

ELECTRICITY INDUSTRY ACT 2004
ELECTRICITY INDUSTRY (WHOLESALE ELECTRICITY - MARKET)
REGULATIONS 2004
Wholesale Electricity Market Rules

IMO AMENDING RULES RC_2010_18 MADE ON 17 August 2010
These Amending Rules commence at 08.00am on 1 September 2010

The following clauses are amended (~~deleted wording~~, new wording):

- 2.8.1. A Rule Participant may apply to the ~~Energy~~ Electricity Review Board for a Procedural Review of a decision by the IMO contemplated by clause 2.5.9, 2.6.4(f) or 2.7.8(e) within 10 Business Days of the relevant decision, on the grounds that the IMO has not followed the rule change process set out in clauses 2.5, 2.6 and 2.7.
- 2.8.2. Following an application for a Procedural Review under clause 2.8.1, if the ~~Energy~~ Electricity Review Board finds that the IMO has not followed the rule change process set out in clauses 2.5, 2.6 and 2.7 the ~~Energy~~ Electricity Review Board may set aside the IMO's decision and direct the IMO to reconsider the relevant Rule Change Proposal in accordance with the process set out in clauses 2.5, 2.6 and 2.7.
- 2.11.1. A Rule Participant may apply to the ~~Energy~~ Electricity Review Board for a Procedural Review of a decision by the IMO or System Management contemplated by clause 2.10.13 or 2.10.14 within 10 Business Days of the decision, on the grounds that the IMO or System Management has not followed the process set out in clause 2.10 or the Administration Procedure.
- 2.11.2. Following an application for a Procedural Review under clause 2.11.1, if the ~~Energy~~ Electricity Review Board finds that the IMO or System Management has not followed the process set out in clause 2.10 or the Administration Procedure, the ~~Energy~~ Electricity Review Board may set aside the IMO's decision or System Management's decision and direct the IMO or System Management to reconsider the relevant Procedure Change Proposal in accordance with clause 2.10 and the Administration Procedure.
- 2.13.17. Where the IMO issues a penalty notice under clause 2.13.16(a), the Rule Participants that received the penalty notice may seek a review of that decision by the ~~Energy~~ Electricity Review Board in accordance with the Regulations.
- 2.13.18. Where:
- (a) the alleged breach relates to a Category B or Category C Market Rule (as determined in accordance with the Regulations); and
 - (b) following the investigation referred to in clause 2.13.10(b), the IMO reasonably believes that a breach of the Market Rules has taken place,
- the IMO may bring proceedings before the ~~Energy~~ Electricity Review Board.

- 2.13.22. Where the person referred to in clause 2.13.1 considers that the alleged breach has not been rectified within the time set out in accordance with clause 2.13.21(a)(iv) it may bring proceedings before the ~~Energy Electricity~~ Review Board.
- 2.13.23. The orders that the ~~Energy Electricity~~ Review Board may make for a breach of the Market Rules and the procedures for the operation of the ~~Energy Electricity~~ Review Board are set out in the Regulations.
- 2.13.24. The IMO may direct a Rule Participant to do or to refrain from doing any thing that the IMO thinks necessary or desirable to give effect or to assist in giving effect to any order of the ~~Energy Electricity~~ Review Board.
- 2.13.26. The IMO must release a report at least once every six months setting out a summary for the preceding six months of:
- (a) proceedings that have been brought before the ~~Energy Electricity~~ Review Board;
 - (b) findings of the ~~Energy Electricity~~ Review Board on matters referred to them;
 - (c) orders made by the ~~Energy Electricity~~ Review Board; and
 - (d) civil penalties imposed by the IMO under clause 2.13.16(a), where these have not been set aside by the ~~Energy Electricity~~ Review Board.
- 2.13.28. In addition to the regular publication described in clause 2.13.26, the IMO may release a report on any one or more matters where the IMO has made a decision under clause 2.13.16(a) or which have been referred to the ~~Energy Electricity~~ Review Board, the findings of the IMO and the ~~Energy Electricity~~ Review Board, as applicable, on those matters and any sanctions imposed by the IMO or the ~~Energy Electricity~~ Review Board in relation to those matters.
- 2.15.3. The Monitoring Protocol must specify:
- ...
- (f) the procedure for bringing proceedings in respect of Category B or C Market Rule breaches before the ~~Energy Electricity~~ Review Board.
- 2.16.9G. Where the Economic Regulation Authority determines that prices in the Portfolio Supply Curve, subject to the investigation, did not reflect the Market Generator's reasonable expectation of the short run marginal cost of generating the relevant electricity, the Economic Regulation Authority must request that the IMO applies to the ~~Energy Electricity~~ Review Board for an order for contravention of clause 6.6.3.
- 2.16.9H. Where the IMO receives a request under clause 2.16.9G the IMO must refer the relevant matter to the ~~Energy Electricity~~ Review Board requesting that a civil penalty be imposed on the relevant Market Participant.

