributed generator** wishes to extend the term of the **connection** contract; or
 - (ii) has expired:
 - (c) the **distributed generator** wishes to continue an existing **connection** of **distributed generation** that is **connected** without a **connection** contract:
 - (d) the **distributed generator** wishes to change the **nameplate capacity** or fuel type of **connected distributed generation**.
- (2) An application must include the following:
 - (a) the name, contact, and address details of the **distributed generator** and, if applicable, the **distributed generator's** agent:
 - (b) a brief description of the physical location at the address at which the **distributed generation** is or will be **connected**:
 - (c) any application fee specified by the **distributor** in accordance with clause 6.3(2)(e):
 - (d) details of the make and model of the inverter:
 - (e) confirmation as to whether the inverter—
 - (i) is included on the **distributor's** list of approved inverters made publicly available under clause 6.3(2)(f); or
 - (ii) conforms with the protection settings specified in the **distributor's connection and operation standards**:
 - (f) if the inverter is not included on the **distributor's** list of approved inverters, a copy of the AS 4777.2 Declaration of Conformity certificate for the inverter:
 - (g) details of—
 - (i) the **nameplate capacity** of the **distributed generation**; and
 - (ii) the fuel type of the **distributed generation** (for example, solar, wind, or liquid fuel).

- (3) The **distributed generator** must also give the **distributor** the following information as soon as it is available, but no later than 10 **business days** after the approval of the application:
 - (a) a copy of the Certificate of Compliance issued under the Electricity (Safety) Regulations 2010 that relates to the **distributed generation**;
 - (b) the **ICP identifier** of the **ICP** at which the **distributed generation** is **connected** or is proposed to be **connected**, if one exists.
- (4) A **distributor** must, no later than 2 **business days** after receiving an application from a **distributed generator**, acknowledge receipt of the application.

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 published 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 **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**, require the **distributed generator** to disconnect the **distributed generation** within a reasonable time frame specified by the **distributor**; 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 the **connection** or reconnection of the **distributed generation** (as the case may be) as soon as is reasonable in the circumstances if—
 - (a) the **distributed generator** disconnects its **distributed generation** 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** or reconnection 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.

Compare: SR 2007/219 clause 10 Schedule 1

Initial application process

11 Distributed generator must make initial application and give information

- (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:
- (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 generation** is expected 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 **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 **connected**:
- (f) information showing how the **distributed generation** complies with the **distributor's connection and operation standards**:
- (g) the maximum **active power** injected (**MW max**):
- (h) the **reactive power** requirements (**MVARs**) (if any):
- (i) resistance and reactance details of the **distributed generation**:
- (j) fault level contribution (**kA**):
- (k) method of voltage control:
- (l) single line diagram of proposed **connection**:

- (m) means of **synchronisation** and **connection** and disconnection to the **distribution network**, including the type and ratings of the proposed **circuit breaker**;
 - (n) details of compliance with frequency and voltage support requirements as specified in this Code (if applicable);
 - (o) proposed periods and amounts of **electricity injections** into, and **oftakes** from, the **distribution network** (if known);
 - (p) any other information that is required by the **system operator**;
 - (q) any additional information or **documents** that are reasonably required by the **distributor**.
- (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

12 **Distributor must give information to distributed generator**

A **distributor** must give a **distributed generator** that makes an **initial application** of 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 the connecting of 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

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

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

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

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 in Employment Act 1992; 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.

Compare: SR 2007/219 clause 19 Schedule 1

20 Distributed generator must give notice of intention to proceed

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

Compare: SR 2007/219 clause 20 Schedule 1

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

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 or **connected distributed generation** under clause 1B(d), the **regulated terms** apply from the later of the following:
 - (a) the expiry of the period for negotiating a **connection** contract under this Part of this Schedule;
 - (b) the date on which the **distributed generator** has fully complied with any conditions (or other measures) that were specified by the **distributor** under clause 18 as conditions of the **connection**.

