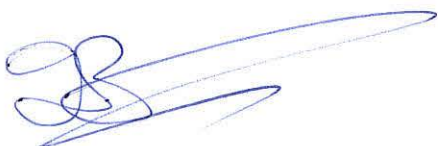


Electricity Industry Participation Code Amendment (Code Review Programme) 2015

Under section 38 and section 39(3) of the Electricity Industry Act 2010, and having complied with section 39 of that Act, I make the following amendments to the Electricity Industry Participation Code 2010.

At Wellington on the 14 day of December 2015



Dr Thomas Brent Layton
Chairperson
Electricity Authority

Certified in order for signature:



Andrew Springett
Senior Legal Counsel
Electricity Authority

11 December 2015



Tony Dellow
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11 December 2015

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Amendment

1 Title

This is the Electricity Industry Participation Code Amendment (Code Review Programme) 2015.

2 Commencement

- (1) This amendment comes into force on 1 February 2016, except for clause 4(5).
- (2) Clause 4(5) comes into force on 15 January 2016.

3 Code amended

- (1) This amendment amends the Electricity Industry Participation Code 2010.
- (2) Clauses 43 and 44 amend the Electricity Industry Participation Code 2010, as amended by the Electricity Industry Participation Code Amendment (Access to Retail Data) 2014.

4 Clause 1.1 amended (Interpretation)

- (1) In clause 1.1(1), replace definitions as follows:
 - (a) **approved test house** with:

"**approved test house** means a facility that has been approved by the Authority in accordance with Part 10 to do one or more of the following:
"(a) **calibrate metering installations or metering components**:
"(b) **certify metering installations or metering components**":
 - (b) **distributor** with:

"**distributor** has the meaning given to it by section 5 of the Act":
 - (c) **embedded network** with:

"**embedded network** means a system of **lines**, substations, and other **works**, used primarily for the conveyance of **electricity**, that—
"(a) is **connected** to the **grid** only through 1 or more other **networks**; and
"(b) has 1 or more **ICP identifiers** recorded in the **registry** as being **connected** to it"
 - (d) **event date** with:

"**event date**, in relation to an **ICP**, means the earlier of the following dates:
"(a) the date on which the gaining **trader** commences trading **electricity** at the **ICP** under clauses 1(1), 8(1) or 13(1) of Schedule 11.3:
"(b) the date on which the gaining **trader** otherwise assumes responsibility under clause 11.18(1) for the **ICP**":
 - (e) **line function services** with:

"**line function services** has the meaning given to it by section 5 of the Act":
 - (f) **lines** with:

"**lines** has the meaning given to it by section 5 of the Act".
- (2) In clause 1.1(1), revoke the definitions of **centralised data set** and **de-energise**.
- (3) In clause 1.1(1), definition of **bound**, replace "lines" with "**lines**" in each place.
- (4) In clause 1.1(1), definition of **connection location**, replace "lines" with "**lines**".
- (5) In clause 1.1(1), definition of **contract for differences**, replace paragraph (d) with:

"(d) that either—
"(i) relates to a quantity of **electricity** that equals or exceeds 0.25 MW of **electricity**;
or

"(ii) is entered into through a derivatives exchange, being a market in which **parties** trade standardised financial derivative contracts, and contracts containing the right to buy or sell standardised financial derivative contracts, with a central counterparty".

- (6) In clause 1.1(1), definition of **de-energisation**, replace "switch or the removal of any fuse or link" with "switch, or the removal of any fuse or link,".
- (7) In clause 1.1(1), definition of **EIEP**, replace "exchange of information between **distributors** and **traders**" with "exchange or provision of information".
- (8) In clause 1.1(1), definition of **energisation**, revoke paragraph (b).
- (9) In clause 1.1(1), definition of **expected near-group-constraint arc flows**, replace "lines" with "**lines**" in each place.
- (10) In clause 1.1(1), definition of **grid**, replace "lines" with "**lines**".
- (11) In clause 1.1(1), definition of **group constraint formula**, replace "lines" with "**lines**".
- (12) In clause 1.1(1), definition of **HVDC link**, replace "lines" with "**lines**".
- (13) In clause 1.1(1), definition of **local network**, replace "lines" with "**lines**".
- (14) In clause 1.1(1), definition of **metering installation**, after "equipment", insert ", including all **metering components**,".
- (15) In clause 1.1(1), definition of **special protection scheme**, replace "reduction of **demand**, or reduction" with "changes of **demand**, or changes".
- (16) In clause 1.1(1), definition of **sub-station dispatch groups**—
 - (a) replace "**groups**" with "**group**"; and
 - (b) replace "that" with "a"; and
 - (c) delete "individual"; and
 - (d) replace "13.61(1) and 13.73(1)(k)" with "13.65(1) and 13.75(1)(g)".
- (17) In clause 1.1(1), definition of **use-of-system agreement**, after "**local network**", insert "or **embedded network**".
- (18) In clause 1.1(1), definition of **value of expected unserved energy**—
 - (a) replace "expected unserved energy" with "**any expected unserved energy**"; and
 - (b) after "Schedule 12.2", insert "or clause 12.39".
- (19) In clause 1.1(1), insert in their appropriate alphabetical order:
 - "**connected asset owner** means a **direct consumer**, or a **distributor** in its capacity as the owner or operator of a **local network**
 - "**distribution** has the meaning given to it by section 5 of the Act".

5 New clause 1.5A inserted (Application of Code to distributors)

After clause 1.5, insert:

"1.5A Application of Code to distributors

Except in Parts 6, 9, and 12A, nothing in this Code applies to a **distributor** in respect of its **distribution** activities that are not conducted on a **network** that is—

- "(a) directly **connected** to the **grid**; or
- "(b) **connected** to the **grid** through 1 or more other **networks**."

