Electricity Industry Act 2004

Electricity Industry (Pilbara Networks) Regulations 2021

Pilbara Networks Rules

18 June 2025

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Chapter 1 – Introduction

Subchapter 1.1 – Commencement and application

1 These Rules

(1) These Rules are made by the Minister under the *Electricity Industry Act 2004* (**"Act"**).

(2) These Rules may be amended by the Coordinator or the Minister under Appendix 2 and the Regulations.

2 Citation

This Code may be cited as the *Pilbara Networks Rules* and by reference to the version number shown on the front cover.

3 Commencement

(1) The following rules commence on 1 July 2021 —

(a) Chapter 1 {Introduction, interpretation, etc}; and

(b) rules 36 to 38 {NSP, Authority and Coordinator functions}; and

(c) Subchapter 2.5 {Emergency powers}; and

(d) Rule 61 and Appendix 3 {HTR legacy}; and

(e) Subchapter 3.3 {Customer Transfer Code and exemptions} but only in respect of the Customer Transfer Code; and

(f) Subchapter 3.6 {Procedures}; and

(g) Subchapter 3.8 {Compliance with instruments and directions}; and

(h) Rule 89 and Appendix 2 {Rule and Procedure change}; and

(i) rules 90 to 94 {Registration}; and

(j) Subchapter 4.5 {Budget and fees}; and

(k) Subchapter 4.6 {Miscellaneous}; and

(l) Subchapter 11.1 {Notices, Publication, etc}; and

(m) Subchapter 11.2 {Confidential information}; and

(n) Chapter 13 {Disputes}; and

(o) Chapter 14 {Consultation process, 5 yearly reviews, Reviewable Decisions and transition} including Appendix 1 {Consultation process} and Appendix 4 {Transition}.

(2) Subject to rule A4.3 in Appendix 4, the following rules commence on 1 October 2021 —

(a) rules 32 to 35 {ISO functions and powers}; and

(b) Subchapter 2.2 {Delegation by the ISO}; and

(c) rule 45 to 47 {ISO Control Desk}.

(3) Subject to Appendix 4, Subchapter 9.2 {Access and connection} commences on 7 January 2022.

(4) Subject to Appendix 4, the remainder of these Rules commence at 8:00 AM on 1 July 2023.

4 Application of these Rules and the Harmonised Technical Rules

(1) The table to this rule specifies how these Rules (including the Harmonised Technical Rules) apply to each class of Network.

Table to rule 4

Class	Networks in class	Extent to which these Rules apply to a Network in the class
1A	A Covered Network forming part of the NWIS	All rules apply.
1B	An Integrated Mining Network forming part of the NWIS, and which is not a Covered Network	Subject to rule 5, all rules apply, unless expressly limited to Covered Networks.
1C	An Excluded Network forming part of the NWIS	Treated in these Rules as a “Facility”, not a “Network” — see Subchapter 1.5. All rules that apply to a “Facility” apply to it.
1D	A Non-Covered Network forming part of the NWIS, which does not fall in Class 1B or 1C.	All rules apply, unless expressly limited to Covered Networks.
2	A Covered Network which does not form part of the NWIS	Subject to Subchapter 1.6, all rules apply.
3	A Non-Covered Network which does not form part of the NWIS	These Rules do not apply unless explicitly stated.

{Notes to the above table —

- A network which is connected to the NWIS “forms part of” the NWIS – see definitions of “**NWIS**” and “**interconnected Pilbara network**”.

- If a NWIS Network which was previously an Integrated Mining Network or Excluded Network becomes Covered, then on its coverage commencement date it will convert to Class 1A.
- If a non-NWIS Network forms part of an integrated Pilbara system (i.e. other than the NWIS), then it is dealt with in Class 2 if Covered, and Class 3 if Non-Covered.
- The rules which apply to Class 3 networks align with the ISO's functions under section 120W(4)(d) of the Act, which are —

  "(i) to collect and consider information relating to the operation, management, Security and Reliability of [such] Pilbara networks; and

  (ii) to report as specified by the Regulations to the Minister, the Authority or a specified person on those matters; and

  (iii) to Publish information on those matters."}

(2) Unless the contrary intention is expressed, a reference in these Rules to **"these Rules"** includes the Harmonised Technical Rules, and no inference to the contrary is to be drawn from the fact that the Harmonised Technical Rules are specifically referenced in some places but not others.

{For convenience, in an electronic version of these Rules, the Harmonised Technical Rules may be presented as a separate document. For change management, the Harmonised Technical Rules carry their own version number.}

5 Integrated mining networks

(1) Subject to rule 5(2), these Rules apply to an Integrated Mining Network which forms part of the NWIS.

(2) These Rules apply to an Integrated Mining Network only to the extent reasonably necessary to achieve or promote, to a GEIP standard, the following purposes —

(a) managing the Interconnector between the Integrated Mining Network and another NWIS Network, including managing energy and power flows, and power quality, across the Interconnector; and

(b) facilitating the maintenance, improvement and restoration of Security and Reliability in a Covered Network by the ISO, the ISO Control Desk, the ISO's Delegates and the Covered NSPs; and

(c) to the extent an Outage, Islanding Event, Contingency or Pre-Contingent Threat in the Integrated Mining Network may have a Credible and material adverse impact on the System Security Objective in a Covered Network — managing the Outage, event, Contingency or threat; and

(d) to the extent an Outage, Islanding Event, Contingency or Pre-Contingent Threat in a Covered Network may have a Credible and material adverse impact on the System Security Objective in the Integrated Mining Network — managing the Outage, event, Contingency or threat; and

(e) if a Facility located in the Integrated Mining Network is used to provide an Essential System Service for the benefit of a Covered Network — managing that provision; and

(f) the provision of information for, and undertaking, system modelling under Subchapter 4.4, to the extent reasonably required to a GEIP standard for the purposes set out in rules 5(2)(a) to 5(2)(e); and

(g) the objectives in Chapter 10, subject to the limitations set out in that Chapter.

(3) Unless the contrary intention is expressed, this rule 5 applies throughout these Rules, and no inference to the contrary is to be drawn from the fact that this rule 5 is specifically referenced in some places but not others.

(4) If Equipment, a Facility or a Network Element (**"Relevant Thing"**) falls outside the definition of Integrated Mining System, this does not affect the application of the definition to any other Equipment, Facility or Network Element to which the Relevant Thing may be Connected.

{Example — If a new 400 km transmission line is Connected to a Relevant Network, the new line will not be part of the Integrated Mining System, but that will not of itself cause the Relevant Network to fall outside the definition. However, if the Relevant Network ceased to be operated in an integrated fashion with the other parts of the system predominantly for the purpose of carrying on the business of mining, transporting, processing, and shipping minerals in the Pilbara region, it would fall outside the definition.}

6 Effect of these Rules applying to a Network

{This rule 6 complements rule 4 by describing the effect of applying rules to a Network. Every person for whom these Rules create rights or obligations is a Rules Participant. Some but not all of them are also System Operations Participants.}

If, and to the extent, these Rules apply to a Network then, subject to any exemptions granted under or in respect of these Rules, they apply to and in respect of each of the following —

(a) the ISO, in respect of the Network and a Power System of which the Network forms part; and

(b) the Network's NSP; and

(c) each Facility which is Connected to the Network;

(d) the Controller of each Facility which is Connected to the Network;

(e) a Network User with a Network Access contract for the Network; and

(f) each other Rules Participant named or identified in these Rules, in respect of the Network.

7 NSP's functions under Harmonised Technical Rules extend only to its own Network

A provision of the Harmonised Technical Rules which imposes a function on an NSP, or requires an NSP to agree a matter with a person or vice versa, is to be read as applying only within the ambit of the NSP's Network and the facilities Connected to it.

Subchapter 1.2 – Interpretation

{A word or phrase defined in the Act or the Regulations has the same meaning when used in these Rules.}

8 Glossary

(1) A word or phrase defined below has the meaning given —

24/7 Basis: In respect of a function, notice or other thing, means that the person responsible for performing the function, giving the notice or doing the thing, has in place systems, personnel and Equipment which would be considered sufficient to a GEIP standard to Enable the person to do so 24 hours a day, 7 days a week, every day of the year, excepting reasonable unscheduled Outages.

Abridged Standard Rule Change Process: Means the process for dealing with Rule Change Proposals set out in clause A2.7A of Appendix 2.

Access: Is defined in the Act.

{At the time these Rules are made, the definition in section 3 of the Act is —

"**access**, in relation to services, has the same meaning that it has when used in that context in the *Competition and Consumer Act 2010* (Commonwealth)".}

Access and Connection Procedure: Subject to rule 73, means the Procedure made by a Registered NSP under rule 274.

Access Applicant: Has the meaning given in the Access Code.

Access Application: Has the meaning given in the Access Code.

Access Code: Means the PNAC, unless a Covered Network is regulated under the ENAC, in which case it means the ENAC.

Access Contract: See Network Access Contract.

Access Dispute: Has the meaning given in the Access Code.

Access Seeker: Means a person (who may be a Network User) who seeks Access to a Network to establish or modify a Network Access Contract, and includes a prospective Access seeker.

{This is the same as "applicant" in the PNAC.}

Activation Conditions: Is defined in rule 80(2)(a).

Actual Installed Capacity: Is defined in rule 154(2).

Administered Penalty Price: For energy balancing, means the price published under rule 231(b).

Administered Price: For energy balancing, means the price published under rule 231(a).

Administered Secondary FCESS Price: Means the price published under rule 206(3).

Administration Procedure: Subject to rule 73, means the Procedure made under rule 133.

Alinta Port Hedland Network: Has the meaning given in the PNAC.

Allocation Notice: Is defined in rule 155(1).

Alternative SRESS Procedure: Subject to rule 73, means the Procedure made under rule 216(c).

Amending Rule: Is defined in Appendix 2.

Annual Budget: Is defined in rule 124(1).

Arbitral Panel: Means a panel convened by the Arbitrator under rule 336.

Arbitral Panel Member: Is defined in rule 338(1).

Arbitrator: In relation to a Rules Dispute, means the person appointed to determine the Rules Dispute under rule 335, either sitting alone, or as chair of an Arbitral Panel.

{The "arbitrator" in this Code is not to be confused with the "arbitrator" as defined in the Act.}

Arbitrator's Determination: Has the meaning in rule 319.

Associate:

a) has the meaning given in the Access Code; and

b) in relation to the NSP of a Non-Covered Network which forms part of an Integrated Mining System, includes —

   i) a person who holds at least a 20% legal or beneficial interest in any mining tenement from which minerals are mined as part of the relevant Pilbara Minerals Business (being the Pilbara Minerals Business for the predominant purpose of which the Integrated Mining System is operated); and

   ii) if the person referred to in paragraph b)i) of this definition holds the relevant mining tenement in a joint venture with one or more persons, then the manager or operator of the joint venture; and

   iii) a related body corporate of a person referred to in paragraph b)i) or b)ii) of this definition.

Associate Arrangement: Means a contract, arrangement or understanding by which an NSP provides, or otherwise makes available, Covered services to, or for the benefit of, an Associate, and includes a Deemed Associate Arrangement.

Augmentation: Has the meaning given in the Access Code.

Authority: Means the Economic Regulation Authority established by the *Economic Regulation Authority Act 2003*.

Authority Fee: Means the Fee calculated under rule 129(2).

Authority's Subscriber Database: Means the database established and maintained by the Authority under rule 291(3).

Balancing Nominee: Means a person to whom all or part of a Metered Quantity is allocated for a Trading Interval by a Nomination, see rule 222(2)(b).

Balancing Point: Is defined in rule 218.

Budget and Cost Management Procedure: Subject to rule 73, means the Procedure made under rule 123.

Build-out Priority Rights: Is defined in rule 264(2).

Business Day: Means a day that is not a Saturday, Sunday or Public holiday throughout Western Australia.

Capacity Certificate: Is defined in rule 154(1).

Certified Capacity: Is defined in rule 154(1).

Complainant: Means a person who commences a Rules Dispute under Subchapter 13.2.

Compliance Procedure: Subject to rule 73, means the Procedure made under rule 307.

Complying Registered NSP: Is defined in rule 18(2).

Confidential Information: Has the meaning in rule 295, and in Chapter 13 is given additional meaning by rule 323(1).

Connection {also **Connect** and **Connected**}: Means a state in which (**"Connected"**), or process by which (**"Connect"** or **"Connection"**), a physical link to a Network or Network Element is created such that electricity can be transferred into or out of the Network.

Connection Applicant: Is defined in rule 267.

Connection Point: Means a point on a Network which is, or is to be, identified (explicitly or by inference) in a Network Access contract as being an Entry Point, Exit Point, Interconnection Point or "bidirectional point" as defined in the Access Code.

Connection Point Compliance: Is defined in rule 274A.

Constrained Off: Of a Generator, means that the Generator is subject to a Constraint Direction to reduce or stop its Injections.

Constraint: Means —

a) a Network Constraint; or

b) a limitation or requirement affecting the capability of a Generation Facility or Consumer Facility such that it would represent a risk to the System Security Objective if the limitation or requirement was removed.

Constraint Direction: Means a Direction issued by the ISO Control Desk to a Registered Controller under rule 258.

Constraint Event:

a) means that a Constraint Rule is, or is likely in the near future, to be violated; and

b) includes a circumstance in which the conditions in paragraph a) of this definition do not apply, but the ISO Control Desk or a Registered NSP has determined in good faith that they do apply, and has acted upon that determination.

Constraint Rule {replaces "constraint equation" in other regimes}: Means a method (by way of a mathematical expression or otherwise) of expressing a Constraint.

Consume: Means to Consume electricity.

Consumer: Means a person who consumes electricity.

{A **Consumer** may also be a user, if it acquires a Covered service from an NSP. A Consumer may also include a Generator of electricity or an NSP, if they Consume electricity.}

Consumer Facility {a.k.a. **"consumer equipment"** in the Harmonised Technical Rules}:

a) means the Equipment used for, or in Connection with, or to control, the consumption of electricity withdrawn from the Network at a Connection Point; and

b) for a CPC Facility — subject to the CPC Measures for the CPC Facility, includes each group of Equipment in the CPC Facility which falls within paragraph (a) of this definition;

{The effect of paragraph (b) is that references in these rules to "**Consumer Facility**" will apply also to any Consumer Facility which forms part of a CPC Facility, unless the agreed CPC Measures for the CPC Facility provide otherwise.}

and

c) includes an Excluded Network being treated as a Consumer Facility under rule 21(2)(a).

Contestable Consumer: Means a Consumer who is not a "prescribed customer" under section 54 of the *Electricity Corporations Act 2005*.

Contingency {also **Contingency Event**}: Means an event affecting the Power System involving the failure or removal from operational service of one or more Generating Units or Network Elements, or the disconnection at a Connection Point of a Registered Facility.

Contingency Reserve Standard: Is defined in rule 210.

Controller:

a) In respect of Equipment or a Facility — means a person who owns, operates or controls (or is in a position to control) the Equipment or Facility; and

b) In respect of a Connection Point — means a person who owns, operates or controls (or is in a position to control) the Generation Facility, Consumer Facility or CPC facility at the Connection Point.

{Rule 19 sets out how these Rules apply when there are multiple controllers for Equipment or a Connection Point. Rule 20 deals with how one of these is chosen to be registered.}

Controller Group: Is defined in rule 19(a).