Compare: SR 2007/219 clause 24 Schedule 1

Part 3 General provisions

Confidentiality

25 Confidentiality of information provided

- (1) All information given with, or relating to, an application made under this Schedule to a **distributor** must be kept confidential by the **distributor** except as agreed otherwise by the person that gave the information.
- (1A) A **distributor** may require a **distributed generator** to keep confidential information that—
 - (a) is given to the **distributed generator** by the **distributor** for the purpose of an application under this Schedule; and
 - (b) the **distributor** reasonably identifies as being confidential.
- (1B) A **distributor** is excused from processing an application made by a **distributed generator** under this Schedule if the **distributed generator** does not agree to comply with a requirement to keep information confidential imposed under subclause (1A).
- (2) Despite subclause (1), the **distributor**—

- (a) may, in response to an application under this Schedule, disclose to the applicant that another **distributed generator** has made an application under this Schedule (without identifying who the other **distributed generator** is); and
 - (b) may, in the case of an application under Part 1 of this Schedule, generally indicate the location or proposed location of the **distributed generation** that is the subject of the other application; and
 - (c) may, in the case of an application under Part 2 of this Schedule, disclose the **nameplate capacity** and proposed location of the **distributed generation** that is the subject of the other application.
- (3) The obligation to keep information confidential set out in subclause (1) includes—
- (a) an obligation not to use the information for any purpose other than considering the application under this Schedule and enabling the **connection** or continued **connection** of the **distributed generation**; and
 - (b) an obligation to destroy the information as soon as is reasonably practicable after the later of—
 - (i) the date on which the information is no longer required for the purposes in paragraph (a); and
 - (ii) 60 months after receiving the information.

Compare: SR 2007/219 clause 25 Schedule 1

Record keeping

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

26 [Revoked]

Compare: SR 2007/219 clause 26 Schedule 1

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

27 [Revoked]

Compare: SR 2007/219 clause 27 Schedule 1

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

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

28 Distributors must keep records

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

Compare: SR 2007/219 clause 28 Schedule 1

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.

Schedule 6.2
Regulated terms for distributed generation

cl 6.6

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General

1 Contents of this Schedule

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

Compare: SR 2007/219 clause 1 Schedule 2

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**, interconnect, 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**, interconnect, 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

Meters

4 Installation of meters and access to metering information

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

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 reconnecting or 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

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 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 disconnect the **distributed generation** in any of the following cases:

- (a) in accordance with the **distributor's congestion management policy**;
- (b) if reasonably necessary for planned **maintenance, construction**, and repairs on the **distribution network**;
- (c) for the purpose of protecting, or preventing danger or damage to, persons or property;
- (d) if the **distributed generator** fails to allow the **distributor** access as required by clause 5;
- (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

12 Obligations if distributed generation temporarily 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 temporary disconnection.
- (3) In the case of a forced outage, the **distributor** must, subject to the need to restore to 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 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

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 Permanent disconnections

- (1) Despite clause 10, the **distributor** may permanently 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 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 **de-energised** the **ICP** and advised the **registry** that the **ICP** has a status of "inactive" with the reason of "de-energised – 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 **distributor** has not been notified by the **distributed generator** of 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**.
- (3) If the **point of connection** is to be disestablished in its entirety, a permanent disconnection must be performed by means of isolation of generation by removal of all electrical **connections** to **distributor's lines**. The **distributor** must advise the **distributed generator** within 2 **business days** of the work having been completed.

Compare: SR 2007/219 clause 15 Schedule 2

Time frame for construction

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

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

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

21 Exceptions to obligations relating to liability

- (1) Neither the **distributor** nor a **distributed generator**, nor any of its officers, employees, directors, agents, or advisors, are in any circumstances liable to the other party for—
 - (a) any indirect loss, consequential loss (including, but not limited to, incidental or special damages), loss of profit, loss of revenue (except any liability under clause 20(3)), loss of use, loss of opportunity, loss of contract, or loss of goodwill; or
 - (b) any loss resulting from the liability of the other party to another person; or
 - (c) any loss or damage incurred by the other party if, and to the extent that, this results from any breach of the **regulated terms** or any negligent action.