6 Clause 3.17 amended (Market operation service provider must arrange audit of software)

In clause 3.17(2), replace "The **auditor** must" with "A **market operation service provider** must ensure that the person carrying out an **audit** under subclause (1) provides a".

7 New clauses 6.2A and 6.2B inserted

After clause 6.2, insert:

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

Nothing in this Part applies to—

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

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

Nothing in this Part applies to—

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

8 Clause 8.22 amended (Voltage range AOPs)

In clause 8.22(3), replace "**distributor**" with "**connected asset owner**".

9 Clause 8.24 amended (Load shedding obligations to support voltage)

In clause 8.24(1), replace "**distributor**" with "**connected asset owner**".

10 Clause 8.25 amended (Other asset owner performance obligations and technical standards)

In clause 8.25(2), replace "**distributor**" with "**connected asset owner**".

11 Clause 8.54B amended (Ancillary service agents to provide information about interruptible load)

In clause 8.54B, replace "**distributor**" with "**connected asset owner**" in each place.

12 Clause 8.54S amended (New distributors and new grid owners to provide information)

(1) In the heading to clause 8.54S, replace "**distributors**" with "**connected asset owners**".

(2) In clause 8.54S,—

- (a) replace "**distributor**" with "**connected asset owner**" in each place; and
- (b) replace "**distributors**" with "**connected asset owners**"; and
- (c) replace "**distributor's**" with "**connected asset owner's**" in each place.

- 13 Clause 8.67 amended (Voltage support costs allocated in 3 parts – nominated peak, monthly peak and residual charges)**
- (1) In clause 8.67,—
 - (a) replace "**distributor**" with "**connected asset owner**" in each place; and
 - (b) replace "**distributors**" with "**connected asset owners**" in each place.
 - (2) In clause 8.67(5), definition of PeakPenaltyCharge_{ALLz}, replace "**distributors**" with "**connected asset owners**".
- 14 Clause 8.67A amended (Extended reserve costs allocated to distributors)**
- (1) In the heading to clause 8.67A, replace "**distributors**" with "**connected asset owners**".
 - (2) In clause 8.67A,—
 - (a) replace "**distributor**" with "**connected asset owner**" in each place; and
 - (b) replace "**distributors**" with "**connected asset owners**" in each place; and
 - (c) replace "**distributor's**" with "**connected asset owner's**" in each place.
- 15 Clause 8.68 amended (Clearing manager to determine amounts owing)**
In clause 8.68, replace "**distributor**" with "**connected asset owner**" in each place.
- 16 Clause 8.69 amended (Clearing manager to determine wash up amounts payable and receivable)**
- (1) In clause 8.69(1), replace "**distributor**" with "**connected asset owner**" in each place.
 - (2) In clause 8.69(4), replace "14.47" with "14.56".
- 17 Schedule 8.3, Technical Code A, clause 2 amended**
In Schedule 8.3, Technical Code A, clause 2(1)(a), replace "**distributors**" with "**connected asset owners**".
- 18 Schedule 8.3, Technical Code A, clause 6 amended**
- (1) In Schedule 8.3, Technical Code A, in the heading to clause 6, replace "**local networks**" with "**connected asset owners**".
 - (2) In Schedule 8.3, Technical Code A, clause 6,—
 - (a) replace "**distributor**" with "**connected asset owner**"; and
 - (b) replace "**distributor's**" with "**connected asset owner's**".
- 19 Schedule 8.3, Technical Code B, clause 6 amended**
In Schedule 8.3, Technical Code B, clause 6, replace "**distributor**" with "**connected asset owner**" in each place.
- 20 Schedule 8.3, Technical Code B, clause 7A amended**
In Schedule 8.3, Technical Code B, clause 7A,—
 - (a) replace "**distributor**" with "**connected asset owner**" in each place; and
 - (b) replace "**distributors**" with "**connected asset owners**" in each place.
- 21 Schedule 8.3, Technical Code B, clause 7C amended**
In Schedule 8.3, Technical Code B, clause 7C(5)(a), replace "**distributors**" with "**connected asset owners**".

22 Schedule 8.3, Technical Code B, clause 8 amended

In Schedule 8.3, Technical Code B, clause 8(2), replace "**distributors**" with "**connected asset owners**".

23 Schedule 8.3, Technical Code C, Appendix A, Table A3 amended

- (1) In Schedule 8.3, Technical Code C, Appendix A, in the heading to Table A3, replace "**distributors**" with "**connected asset owners**".
- (2) In Schedule 8.3, Technical Code C, Appendix A, Table A3, in the text preceding the Table, replace "**distributor**" with "**connected asset owner**".

24 Clause 9.32 amended (Auditor must provide audit report)

- (1) In clause 9.32(1),—
 - (a) replace "The **auditor** must provide" with "The **retailer** must ensure that the **auditor** provides"; and
 - (b) after "subpart", insert "that has been prepared in accordance with this clause".
- (2) Replace clause 9.32(2) with:

"(2) The **audit** report must include any comments from the **retailer** on any non-compliance found by the **auditor** if the **retailer** provided the comments to the **auditor** within a time specified by the **auditor**."
- (3) Revoke clause 9.32(3).
- (4) In clause 9.32(4), replace "The **auditor** must not provide the **Authority** with a copy of" with "The **audit** report must not contain".

25 Clause 10.17 amended (Audits)

- (1) In clause 10.17(1), after "may", insert ", under clause 3 of Schedule 10.2,".
- (2) Revoke clause 10.17(1).