Coordinator: Means the Coordinator referred to in section 4 of the *Energy Coordination Act 1994*.

Coordinator Fee: Means the Fee calculated under rule 129(3).

Coverage Application: Has the meaning given in the PNAC.

Coverage Application Lodgement Date: Is defined in rule 26(1)(a).

Coverage Time: Is defined in rule 26(1)(b).

Covered:

a) In relation to a Network, has the meaning given in the Access Code; and

b) in relation to a Network Element, means that the Network of which the Network Element forms part is a Covered Network.

Covered Distribution Element: Means a Network Element in a Covered Network which operates at Distribution Voltage.

Covered Network: Means a “covered Pilbara network” as defined in the Act.

Covered Network User: Means a Network User of a Covered Network.

Covered non-NWIS Network: Means a Covered Network which does not form part of the NWIS.

Covered NSP: Means the Network Service Provider of a Covered Network.

Covered NWIS Network: Means a Covered Network which forms part of the NWIS.

Covered Transmission Element: Means a Transmission Element which forms part of a Covered Network.

Covered Transmission Network: Means the parts of a Covered Network which operate at Transmission Voltage.

CPC Facility: Is defined in rule 274A.

CPC Facility Network: Is defined in rule 25A.

CPC Measures: Means, for a CPC Facility, the Measures which have most recently been recorded for the facility under rule 274C.

CPC Procedure {for “connection point compliance” procedure}: Means the procedure established by the ISO under rule 274L.

Credible: In relation to an event or other thing, means that an experienced operator acting in accordance with GEIP would consider it to be reasonably possible in the surrounding circumstances.

Credible Contingency {also **Credible Contingency Event**}: Means a Contingency event —

a) which the Protocol Framework identifies as a Credible Contingency event; or

b) which the ISO Control Desk otherwise considers to be reasonably possible in the surrounding circumstances.

Without limiting the generality of this definition, examples of Credible Contingency events are likely to include —

i) the unexpected automatic or manual disconnection of, or the unplanned reduction in capacity of, one operating Generating Unit; or

ii) the unexpected disconnection of a Transmission Element anywhere on the Power System.

Custodian: In respect of a Procedure, means the person required or permitted by these Rules to Develop the Procedure.

Customer Transfer Code: Means the Electricity Industry (Customer Transfer) Code 2016.

Deactivation Conditions: Is defined in rule 80(2)(e).

Decision: Is defined in Chapter 13.

Deemed Associate Arrangement: Has the meaning given in the Access Code.

Delegate: Means an Entity to whom the ISO has delegated performance of a function under rule 39, and, except in rule 44, includes a Sub-Delegate.

{Rule 44 authorises sub-delegation. The qualification in the final phrase of this definition ensures that delegation stops at the second level, i.e. a Sub-Delegate is not permitted to Sub-Sub-Delegate.}

Delegated Area: Is defined in rule 39(2)(b)(iii).

Delegated Function: Is defined in rule 39(1).

Demand Cap: Is defined in rule 157(1)(b).

Direct: Means to give a Direction.

Direction: Means a mandatory instruction given under these Rules, including under an Instrument of Delegation or ESS Contract.

Disable: In relation to an FCESS Provider, means to call on or Direct the FCESS Provider to stop providing FCESS.

Dispatch: Includes causing or procuring an increase or decrease in a Facility's injection or withdrawal of electricity.

Dispute Notice: Means notice under rule 326 that a Rules Dispute exists.

Distribution Network: Has the same meaning as "distribution system" in the Act.

{At the time these Rules are made, the definition in section 3 of the Act is —

"**distribution system** means electricity infrastructure used, or to be used, for, or in Connection with, or to control, the transportation of electricity at nominal voltages of less than 66 kV."}

Distribution Voltage: Means a nominal voltage of less than 66 kV.

Draft Rule Change Report: Means the report prepared and published under clause A2.7.6(a) of Appendix 2.

EBAS: Is short for energy balancing and settlement.

EBAS Procedure {for "energy balancing and settlement" Procedure}: Subject to rule 73, means the Procedure made under rule 244.

Electricity Review Board: Means the "Board" as defined in the Act.

{At the time these Rules are made, the definition in section 3 of the Act refers to section 49 of the *Energy Arbitration and Review Act 1998* which provides —

"**Board** means the Western Australian Electricity Review Board established by section 50."}

Eligible Equipment: Is defined in rule 274A.

Enable:

a) in relation to a Generating Unit — means to start, or procure the starting of, the Generating Unit; and

b) in relation to an FCESS Provider — means to call on or Direct the FCESS Provider to start providing FCESS.

Enabled Generating Units: Means a Generating Unit that is Enabled under rule 209(1)(c).

ENAC: Means the *Electricity Networks Access Code 2004* established by the Minister under section 104 of the Act.

Energy Balancing Point: Is defined in rule 229(1)(b).

Entity: Is defined in section 120ZA of the Act.

{Section 120ZA defines entity broadly, to include not just natural persons and bodies corporate, but also trustees of a trust.}

Entry Point: Means a point on a Network which is, or is to be, identified as such (explicitly or by inference) in a Network Access contract at which, subject to the Network Access contract, electricity is more likely to be transferred into the Network than transferred out of the Network.

Entry Service: Means a service provided to a Network User by a Registered NSP at a Connection Point under which the user may transfer electricity into the Network.

Equipment: Means wires, apparatus, Equipment, plant and buildings used, or to be used, for or in Connection with, or to control, the generation, transportation, storage or consumption of electricity.

Equipment Limit: Means a limit on the operation of a Facility or Network Element which is —

a) set out in the Standing Data for the Facility or Network Element; or

b) otherwise provided to the ISO by —

i) for a Facility — the Facility's Controller; or

ii) for a Network — the Registered NSP.

{Under rule 97(1)(c), an Equipment Limit must comprise an Operating Rating and one or more Overload Ratings.}

ESS Contract: Means a contract between the ISO and an ESS Provider for the provision by that person of Essential System Services to the ISO.

ESS Provider: Means a person contracted under an ESS Contract or otherwise required under these Rules to provide an Essential System Service.

Essential System Service: Means a service, including FCESS and SRESS, that is required to achieve the objectives in rule 199 and the System Security Objective.

Excluded Network: Means a Non-Covered Network which —

a) is listed in rule 23 {Excluded Networks at Rules commencement}; or

b) has been the subject of a determination under rule 24(1) {Becoming an Excluded Network} or

c) is deemed to be an Excluded Network under rule 25C,

and which has not ceased to be an Excluded Network under rule 25.

Excluded NSP: Means the Network Service Provider of an Excluded Network.

Exempt Connection: Is defined in rule 267.

Exit Balancing Point: Is defined in rule 227(b).

Exit Point: Means a point on a Network identified (explicitly or by inference) in a Network Access contract at which, subject to the Network Access contract, electricity is more likely to be transferred out of the Network than into it.

Exit Service: Means a service provided to a Network User by a Registered NSP at a Connection Point under which the user may transfer electricity out of the Network; and for a Network User who supplies energy at a Notional Exit Point, includes such a service at the Notional Exit Point.

Exit User: Is defined in rule 149(1).

Expedited Consultation Process: Means the process so named, under Appendix 2.

Expedited Determination: In respect of a Rules Dispute, means the determination of an Expedited Matter under rule 331.

Expedited Matter: Has the meaning in rule 331(1).

Facility: Means —

a) a Generation Facility; or

b) a Consumer Facility; or

c) a CPC Facility.

Fast Track Rule Change Process: Means the process for dealing with Rule Change Proposals set out in clause A2.6 of Appendix 2.

FCESS {short for **Frequency Control Essential System Service**}: Is defined in rule 201.

{In other regimes, FCESS is known as “regulation service”}

FCESS Payer: Is defined in rule 227(e).

FCESS Payment Share: Is defined in rule 227(g).

FCESS Payment Threshold: Is defined in rule 227(a).

FCESS Provider: Is defined in rule 201, and includes a Primary FCESS Provider and a Secondary FCESS Provider.

Fee: Means ISO Fee, Authority Fee or Coordinator Fee, as applicable.

Final Determination: In respect of a Rules Dispute, means a Final Determination by the Arbitrator of the Rules Dispute.

{Rule 359 sets out the Arbitrator’s Determinations which may be made.}

Final Rule Change Report:

a) For the Fast Track Rule Change Process — means the report prepared and published under clause A2.6.3A of Appendix 2.

b) For the Standard Rule Change process and the Abridged Standard Rule Change Process — means the report prepared and published under clause A2.7.7A of Appendix 2.

Financial Year: Means a period of 12 months commencing on 1 July.

{Rule 132 provides for parties to collaborate to manage issues arising from different entities having different Financial Years.}

Frequency Operating Standards: Are set out in the Harmonised Technical Rules.

Frequency Tolerance Band: Is set out in the Harmonised Technical Rules.

GEIP {short for **good electricity industry practice**}: Means the exercise of that degree of skill, diligence, prudence and foresight that a skilled and experienced person would reasonably exercise under comparable conditions and circumstances consistent with applicable Written Laws and Statutory Instruments and applicable recognised codes, standards (including relevant Australian Standards) and guidelines.

Generating Unit: Means the Generating Works which comprise the Equipment necessary and sufficient to function as a single Entity to generate electricity for injection at a Connection Point.

Generating Works: Is defined in the Act.

{At the time these Rules are made, that definition in section 3 of the Act is —

"**generating works** means any wires, apparatus, Equipment, plant or buildings used, or to be used, for, or in Connection with, or to control, the generation of electricity".}

Generation Adequacy Certificate: Is defined in rule 157(1).

Generation Adequacy Margin: Is defined in rule 153.

Generation Adequacy Objective: Means the objectives set out in rule 150.

Generation Facility {a.k.a. **"power station"** in the Harmonised Technical Rules}:

a) means the Generating Works at a particular location, comprising one or more Generating Units and the associated supporting Equipment and resources;

{Example — The supporting Equipment may include black start Equipment, step-up transformers, substations and the power station control centre.}

and

b) for a CPC Facility — subject to the CPC Measures for the CPC Facility, includes each group of Equipment in the CPC Facility which falls within paragraph (a) of this definition;

{The effect of paragraph (b) is that references in these rules to "**generation facility"** will apply also to any generation facility which forms part of a CPC facility, unless the agreed CPC Measures for the CPC Facility provide otherwise.}

and

c) includes an Excluded Network being treated as a Generation Facility under rule 21(2)(b);

but

d) does not include Equipment which falls within paragraphs (a), (b) or (c) of this definition if their combined injection capacity at a Connection Point is less than 10MW.

Generator: Means the Controller of a Generation Facility.

Harmonised Technical Rules: Means the *Pilbara Harmonised Technical Rules* in Appendix 5, having effect under rule 58.

Headroom: Is defined in rule 210.

Horizon Power: Means the Regional Power Corporation established under the *Electricity Corporations Act 2005*.

Horizon Power Coastal Network: Has the meaning given in the PNAC.

Host NSP: In connection with —

a) an Excluded Network — is defined in rule 22(1); and

b) the Pluto Facility — is defined in rule 188A(1); and

c) Subchapter 9.2 — is defined in rule 267(1)(a); and

d) Subchapter 9.3 — is defined in rule 274A.

{In each instance, **"Host NSP"** refers to the NSP of the Network to which the relevant Facility, Network or other Equipment is, was, or is to be, Connected.}

HTR: See Harmonised Technical Rules.

Imbalance: Is defined in rule 225.

Incident Coordinator: Is defined in rule 48.

Independent Chair: Means the independent chair of the Pilbara Advisory Committee appointed under clause A2.3.8A of Appendix 2.

Information Owner: Is defined in rule 349(3).

Inject: Means to transfer electricity into a Power System at a Connection Point.

Inside the Technical Envelope: Is defined in rule 163(1).

Instrument of Delegation: Means a notice of Delegation under rule 39(1), as amended, revoked or replaced from time to time under rule 39(2)(e).

Integrated Mining Network: Means a Non-Covered Network which forms part of an Integrated Mining System.

Integrated Mining System: Means the system comprising the following, to the extent that together they are operated in an integrated fashion predominantly for the purpose of carrying on a Pilbara Minerals Business —

a) one or more networks constructed or operated under an agreement specified in clause 10(1)(a) or (c) of the *Electricity Industry Exemption Order 2005* as at the Rules Commencement Date (each a **"Relevant Agreement"**), as those networks were in existence at the Rules Commencement Date (each a **"Relevant Network"**); and

{Clause 10 of the *Electricity Industry Exemption Order 2005* applies to the Rio Tinto system.}

b) the following Augmentations of a Relevant Network if constructed or operated under a Relevant Agreement —

i) any expansion of the Network's capacity which does not increase its geographical range; and

ii) any extension of the Network's geographical range, provided the extension —

iii) is designed, constructed and operated in such a way that, during normal system operations, it has a normally-closed electrical Interconnection with a Relevant Network; and

iv) does not extend beyond a straight-line radius of 150 km from its point of Interconnection to a Relevant Network;

and

c) any generation facilities, Consumer facilities, electricity storage facilities and other facilities constructed or operated under a Relevant Agreement and Connected to a Network referred to in paragraphs a) or b) of this definition.

Interconnection {also **Interconnect** and **Interconnected**}: Means a state in which (**"Interconnected"**), or process by which (**"Interconnect"** or **"Interconnection"**), two networks are or become Connected, such that electricity can be transferred between them.

Interconnected Pilbara System: Is defined in the Act.

{Notes —

1. At the time these Rules are made, the relevant definitions in section 120 of the Act are —

"**Interconnected Pilbara System** means a system of Interconnected Pilbara networks, including the following when Connected to an Interconnected Pilbara Network —
(a) Generating Works and associated works;
(b) loads;
(c) facilities, including electricity storage facilities."

and

"**Interconnected Pilbara Network** means a Pilbara Network that is Interconnected with another Pilbara Network.}"

2. For brevity, these Rules use the expression **"Power System"** to refer to an Interconnected Pilbara System.

3. See note to rule 4, as to the extent to which these Rules apply to an Interconnected Pilbara System other than the NWIS.}

Interconnection Point: Means a point on a Network at which an Interconnector connects to the Network.

Interconnector: Means a Network Element or elements and associated Equipment, used to Interconnect two networks.

Interim Determination: In respect of a Rules Dispute, means an Interim Determination by the Arbitrator of any or all matters in a Rules Dispute which has effect as determined by the Arbitrator pending a Final Determination.

{Rule 359 sets out the Arbitrator's Determinations which may be made.}

Island: Means a part of the Power System which —

a) contains at least one Generation Facility, at least one Transmission Element and at least one Consumer Facility; and

b) has temporarily lost synchronous Connection with an adjacent part of the Power System which itself contains at least one Generation Facility, at least one Transmission Element and at least one Consumer Facility.

Islanding Event: Means a Contingency or other event which results in an Island forming.

ISO: Means the Pilbara ISO as defined in regulation 14 of the Regulations.

ISO Control Desk: Is defined in rule 46.

ISO Fee: Means the Fee calculated under rule 129 and a fee calculated under rule 274Q.

ISO Website: Means a website operated by the ISO to carry out its functions under these Rules.