- (2) The **distributor** is not liable, except to the extent caused or contributed to by the **distributor** in circumstances where the **distributor** was not acting in accordance with Part 6 of this Code (including these **regulated terms**), for—
- (a) any momentary fluctuations in the voltage or frequency of **electricity** conveyed to or from the **distributed generation's point of connection** or nonconformity with harmonic voltage and current levels; or
 - (b) any failure to convey **electricity** to the extent that—
 - (i) the failure arises from any act or omission of the **distributed generator** or other person, excluding the **distributor** and its officers, employees, directors, agents, or advisors; or
 - (ii) the failure arises from a reduced **injection** of **electricity** into the **distribution network**; or
 - (iia) the failure arises from an interruption in the conveyance of **electricity** in the **distribution network**, if the interruption was at the request of the **system operator** or under a nationally or regionally co-ordinated response to an **electricity** shortage; or
 - (iii) the failure arises from any defect or abnormal conditions in or about the **distributed generator's** premises; or
 - (iv) the **distributor** was taking any action in accordance with Part 6 of this Code or the **regulated terms**; or
 - (v) the **distributor** was prevented from making necessary repairs (for example, by police at an accident scene).
- (3) The **distributed generator** is not liable for—
- (a) a failure to perform an obligation under these **regulated terms** caused by the **distributor's** failure to comply with the obligation; or
 - (b) a failure to perform an obligation under these **regulated terms** arising from any defect or abnormal conditions in the **distribution network**.

Compare: SR 2007/219 clause 22 Schedule 2

22 Limits on liability

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

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

Compare: SR 2007/219 clause 23 Schedule 2

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

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

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

Compare: SR 2007/219 clause 24 Schedule 2

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

Schedule 6.3 Default dispute resolution process

cl 6.8

Contents

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

1 Application of this Schedule

This Schedule applies in accordance with clause 6.8.

Compare: SR 2007/219 clause 1 Schedule 3

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

cl 6.9

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

Compare: SR 2007/219 clause 1 Schedule 4

- 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 transmission and distribution costs that an efficient **distributor** would be able to avoid as a result of the **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 **connected** to the **distribution network** were, and deducting the costs that would have been incurred had the generation not been **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:
- (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 **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

cls 2(4), 7(5), 11(4), and 22(5) of Sch 6.1

Schedule 6.5 Prescribed maximum fees

- 2 A **distributor** may require the payment of fees for any of the following activities prescribed under Part 6 of this Code to the maximum fee specified in the column opposite that activity:

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

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Fee for observation of testing and inspection of distributed generation with nameplate capacity of 100 kW or more under clause 22(5)	1,200
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Compare: SR 2007/219 Schedule 5

Electricity Industry Participation Code 2010

Part 11

Registry information management

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Schedule 11.1

Creation and management of ICPs, ICP identifiers and NSPs

Provision of ICP information to the registry

7 **Distributors to provide ICP information to registry**

- (1) A **distributor** must, for each **ICP** on the **distributor's** network, provide the following information to the **registry**:

...

- (o) if the **ICP** connects the **distributor's network** to **distributed generation**,—
- (i) the **nameplate capacity** of the **distributed generation**; and
 - (ii) the generation fuel type of the **distributed generation**:

Glossary of abbreviations and terms

Act	Electricity Industry Act 2010
AS	Australian Standard
Authority	Electricity Authority
CoC	Certificate of Compliance under the Electrical (Safety) Regulations 2010
Code	Electricity Industry Participation Code 2010
DG	Distributed generation
DoC	Declaration of Conformance to the requirements of AS4777.2
EECA	The Energy Efficiency and Conservation Authority
ICP	Installation Control Point
PV	Photo-voltaic
RAG	Retail Advisory Group
SSDG	Small-scale distributed generation
UoSA	Use of system agreement