26 Clause 10.25 amended (Responsibility for ensuring there is metering installation for NSP that is not point of connection to grid)

- (1) In clause 10.25(2)(b)(ii), after "**metering equipment provider**", insert "for the **metering installation**".
- (2) In clause 10.25(2)(c), replace "**reconciliation participant for the NSP**" with "**reconciliation manager**".
- (3) After clause 10.25(2), insert:

"(3) In relation to an NSP of the type described in subclause (1), a **distributor** must, no later than 20 **business days** after a **metering installation** for such an NSP is **recertified**, advise the **reconciliation manager** of the following:

 - "(a) the **reconciliation participant** for the NSP:
 - "(b) the **participant identifier** of the **metering equipment provider** for the **metering installation**:
 - "(c) the **certification** expiry date of the **metering installation**."

27 Clause 10.33 amended (Energisation of point of connection)

In clause 10.33(1)(c), before "the owner", insert "in the case of an **ICP** that has not previously been **energised**,".

28 Clause 10.34 amended (Installation and modification of metering installations)

(1) Replace clauses 10.34(1) and (2) with:

"(1) This clause applies to a **metering equipment provider** that proposes to install or modify a **metering installation** at a **point of connection** other than a **point of connection** to the **grid**.

"(2) The **metering equipment provider** must consult with the **distributor** and the **trader** for the **point of connection** on the matters specified in subclause (2), before—

"(a) finalising the design of a **metering installation** for the **point of connection**; or

"(b) modifying the design of a **metering installation** installed at the **point of connection**."

(2) After clause 10.34(2), insert:

"(2A) The matters referred to in subclause (2) are the **metering installation's**—

"(a) required functionality; and

"(b) terms of use; and

"(c) required interface format; and

"(d) integration of the ripple receiver and the **meter**; and

"(e) functionality for controllable load."

(3) In clause 10.34(4), replace "subclause (2)(a) to (e)" with "subclause (2A)(a) to (e)".

29 Clause 10.37 amended (Active and reactive measuring and recording requirements)

(1) In clause 10.37(1),—

(a) replace "which is a **category 2**" with "that is a **category 3**"; and

(b) after "29 August 2013", insert ",."

(2) After clause 10.37(1), insert:

"(1A) A **metering equipment provider** must ensure that each **half-hour metering installation** that is a **category 2 metering installation**, certified after 29 August 2013, is capable of measuring and recording—

"(a) import **active energy**; and

"(b) export **active energy**; and

"(c) import **reactive energy**; and

"(d) export **reactive energy**."

"(1B) A **metering equipment provider** must ensure that each **half-hour metering installation** that is a **category 2 metering installation**, certified after 29 August 2013, measures and separately records, in accordance with this Part,—

"(a) if the measuring and recording requirement is for consumption only, import **active energy**; or

"(b) if the measuring and recording requirement is for consumption and generation, or generation only—

"(i) import **active energy**; and

"(ii) export **active energy**."

(3) In clause, 10.37(2), replace "subclause (1)(a)", with "subclauses (1)(a) and (1B)".

30 Schedule 10.1, Table 7 amended

In Schedule 10.1, Table 7, replace "lines" with "**lines**".

31 Schedule 10.6, clause 4 amended

In Schedule 10.6, replace clause 4(3) with:

"(3) A **metering equipment provider** must retain **metering records** relating to—

"(a) a **metering component** in a **metering installation** for which it is or was responsible, for at least 48 months after the **metering component** is removed from the **metering installation**, even if—

"(i) the **metering installation** is subsequently **decommissioned**; or

"(ii) the **metering equipment provider** ceases to be responsible for the **metering installation**; and

"(b) a **metering installation** for which it is responsible, for at least 48 months after the date on which—

"(i) the **metering installation** is **decommissioned**; or

"(ii) the **metering equipment provider** ceases to be responsible for the **metering installation**."

32 Schedule 10.7, clause 19 amended

(1) In Schedule 10.7, clause 19(3)(f), delete "; and".

(2) In Schedule 10.7, revoke clause 19(3)(g).

(3) In Schedule 10.7, clause 19(3A),—

(a) replace "A replacement **control device** complies with this subclause if" with "Despite subclauses (1) and (2)(b), the **certification** of a **metering installation** is not cancelled if"; and

(b) before paragraph (a), insert:

"(aa) a **control device** that does not switch **meter** registers has malfunctioned and been replaced with a **certified control device**; and".

33 Schedule 10.7, clause 20 amended

(1) In Schedule 10.7, clause 20(1), after "date on which", insert "any".

(2) In Schedule 10.7, clause 20(1)(a),—

(a) replace "subclause" with "clause"; and

(b) after "19(3)" insert ", 19(3A)".

34 Schedule 10.7, clause 26 amended

(1) In Schedule 10.7, clause 26(2), after "must", insert ", unless clause 43(2) applies,".

(2) In Schedule 10.7, replace clause 26(6) with:

"(6) Subclause (4) does not apply to a **metering installation** incorporating both a **meter** and a **data storage device** (see clause 36 of Schedule 10.7)."

35 Schedule 10.7, clause 36 amended

In Schedule 10.7, clause 36(3), after "incorporating a **data storage device**", insert "(including a **metering installation** incorporating both a **meter** and a **data storage device**)".

36 Schedule 10.7, clause 38 amended

In Schedule 10.7, in the heading to clause 38, after "for", insert "**certification of**".

37 Schedule 10.7, clause 43 amended

(1) In Schedule 10.7, clause 43(1), replace "to be certified" with "to be **certified**".