Limit Advice: Means the notice given by a Covered NSP to the ISO under rule 248(2), setting out Limit Rules, ratings for Listed Network Elements and other Constraint information.

Limit Rule {replaces "limit equation" in other regimes}: Means a value for, or method of determining (by way of a mathematical expression or otherwise), the power transfer capability across a particular Network Element or group of Network Elements, which value or method may include a margin to account for uncertainty.

Limited Discretion: Has the meaning given in section 10 of the PNAC, applying in these Rules under rule 14.

Listed Network Element: Means a Network Element in a Covered Network which is listed under rule 96.

Load: Means either (as the case requires) —

a) a Connection Point at which electric power is withdrawn from the Network; or

b) the amount of electric power withdrawn at an instant or over a period at a Connection Point.

Load Swing: Is defined in rule 227.

Loss Factor: Means a factor representing Network losses between any given node and a reference node (which will have a Loss Factor of 1), determined in accordance with rule 143.

Maintain: Includes (as necessary and as applicable) renew, replace, repair and update.

Metered Quantity: Is defined in rule 219(1).

Metering Code: Means the *Electricity Industry (Metering) Code 2012*.

Metering Database: Has the meaning given in the Metering Code.

Metering Services: Has the meaning given in the Metering Code.

Metering Procedure: Subject to rule 73, means the Procedure made under rule 141.

Modelling Procedure: Subject to rule 73, means the Procedure made under rule 121.

Modelling Threshold: Is defined in rule 121(2).

NCP Planning Horizon: Is defined in rule 280(1).

NCP Reports: Means the Network coordination and planning reports to be published under rule 279.

{Under rule 279, the NCP Reports comprise a Transmission Development Plan under rule 281 and a Pilbara GenSOO under rule 282.}

NCP Reports Publication Date: Is defined in rule 233(1).

Negative Imbalance: Is defined in rule 225(b).

Net Network Load: Means the quantity of energy which is deemed to be delivered at the Notional Wholesale Meter, calculated by determining aggregate injection or withdrawal on a Network then deducting the energy quantities measured or estimated at all other Balancing Points.

{Each of the following will be included in Net Network Load, unless it is assigned its own Balancing Point under rule 218(2) —

- interval metered loads;
- non-interval metered loads;
- unmetered loads.

Net Network Load also includes losses.}

Network: Means a “network infrastructure facility” as defined in the Act.

{At the time these Rules are made, the definition in section 3 of the Act is —

Network Infrastructure Facilities —

(a) means electricity infrastructure used, or to be used, for the purpose of transporting electricity from Generators of electricity to other electricity infrastructure or to end users of electricity; and

(b) includes stand-alone Power Systems, or Storage Works, used, or to be used, as an adjunct to electricity infrastructure”.}

Network Access Contract:

a) for a Covered Network — means a contract for services as defined in the Access Code, and includes an Associate Arrangement and a Deemed Associate Arrangement.

b) for a Non-Covered Network — means an agreement between the Registered NSP and a Network User for the Network User to have Access to services of the Non-Covered Network.

{Notes —

1. For a Covered Network, the definition of Network Access Contract in these Rules has the same scope as the expression contract for services in the Access Code.
2. A Network Access contract is not limited to a contract for the transfer of electricity, and may include a contract for other services such as Connection, Interconnection and Metering.}

Network Constraint: Means a Limitation or requirement affecting the capability in a part of a Covered Transmission Network, including an Interconnector or any part of the Covered Distribution Network that is used for the transmission of electricity as part of the secure operation of the Covered Transmission Network or the Power System, such that it would be unacceptable to transfer electricity across that part of the Network at a level or in a manner outside the limit or requirement.

Network Element: Means a single identifiable major component of a Transmission Network or Distribution Network involving —

a) an individual transmission or distribution circuit or a phase of that circuit; or

b) a major item of apparatus or Equipment associated with the function or operation of a transmission line, distribution line or an associated substation or switchyard which may include transformers, circuit breakers, synchronous condensers, reactive plant and monitoring Equipment and control Equipment.

Network Limit: Means a limitation or requirement on a Network that gives rise to a Network Constraint.

Network Model: Means the software model a Registered NSP is required by rule 110(1) to develop for its Network.

Network Modelling Procedure: For a Network, means, subject to rule 73, the Procedure Developed by the NSP under section 3.6.12(a) of the Harmonised Technical Rules.

Network Planning Criteria: For a Network, means the information most recently provided to the ISO by an NSP under rule 2.5 of the Harmonised Technical Rules.

Network Restart Arrangements: Means arrangements prepared by a Registered NSP under rule 192(2)(a).

Network Service Provider: See NSP.

Network User:

a) Means a person who is party to a Network Access contract with an NSP; and

b) in Connection with a Deemed Associate Arrangement — includes the Registered NSP's "other business" as defined in the Access Code.

{Rule 19 sets out how these Rules apply when there are multiple controllers for Equipment or a Connection Point. Rule 20 deals with how one of these is chosen to be registered.}

Network User Group: Is defined in rule 19(b).

New Connection: Is defined in rule 267.

Nomination: Means a valid nomination under rule 222 (1), and includes a deemed nomination under rule 223.

Nominator {short for "balancing point nominator"}: For a Balancing Point, means the person designated as such from time to time under rule 220.

Non-Contestable Consumer: Means a Consumer who is a "prescribed customer" under section 54 of the *Electricity Corporations Act 2005*.

Non-Covered:

a) in relation to a Network — means that the Network is not Covered; and

b) in relation to a Network Element — means that the Network of which the Network Element forms part is not Covered.

Non-Covered Interconnector: Means an Interconnector between a Covered Network and a Non-Covered Network.

Non-Covered Network: Means a Network, including an Excluded Network, which is not a Covered Network.

Non-Covered NSP: Means the Network Service Provider of a Non-Covered Network.

Non-Covered NWIS Network: Means a Non-Covered Network which forms part of the NWIS.

{“Non-Covered NWIS Network” includes an Integrated Mining Network and an Excluded Network.}

Non-Credible: In relation to an event or other thing, means not Credible.

Normal Frequency Tolerance Band: Is set out in the Harmonised Technical Rules.

Normal Operating Conditions: Is defined in rule 165.

Notifiable Event: Is defined in rule 166.

Notifiable Unplanned Event: Is defined in rule 183 (5).

Notional Exit Point: Means the Notional Wholesale Meter and each physical or notional point which is included as a Balancing Point under rule 218 (2).

Notional Wholesale Meter: Means a single point for each Network (which may be a physical or notional point) at which Net Network Load is deemed to be measured and supplied.

NSP {short for “network service provider”}: Subject to section 18, means a Pilbara Network Service Provider as defined in the Act.

{In the NWIS, NSPs are divided into Registered NSPs and Excluded NSPs. Registered NSPs are divided into Covered NSPs and Non-Covered NSPs (with the latter including the NSP of an Integrated Mining Network).

Outside the NWIS, NSPs are divided into Covered NSPs and Non-Covered NSPs, but these Rules have limited application outside the NWIS — see rule 4.}

NSP Group: Is defined in rule 18 (1) (a).

NWIS {short for “North West Interconnected System”}: Means the Interconnected Pilbara System which includes the Horizon Power Coastal Network.

Operating Rating: Means an Equipment Limit to be used under Normal Operating Conditions.

Original Instrument: Is defined in rule 44 (1).

Outage: Includes partial or complete unavailability or de-rating of Equipment or a Facility, planned or unplanned.

Outside the Technical Envelope: Is defined in rule 163 (2).

Outstanding Balances: Is defined in rule 236 (b).

Overload Rating: Means an Equipment Limit which, subject to these Rules including the Harmonised Technical Rules, and to any parameters recorded in the Standing Data under rule 97 (1) (c) (ii), may be used outside Normal Operating Conditions.

PAC Secretariat: Means the services, facilities and assistance made available by the Coordinator to the Pilbara Advisory Committee.

Panel Expert: Means a member of an Arbitral Panel appointed under rule 333 (7) (b).

Payment Notes: Is defined in rule 239 (1).

Peak Demand: Is defined in rule 156 (1).

Pilbara Advisory Committee: Means an advisory body to the Coordinator, Authority and the ISO comprising industry representatives established under Appendix 2.

Pilbara Electricity Objective: Means the "Pilbara electricity objective" as defined in the Act.

{At the time these Rules are made, the definition in section 119(2) of the Act is —

> "The objective of this part (the Pilbara Electricity Objective) is to promote efficient investment in, and efficient operation and use of, services of the Pilbara networks for the long-term interests of consumers of electricity in the Pilbara region to –
>
> (a) price, quality, safety, Reliability and Security of supply of electricity; and
>
> (b) the Reliability, safety and Security of any Interconnected Pilbara System."

Regulation 4 of the Regulations sets out 'have regard to' matters, when applying this objective.}

Pilbara GenSOO {short for "Pilbara Generation Statement of Opportunities"}: Means a generation statement of opportunity for the Pilbara under rule 282.

Pilbara Minerals Business: Means the business of mining, transporting, processing, and shipping minerals in the Pilbara region.

Planning and Reporting Procedure: Subject to rule 73, means the Procedure made under rule 289.

Planning Criteria Interaction: Is defined in rule 72 (1).

Pluto Connection Point: Means a Connection Point connecting the Pluto Facility to the NWIS.

Pluto Facility: Means the CPC Facility located on the Pluto Site.

Pluto Permitted Direction: Is defined in rule 188A(1).

Pluto Recipient: Is defined in rule 188A(1).

Pluto Site: Means the roughly 205 hectare site on the Burrup Peninsula comprising —

a) Lot 384 on Deposited Plan 220146, being Certificate of Title Volume 2671 Folio 981; and

b) Lot 566 on Deposited Plan 28209, being Certificate of Title Volume 3125 Folio 317; and

c) Lot 572 on Deposited Plan 28209, being Certificate of Title Volume 2671 Folio 979; and

d) Lot 573 on Deposited Plan 28209, being Certificate of Title Volume 2676 Folio 184; and

e) Lot 574 on Deposited Plan 28209, being Certificate of Title Volume 2671 Folio 980,

and, to the extent that any part of the roughly 17 hectare leased seabed site located adjacent to Lots 384 and 574 and the subject of a Seabed Lease with the Pilbara Port Authority contains any Equipment which is Connected with the Equipment on the above five lots and has the same Controller, includes that part of the leased seabed site.

PNAC: Means the "Pilbara networks access code" as defined in the Act.

Pool Member: Means a member of the pool of potential arbitrators established under rule 320 (1) (a).

Positive Imbalance: Is defined in rule 225 (a).

Power System:

a) in Connection with a Pilbara Network which forms part of an Interconnected Pilbara System — means that Interconnected Pilbara System.

{Notes —

1. A Power System thus encompasses the Network, all networks directly or indirectly Interconnected with it, and all generation facilities, Consumer facilities, ESS Providers and other facilities Connected to any of those networks.
2. The NWIS is an Interconnected Pilbara System and a Power System.}

b) in Connection with a Pilbara Network which does not form part of an Interconnected Pilbara System — means a system comprising —

i) the Pilbara Network; and

ii) any of the following when Connected to the Pilbara Network —

A) Generation Facilities;

B) Consumer Facilities;

C) any other Facilities, including electricity storage Facilities.

{Paragraph (b) is for use when these Rules are applied to an Islanded Network, not Interconnected with any other Network. Except for the lack of another Interconnected Network, it is intended to have the same scope as paragraph (a).}

Power System Model: Is defined in rule 108 (1).

Power System Modelling Procedure: Subject to rule 73, means the Procedure made under rule 121.

Power System Modelling Threshold: Is defined in rule 121 (2).

Power System Reliability: See Reliability.

Power System Security: See Security.

Pre-Contingent Action: Means an action undertaken or directed by the ISO Control Desk or a Registered NSP to reconfigure the Power System in anticipation of a Pre-

Contingent Threat, so that the Power System remains in a Secure State despite the heightened risk associated with the threat.

Pre-Contingent Direction: Means a Direction given under the Pre-Contingent Protocol.

Pre-Contingent Protocol: Means the Protocol referred to in rule 79 (1) (d) (iv).

Pre-Contingent Threat: Means —

a) a Credible imminent threat to the System Security Objective arising from —

   i) an approaching external threat (such as a storm or bushfire); or

   ii) impending material Equipment failure,

   or

b) an imminent risk of physical injury or death to any person or material damage to Equipment,

which can be mitigated if appropriate preparatory measures (Pre-Contingent Actions) are taken.

Primary FCESS: Is defined in rule 203 (1).

Primary FCESS Contract: Means the contract the ISO must procure under rule 203.

Primary FCESS Provider: Is defined in rule 203 (1).

Procedural Decision: Is defined in the Regulations.

Procedural Review: Means a review by the Electricity Review Board of a Procedural Decision in accordance with the Regulations.

Procedure: Means a Procedure Developed by the Coordinator, the ISO, and the Authority, as applicable, where required by these Rules and in accordance with Subchapter 3.6, as amended in accordance with the Procedure Change Process.

Procedure Amendment: Means the specific wording of a proposed or accepted change to a Procedure under Appendix 2.

Procedure Change Process: Means the process for amending a Procedure as set out in Appendix 2.

Procedure Change Proposal: Means a proposal to initiate a Procedure Change Process under Appendix 2.

Procedure Change Report: Means a final report prepared by the Custodian in relation to a Procedure Change Proposal, containing the information described in Appendix 2.

Procedure Change Submission: Means a submission made in relation to a Procedure Change Proposal submitted in accordance with Appendix 2.

Promptly: Is defined in rule 10.

Protected Provision: Means a provision of these Rules identified as such in Appendix 2.

Protocol: Means a set of instructions specified under rule 79 (1) (d) and containing the information set out in rule 80, to govern how the ISO, the ISO Control Desk, Registered NSPs and on occasion registered controllers, may or must respond to system incidents.

Protocol Framework: Subject to rule 73, means the Procedure made under rule 77, and includes the protocols.

Public: When used in reference to information confidentiality, means information or documents that are not confidential and may be made available to any person.

Publish: Where a person is required to publish a thing — means that the person must make the thing available on a Publicly Accessible part of the person's website.

Real-Time Function: Means a function which, if the person responsible for performing it is to do so to a GEIP standard, requires the person to be ready to do so on a 24/7 Basis.

Reasons: In relation to a Decision or other Determination, means a written statement of the reasons for deciding or determining including, as applicable —

a) findings on material questions of fact relied on by the person in reaching the Decision or determination; and

b) reference to the evidence on which findings of fact are based; and

c) identification of the steps in the Decision-making process, explanation of the link between the findings of fact and the final Decision or determination and a description of the role of policy or guidelines in the Decision-making process.

Recipient: Is defined in rule 295.

Reference Period: Is defined in rule 226.

Registered Controller: Means a Controller who has been registered under Subchapter 4.1.

Registered Facility: Means a Facility which has been included on the ISO's list under rule 93 (1).

Registered NSP: Means a Network Service Provider (including a Covered NSP) of a Network forming part of the NWIS, who is registered under Subchapter 4.1.

Regulation Lower Reserve: Is defined in rule 201 (b) (ii).

Regulation Raise Reserve: Is defined in rule 201 (b) (i).

Regulation Reserve: Means Regulation Raise Reserve and Regulation Lower Reserve.

