1. Format for submissions

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| Submitter |  |

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| Questions | Comments |
| **Problem definition** | |
| Q1. Do you have any comments on our additional analysis of data to inform the problem definition? Do you have any new evidence to add to any of the elements of the problem definition? |  |
| **Level Playing Field options (options 1-4)** | |
| Q2. Do you have any new evidence that is relevant to the choice of level playing field interventions to address the identified competition issues? |  |
| **Approach to applying non-discrimination obligations** | |
| Q3. Do you have any feedback on our proposed approach to implementing principles-based non-discrimination requirements, as set out in Chapter 5? If you disagree with elements, how would you improve them? |  |
| Q4. Do you agree that substituting an RPCA test for a requirement to develop an internal hedge portfolio will be more effective at ensuring non-discriminatory pricing than the proposals in the LPF Options paper? Why or why not? |  |
| Q5. Is our proposal around “uncommitted capacity” workable? What suggestions do you have for improving it? |  |
| Q6. Do you have any further evidence, particularly relating to costs or incentives, about the impact of applying NDOs to all risk management contracts rather than just super-peak hedges? |  |
| Q7. Should large users be included as buyers under the NDOs? If so, is a carve out needed for risk management contracts approved under the MLC regime? |  |
| Q8. Should the OTC Electricity Market Working Group be reconvened to assess whether any amendments might be made to the voluntary OTC Code of Conduct to reflect the proposed non-discrimination regime? |  |
| Q9. Should investment in new flexible generation assets be carved out from the proposed NDOs? Why or why not? If you think new investment should be ringfenced, please provide details of how you suggest any carve outs be implemented. |  |
| Q10. What impact do you think the revised NDOs will have on retail prices and/or incentives to invest in generation? How does this compare to the impacts you posited in response to the LPF Options paper? Can you share any evidence that supports your view? |  |
| **Retail price consistency assessment** | |
| Q11. Do you agree that by providing transparency on margins, the RPCA would materially improve stakeholders’ confidence that retailers compete on a LPF for the long-term benefit of consumers? If not, why? Can you share any evidence that supports your view? How could we adjust the test to further improve confidence? |  |
| Q12. What impact do you think the RPCA will have on retail prices and incentives to invest in generation? How does this compare to the impacts you posited in response in the LPF Options paper? Can you share any evidence that supports your view? |  |
| Q13. How could the proposed approach to the RPCA be improved? |  |
| Q14. How often should gentailers make and disclose their assessment – should it be more or less frequent than every six months, and why? |  |
| Q15. Would it be sufficient for the Authority to provide gentailers with guidance on the methodology for the RPCA or should it be prescribed in the Code, and why? |  |
| Q16. If you do not support the RPCA approach, what would you propose instead to demonstrate compliance with non-discrimination principles? |  |
| **Implementation pathway** | |
| Q17. Is the proposed implementation timeline achievable? |  |
| Q18. Should the Authority consider adding or removing any particular steps, or providing more or less time at any point? |  |
| Q19. Does the proposed approach to implementation provide the right balance between certainty, transparency and flexibility to allow gentailers to demonstrate their compliance with the non-discrimination obligations, and to provide an appropriate basis for enforcement action if they do not? |  |
| **Escalation pathway** | |
| Q20. Do you support the revised approach of incrementally creating more specification for NDOs or the RPCA as required? Why or why not? |  |
| Q21. What are your views on the proposed approach to the escalation pathway? |  |
| **Power Purchase Agreements** | |
| Q22. Do you have any feedback, including suggestions for improvement, on the way that the NDOs will affect buyers seeking firming for PPAs? |  |
| Q23. Would it be useful to convene a co-design group to consider a range of flexibility products that suit the needs of independent power generators? |  |
| **Internal Transfer Price disclosure requirements** | |
| Q24. Do you support the proposal to revoke the ITP requirements for gentailers? What are your views on retaining the RGM reporting requirements for independent retailers? |  |
| **Regulatory Statement for the proposed amendment** | |
| Q25. Do you agree with the objectives of the proposed amendment? If not, why not? |  |
| Q26. Do you agree the benefits of the proposed amendment outweigh its costs? |  |
| Q27. Do you agree the proposed amendment is preferable to the other options? If you disagree, please explain your preferred option in terms consistent with the Authority’s statutory objective in section 15 of the Electricity Industry Act 2010. |  |
| Q28. Do you agree the Authority’s proposed amendment complies with section 32(1) of the Act? |  |
| Q29. Do you have any comments on the regulatory statement? |  |
| **Appendix A – Proposed Code amendments** | |
| **Proposed Code amendments** | |
| Q30. Do you have any comments on the drafting of the proposed Code amendments? |  |
| **Draft guidance to support Code amendments** | |
| Q31. Do you have any comments on the draft guidance? |  |
| Q32. Is any further guidance needed to help clarify what constitutes an “objectively justifiable” reason for discrimination under the NDOs? Please explain. |  |