(2) In Schedule 10.7, replace clause 43(2) with:

- "(2) Despite subclause (1) and clause 26(2), an **ATH** may **certify a category 1 metering installation** that contains a **meter** which has been removed from another **category 1 metering installation** (the "**previous metering installation**") if the **ATH**—
- "(a) is satisfied that external factors have not affected the accuracy of the **meter**; and
 - "(b) has confirmed that it has been no more than 12 months since the **meter** was installed in the **previous metering installation**; and
 - "(c) has confirmed that the **meter** was **calibrated** or **recalibrated** before being installed in the **previous metering installation** and after being removed from any other **metering installation** in which the **meter** was previously installed."

38 Schedule 10.7, clause 45 amended

- (1) In Schedule 10.7, clause 45(2)(b), replace "identifiers" with "**identifiers**".
- (2) In Schedule 10.7, clause 45(2)(c), replace "in paragraph (a)" with "produced in accordance with paragraphs (a) and (b)".
- (3) In Schedule 10.7, clause (2)(d), replace "produced under" with "produced in accordance with".

39 Clause 11.5 amended (Participants may request that distributors create ICP identifiers for ICPs)

In clause 11.5(2), replace "line function services" with "**line function services**".

40 Clause 11.15B amended (Trader contracts with customers to permit assignment by Authority)

In clause 11.15B(1)(a), replace "14.55" with "14.41".

41 Clause 11.15C amended (Process for trader events of default)

After clause 11.15C(2), insert:

- "(3) This clause ceases to apply, and the **Authority** and each **participant** must cease to comply with Schedule 11.5, if the **Authority** is advised under clause 14.41(2), 14.43(3B), or 14.43(4A) that the relevant **participant** considers that the **event of default** has been remedied."

42 Clause 11.16 amended (Trader to ensure arrangements for line function services and metering)

In clause 11.16(a), replace "line function services" with "**line function services**".

43 Clause 11.32B amended (Requests for information)

In clause 11.32B(2), after "procedures", insert ", and any relevant **EIEP**",.

44 Clause 11.32F replaced (Authority must publicise procedures for responding to requests for consumption information)

Replace clause 11.32F with:

"11.32F Authority to publicise procedures for responding to requests for consumption information

- "(1) The **Authority** must, no later than 20 **business days** after this clause comes into force, **publicise** (and must keep **publicised**)—

- "(a) procedures under which a **retailer** must respond to a request from a **consumer** under clause 11.32B; and
- "(b) 1 or more **EIEPs** with which a **retailer** must comply when responding to such a request.
- "(2) The procedures **publicised** by the **Authority** must specify the manner in which information must be given to **consumers**.
- "(3) Each **EIEP publicised** by the **Authority** must specify 1 or more formats in which information must be given to **consumers**.
- "(4) Before the **Authority publicises** an **EIEP** under subclause (1), or amends an **EIEP** that it has **publicised** under subclause (1), it must consult with the **participants** that the **Authority** considers are likely to be affected by the **EIEP**.
- "(5) The **Authority** need not comply with subclause (4) if it proposes to amend an **EIEP publicised** under subclause (1) if the **Authority** is satisfied that—
 - "(a) the nature of the amendment is technical and non-controversial; or
 - "(b) there has been adequate prior consultation so that the **Authority** has considered all relevant views."

45 Schedule 11.4, Table 1 amended

In Schedule 11.4, Table 1, replace rows 22 to 30 with:

22	metering component type	the metering component type identifier selected from the list of codes in the registry	Required for meter or data storage device that returns any 1 or more of the following values as a result of an interrogation : (a) active energy : (b) reactive energy : (c) apparent energy : (d) apparent power . Optional for all other metering components .	Required for meter or data storage device that returns any 1 or more of the following values as a result of an interrogation : (a) active energy : (b) reactive energy : (c) apparent energy : (d) apparent power . Optional for all other metering components .
23	register number	a sequential number that identifies each data channel that is present in the metering component	Required for meter or data storage device that returns any 1 or more of the following values as a result of an interrogation : (a) active energy : (b) reactive energy : (c) apparent energy : (d) apparent power . Optional for all other metering components .	Required for meter or data storage device that returns any 1 or more of the following values as a result of an interrogation : (a) active energy : (b) reactive energy : (c) apparent energy : (d) apparent power . Optional for all other metering components .

24	number of dials	the number of dials or digits that relate to the data channel	Required for meter or data storage device that returns any 1 or more of the following values as a result of an interrogation : (a) active energy : (b) reactive energy : (c) apparent energy: (d) apparent power. Optional for all other metering components .	Required for meter or data storage device that returns any 1 or more of the following values as a result of an interrogation : (a) active energy : (b) reactive energy : (c) apparent energy: (d) apparent power. Optional for all other metering components .
25	register content code	an identifier for the contents of a channel or a data channel, selected from a list in the registry	Required for meter or data storage device that returns any 1 or more of the following values as a result of an interrogation : (a) active energy : (b) reactive energy : (c) apparent energy: (d) apparent power. Optional for all other metering components .	Required for meter or data storage device that returns any 1 or more of the following values as a result of an interrogation : (a) active energy : (b) reactive energy : (c) apparent energy: (d) apparent power. Optional for all other metering components .
26	period of availability	an identifier for the period of availability for which a control device is configured, selected from a list in the registry	Required for meter or data storage device that returns any 1 or more of the following values as a result of an interrogation : (a) active energy : (b) reactive energy : (c) apparent energy: (d) apparent power. Optional for all other metering components .	Required for meter or data storage device that returns any 1 or more of the following values as a result of an interrogation : (a) active energy : (b) reactive energy : (c) apparent energy: (d) apparent power. Optional for all other metering components .
27	unit of measurement	an identifier for the units recorded in a data channel, selected from a list in the registry	Required for meter or data storage device that returns any 1 or more of the following values as a result of an interrogation :	Required for meter or data storage device that returns any 1 or more of the following values as a result of an interrogation :