Regulation Service: See FCESS.

Regulations: Means the *Electricity Industry (Pilbara Networks) Regulations 2021*.

Relevant Agency: Is defined in rule 351(1).

Relevant Network: Is defined in rule 13(1)(e)(i).

Relevant User: Is defined in rule 220(3).

Reliability {also **"reliable"**}: Means a measure of a Power System's ability to deliver electricity to all points of consumption and receive electricity from all points of supply within accepted standards and in the amount desired.

{***Reliability*** is best considered as an outcome, from a Power System having both ***Security*** and ***adequacy***, where "adequacy" in turn consists of both generation adequacy and Network adequacy.}.

Representative: In relation to a person, means the person's representative, including an employee, agent, officer, director, auditor, adviser, partner, consultant, joint venturer or sub-contractor, of that person.

Requestee: Is defined in rule 56(1).

Required Headroom: Is defined in rule 210.

Required Headroom Level: Is defined in rule 210.

Reviewable Decision: Means a decision listed in rule 370(1) or clause A2.17 of Appendix 2.

Rule Change: Is defined in Appendix 2.

Rule Change Proposal: Means a proposal made in accordance with Appendix 2 proposing that the Coordinator make an Amending Rule.

Rules: Means these Rules, which (unless the contrary is expressly stated) includes the Harmonised Technical Rules whether or not they are specifically mentioned.

Rules Commencement Date: Means the date specified in rule 3.

Rules Dispute: Means a dispute between participants (including the ISO) regarding the interpretation or application of these Rules or the Harmonised Technical Rules.

Rules Participant: Means any person on whom these Rules confer a function or benefit, including —

a) a System Operations Participant; and

b) a Network User; and

c) a Payer or Payee; and

d) a Nominator or Balancing Nominee,

but does not include the Minister, the Economic Regulation Authority, the Electricity Review Board or an Arbitrator.

Scheduling Conflict: Is defined in rule 182(1).

Secondary FCESS: Means a Generation Facility within a Credible Island capable of providing FCESS, as identified by the ISO under rule 205(2).

Secondary FCESS Provider: Is defined in rule 205(4).

Secure State: Is defined in rule 164, subject to rule 72.

Security {also **"Secure"**}: Means the Power System's ability to withstand disturbances, including include electric short circuits, unanticipated loss of facilities or Network Elements, or other rapid changes such as in intermittent generation.

Security Limit: Means a technical limit on the operation of the whole of, or a region in, the Power System, necessary to Maintain Security, including both static and dynamic limits, and including limits to allow for and to manage constraints and contingencies.

Settlement Period: Means a calendar month.

SRESS: Is defined in rule 213.

SRESS Contract: Means the contract the ISO enters under rule 214(1).

Standard Consultation Process: Means the process so named, under Appendix 2.

Standard Rule Change: Process means the process for dealing with Rule Change Proposals set out in Appendix 2.

Standing Data: Means data maintained by the ISO under rule 97.

{Standing Data should not be confused with Standing Metering Data.}

Standing Metering Data: Has the meaning given to "standing data" in the Metering Code.

Statement of Reasons: In respect of a Final Determination, means the Arbitrator's Statement of Reasons for making the determination.

Statutory Instruments: Means all relevant instruments made under a written law including all directions, notices, orders and other instruments given or made under a written law and includes, as existing from time to time —

a) orders made under section 8 of the Act; and

b) licences granted, renewed or transferred under section 19 of the Act; and

c) standard form contracts approved under section 51 of the Act; and

d) orders made under section 181(3) of the *Electricity Corporations Act 2005*; and

e) approved policies as defined in section 60 of the Act; and

f) last resort supply plans approved under section 73 of the Act as amended under sections 74 and 75 of the Act; and

g) the Access Code;

h) these Rules.

Storage Works: Has the meaning given to it in the Act.

{At the time these Rules are made, the definition in section 3 of the Act is —

> **"storage works** means any wires, apparatus, Equipment, plant or buildings used, or to be used, for, or in Connection with, or to control, a storage activity."

The definition of "storage activity" is —

> **"storage activity** means an activity comprising all of the following —
>
> (a) receiving energy in the form of electricity;
>
> (b) storing the received energy in any form;
>
> (c) discharging the stored energy in the form of electricity."}

Sub-Delegate: Means an Entity to whom a Delegate has under rule 44 sub-Delegated performance of a Delegated Function.

Supreme Court: Means the Supreme Court of Western Australia.

Surplus: Is defined in rule 237(1).

System Coordination Matters: Is defined in rule 167.

System Coordination Report: Means the report the ISO must prepare under rule 177.

System Data: Is defined in rule 101(3)(b).

System Operations Activity: Means an activity in the day to day operation of the Power System including performing Real-Time Functions, managing the injection or withdrawal of electricity and managing a Network Element's or Facility's operational configuration or settings, or a Facility's Enablement or Dispatch.

System Operations Direction:

a) means —

  i) a Direction regarding a System Operations Activity given under rule 188; and

  ii) an emergency Direction given under rule 189;

  but

b) does not include —

  i) a Constraint Direction; or

  ii) a Pre-Contingent Direction.

System Operations Participant: Means —

a) the ISO;

b) a Delegate of the ISO, including a Delegate of the Delegate;

c) a Registered NSP;

d) a Registered Controller; and

e) an ESS Provider.

{System Operations Participants are a subset of Rules Participants, being those entities actively involved in System Operations Activities relevant to Security and Reliability.}

System Security: See Security.

System Security Objective: Is defined in rule 162.

Total Allocation: Is defined in rule 149(1)(b).

Trading Interval: Means a period of 30 minutes starting on the hour and each 30 minutes thereafter.

{Rule 142 provides for a review of the 30-minute interval.}

Transmission Development Plan: Means the plan the content of which is set out in rule 281.

Transmission Element: Means a Network Element which operates at Transmission Voltage, and includes an Interconnector regardless of voltage.

Transmission Network: Has the same meaning as “transmission system” in the Act.

{At the time these Rules are made, the definition in section 3 of the Act is —

> **“transmission system** means electricity infrastructure used, or to be used, for, or in Connection with, or to control, the transportation of electricity at nominal voltages of 66 kV or higher.”}

Transmission Voltage: Means a nominal voltage of 66 kV or higher.

Vertically-Integrated: Is defined in rule 17.

Visibility Item: Means the requirements specified in the Visibility List in respect of a location or locations in order to achieve the objective in rule 104(1) in respect of the location or locations.

{Example — The requirements will typically include —

- the location or locations;
- the nature, content and timing of signals or data to be provided;
- how they’ll be provided;
- any particular validation, confidentiality or cyber-Security requirements for the signals or data.}

Visibility List: Subject to rule 73, means the Procedure Developed under rule 105.

Visible and **Visibility**: Means that the ISO Control Desk has Access to real-time (or almost real-time) information to the extent required by, and in accordance with, the Visibility List.

WEM Rules: Means the *Wholesale Electricity Market Rules* in force from time to time under Part 9 of the Act.

Withdraw: Means to transfer electricity out of a Power System at a Connection Point.

Working Group: Means a Working Group as established under Appendix 2.

Written Laws: Means —

a) all Western Australian Acts and all Western Australian subsidiary legislation for the time being in force; and

b) all Commonwealth Acts and all Commonwealth subsidiary legislation for the time being in force, where the term subsidiary legislation has the meaning given to it under the *Interpretation Act 1984*, if “Commonwealth Act” were substituted for “written law”.

9 Other rules of interpretation

(1) In these Rules, unless the contrary intention appears —

(a) {**day**} — a day means a calendar day; and

(b) {**singular and plural**} — the singular includes the plural and the plural includes the singular; and

(c) {**gender**} — a reference to a gender includes any gender; and

(d) {**headings**} — headings (including those in brackets or braces at the beginning of paragraphs) are for convenience only and do not affect the interpretation of these Rules; and

(e) {**persons**} — a reference to a person includes an individual, a firm, a body corporate, a partnership, a joint venture, an unincorporated body or association, or any government agency; and

(f) {**things**} — a reference to anything (including any amount) is a reference to the whole and each part of it; and

(g) {**clauses etc**} — a reference to a clause, chapter, annexure, Appendix or schedule is a reference to a clause or chapter in or annexure or schedule to these Rules; and

(h) {**statutes etc**} — a reference to a statute, ordinance, code or other law includes Regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them; and

(i) {**variations**} — a reference to a document (including these Rules) includes any variation or replacement of it; and

(j) {**other parts of speech**} — other parts of speech and grammatical forms of a word or phrase defined in the Glossary in chapter 11 have a corresponding meaning; and

(k) {**appointments**} — where these Rules confer a power on a person to make an appointment to a position, the person also has the power —

(i) to specify the period for which any person appointed in exercise of the power (**“appointee”**) holds the position;

(ii) to remove or suspend an appointee and to reappoint or reinstate an appointee; and

(iii) where an appointee is suspended or is unable, or expected to become unable, for any other cause to perform the functions of the position, to appoint a person to act temporarily in place of the appointee during the period of suspension or other inability;

and

(l) {**amendments**} — if a person has the power to make, prescribe, determine, compile, establish or develop a document, instrument, matter or thing, then the person also has the power to amend, replace or revoke the whole or part of that document, instrument, matter or thing exercisable in like manner and subject to like conditions (if any); and

(m) {**functions**} **— "function"** includes function, power, duty, responsibility and authority; and

(n) {**performing a function**} — a reference in these Rules to a person **"performing"**, or to **"performance"** of, a function includes a reference to purporting, refraining, delaying or failing to do so; and

(o) {**under**} — **"under"** includes by, by virtue of, pursuant to and in accordance with; and

(p) {**conditions**} **— "condition"** includes qualification, limitation or exception; and

(q) {**include or including**} — the words **"include"** or **"including"** are not used as, nor are they to be interpreted as, words of limitation, and, when introducing an example, do not limit the meaning of the words to which the example relates; and

(r) {**headings and comments**} — headings and comments appearing in footnotes or boxes in these Rules (other than tables containing data or other information) are for convenience only and do not affect the interpretation of these Rules; and

(s) {**debts**} — when these Rules provide that an amount is recoverable as a **"debt"**, that amount may be recovered in a court of competent jurisdiction; and

(t) {**units**} — all measurements and units in these Rules are metric, in accordance with the *International System of Units* (SI).

(2) In these Rules, unless the contrary intention appears, any notice or confirmation required to be issued by the Coordinator, the ISO (including a Delegate of the ISO) or the Authority may be issued by an automated software system employed by the Coordinator, the ISO or the Authority, as applicable.

(3) The Power System will operate on Western Standard Time (Coordinated Universal Time (UTC) + 8 hours). At all times, the times and time limits mentioned in these Rules refer to Western Standard Time.

10 Meaning of Promptly

In these Rules, **"Promptly"** means as soon as reasonably practicable in the circumstances, having regard to GEIP.

11 A reference to these Rules includes the Harmonised Technical Rules

(1) A reference to these Rules includes a reference to the Harmonised Technical Rules, except where the contrary intention is stated.

(2) Rule 11(1) applies whether or not the reference explicitly names the Harmonised Technical Rules, and despite the fact that some other references do explicitly name them.

12 Interpretation of {notes} etc

Where information in these Rules is set out in braces (namely { and }), whether or not preceded by the expression Note, Outline or Example, the information —

(a) is provided for information only and does not form part of these Rules; and

(b) is to be disregarded in interpreting these Rules; and

(c) might not reflect amendments to these Rules or other documents or Written Laws.

13 Use of shorthand language

(1) In these Rules —

(a) {**networks**} a reference to **"an NSP's Network"** or **"the NSP's Network"**, or similar, and a reference in Connection with an NSP to **"its Network"**, means the Network of which the NSP is a Network Service Provider; and

(b) {**NSPs**} a reference, in Connection with a Network, to **"the NSP"**, or "**the Network's NSP"**, or similar, means a person who is a Network Service Provider in respect of the Network; and

(c) {**NSPs**} a reference, in Connection with a Facility or a Controller, to **"the NSP"**, or **"the Network's NSP"**, or similar, means a person who is an NSP of the Network to which the Facility, or the Controller's Facility, is Connected; and

(d) {**users**} a reference, in Connection with an NSP, to **"its Network User"**, or similar, means a person who has a Network Access Contract with the NSP for access to the NSP's Network, and vice versa; and

(e) {**Relevant Network** and **relevant NSP**} a reference, in Connection with a Facility, a Controller, a Notifiable Event, a Pre-Contingent Threat, a Contingency, and the like, to —

(i) the **"relevant"** Network, means the Network to which the Facility or the Controller's Facility is Connected, or in or to which the Notifiable

Event, Pre-Contingent Threat, Contingency or the like has occurred or is planned or anticipated to occur; and

(ii) the **“relevant”** NSP, means the Relevant Network’s NSP;

and

(f) {**on a Network**} a reference, in Connection with a Network, to facilities **“on”** the Network means facilities Connected to the Network; and

(g) {**in a Network**} a reference, in Connection with a Network, to Network Elements, facilities or Equipment **“in”** the Network means Network Elements, facilities or Equipment which form part of, or are Connected to, the Network; and

(h) {**at or for a Connection Point**} a reference, in Connection with a Connection Point (including a Balancing Point) —

(i) to a Facility **“at”** the Connection Point means the Facility which generates or consumes the electricity which is injected or withdrawn at the Connection Point; and

(ii) to a Controller, Consumer or Network User “**at”** or **“for”** the Connection Point means respectively a Controller of a Facility at the Connection Point, or a Consumer who consumes the electricity withdrawn at the Connection Point, or a Network User who has a Network Access Contract for a service at the Connection Point;

and

(i) {**Network as a recipient**} a reference to the supply of an Essential System Service **"to"** a Network means the supply of the Essential System Service for the benefit of Rules Participants who utilise, or whose facilities are Connected to, the Network, including if applicable the NSP of the Network; and

(j) {**Security/Reliability of or in a Network**} a reference to Security or Reliability **“of”**, **“in”** or **“for”** a Network means Security and Reliability as experienced by Rules Participants who utilise, or whose facilities are Connected to, the Network, including if applicable the NSP of the Network.

(2) {**Possessory language**} The use of possessory language to identify the link between a Network Service Provider and a Network, such as in rule 13(1)(e), is a convenient shorthand for words such as "the Network of which the Network Service Provider is the Network Service Provider", and should not be read as —

(a) being limited only to those circumstances in which the Network Service Provider is the legal owner of the Network; or

(b) implying or requiring ownership.

(3) {**Possessory language**} Rule 13(2) applies with appropriate modifications to the use of possessory language in other contexts, for example references to “a Controller’s Facility”.

14 Limited discretion

Section 10 of the PNAC applies with appropriate amendments for the purposes of these Rules.

Subchapter 1.3 – Precedence

15 Precedence of instruments

In the event of conflict the order of precedence of the following instruments is, from highest to lowest —

(a) the Act; then

(b) the Regulations; then

(c) the Access Code; then

(d) these Rules (excluding the Harmonised Technical Rules); then

(e) the Harmonised Technical Rules; then

(f) the Procedures; then

(g) a Direction.