2.17.3. In accordance with the Regulations, a Rule Participant may apply to the ~~Energy~~ Electricity Review Board for a review of Reviewable Decisions or a decision made under clauses subject to Procedural Review.

2.31.13. The IMO may only reject an application if:

...

- (e) in the case of an application to register as a Rule Participant in any class where the person has previously been de-registered as a Rule Participant following an order from the ~~Energy~~ Electricity Review Board, the IMO is not satisfied that person has remedied the reason for or underlying cause of the prior de-registration;

...

2.32.1. Where the IMO receives notice that the ~~Energy~~ Electricity Review Board has made a decision in accordance with the Regulations that a Rule Participant be suspended, the IMO must issue a Suspension Notice to the Rule Participant.

2.32.5. The IMO must withdraw a Suspension Notice where:

- (a) if the notice was issued under clause 9.23, the defaulting Rule Participant has remedied the relevant suspension event and is complying with its Prudential Obligations; and
- (b) if the notice was issued under clause 2.32.1, it receives a further notice that the ~~Energy~~ Electricity Review Board has withdrawn the suspension, and no other circumstances exist that would entitle the IMO to issue a Suspension Notice.

2.32.6. Where a Rule Participant has been suspended for 90 days, the IMO may apply to the ~~Energy~~ Electricity Review Board for a de-registration order in accordance with the Regulations.

2.32.7. Where the IMO receives notice that the ~~Energy~~ Electricity Review Board has made a decision in accordance with the Regulations that a Rule Participant be de-registered, the relevant Rule Participant ceases to be a Rule Participant from the time specified in the notice. The IMO must de-register all of the Facilities registered by the Rule Participant by the time specified in the notice.

10.2.2. The classes of confidentiality status are:

- (a) Public, in which case the relevant information or documents may be made available to any person by any person;
- (b) SWIS Restricted, in which case the relevant information or documents may only be made available to:
 - i. Rule Participants;
 - ii. the Market Advisory Committee;

- iii. the IMO;
 - iv. the ~~Energy~~ Electricity Review Board;
 - v. the Economic Regulation Authority; and
 - vi. other Regulatory or Government Agencies in accord with applicable laws;
- (c) Rule Participant Market Restricted, in which case the relevant information or documents may only be made available to:
- i. a specific Rule Participant;
 - ii. the IMO;
 - iii. the ~~Energy~~ Electricity Review Board;
 - iv. the Economic Regulation Authority; and
 - v. other Regulatory or Government Agencies in accord with applicable laws;
- (d) Rule Participant Dispatch Restricted, in which case the relevant information or documents may only be made available to:
- i. a specific Rule Participant;
 - ii. System Management
 - iii. the IMO;
 - iv. the ~~Energy~~ Electricity Review Board;
 - v. the Economic Regulation Authority; and
 - vi. other Regulatory or Government Agencies in accord with applicable laws;
- (e) System Management Confidential, in which case the relevant information or documents may only be made available to:
- i. System Management;
 - ii. the IMO;
 - iii. the ~~Energy~~ Electricity Review Board;
 - iv. the Economic Regulation Authority; and
 - v. other Regulatory or Government Agencies in accord with applicable laws;
- (f) IMO Confidential, in which case the relevant information or documents may only be made available to:
- i. the IMO;
 - ii. the ~~Energy~~ Electricity Review Board;
 - iii. the Economic Regulation Authority; and

- iv. other Regulatory or Government Agencies in accord with applicable laws; and
- (g) Rule Participant Network Restricted, in which case the relevant information or documents may only be made available to:
 - i. a specific Rule Participant;
 - ii. the relevant Network Operator;
 - iii. System Management;
 - iv. the IMO;
 - v. the ~~Energy~~ Electricity Review Board;
 - vi. the Economic Regulation Authority; and
 - vii. any other Regulatory or Government Agencies in accord with applicable laws.

10.5.1. The IMO must set the class of confidentiality status for the following information under clause 10.2.1, as Public and the IMO must make each item of information available from the Market Web-Site after that item of information becomes available to the IMO:

...

- (r) Public Reports pertaining to the Wholesale Electricity Market issued by:
 - i. the IMO;
 - ii. System Management;
 - iii. the ~~Energy~~ Electricity Review Board;
 - iv. the Economic Regulation Authority; or
 - v. the Minister.

...

Chapter 11:

~~Energy~~ Electricity Review Board: The Board within the meaning of the Electricity Industry Act.

Reviewable Decision: Decisions made by the IMO in respect of which an eligible person may apply to the ~~Energy~~ Electricity Review Board in accordance with section 125 of the Electricity Industry Act and the Regulations, and does not include any decisions of a class specified for this purpose in the Regulations under section 125 of that Act.