			(a) active energy : (b) reactive energy : (c) apparent energy: (d) apparent power. Optional for all other metering components .	(a) active energy : (b) reactive energy : (c) apparent energy: (d) apparent power. Optional for all other metering components .
28	energy flow direction	an identifier for the import or export recording in the data channel, selected from a list in the registry	Required for meter or data storage device that returns any 1 or more of the following values as a result of an interrogation : (a) active energy : (b) reactive energy : (c) apparent energy: (d) apparent power. Optional for all other metering components .	Required for meter or data storage device that returns any 1 or more of the following values as a result of an interrogation : (a) active energy : (b) reactive energy : (c) apparent energy: (d) apparent power. Optional for all other metering components .
29	accumulator type	an identifier for either absolute or cumulative recording in the data channel, selected from a list in the registry	Required for meter or data storage device that returns any 1 or more of the following values as a result of an interrogation : (a) active energy : (b) reactive energy : (c) apparent energy: (d) apparent power. Optional for all other metering components .	Required for meter or data storage device that returns any 1 or more of the following values as a result of an interrogation : (a) active energy : (b) reactive energy : (c) apparent energy: (d) apparent power. Optional for all other metering components .
30	settlement indicator	an identifier determined as follows: (a) if the relevant meter or data storage device has an AMI flag of "Y", the cumulative data channel identifier must be "Y" and the other data channel identifiers must	Required for meter or data storage device that returns any 1 or more of the following values as a result of an interrogation : (a) active energy : (b) reactive energy : (c) apparent energy: (d) apparent power. Optional for all other metering components .	Required for meter or data storage device that returns any 1 or more of the following values as a result of an interrogation : (a) active energy : (b) reactive energy : (c) apparent energy: (d) apparent power. Optional for all other metering components .

		(b) be "N"; and for any other meter or data storage device , or for a control device, the data channel identifier must be the appropriate identifier selected from the list in the registry		
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46 Clause 12.15 replaced (Transmission agreements to be provided to the Authority and published)

Replace clause 12.15 with:

"12.15 Transpower to publish information about transmission agreements and provide them on request

"(1) Transpower must publish and update annually a list of all transmission agreements it has with designated transmission customers that includes, in respect of each transmission agreement contained in the list, the following information:

"(a) the full name of the designated transmission customer that is a party to the transmission agreement; and

"(b) the date on which the transmission agreement was executed; and

"(c) whether the transmission agreement includes any material variations from the benchmark agreement; and

"(d) if the transmission agreement includes any material variations from the benchmark agreement, a description of the variations; and

"(e) if any schedule to the transmission agreement has been revised in accordance with clause 12.12, the date from which the revised schedule began to apply.

"(2) A person may request from Transpower a copy of a transmission agreement that Transpower has with a designated transmission customer, and Transpower must provide a copy to the person as soon as practicable after receiving the request.

"(3) Despite subclause (2), Transpower may refuse to provide information from a transmission agreement if it considers that there would be grounds for withholding the information under the Official Information Act 1982."

47 Clause 12.27 amended (Benchmark agreement)

In clause 12.27(1)(e),—

(a) replace "value of **expected unserved energy**" with "**value of expected unserved energy**"; and

(b) replace "schedule" with "Schedule".

48 Clause 12.39 amended (Customer specific value of unserved energy)

(1) In the heading to clause 12.39, after "value of", insert "expected".

(2) Revoke clause 12.39(1).

(3) In clauses 12.39, replace "value of unserved energy" with "**value of expected unserved energy**" in each place.

(4) In clause 12.39(2)(b), replace "from" with "than".

- (5) In clause 12.39(4), replace "apply" with "applies".
- (6) In clause 12.39(6),—
 - (a) replace "(2)(a)" with "(2)(b)"; and
 - (b) replace "**grid reliability standards** under clause 4 of Schedule 12.2" with "**grid reliability standards** under clauses 12.35 to 12.37".
- (7) In clause 12.39(6), replace "value of **expected unserved energy**" with "**value of expected unserved energy**".
- (8) In clause 12.39(7), replace "value of **expected unserved energy**" with "**value of expected unserved energy**".

49 Clause 12.43 amended (Net benefits test)

In clause 12.43(8)(b), after "**value of expected unserved energy**", insert "in clause 4 of Schedule 12.2".

50 Clause 12.52 amended (Contents of this subpart)

Revoke clause 12.52(c).

51 Cross heading above clause 12.72 and clauses 12.72 to 12.75 revoked

- (1) Revoke the cross heading above clause 12.72.
- (2) Revoke clauses 12.72 to 12.75.

52 Clause 12.97 amended (Audit of transmission prices)

In clause 12.97(2), replace "The **auditor's** report must consider" with "**Transpower** must ensure that the **auditor's** report includes the **auditor's** view on".

53 Clause 12.98 replaced (Transpower may respond to auditor's report)

Replace clause 12.98 with:

"12.98 Transpower may respond to auditor's report

Transpower must ensure that the **auditor's** report includes any comments that **Transpower** provided to the **auditor** within 15 **business days** of **Transpower** receiving a draft of the report."

54 Clause 12.99 amended (Final auditor report to the Authority)

In clause 12.99(1),—

- (a) replace "Within 10 **business days** after receipt of" with "**Transpower** must ensure that, within 10 **business days** after the **auditor** receives"; and
- (b) replace "must report to" with "provides a report to"; and
- (c) replace "the application by **Transpower**" with "**Transpower's** application".

55 Clause 12.116 amended (Information on capacities of individual interconnection assets)

Replace clause 12.116(2)(c) with:

- "(c) must be **published** in the form determined by the **Authority** as soon as reasonably practicable after the **Authority** has determined the form."