16 Hierarchy of responsibilities

(1) If a person is given more than one function under these Rules, then in the event of any conflict or inconsistency between the functions, the person must perform the function listed higher in the below list in preference to the function listed lower in the list —

(a) complying with any Direction given by the ISO in its own right; then

(b) complying with any Direction given by a Delegate of the ISO; then

(c) complying with an active Protocol; then

(d) if the person is a Delegate, complying with its obligations as a Delegate, and if it is concurrently a Delegate in more than one capacity, in accordance with rule 16(2)(b); then

(e) complying with any other obligations the person has under these Rules; then

(f) complying with any other legal or contractual obligations.

(2) If a person is concurrently a Delegate in more than one capacity, and faces conflicting or inconsistent concurrent obligations as a result, then under rule 16(1)(d) the person must perform those obligations —

(a) in the order of priority set out in an Instrument of Delegation; or

(b) if there is no, or more than one, such order of priority set out — in such order of priority as it may in its discretion determine is most appropriate in the circumstances.

(3) It is not a breach of these Rules or an Instrument of Delegation, and nor is it negligence or any other legal wrong, if a person fails to perform a function referred to in rule 16(1), to the extent the failure was caused or contributed to by it complying, or attempting or purporting in good faith to comply, with a higher priority function under rule 16(1).

(4) A reference in rules 16(1)(a) or 16(1)(b) to a Direction, includes a notice or other communication which, while not itself a Direction, is given in circumstances where the Recipient believes in good faith that —

(a) the notice or communication is a Direction; or

(b) a Direction could have been given instead; or

(c) a Direction could have been given instead, had a formal process been activated or formal step taken (for example activating a Protocol), and the process or step was available in the circumstances.

(5) If a person fails to perform a function referred to in rule 16(1) in reliance or purported reliance on rule 16(3), it must give notice to the ISO setting out the circumstances in reasonable detail, and if so the ISO may consider whether a change to these Rules or a Procedure is appropriate.

Subchapter 1.4 – How these Rules apply when NSP, Controller or user comprise more than one person

17 Vertically-integrated Rules Participants

(1) In these Rules, an Entity is **"Vertically Integrated"** if it, or its Associate, participates in two or more of the following activities, each of which is referred to in this rule 17 as a **"Business"** of the Entity —

(a) Generator; and

(b) NSP; and

(c) Consumer.

(2) These Rules (including the Harmonised Technical Rules) apply to a Vertically-Integrated Entity and its associates in respect of each of the businesses set out in rule 17(1).

(3) A Vertically-Integrated Registered NSP must not, in performing any NSP function under these Rules, unfairly discriminate —

(a) in favour of itself, its Associate or another Business, as compared to any competing Generator or Consumer; or

(b) against any such competing Generator or Consumer.

(4) Rule 17(3) does not limit a Covered NSP's obligations under the Access Code's ringfencing requirements.

18 If Network Service Provider comprises more than one person

(1) This rule applies if —

(a) more than one NSP (an **"NSP Group"**) owns, controls or operates a Network or part of a Network (including if different associates own, control or operate different parts of a Network which is operated as a single integrated Network); and

(b) under these Rules an NSP is required or allowed to do a thing.

(2) An NSP of the NSP Group (the **"Complying NSP"**) may do the thing on behalf of the other NSPs of the NSP Group if the Complying NSP has been given the requisite authority from all of the NSPs of the NSP Group to do that thing on behalf of the NSP Group.

(3) Unless the Regulations, these Rules or the Access Code provide otherwise —

(a) on the doing of a thing referred to in rule 18(2) by a Complying NSP, the NSPs of the NSP Group on whose behalf the Complying NSP does that thing, must each be taken to have done the thing done by the Complying NSP; and

(b) on the omission to do a thing referred to in rule 18(2) by a Complying NSP, the NSPs of the NSP Group on whose behalf the Complying NSP omits to do that thing, must each be taken to have omitted the thing omitted by the Complying NSP; and

(c) if a provision of these Rules refers to the NSP bearing any costs, the provision applies as if the provision referred to any NSP in the NSP Group bearing any costs.

19 If Controller or Network User comprises more than one person

If —

(a) more than one Controller (a **"Controller Group"**) owns, controls or operates a Facility's Equipment or part of a Facility's Equipment (including if different associates own, control or operate different Equipment which is operated as a single Facility); or

(b) the Network User under a Network Access Contract comprises more than one person (a **"Network User Group"**),

then rule 18 applies in respect of the Controller Group or Network User Group, with appropriate amendments including reading references to the **"Complying NSP"** as a Controller or Network User performing the equivalent role in respect of the Controller Group or Network User Group, as applicable.

20 Each Group may have only one registered representative

(1) There must be only a single Registered NSP for a Network or Network Element, and only a single Registered Controller for a Facility or CPC Facility, and only a single registered user in respect of a Network Access Contract.

(2) An NSP Group, Controller Group or Network User Group (**"Group"**) must —

(a) by notice to the ISO nominate a member of the Group to be registered; and

(b) ensure that the nominated person is in a position to receive and respond to directions; and

(c) to the extent applicable, and without limiting rule 20(2)(b), ensure that the nominated person is in a position to undertake, or to procure the undertaking of, any system operations activities required of the Group under these Rules (including in a System Operations Direction or other Direction) as Promptly as may be required;

{Example — For a Facility, rule 20(2)(c) will usually require that the person to be registered is the person with the ability to control the Facility's Dispatch in real time.}

and

(d) put in place adequate intra-Group arrangements to ensure that the Group complies with rules 20(2)(a), 20(2)(b) and 20(2)(c).

(3) The ISO may issue directions to a Group as necessary to ensure the Group complies with the requirements of this rule 20 to a GEIP standard.

Subchapter 1.5 – Excluded NWIS networks

21 How these Rules apply to Excluded Networks

(1) Unless the contrary intention is stated, a reference in these Rules (including the Harmonised Technical Rules) to a Network, does not include an Excluded Network.

(2) For the purposes of these Rules (including the Harmonised Technical Rules) an Excluded Network —

(a) unless rule 21(2)(b) applies — is to be treated as part of the Consumer Facility it supplies; and

(b) if the Excluded Network forms part of a CPC Facility which does not contain a Consumer Facility — as part of a Generation Facility which forms part of the CPC Facility.

22 Excluded Network must not jeopardise NWIS Security and Reliability

(1) In this rule 22, **"Interconnection Arrangements"** means a contract, arrangement or understanding between an Excluded NSP and the NSP of the NWIS Network with which the Excluded Network is Interconnected (**"Host NSP"**), governing operational matters concerning the Interconnector, the Excluded Network and the Consumer facilities it supplies.

(2) An Excluded NSP must —

(a) comply with any Interconnection Arrangements; and

(b) otherwise, operate the Excluded Network to a GEIP standard; and

(c) without limiting rule 22(2)(b), not do anything which might reasonably be expected to jeopardise Security or Reliability in the NWIS.

(3) An Excluded NSP must not cause or authorise the Controller of a Consumer Facility Connected to its Excluded Network to do anything inconsistent with rule 22(2).

(4) Without limiting, and subject to, any Interconnection Arrangements, an Excluded NSP must to a GEIP standard —

(a) confer with the Host NSP; and

(b) give the Host NSP advance warning which is reasonable in the circumstances,

before making or authorising any material change to the configuration of, or any material Augmentation to, the Excluded Network or a Consumer Facility it supplies.

(4A) If a CPC Facility Network is an Excluded Network, and the CPC Facility's Controller complies with rule 274K and the CPC Procedure in respect of a change to the CPC Facility Network, it is deemed to have complied with rule 22(4).

(5) The Host NSP must inform the ISO or a System Operations Participant of any technical or operational details of any Interconnection Arrangements or any consultations referred to in rule 22(4), to the extent reasonably necessary (to a GEIP standard) for the ISO, the System Operations Participant and the Host NSP to perform their functions under these Rules.

{Rule 305 ensures that the Host NSP can comply with this rule without breaching any confidentiality requirements in an Interconnection Agreement.}

23 Excluded Networks at Rules commencement

Each of the following Pilbara networks is an **"Excluded Network"**, until it ceases to be an Excluded Network under rule 25 —

(a) the Network owned and operated by or on behalf of BHP in Port Hedland, connecting to the Horizon Power Coastal Network and the Alinta Port Hedland Network and including (to the extent owned and operated by or on behalf of BHP) the Finucane Harbour, Nelson Point, PDC and Utah Point substations; and

(b) the Network owned and operated by or on behalf of The Pilbara Infrastructure Pty Ltd in Port Hedland, connecting to the Alinta Port Hedland Network and the Horizon Power Coastal Network and including (to the extent owned and operated by or on behalf of The Pilbara Infrastructure Pty Ltd) the Tiger substation; and

(c) the Network owned and operated by or on behalf of Roy Hill in Port Hedland, connecting to the Horizon Power Coastal Network and including (to the extent owned and operated by or on behalf of Roy Hill) the Roy Hill 171 substation.

24 Becoming an Excluded Network

(1) The ISO may, on application by the Network Service Provider of a Non-Covered NWIS Network, by notice published on the ISO's website, determine that the Network is an Excluded Network.

(2) Before making a determination under rule 24(1), the ISO —

(a) must consult with the Registered NSPs of any Interconnected networks, and undertake at least an Expedited Consultation Process; and

(b) may undertake such other studies and investigations as it considers appropriate.

(3) A notice under rule 24(1) takes effect from the time specified in the notice, until the ceases to be an Excluded Network under rule 25.

(4) The ISO cannot determine that a Network is an Excluded Network unless all of the following criteria are satisfied —

(a) it is used to Connect one or more Consumer facilities to the NWIS; and

(b) no Generation Facility of more than 10 MW is Connected to the Network; and

{The ISO may choose to disregard a temporary Generation Facility.}

(c) the ISO determines, having regard to the way the Network and its Connected facilities are or may be configured and operated, that the Network being designated as an Excluded Network could not credibly be expected to jeopardise Security, Reliability or the promotion of the Pilbara Electricity Objective in the NWIS.

(5) Rules 24(4)(a) and 24(4)(b) do not limit the grounds on which the ISO may determine that the criterion in rule 24(4)(c) is, or is not, satisfied.

25 Ceasing to be an Excluded Network

(1) A Network ceases to be an Excluded Network if it becomes a Covered Network.

(2) If at any time the ISO determines that any of the criteria in rule 24(4) is not satisfied in respect of an Excluded Network, then it may give the Excluded NSP a notice withdrawing the excluded status, which notice must —

(a) give the ISO's reasons for the determination; and

(b) specify a date on which the notice will take effect, which must be at least 12 months in the future.

(3) Before giving a notice under rule 25(2), the ISO must —

(a) consult with the Excluded NSP; and

(b) undertake at least an Expedited Consultation Process; and

(c) consider whether any exemptions under rules 57 {Rules exemptions} or 64 {HTR exemptions}, or a Rule Change Proposal, are appropriate in respect of the Network when it ceases to be an Excluded Network.

(4) If the ISO gives a notice under rule 25(2), then in the period before it takes effect, the ISO and the Excluded NSP are to collaborate in accordance with GEIP, and if necessary the ISO may give the NSP reasonable directions, in order to preserve Security and Reliability during that period.

(5) After a notice under rule 25(2) takes effect, the Network ceases to be an Excluded Network.

Subchapter 1.5A – CPC Facilities

{A "**CPC Facility**" is one which is governed by CPC Measures under Subchapter 9.3. This Subchapter sets out how these rules apply to the Network components of a CPC Facility.}

25A Definitions

In these rules "**CPC Facility Network**" refers to the Network components of a CPC Facility that connect the Facility's Equipment to each other and to the NWIS.

25B How these rules apply to CPC Facilities

(1) Except to the extent they provide otherwise, these rules (including the Harmonised Technical Rules) apply to and in respect of all Equipment in a CPC Facility.

{For example, these rules may provide otherwise by way of exemption or under Subchapter 9.3.}

(2) For the purposes of rule 25B(1), a CPC Facility is to be treated as each of, as applicable:

(a) a Consumer Facility; and

(b) a Generation Facility; and

(c) Storage Works; and

(d) subject to rule 25C and (if applicable) Subchapter 1.5, a Network.

25C CPC Facility Network is an Excluded Network

(1) A CPC Facility Network is an Excluded Network, until it ceases to be an Excluded Network under rule 25.

{The effect of rule 25C(1) is that the CPC Facility Network is not treated as a Network under these rules (see rule 21(1)).}

(2) For the purposes of applying rules 24 and 25 under rule 25C(1), rule 24(4)(b) does not apply.

Subchapter 1.6 – Covered non-NWIS Networks

26 Definitions

In this Subchapter 1.6 —

(a) **"Coverage Application Lodgement Date"** means the day on which the Coverage Application which resulted in the Relevant Network becoming Covered, was first lodged under the ENAC; and

(b) **"Coverage Time"** means the time the Relevant Network first becomes a Covered Network.

27 Harmonised Technical Rules apply

The Harmonised Technical Rules apply to and in respect of a Covered non-NWIS Network from the Coverage Time.

28 Legacy arrangements and exemptions

Rule 27 applies subject to Appendix 3 {HTR legacy arrangements} and any exemption granted under rule 64 {HTR exemptions}.

29 Other rules apply only to extent necessary to facilitate access

The balance of these Rules (that is, these Rules excluding the Harmonised Technical Rules) apply to and in respect of a Covered non-NWIS Network, but only to the extent reasonably necessary to facilitate access to the Covered non-NWIS Network.

30 ISO and others to minimise disruption

(1) This rule 30 applies in respect of rules (**"Relevant Rules"**) which apply to and in respect of a Covered non-NWIS Network under rules 27 and 29.

(2) The ISO and each other person given a function under the Relevant Rules must endeavour, when exercising the function, to minimise disruption to the business and operations of —

(a) the Covered non-NWIS Network's NSP; or

(b) any Network User or Controller who had rights in respect of the Covered non-NWIS Network at the Coverage Application Lodgement Date,

except to the extent the disruption is reasonably necessary for the purposes of facilitating access.

31 Procedure for non-NWIS networks

The ISO may Develop a Procedure, setting out any matters necessary or convenient to give effect to this Subchapter 1.6.

Chapter 2 – Governance

Subchapter 2.1 – Functions and powers

32 The ISO's Security function

(1) The ISO's Security function is to perform the function set out in section 120W(4)(a) of the Act.

{At the time these Rules were made, section 120W(4)(a) of the Act read —

"to maintain and improve system security in any inter-connected Pilbara system;".}

(2) If these Rules give another System Operations Participant a function in Connection with maintaining or improving Security, then —

(a) it is not a breach of the ISO's function under rule 32(1) if the ISO leaves it to the other System Operations Participant to perform the function, and does not itself seek to perform the function or supervise its performance; but

(b) it does not preclude the ISO from performing the function.