- 56 Clause 12.117 amended (Permanent removal of interconnection assets from service)**
In clause 12.117(9), after "value of expected unserved energy", insert "in clause 4 of Schedule 12.2".
- 57 Clause 12.141 amended (Consideration of the likely effects of planned outages)**
(1) In clause 12.141(3)(d)(i)(B), after "value of expected unserved energy", insert "in clause 4 of Schedule 12.2".
(2) In clause 12.141(3)(d)(ii)(A), after "value of expected unserved energy", insert "in clause 4 of Schedule 12.2".
- 58 Schedule 12.1, clause 1 amended**
(1) In Schedule 12.1, clause 1(1)(a), replace "direct consumers that have a point of connection to the grid" with "connected asset owners".
(2) In Schedule 12.1, revoke clause 1(1)(b).
- 59 Schedule 12.2, clause 4 amended**
(1) In Schedule 12.2, clause 4(1), after "of", insert "any".
(2) In Schedule 12.2, clause 4(2),—
(a) replace "values of" with "values of"; and
(b) after "values of expected unserved energy", insert "under this clause".
(3) In Schedule 12.2, clause 4(3), replace "value of" with "value of".
- 60 Schedule 12.4, clause 9 amended**
In Schedule 12.4, clause 9(1), replace "lines" with "lines".
- 61 Schedule 12.4, clause 13 amended**
In Schedule 12.4, clause 13(2), replace "lines" with "lines" in each place.
- 62 Schedule 12.4, clause 16 amended**
In Schedule 12.4, clause 16, replace "lines" with "lines" in each place.
- 63 Schedule 12.4, Appendix C amended**
In Schedule 12.4, Appendix C, in the item entitled "Capital cost (line)", in subclause (5), replace "lines" with "lines".
- 64 Clause 12A.1 amended (Contents of this Part)**
Revoke clause 12A.1(c).
- 65 Clause 12A.2 amended (Negotiating use-of-system agreements)**
Revoke clause 12A.2(2).
- 66 Clause 12A.3 amended (Mediation)**
Revoke clause 12A.3(9).
- 67 Clause 12A.4 replaced (Prudential requirements)**
Replace clause 12A.4 with:

"12A.4 Prudential requirements

Clauses 12A.4A to 12A.5A apply in relation to a **use-of-system agreement** if—

- "(a) the **distributor** party to the **use-of-system agreement** has 1 or more **consumers** connected to its **network** to whom the **distributor** does not send accounts for **line function services** directly; and
- "(b) the **distributor's** charges for **line function services** are collected from **consumers** or paid by the **trader** party to the **use-of-system agreement** in accordance with the **use-of-system agreement**; and
- "(c) the **distributor** requires that the **use-of-system agreement** provides that the **trader**—
 - "(i) must comply with prudential requirements; or
 - "(ii) must comply with prudential requirements if required to do so by the **distributor**."

68 New clause 12A.4A inserted (Election of prudential requirements)

After clause 12A.4, insert:

"12A.4A Election of prudential requirements

- "(1) Subject to clause 12A.5A, if a **use-of-system agreement** provides that the **trader** party to the **use-of-system agreement** must comply with prudential requirements, including if required to do so by the **distributor**, the **use-of-system agreement** must provide that the **trader** may elect to comply with the prudential requirements in either of the following ways:
 - "(a) the **trader** must maintain an acceptable credit rating in accordance with subclause (3); or
 - "(b) the **trader** must provide and maintain acceptable security by, at the **trader's** election,—
 - "(i) providing the **distributor** with a cash deposit; or
 - "(ii) arranging for a third party with an acceptable credit rating to provide that security in a form acceptable to the **distributor**; or
 - "(iii) providing a combination of the securities described in subparagraphs (i) and (ii).
- "(2) The **use-of-system agreement** must provide that the **trader** may change its election at any time.
- "(3) For the purposes of this clause, a **trader** or third party has an acceptable credit rating if it—
 - "(a) carries a long term credit rating of at least—
 - "(i) BBB- (Standard & Poors Rating Group); or
 - "(ii) a rating that is equivalent to the rating specified in subparagraph (i) from a rating agency that is an approved rating agency for the purposes of Part 5D of the Reserve Bank of New Zealand Act 1989; and
 - "(b) is not subject to negative credit watch or any similar arrangement by the agency that gave it the credit rating.
- "(4) Subject to clause 12A.5, the value of the acceptable security described in subclause (1)(b) must be the **distributor's** reasonable estimate of the **line function services** charges that the **trader** will be required to pay to the **distributor** in respect of any period of not more than 2 weeks.
- "(5) A **use-of-system agreement** must specify that, if the **trader** elects to provide acceptable security as described in subclause (1)(b), the **distributor** must—

- "(a) hold any security provided by the **trader** in the form of a cash deposit in a trust account in the name of the **trader** at an interest rate that is the best on-call rate reasonably available at the time the **trader** provides the cash deposit; and
- "(b) pay interest earned in respect of the cash deposit to the **trader** on a quarterly basis, net of account fees and any amounts that are required to be withheld by law."

69 Clause 12A.5 amended (Requirements if distributors require additional security)

- (1) In clause 12A.5(1)(a),—
 - (a) replace "12A.4(2)(b)" with "12A.4A(1)(b)"; and
 - (b) replace "clause 12A.4(5)" with "clause 12A.4A(4)".
- (2) In clause 12A.5(1)(b), replace "trader" with "**trader**".
- (3) In clause 12A.5(3)(c), replace "in accordance with paragraph (a) or paragraph (b)" with "as specified in paragraph (a) or (b)".

70 New clause 12A.5A inserted (Agreement to less onerous terms)

After clause 12A.5, insert:

"12A.5A Agreement to less onerous terms

Despite clause 12A.4A, a **distributor** and a **trader** may agree prudential requirements that are less onerous on the **trader** than the requirements described in clauses 12A.4 to 12A.5."

71 Clause 12A.6 revoked (Distributor indemnity)

Revoke clause 12A.6.

72 Clause 12A.7 amended (Distributors must consult concerning changes to tariff structures)

Revoke clause 12A.7(5).

73 Clause 12A.13 amended (Authority may publicise EIEPs that must be used)

- (1) In clause 12A.13(2), delete ", which must be no earlier than 1 November 2014".
- (2) Revoke clause 12A.13(6).

74 Clause 12A.14 amended (Distributors and traders must comply with EIEPs)

- (1) In clause 12A.14(1),—
 - (a) replace "has **publicised**" with "**publicises**"; and
 - (b) replace "applies" with "relates".
- (2) Revoke clause 12A.14(2).
- (3) After clause 12A.14(2), insert:
 - "(3) However, a **distributor** and a **trader** may, after an **EIEP** has been **publicised**, agree to exchange information other than in accordance with the **EIEP**, by recording the agreement in each **use-of-system agreement** between the **distributor** and **trader**.
 - "(4) An agreement to exchange information other than in accordance with an **EIEP** is not effective in relieving a **distributor** and a **trader** of the obligation to comply with subclause (1), unless the agreement comes into effect on or after the date on which the relevant **EIEP** comes into effect.

"(5) An agreement under subclause (3) is not affected by the **Authority publicising** an amendment to the **EIEP**.

"(6) Subclause (1) does not apply to an **EIEP publicised** under clause 12A.15."

75 Clause 12A.16 amended (Transitional provision relating to EIEPs)

Revoke clause 12A.16(4).

76 Schedule 12A.1 revoked

Revoke Schedule 12A.1.

77 Clause 13.29 amended (Standing data on grid capability to be provided to system operator)

In clause 13.29(a), replace "lines" with "**lines**".

78 Clause 13.30 amended (Standing data on HVDC capability to be provided to system operator)

In clause 13.30(2)(a), replace "lines" with "**lines**".

79 Clause 13.61 amended (System operator to notify block security constraints)

(1) In clause 13.61(1)(a), after "for which the", insert "**block security**".

(2) In clause 13.61(1)(b), after "how the", insert "**block security**".

(3) In clause 13.61(2)(c), after "that the", insert "**block security**".

80 Clause 13.75 amended (Form of dispatch instruction)

(1) In clause 13.75(1)(f),—

(a) replace "the **block security constraints** that occur" with "any **block security constraint** that occurs"; and

(b) replace "that **constraint**" with "the **block security constraint**".

(2) In clause 13.75(1)(g),—

(a) replace "the **station security constraints** that occur" with "any **station security constraint** that occurs"; and

(b) replace "that **constraint**" with "the **station security constraint**"; and

(c) after inter **sub-station dispatch groups**, insert "; and".

81 Clause 13.90 amended (Process for publishing real time prices)

In clause 13.90(1)(b), replace "lines" with "**lines**" in each place.

82 Clause 13.101 amended (Reporting requirements in respect of grid emergencies)

Replace clause 13.101(1)(a) with:

"(a) the **system operator** must, within 12 hours of the conclusion of the **grid emergency**, **publish** a written report that describes the basis on which the **system operator** decided to declare the **grid emergency**; and".

83 Clause 13.102 amended (Reporting obligations of the system operator)

In clause 13.102(1)(d), after "13.61(1),", insert "13.65(1),".

84 Clause 13.114 amended (Information to be transmitted through information system)

- (1) In the heading to clause 13.114, replace "transmitted" with "exchanged".
- (2) Replace clause 13.114(1) with:
"(1) All information relation to **auctions** must be exchanged through the **information system**."

85 Clause 13.118 revoked (Exchange information)

Revoke clause 13.118.

86 Clause 13.231 amended (Audit of information)

- (1) Replace clause 13.231(4) with:
"(4) The **participant** must ensure that the **auditor** provides the **Authority** with an **audit** report on the **participant's** compliance with this subpart that has been prepared in accordance with subclauses (4A) and (5).
"(4A) The **audit** report must include any comments from the **participant** on any non-compliance found by the **auditor** if the **participant** provided comments to the **auditor** within a time specified by the **auditor**."
- (2) In clause 13.231(5), replace "The **auditor** must not provide the **Authority** with a copy of" with "The **audit** report must not contain".

87 Clause 13.236A amended (Disclosing participants must prepare and submit spot price risk disclosure statements)

After clause 13.236A(3), insert:

- "(4) A **participant** is not required to comply with this clause for a quarter if it is a **disclosing participant** in relation to the quarter only because it is subject to a **wash-up** in that quarter."

88 Schedule 13.3, clause 11 amended

In Schedule 13.3, clause 11, replace "lines" with "**lines**" in each place.

89 Schedule 13.3, clause 13 amended

In Schedule 13.3, clause 13(2), replace "lines" with "**lines**" in each place.

90 Schedule 13.8, clause 2 amended

In Schedule 13.8, replace clause 2(b)(ii) with:

- "(ii) each **distributor** that has a **network** from which a device that comprises or forms part of the proposed **dispatch-capable load station** draws **electricity**:".