33 Other ISO functions

(1) In addition to those set out in the Act and Regulations and rule 32, the ISO has the following functions —

(a) to administer or participate in the exemption regimes for these Rules under Subchapter 3.1 and for the Metering Code and Customer Transfer Code under Subchapter 3.3, to participate in the exemption regime for the Harmonised Technical Rules under Subchapter 3.2, and to Maintain the register of exemptions under Subchapter 3.4; and

(b) to Develop and administer Procedures under Subchapter 3.6; and

(c) to administer the Protocol Framework under Subchapter 3.7; and

(d) to register entities and facilities, and receive, record and Publish information and Standing Data under Subchapter 4.1 and manage communications under Subchapter 4.2; and

(e) to manage the Visibility regime under Subchapter 4.3; and

(f) to create, Maintain, manage and operate the Power System Model under Subchapter 4.4; and

(g) to undertake the budgeting function and recover fees under Subchapter 4.5; and

(h) to determine Loss Factors under Subchapter 5.2; and

(i) to oversee the generation adequacy regime under Chapter 6; and

(j) to undertake system coordination and Outage scheduling under Subchapter 7.3 and Subchapter 7.4; and

(k) through the ISO Control Desk, to participate in system operations activities under Subchapter 7.5; and

(l) to undertake post-incident discussion and investigations under Subchapter 7.6 including in relation to matters referred under rule 84 {Referral of Protocol matters}; and

(m) to procure Essential System Services under Subchapter 8.1; and

(n) to undertake energy balancing under Subchapter 8.2 and settlement under Subchapter 8.3; and

(o) to develop and administer Constraint Rules under Subchapter 9.1; and

(p) to provide access and Connection services under Subchapter 9.2; and

(q) to undertake Network coordination and planning under Subchapter 10.1 and Subchapter 10.2; and

(r) to Publish information under Subchapter 11.1 and request information under Subchapter 11.3; and

(s) to undertake rule compliance monitoring and enforcement under Subchapter 12.1; and

(t) to develop Rule Change and Procedure Change Proposals, and participate in the Rule Change and Procedure Change Process, under Appendix 2; and

(u) any other function given under the Act, Regulations, these Rules or the Access Code.

(2) The paragraphs of rule 33(1) do not limit each other or the application of rules other than those named, and nothing in rule 33(1) limits any function conferred on the ISO under the Act, the Regulations, these Rules or the Access Code.

34 ISO powers

The ISO has all the powers it needs to perform its functions under the Act or any other written law.

35 ISO not responsible for Dispatch generally

(1) The ISO is not required to manage Dispatch of facilities.

(2) Rule 35(1) does not limit the ISO’s function of giving directions under these Rules in Connection with Dispatch.

36 NSP functions

It is a function of an NSP to perform its obligations and exercise its rights under the Act, Regulations, these Rules or the Access Code, including —

(a) operating and maintaining its Network in accordance with these Rules; and

(b) performing, in accordance with these Rules, any function Delegated to it by the ISO; and

(c) communicating and collaborating with other Rules Participants in accordance with these Rules; and

(d) performing the NSP's functions and exercising its rights under an Access Contract or an Arbitrator's Determination.

37 Authority functions

The Authority has the functions it is given under given under the Act, Regulations, these Rules or the Access Code.

38 Coordinator functions

The Coordinator has the functions —

(a) set out in clause A2.2D in Appendix 2 {Rule and Procedure change}; and

(b) it is otherwise given under given under the Act, Regulations, these Rules or the Access Code.

Subchapter 2.2 – Delegation by the ISO

{Outline — This Subchapter 2.2 contains important provisions enabling the ISO to Delegate the performance of its functions (rules 39 to 42), and enabling the Delegate to subdelegate in certain circumstances (rule 44). These provisions apply generally to all of the ISO's functions, but can also be used under rule 45 in respect of the ISO's Real-Time Function.}

39 ISO may delegate performance of a function

(1) The ISO may by written notice (**"Instrument of Delegation"**) from time to time Delegate performance of a function (a **"Delegated Function"**) to an NSP or other Entity (a **"Delegate"**), in accordance with this rule 39.

(2) The Instrument of Delegation —

(a) must be in writing; and

(b) must identify —

(i) the Delegate; and

(ii) the Delegated Function; and

(iii) if applicable, the part or parts of the Power System in respect of which the Delegate is to perform the Delegated Function (the **"Delegated Area"**);

and

(c) may impose conditions on the Delegation; and

(d) may require the Delegate to give a minimum notice period before the Delegate may terminate or Withdraw from a Delegation;

{Rule 39(2)(d) ensures that the ISO has time to make alternative arrangements.}

and

(e) subject to any conditions in the Instrument of Delegation, may be amended, revoked or replaced by written notice from the ISO to the Delegate given at any time; and

(f) must make provision for the acceptance or refusal by the Delegate of the Delegation.

(3) A Delegation is not effective unless the Delegate accepts the Instrument of Delegation in writing.

{A Delegation cannot be involuntary.}

(4) The ISO may appoint more than one Delegate at the same time in respect of a Delegated Function or in respect of different Delegated Functions, and in respect of the same Delegated Area or different Delegated Areas.

{Example — The ISO may Delegate a function to more than one NSP, allocating responsibility for performing that function to each NSP in respect of the NSP's own Network.}

(5) The ISO must Publish on the ISO Website the name and Delegated Area of each Delegate.

40 ISO may Direct Delegate

(1) The ISO may Direct a Delegate in the performance of a Delegated Function.

(2) The Instrument of Delegation may limit the ISO's power of Direction under rule 40(1), but must not purport to limit the ISO's powers under rules 189 {Emergency directions} or 191 {Unsafe Equipment}.

41 Delegate's duties

Subject to these Rules and the Instrument of Delegation, a Delegate must —

(a) perform the Delegated Function in respect of the Delegated Area; and

(b) comply with these Rules; and

(c) comply with any conditions in the Instrument of Delegation, and any Direction by the ISO.

42 ISO's responsibility when choosing and monitoring Delegate

(1) The ISO must exercise due diligence in selecting a Delegate.

(2) The ISO must from time to time take reasonable steps (having regard to the nature of the Delegated task and the pool of available Delegates) to —

(a) to monitor a Delegate's performance of the function; and

(b) to prevent a recurrence of any unsatisfactory performance.

(3) The ISO will be taken to have duly discharged its responsibilities under this rule 42 unless the contrary is proved.

43 Delegation – general provisions

(1) A Delegated Function or power that is duly exercised by the Delegate is taken to have been exercised by the ISO.

(2) A Delegated Function or power that purports to have been exercised by the Delegate is taken to have been duly exercised by the Delegate unless the contrary is shown.

(3) The deeming in rule 43(2) does not apply to prevent the ISO from enforcing these Rules or the Instrument of Delegation or taking steps under rule 42(2)(b).

(4) The ISO's Delegation of performance of a function, does not preclude the ISO from performing the function at any time.

(5) Where under the Act the ISO's performance of a function depends on its opinion, belief, or state of mind in relation to a matter, a Delegate may perform the function upon the Delegate's opinion, belief, or state of mind in relation to the matter.

(6) A Delegation may be made to —

(a) a specified Entity or to entities of a specified class; or

(b) the holder or holders for the time being of a specified office or class of office, in which case the Delegation will continue in effect if there is a change in the person lawfully holding, acting in or performing the functions of the office.

(7) A Delegation of a power under these Rules includes the Delegation of any duty incidental to or Connected with the power, and a Delegation of a duty under these Rules includes the Delegation of any power incidental to or Connected with the duty.

(8) Where under the Act something must be done to, by reference to or in relation to the ISO, and the ISO has Delegated performance of a function in Connection with the thing, the thing may be done to, by reference to or in relation to the Delegate.

44 Delegate may be permitted to sub-delegate

(1) An Instrument of Delegation (**"Original Instrument"**) may authorise a Delegate (but not a Sub-Delegate) to Sub-Delegate all or part of a Delegated Function, in which case —

(a) the Original Instrument may impose conditions on the power to Sub-Delegate; and

(b) unless the Original Instrument provides otherwise, the Delegate must Promptly notify the ISO with full details of the sub-Delegation; and

(c) the sub-Delegated Function cannot exceed the scope or Delegated Area of the Delegated Function and is subject to at least the same conditions as the Delegated Function; and

(d) subject to rules 44(1)(a) and 44(1)(c), rules 39(2), 41, 42 and 43 apply with appropriate amendments in respect of the sub-Delegation and the Sub-Delegate, which amendments include reading references to the ISO as references to the original Delegate, and references to the Delegate as references to the Sub-Delegate.

(2) If a sub-Delegation occurs, then —

(a) rule 42 applies to the ISO in respect of both the original Delegate and the Sub-Delegate; but

(b) regard must be had to the desirability of maximising the efficiency and workability of the combined Delegation and sub-Delegation arrangements.

{Example — It may be that the ISO can achieve "reasonable" monitoring of the Sub-Delegate by way of appropriate controls on, or questioning of, the intermediary Delegate, avoiding the need for Direct oversight of the Sub-Delegate (which may be less efficient or workable).}

(3) The ISO may at any time, after considering the commercial and operational implications of doing so, by notice to the original Delegate, Direct it to terminate a sub-Delegation.

Subchapter 2.3 – ISO Control Desk and Incident Coordinator

45 ISO may Delegate its Real-Time Functions to Horizon Power

For the NWIS, the ISO may under rule 39 Delegate all its Real-Time Functions to Horizon Power.

{Rule 125 deals with Horizon Power's cost recovery for this function. The Instrument of Delegation will deal with payment of these amounts, and also matters such as communications between Horizon Power and the ISO, and Horizon's obligations to follow ISO policies and Procedures.}

46 ISO Control Desk – Identity

In these Rules, **"ISO Control Desk"** means —

(a) if the ISO has under rule 45 Delegated the its Real-Time Functions to Horizon Power — Horizon Power acting as the ISO's Delegate, and performing the Real-Time Functions on a 24/7 Basis; and

(b) otherwise — the ISO acting on its own behalf, performing the Real-Time Functions itself on a 24/7 Basis.

47 ISO Control Desk – Functions

The ISO Control Desk's function is to achieve the System Security Objective by performing, on a 24/7 Basis —

(a) the functions set out in rules 185(2) {Actions in Normal Operating Conditions}, 186(1) {Pre-contingent actions} and 187(1) {Actions outside Normal Operating Conditions}; and

(b) if a Protocol is active — the function of Incident Coordinator.

48 Incident coordinator – Identity and functions

While a Protocol is active, the ISO Control Desk takes on the **"Incident Coordinator"** function, namely managing the incident in accordance with the Protocol, including issuing system operations directions to the extent the Protocol permits, with a view to achieving the System Security Objective.

Subchapter 2.4 – Relationship between ISO and Registered NSPs

49 When the Registered NSP <u>may</u> consult with the ISO

A Registered NSP may consult with the ISO at any time, including on —

(a) any matter relating to the safety, Security or Reliability of the Power System; and

(b) the Registered NSP's performance of a function under these Rules (including the Harmonised Technical Rules).

50 When the Registered NSP must consult with the ISO

A Registered NSP must consult with the ISO in Connection with its performance of a function under these Rules (including the Harmonised Technical Rules) —

(a) whenever required under the Procedure referred to in rule 53; and

(b) whenever the ISO reasonably directs it.

51 Position of other parties, when ISO consulted on a matter

If the Registered NSP elects under rule 49, or is required under rule 50, to consult with the ISO in respect of a matter, then any reference in these Rules or the Access Code to a Rules Participant providing information to, or receiving information from, or conferring with, the Registered NSP, includes the same in respect of the ISO.

52 Registered NSP remains responsible for performing its functions

Nothing in rules 49, 50 or 114 {ISO to model and consult} relieves a Registered NSP of its responsibility to perform a function under these Rules.

53 ISO may Develop a Procedure to govern cooperation

(1) The ISO may, in consultation with the Registered NSPs, Develop a Procedure for the purposes of this Subchapter 2.4.

(2) The Procedure may require a Registered NSP to consult with the ISO regarding the Registered NSP's performance of a function, if the manner, timing or content of the performance —

(a) might reasonably be expected to affect, or be relevant to, the maintenance and improvement of Security or Reliability in Covered Networks; or

(b) might reasonably be expected to relevant to the ISO's and ISO Control Desk's performance of functions under these Rules.

{Examples — The Procedure may require consultation on matters such as —

- making a determination, for example determining a value, setting or parameter;
- approving or agreeing something, for example regarding Connection, disconnection or Equipment design, configuration or settings;
- planning or undertaking testing, modelling or analysis.}

{Example — The Procedure may set thresholds for Network and Facility modifications and Augmentations, below which the NSP has a discretion whether to seek Power System Modelling from the ISO, but above which the NSP must do so.}

(3) Rule 53(2) does not limit the circumstances in which the Procedure may require a Registered NSP to consult.

(4) The Procedure must be consistent with rule 5 {Integrated mining systems}.

Subchapter 2.5 – Emergency powers

{Emergency operational powers appear in rules 189 and 190.}

54 Definition of "Emergency Provisions"

In this Subchapter 2.5, **"Emergency Provisions"** means the provisions of the *Emergency Management Act 2005*, the *Energy Operators (Powers) Act 1979* or any other legislation which deal with emergencies or create emergency powers.

55 Emergency powers preserved

(1) If a person has emergency powers under the Emergency Provisions, then the person's functions and powers under these Rules (including rule 56) are in addition to, and do not limit, those emergency powers.

(2) If there is a conflict or inconsistency between a person's powers and functions under these Rules and the person's powers and functions under those Emergency Provisions, it is to be resolved —

(a) in accordance with the Emergency Provisions; and

(b) otherwise, as the person considers fit in the circumstances.

56 Minister may suspend rules in an emergency

(1) If in the exercise of emergency powers under the Emergency Provisions the Minister (or a person authorised to act on the Minister's behalf) requests the ISO or any other person (**"Requestee"**) to suspend the operation of all or any of these Rules (other than this rule 56), then the Requestee may do so.

(2) The Requestee must lift the suspension as soon as practicable after the Minister or authorised person requests it to do so.

(3) The Requestee must Promptly notify the ISO, who in turn must notify Rules Participants, of any suspension or lifting of a suspension.

Chapter 3 – Instruments

Subchapter 3.1 – Exemptions from these Rules

57 ISO may grant an exemption from these Rules

(1) A person (in this rule 57, the **"Applicant"**) may apply to the ISO for an exemption from one or more requirements of these Rules.

(2) A proposed exemption may be expressed —

(a) to apply to specified person, persons or class of persons, in respect of a specified Network, networks or class of networks; and

(b) to apply for a specified period or indefinitely, including to give a person time to comply with a rule; and

(c) to be unconditional, or to be subject to conditions; and

(d) apply to one or more persons.

(3) If the Applicant is not a Registered NSP, the ISO must give a copy of the application to, and must consult with, each Registered NSP in the Power System.

(4) The ISO must as soon as practicable determine an application under rule 57(1) having regard to the effect the proposed exemption, if granted, will or might have on Security, Reliability, the operation and objectives of these Rules (including the System Security Objective and the objectives of Chapters and Subchapters), and the Pilbara Electricity Objective.

(5) The ISO —

(a) if all Registered NSPs support the application — may refer; and

(b) if any Registered NSP does not support the application — must refer,

an application under rule 57(1) to the Pilbara Advisory Committee and request the Pilbara Advisory Committee's advice on the application and must have regard to the Pilbara Advisory Committee's advice in making its determination under rule 57(4).

(6) The ISO must consult regarding the exemption using at least the Expedited Consultation Process.

(7) The ISO must notify the Applicant of, and (after first complying with Subchapter 11.2 {Confidential information}) Publish, its determination under rule 57(4) within 2 Business Days after making the determination.

(8) If an exemption is granted subject to a condition, an exempted person must comply with the condition.