91 Clause 14.41 amended (Definition of an event of default)

- (1) In clause 14.41(h)(i), after "local network", insert "or **embedded network**".
- (2) In clause 14.41(h)(iv), replace "clause" with "subclause".
- (3) In clause 14.41, insert as subclause (2):
"(2) If a **distributor**, having given notice under subclause (1)(h)(iv), considers that an **event of default** no longer exists, the **distributor** must advise the **Authority** that it considers that the **event of default** has been remedied."

92 Clause 14.42 amended (Clearing manager to advise Authority of anticipated event of default)

In clause 14.42, insert as subclause (2):

"(2) If the **clearing manager**, having advised the **Authority** under subclause (1), no longer believes that an **event of default** is likely to occur, the **clearing manager** must advise the **Authority** that it no longer believes that the **event of default** is likely to occur."

93 Clause 14.43 amended (Procedure upon event of default)

(1) After clause 14.43(3), insert:

"(3A) If a **participant**, having advised of an **event of default** under subclause (1), considers that the **event of default** has been remedied, the **participant** must advise the **clearing manager** that it considers that the **event of default** has been remedied.

"(3B) If the **clearing manager** has been advised under subclause (3A) that the **participant** considers that an **event of default** has been remedied, the **clearing manager** must—

"(a) decide whether it agrees that the **event of default** has been remedied; and

"(b) if it agrees, advise the **Authority** that it considers that the **event of default** has been remedied."

(2) After clause 14.43(4), insert:

"(4A) If the **clearing manager**, having advised of an **event of default** under subclause (4), considers that the **event of default** has been remedied, the **clearing manager** must advise the **Authority** that it considers that the **event of default** has been remedied."

94 Clause 15.5A amended (Dispatchable load purchaser must prepare dispatchable load information)

(1) In clause 15.5A(1), after "**dispatchable load information**", insert "using **volume information** prepared in accordance with Schedule 15.2".

(2) Replace clause 15.5A(2) with:

"(2) If clause 15.5B applies to a **dispatch-capable load station's metering installation**, the **dispatchable load purchaser** responsible for the **dispatch-capable load station** must comply with clause 15.5B in relation to the **dispatch-capable load station**."

95 Clause 15.5B amended (Deriving volume information if metering installation is within premises that are connected to a point of connection)

In clause 15.5B(2),—

(a) after "If this clause applies, the **dispatchable load purchaser**", insert "responsible for the **dispatch-capable load station**"; and

(b) after "**volume information**", insert "prepared in accordance with Schedule 15.2 and".

96 Clause 15.33 amended (The Authority publishes reports)

In clause 15.33, replace "By 0930 hours on the **business day**" with "By 1630 hours on the 2nd **business day**".

97 Clause 15.36 amended (New Zealand Daylight Time adjustment techniques)

Replace clause 15.36(3) with:

"(3) A daylight savings adjustment must be made by using the "**trading period** run on technique", which requires that daylight saving adjustment periods are allocated as consecutive **trading periods** within the relevant day, in the sequence that they occur."

98 Clause 15.37 amended (Audits)

(1) Replace clause 15.37(1) with:

"(1) The **Authority** may, under clause 12 of Schedule 15.1, require a **participant** to have an **audit** undertaken."

(2) Revoke clause 15.37(2).

99 Clause 15.38 amended (Functions requiring certification)

(1) In clause 15.38(1)(a), delete "**embedded**".

(2) Replace clause 15.38(1)(d) with:

"(d) delivery of:

"(i) a report under clause 15.6 and the calculation of the number of **ICP days** detailed in the report:

"(ii) **electricity supplied** information under clause 15.7:

"(iii) information from **retailer** and **direct purchaser half hourly** metered **ICPs** under clause 15.8:"

(3) Revoke clauses 15.38(1)(da) and (db).

(4) In clause 15.38(1)(f), replace "**pricing manager**" with "**grid owner**".

(5) Replace clause 15.38(2) with:

"(2) Despite subclause (1), a **reconciliation participant** does not breach this clause by performing a function specified in subclause (1) without having obtained **certification** if the **reconciliation participant** performs the function during the period that ends 3 months after the date on which the **reconciliation participant** first performed a function specified in subclause (1)."

100 Schedule 15.1, clause 2 revoked

In Schedule 15.1, revoke clause 2.

101 Schedule 15.1, clause 6 amended

(1) In Schedule 15.1, in the heading to clause 6, delete "**and agents**".

(2) In Schedule 15.1 clause 6(a), replace ", and the period for which each **reconciliation participant** is **certified**; and" with "that includes, for each **reconciliation participant**, the date on which the **certification** expires."

(3) In Schedule 15.1, revoke clause 6(b).

102 Schedule 15.2, clause 3 amended

In Schedule 15.2, after clause 3(4), insert:

"(5) A **reconciliation participant** must ensure that all **raw meter data** used to derive **volume information** in accordance with this Schedule is not rounded or truncated from the stored data from the **metering installation**."

103 Schedule 15.2, clause 14 revoked

In Schedule 15.2, revoke clause 14.

104 Schedule 15.3, clause 9 amended

In Schedule 15.3, clause 9, replace "A **reconciliation participant** must round" with "If **submission information** aggregated by a **reconciliation participant** under clause 8 is specified to more than 2 decimal places, the **reconciliation participant** must round the".

Explanatory Note

This note is not part of the amendment, but is intended to indicate its general effect.

This amendment to the Electricity Industry Participation Code 2010 ("Code") comes into force on 1 February 2016, except for the amendment to the definition of "contract for differences", which comes into force on 15 January 2016.

The amendment makes a variety of improvements to the Code that the Authority had identified either in the course of its work or as a result of suggestions received through the Authority's Code amendment proposal process. The amendment mostly represents changes to the Code that would be beneficial, but that do not (of themselves) warrant a separate Code amendment.

Date of notification in the *Gazette*: 17 December 2015