(9) A person may apply to the ISO, or the ISO may in its own discretion propose, for an exemption granted under rule 57(4) to be modified or revoked and the ISO must consider the application or proposal and within a reasonable time advise the person of the ISO's determination in relation to the application or proposal. This rule 57 applies with appropriate modifications to the ISO's determination under this rule 57(9).

Subchapter 3.2 – Harmonised Technical Rules

58 Objectives for Harmonised Technical Rules

The objectives of Harmonised Technical Rules are that they —

(a) are reasonable; and

(b) do not impose inappropriate barriers to entry to the electricity Network; and

(c) are consistent with good electricity industry practice; and

(d) facilitate coordination between System Operations Participants with a view to maintaining and improving Security and Reliability; and

(e) are consistent with relevant Written Laws and Statutory Instruments.

59 Harmonised Technical Rules apply

Appendix 5 has effect.

60 Disputes under Harmonised Technical Rules

(1) A matter arising under or in Connection with the Harmonised Technical Rules (including under rule 64, and including in respect of a Registered NSP's exercise of a discretion or judgment) may be the subject of a Rules Dispute or, if it arises in Connection with an Access Application, an Access Dispute.

(2) If the Harmonised Technical Rules provide for a matter to be agreed between the Registered NSP and a person, and specify a default position which applies absent agreement, then if the parties fail to agree, the person may elect to accept the default position, or, if it wishes to seek a different outcome, may elect for the matter to be dealt with by way of a Rules Dispute or, if it arises in Connection with an Access Application, an Access Dispute.

61 Legacy arrangements for Harmonised Technical Rules

Appendix 3 has effect.

62 Recovering HTR compliance upgrade costs after certain involuntary changes of Network Class

(1) In this rule 62 —

(a) **“Change in Class”** means a Network changing from one Class to another Class for the purposes of rule 4; and

(b) **“Transitioning Network”** means a Network which is undergoing a Change in Class, and **“Transitioning NSP”** means the NSP of that Network; and

(c) **“Transitioning Facility”** means a Facility which is Connected to a Transitioning Network, and **“Transitioning Controller”** means the Controller of that Facility.

(2) In this rule 62, a **“Compensable Change in HTR Application”** means the Harmonised Technical Rules starting to apply, or starting to apply more extensively, to a Transitioning Network or a Transitioning Facility, as a result of —

(a) the Transitioning Network becoming Covered as a result of a Coverage Application lodged by a person (**“Causer”**);

{Under rule 4, this will involve the Network changing from Class 1B, 1C or 1D to Class 1A; or from Class 3 to Class 2.}

or

(b) if the Transitioning Network was already Covered — the Transitioning Network becoming Interconnected with a NWIS Network, but only if that Interconnection arose from an Access Application lodged with the Transitioning NSP by a person (**“Causer”**).

{Under rule 4, this will involve the Network changing from Class 2 to Class 1A.}

{This rule 62 does not apply to any other Change in Class, including if it results from —

- the Transitioning NSP or its Associate applying to Connect the Transitioning Network to a Covered Network;
- the Transitioning NSP or its Associate electing to Connect, or to permit the Connection of, a NWIS Network to the Transitioning Network in circumstances other than those set out in rule 62(2)(b);
- the Transitioning Controller or its Associate electing to Connect, or to permit the Connection of, the Transitioning Facility to the NWIS or to a Covered Network; or
- any other cause attributable to voluntary choices made by the Transitioning Controller or Transitioning NSP, as applicable.}

(3) In this rule 62 —

(a) **“Compensable Upgrade Work”** means work required in accordance with GEIP to make a Transitioning Network or Transitioning Facility compliant with the Harmonised Technical Rules, to the extent that that work is attributable to a Compensable Change in HTR Application; and

(b) **“Compensable Upgrade Costs”** means —

(i) for a Transitioning Controller — the costs it incurs as a result of undertaking Compensable Upgrade Work, subject to the limit set by rule 62(4); and

(ii) for a Transitioning NSP —

(A) the costs it incurs as a result of undertaking Compensable Upgrade Work, subject to the limit set by rule 62(4),

minus —

(B) all such costs which can appropriately be included in the NSP's "total costs" under the Access Code.

(4) The costs referred to in rules 62(3)(b)(i) and 62(3)(b)(ii)(A) must not exceed what would have been incurred by a prudent operator, acting efficiently in accordance with GEIP, to achieve the lowest sustainable cost of undertaking the work, including by seeking all appropriate exemptions to avoid the need for the upgrade work.

(5) A Transitioning NSP or Transitioning Controller may recover Compensable Upgrade Costs from the Causer, as a debt.

(6) A person who is likely to be a Transitioning NSP or a Transitioning Controller, must cooperate with the ISO and with a person who is likely to be a Causer, and provide such reasonable information as is necessary to a GEIP standard, to Enable the likely Causer to assess the scale of its likely exposure under this rule 62.

63 Recovering HTR compliance upgrade costs after certain involuntary withdrawals of Legacy Rights

(1) This rule 63 applies where —

(a) a Network (**"Transitioning Network"**) is Covered; and

(b) before the event referred to in rule 63(1)(c), the Network, or a Facility Connected to the Network (**"Transitioning Facility"**), was exempted from compliance with the Harmonised Technical Rules by clause A3.4 of Appendix 3; and

(c) clause A3.4 or Appendix 3 ceases to apply in respect of the Facility or Network due to the operation of clause A3.13(b) in Appendix 3, as a result of a person (**"Causer"**) connecting a Facility to the Transitioning Network under the Access Code at some date in the 20 years following the HTR Application Date for the Transitioning Network.

{This rule 63 only provides for recovery of costs where there is an identifiable triggering Connection Applicant. However, if there is one, this rule does not investigate whether there may also be other causes for the Loss of Legacy Rights Event, e.g. Load growth or configuration changes in the Transitioning Network which occurred after the HTR Application Date but before this triggering event.}

(2) In this rule 63 —

(a) a **"Loss of Legacy Rights Event"** means the event referred to in rule 63(1)(c); and

(b) **"Transitioning NSP"** means the NSP of the Transitioning Network; and

(c) **"Transitioning Controller"** means the Controller of the Transitioning Facility.

(3) In this rule 63 —

(a) **"Compensable Upgrade Work"** means work required in accordance with GEIP to make a Transitioning Network or Transitioning Facility compliant with the Harmonised Technical Rules, to the extent that that work is triggered by a Loss of Legacy Rights Event; and

(b) **"Compensable Upgrade Costs"** means —

(i) for a Transitioning Controller — the costs it incurs as a result of undertaking Compensable Upgrade Work, subject to the limit set by rule 63(4); and

(ii) for a Transitioning NSP —

(A) the costs it incurs as a result of undertaking Compensable Upgrade Work, subject to the limit set by rule 63(4),

minus —

(B) all such costs which can appropriately be included in the NSP's "total costs" under the Access Code;

and

(c) the **"Recoverable Proportion"** of Compensable Upgrade Costs is determined based on when the Loss of Legacy Rights Event occurs, as follows —

(i) if the Loss of Legacy Rights Event occurs the first 10 years after the HTR Application Date — 100% of the costs may be recovered; and

(ii) if it occurs in years 11 to 19 after the HTR Application Date — a percentage of the costs may be recovered, starting with 90% in year 11, and decreasing in steps of 10% for each subsequent year, with no interpolation within a year;

{Example — The mechanism in rule 63(3)(c)(ii) will have the Causer pay 90% in year 11, 80% in year 12, 50% in year 15, 10% in year 19 and (under rule 63(3)(c)(iii)) 0% in years 20 and thereafter. No interpolation means that in a given year, the same percentage applies on the 1st day of the year, and on the 365th day of the year.}

and

(iii) if it occurs 20 years or more after the HTR Application Date — none of the costs may be recovered.

(4) The costs referred to in rules 63(3)(b)(i) and 63(3)(b)(ii)(A) must not exceed what would have been incurred by a prudent operator, acting efficiently in accordance with GEIP, to achieve the lowest sustainable cost of undertaking the work, including by seeking all appropriate exemptions to avoid the need for the upgrade work.

(5) A Transitioning NSP or Transitioning Controller may recover the Recoverable Proportion of its Compensable Upgrade Costs from the Causer, as a debt.

(6) A person who is likely to be a Transitioning NSP or a Transitioning Controller, must cooperate with the ISO and with a person who is likely to be a Causer, and provide

such reasonable information as is necessary to a GEIP standard, to Enable the likely Causer to assess the scale of its likely exposure under this rule 63.

64 NSP may grant an exemption from the Harmonised Technical Rules

(1) A Network User, Access Applicant or Controller (in this rule 64, the **"Applicant"**) may apply to a Registered NSP for an exemption from one or more requirements of the Harmonised Technical Rules.

(2) An application for an exemption must include reasonable supporting information.

(3) A Vertically-Integrated NSP cannot grant an exemption to itself as a Generator or Consumer, without the ISO's prior approval.

(4) If —

(a) the application relates to a Facility with a capacity in excess of 10 MVA (generation or Load); or

(b) the Registered NSP acting reasonably in accordance with GEIP considers that an exemption may credibly adversely impact Security, Reliability or the Pilbara Electricity Objective,

then —

(c) the Registered NSP must consult with the ISO regarding the proposed exemption; and

(d) the Registered NSP must consult regarding the exemption using at least the Expedited Consultation Process,

before making a determination under rule 64(7).

(5) It is not a breach of these Rules if a Registered NSP in good faith determines that an exemption will not, or is unlikely to, impact Security, Reliability or the Pilbara Electricity Objective, and that determination later proves to have been incorrect.

(6) When consulted under rule 64(4)(c), the ISO must as soon as practicable, and in any event within 4 weeks of the consultation commencing, determine, and advise the Registered NSP —

(a) whether the exemption is or is not likely to cause or contribute to any adverse impact on Security, Reliability or the Pilbara Electricity Objective; and

(b) whether the exemption is or is not consistent with the constrained access regime in Subchapter 9.1; and

(c) of any conditions the ISO recommends be placed on the exemption.

(7) The Registered NSP must as soon as practicable, and in any event within 4 weeks after receiving the ISO's advice, determine the application —

(a) to a GEIP standard; and

(b) having regard to the ISO's advice if applicable; and

(c) having regard to the effect the proposed exemption will, if granted, have on the Registered NSPs and Network Users of its Network and any Network in the Power System,

and must grant the exemption if it determines that in all the circumstances the disadvantages of requiring the Applicant to comply with the requirement are likely to exceed the advantages.

(8) An exemption under this rule 64 —

(a) may be granted for a specified period or indefinitely; and

(b) may be transitional in nature and may include provisions allowing a person time to comply with the Harmonised Technical Rules; and

(c) may be unconditional, or may be subject to any reasonable conditions the Registered NSP considers fit, in which case the person granted the exemption must comply with the conditions.

(9) A Registered NSP must notify the Applicant of its determination under rule 64(7) within 2 Business Days after making it.

(10) Any person may apply to a Registered NSP, or the Registered NSP may in its own discretion propose, for an exemption granted to a person under rule 64(7) to be varied or revoked, and —

(a) if the exempt person agrees to a revocation of the exemption — the Registered NSP may revoke the exemption and must Publish notice of the revocation; and

(b) otherwise — the Registered NSP must consider the application or proposal under rule 64(11).

(11) This rule 191 applies with appropriate modifications to an application or proposal under rule 64(10).

(12) The ISO may at any time in its own discretion propose a variation or amendment to an exemption granted under rule 64(7), in which case rule 64(10) applies and the Registered NSP must consult with the ISO under rule 64(4)(c), whether or not either of the tests in rules 64(4)(a) or 64(4)(b) is satisfied.

(13) A Registered NSP must provide to the ISO a notice giving details of any grant, revocation or variation of an exemption under this rule 64, and if the Network is Covered the ISO must Publish —

(a) the notice; and

(b) the ISO's advice under rule 64(6) (after first complying with Subchapter 11.2 {Confidential Information}).

(14) If the Registered NSP's determination to grant an exemption, or regarding the conditions on the exemption, is inconsistent with the ISO's advice, the notice and the published information must (subject to Subchapter 11.2 { Confidential Information}) include the Registered NSP's reasons for not complying with the ISO's advice.

Subchapter 3.3 – Metering Code and Customer Transfer Code

65 Definition of "Relevant Code"

In this Subchapter 3.3, **"Relevant Code"** means the Metering Code or the Customer Transfer Code.

66 Metering Code applies to Covered Networks

Subject to rules 68 and 69, the Metering Code applies to a Covered Pilbara Network, and the Covered NSP (and, as applicable, other persons) must comply with it.

67 Customer Transfer Code applies to Covered Networks

Subject to rules 68 and 69, the Customer Transfer Code applies to a Covered Pilbara Network, and the Covered NSP (and, as applicable, other persons) must comply with it.

68 Exemptions from Metering Code and Customer Transfer Code – NSPs

(1) The ISO may grant an NSP an exemption from one or more requirements of a Relevant Code if the ISO is satisfied that —

(a) there is a reasonable prospect that the cost or burden of compliance with the requirement may outweigh the benefits; and

(b) for the exemption's duration, the NSP will have in place alternative arrangements which deal to a GEIP standard with the relevant matter or matters.

(2) An exemption under this rule 68 cannot —

(a) reduce or hinder a protection or benefit given directly or indirectly to a small-use customer (as defined in the Act) by a Relevant Code;

{A requested exemption which might have an effect described in rule 68(2)(a), would need to be progressed as a Rule Change Proposal instead.}

or

(b) prevent or hinder a contestable customer's ability to change electricity retailers.

(3) An exemption under this rule 68 may be given with or without conditions, for a specified period or indefinitely, and may be amended or withdrawn at any time on reasonable notice. This rule 68 applies with appropriate modifications to any such amendment or withdrawal.

(4) The ISO must undertake at least an Expedited Consultation Process in respect of a proposed exemption under this rule 68.

(5) The ISO must Publish an exemption under this rule 68.

(6) A person may apply to the Authority to have an exemption under this rule 68 reviewed, in which case —

(a) the Authority may decide to undertake a review of the exemption; and

(b) if the Authority undertakes such a review —

(i) it must follow at least the Expedited Consultation Process; and

(ii) it must give to the ISO, and Publish, a report which recommends (with reasons) that the exemption be either retained, modified or removed.

(7) On receipt of the Authority's report under rule 68(6)(b)(ii), the ISO must consider whether to retain, amend or remove the exemption, and must Publish the ISO's determination (with reasons) in response to the report.

69 Exemptions from Metering Code and Customer Transfer Code – Other persons

(1) The ISO may grant a person an exemption from one or more requirements of a Relevant Code if —

(a) the person is required by a licence condition or a Relevant Code to comply with the Relevant Code; and

(b) the ISO is satisfied that —

(i) there is a reasonable prospect that the cost or burden of compliance with the requirement may outweigh the benefits; and

(ii) for the exemption's duration, the person will have in place alternative arrangements which deal to a GEIP standard with the relevant matter or matters.

(2) Rules 68(2)(b) to 68(7) apply with appropriate modifications to an exemption under rule 69(1).

70 Applying the Metering Code or Customer Transfer Code to a Covered Network when there are exemptions in place

If, for a Covered Network —

(a) a Relevant Code requires the Network operator or another person to do, comply with or have in place a thing (for example, Publish a form); and

(b) the Network operator or other person has been granted an exemption under this Subchapter 3.2 from that requirement,

then —

(c) a reference in the Relevant Code to the thing is to be read as including a reference to whatever alternative arrangement the Network operator or other person does, complies with or has in place under the exemption, in respect of the thing;

{Example — If the Network operator has been exempted from the Customer Transfer Code's requirement to Publish a request for Standing Data form, then a reference in that Code to the request for Standing Data form includes a reference to whatever alternative arrangement the Network operator has in place under the exemption, for retailers to request Standing Data.}

and

(d) the other provisions of the Relevant Code are to be read with appropriate amendments to accommodate the reading in rule 70(c).

Subchapter 3.4 – Register of exemptions

71 ISO to Maintain a register of exemptions

The ISO is to Maintain on the ISO Website a register of all exemptions granted, and all information published, under Subchapter 3.1, Subchapter 3.2 and Subchapter 3.3.

Subchapter 3.5 – Network Planning Criteria

{Section 2.5 of the Harmonised Technical Rules requires an NSP to Publish its Network Planning Criteria.}

72 Network Planning Criteria interactions

(1) In these Rules, **"Planning Criteria Interaction"** describes a situation in which the Network Planning Criteria of one Network, either on their own or in interaction with the Network Planning Criteria of one or more other networks, might credibly adversely impact Security or Reliability for an NSP, user or Controller in any other Network in the Power System.

(2) The ISO must review Registered NSPs' Network Planning Criteria, to identify any Credible present or future Planning Criteria Interactions, and inform all Registered NSPs of its findings in sufficient detail to allow them to perform their functions under these Rules including in Connection with rules 79(1)(d)(iii), 79(1)(d)(iv) and 254(4)(d).

{Rules 79(1)(d)(iii) and 79(1)(d)(iv) deal with how the Protocol Framework may deal with Planning Criteria Interactions, and rule 254(4)(d) permits a Covered NSP's Limit Advice to take into account Planning Criteria Interactions.}

(3) The review under rule 72(2) may be undertaken at any time, but must be undertaken as soon as practicable after the Rules Commencement Date, and thereafter as soon as practicable after a Registered NSP gives the ISO updated Network Planning Criteria under rule 2.5 of the Harmonised Technical Rules.

(4) Following a review under rule 72(2), the ISO, in consultation with affected System Operations Participants, is to determine how to manage any Planning Criteria Interactions identified in the review in order to achieve the System Security Objective, including —

(a) whether a Protocol under rule 79(1)(d)(iii) is needed, or needs revision; and

(b) whether Pre-Contingent Actions may be needed, including whether a Pre-Contingent Protocol is needed, or needs revision; and

(c) whether any changes in ESS procurement are needed under Chapter 8; and

(d) what other operational measures or practices may be needed from or between System Operations Participants.

(5) In making a determination under rule 72(4), the ISO must take into account, and to the extent practicable must endeavour to give effect to, any agreement between two or more NSPs as to how to manage any Planning Criteria Interaction.

(6) An obligation in these Rules to restore, or to seek to restore, the Power System to a Secure State as soon as practicable, or similar, is to be construed having regard to what is possible given the design and configuration of the Power System at the time.

{Example — If a Transmission Element temporarily has no redundancy due to a planned or unplanned Outage elsewhere in the Power System, then it will not be possible to achieve the ride-through requirement in rule 164(b) for a Contingency which includes the loss of that Transmission Element, until the temporary lack of redundancy is remedied.}

Subchapter 3.6 – Procedures

73 Procedures – Naming and structure

(1) A person required by these Rules to deal with a matter in a Procedure may —

(a) adopt such names and structures for Procedures; and

(b) divide or combine, or create new, Procedures; and

(c) distribute matters between Procedures,

as it sees fit from time to time, provided it follows the Procedure Change Process in Appendix 2.

(2) The names given to Procedures in these Rules are for ease of reference only, and do not limit a person’s discretion under rule 73(1).

74 Procedures – Developing, maintaining and publishing

(1) If these Rules provide for a person to **“Develop”** (or other similar expression) a Procedure, then unless these Rules provide otherwise, the person —

(a) subject to rule 74(2), must Develop and make the Procedure in accordance with the Procedure Change Process in Appendix 2; and

(b) must as necessary to keep the Procedure up to date, fit for purpose and consistent with GEIP submit Procedure Change Proposals under Appendix 2; and

(c) may at any other time submit a Procedure Change Proposal under Appendix 2; and

(d) must Publish each version of the Procedure.

(2) For a Procedure which is to take effect at the commencement of these Rules, the person must undertake reasonable consultation with affected persons when Developing the Procedure, and may then with the Minister's consent make the Procedure.

75 Procedures – Content

(1) A Procedure must set out any matters specifically required by these Rules.

(2) A Procedure may include —

(a) processes, standards, methodologies, classifications, guidelines; and

(b) obligations of persons under the Procedure; and

(c) approval and exemption requirements; and

(d) requirements for the provision, use, retention, deletion and disclosure of information; and

(e) requirements for consultation or communication; and

(f) timing of any actions or other obligations or requirements; and

(g) information on interaction with any other Procedures.

(3) Rule 75(2) does not limit the things a Procedure may include.

(4) A Procedure must not contain anything which is inconsistent with these Rules, the Regulations, the Act or the Pilbara Electricity Objective.

Subchapter 3.7 – The Protocol Framework and protocols

{Together with the system coordination meetings in Subchapter 7.3, this Subchapter 3.7 operationalises a critical element in the informal and collaborative model implemented by these Rules for the Pilbara.

At the heart of the model is the Protocol Framework created under rule 77, which establishes a suite of protocols which will govern how the ISO Control Desk and Registered NSPs, and on occasion registered controllers, respond to system incidents.

Each Protocol will set out the System Operations Participants' roles, powers and responsibilities, to cooperate and coordinate with each other, to Maintain and restore Security and Reliability in the Power System.

Each Protocol also activates the Incident Coordinator, which equips the ISO Control Desk with a power to issue system operations directions to manage the incident and restore Security and Reliability.}

76 Objective of this Subchapter 3.7

(1) This Subchapter 3.7's primary objective is to create a framework to assist the ISO Control Desk and Registered NSPs to manage their collective response to —

(a) contingencies and Islanding Events; and

(b) other situations in which the Power System is Outside the Technical Envelope or outside Normal Operating Conditions; and

(c) circumstances which call for a Pre-Contingent Action,

with a view to —

(d) maintaining the Power System Inside the Technical Envelope where practicable, and otherwise returning it to Inside the Technical Envelope Promptly; and

(e) maintaining the Power System in a Secure State where practicable, and otherwise returning it to a Secure State as soon as practicable.

(2) This Subchapter 3.7's secondary objective is to achieve the primary objective using a Protocol Framework and protocols which are as simple and informal as practicable.

{The explicit power in rule 84 to refer matters relating to this Subchapter 3.7 to post-incident discussion and investigation, is intended to allow the Protocol Framework and protocols to be kept simple and short, and evolve over time as experience proves necessary.}

77 ISO to prepare and Maintain Protocol Framework

(1) The ISO must, in consultation with (at least) Registered NSPs and registered controllers, Develop a Procedure (**"Protocol Framework"**) for the purposes of this Subchapter 3.7.

(2) The ISO must have regard to rule 5 when Developing the Protocol Framework.

(3) A Protocol cannot authorise the giving of a System Operations Direction to the Controller of the Pluto Facility, unless the Systems Operations Direction is a Pluto Permitted Direction {defined in rule 188A(1)}.

78 Protocol Framework to be a consensus document if possible

The ISO and Registered NSPs (and registered controllers to the extent they are referenced in the Protocol Framework) must endeavour in accordance with GEIP to reach a consensus on the Protocol Framework's content, but failing consensus the ISO may, subject to Appendix 2, determine that content.

79 Protocol Framework – Content

(1) The Protocol Framework must set out —

(a) a list of agreed Credible Contingencies, including Credible Islanding Events and the resulting Credible Islands; and

(b) a list of Credible Network Constraints; and

(c) any communications requirements necessary to implement the Protocol Framework; and

(d) at least the following protocols —

(i) a Protocol to deal with each listed Credible Contingency; and

{A single Protocol under rule 79(1)(d)(i) may deal with more than one Contingency.}

(ii) one or more protocols to deal with other contingencies, including Non-Credible contingencies, multiple contingencies and an emergency being declared under State legislation; and

(iii) if judged necessary under rule 72, a Protocol to deal with any Credible Planning Criteria Interactions identified under rule 72;

{Rule 72 considers the impact of the various NSPs' Network Planning Criteria on other networks in the Power System.}

and

(iv) unless the ISO and Registered NSPs agree otherwise, a Protocol (the **"Pre-Contingent Protocol"**) dealing with Pre-Contingent Threats.

{The list in rule 79(1)(d) is not closed — for example, System Operations Participants may decide that there should be a Protocol to deal with system restart, or the management of certain constraints.}

(2) Rule 79(1) does not limit the things a Protocol Framework may contain.

80 Protocols – Content

(1) Each Protocol must —

(a) be designed with a view to achieving the outcomes in rule 76(1)(d) and (e); and

(b) be consistent with the Harmonised Technical Rules, and take into account Equipment Limits and Security Limits; and

(c) be expressed at an appropriate level of detail having regard to the secondary objective in rule 76(2) and the circumstances in which the Protocol may be active.

(2) Unless the ISO and all Registered NSPs agree otherwise, a Protocol is to specify —

(a) the circumstances in which the Protocol may be activated (**"Activation Conditions"**); and

(b) the Incident Coordinator's functions, powers and responsibilities while the Protocol is active, including —

(i) any actions it must or may take; and

(ii) in the Pre-Contingent Protocol — subject to rule 80(4), any pre-contingent directions it may give; and

(iii) in any other Protocol — any system operations directions it may give;

and

(c) a Registered NSP's and, if necessary, a Registered Controller's functions, powers and responsibilities while the Protocol is active, including —

(i) any actions it must or may take; and

(ii) any system operations directions the Registered NSP may give;

and

(d) the cooperation, coordination and information required from each System Operations Participant, and

(e) the circumstances in which the Protocol is expected to be deactivated ("**Deactivation Conditions"**).

(3) A Protocol may, for the Incident Coordinator or a Registered NSP —

(a) limit the circumstances in which it may give a System Operations Direction; and

(b) specify circumstances in which it must give a System Operations Direction; and

(c) limit or specify the content of a System Operations Direction.

(4) A Pre-Contingent Protocol may authorise the ISO Control Desk or a Registered NSP to —

(a) Direct a Generator to take a Pre-Contingent Action by departing materially from its Load-following obligations under rule 169 or from other Normal Operating Conditions; and

(b) if necessary, but only if the necessary outcome cannot be achieved by consultation, Direct a systems operation participant to take any other Pre-Contingent Action.

(5) Rules 80(2), 80(3) and 80(4)(a) do not limit the things a Protocol may contain.

81 Protocols – Activation

(1) The ISO Control Desk or a Registered NSP may at any time, and without conferring with any person, activate a Protocol by notice given in accordance with the Protocol Framework.

(2) A notice under rule 81(1) is effective to activate a Protocol, regardless of whether the Activation Conditions for the Protocol apply when the notice is given.

(3) More than one Protocol may be active at once.

(4) It is not a breach of these Rules to give in good faith a notice under rule 81(1) when the relevant Activation Conditions do not apply.

{The question of whether an activation notice was properly given, or given too hastily, can be considered in the post-incident discussion and investigation (see rule 84 and Subchapter 7.6).}

82 Protocols – Deactivation

(1) The Incident Coordinator may at any time, without conferring with any person, deactivate a Protocol by notice given in accordance with the Protocol Framework.

(2) A notice under rule 82(1) is effective to deactivate a Protocol, regardless of whether the Deactivation Conditions for the Protocol apply when the notice is given.

(3) It is not a breach of these Rules to give in good faith a notice under rule 82(1) when the relevant Deactivation Conditions do not apply.

{The question of whether a deactivation notice was properly given, or given too hastily, can be considered in the post-incident discussion and investigation (see rule 84 and Subchapter 7.6).}

83 Protocols may be used informally

(1) Nothing in these Rules obliges a person to activate a Protocol.

(2) The ISO Control Desk and Registered NSPs (and, if applicable, registered controllers) may collaborate, coordinate and cooperate as they see fit in Connection with any Contingency or other circumstance, including by referring to a Protocol without formally activating it.

{If the parties are managing a Contingency informally, the ISO Control Desk's role will be to liaise and request, not Direct — see rule 185(2).}

84 Protocol matters may be referred for post incident analysis

Without limiting Subchapter 7.6, the ISO may at any time refer a matter relating to the Protocol Framework and protocols, or otherwise arising in Connection with this Subchapter 3.7, for discussion or investigation under Subchapter 7.6, and must do so whenever requested by a Rules Participant unless the ISO reasonably determines the request to be frivolous, vexatious or not made in good faith.

Subchapter 3.8 – Compliance with instruments and directions

85 Compliance with Procedures and protocols

A person with an obligation under a Procedure or a Protocol must comply with that obligation in the manner and timeframe set out in the Procedure or Protocol.

{This compliance obligation is subject to rule 172, which permits non-compliance in emergencies, for safety reasons, etc.}

86 Compliance with directions

A person to whom a Direction is given under these Rules, must comply with the Direction.

{This compliance obligation is subject to rule 172, which permits non-compliance in emergencies, for safety reasons, etc.}

87 Certain urgent system operations directions protect the Recipient

{The Regulations will provide that a Protective Direction has the effect of reinstating the full immunity under section 120ZB of the Act, including for negligent acts or omissions.}

A System Operations Direction is a **"Protective Direction"** if —

(a) {**apparently valid**} the Direction appears on its face to have been given substantially in accordance, or purportedly in accordance, with these Rules; and

(b) {**system at risk**} either —

(i) {**objectively**} the Power System is Outside the Technical Envelope or there is a Credible imminent threat that the Power System will be Outside the Technical Envelope; or

(ii) {**subjectively**} the person to whom the Direction is given believes in good faith either —

(A) that the situation in rule 87(b)(i) applies; or

(B) that the person giving the Direction believes that the situation in rule 87(b)(i) applies;

and

(c) {**Direction appears relevant**} the Direction appears on its face to have the objective of keeping the Power System Inside the Technical Envelope or restoring it to that state; and

(d) {**urgent**} the Direction requires compliance to commence within 3 hours.

88 Function of performing actions under instruments

If a person is required by these Rules to comply with a Procedure, Protocol or Direction, it is a function of the person to do so.

Subchapter 3.9 – Rule change and Procedure change

89 Appendix 2 deals with Rule Change and Procedure change

Appendix 2 has effect.

Chapter 4 – Administration

Subchapter 4.1 – Registration

90 Registration objective

(1) The primary objective of this Subchapter 4.1 is to facilitate the ISO's and NSPs' performance of their functions under these Rules, by ensuring they have access to adequate contact and operational information about those Network Elements and facilities which might reasonably be expected to have an impact on the Security or Reliability of a Covered Network, or ability of a Covered NSP to provide Transmission Voltage Covered services.

(2) A secondary objective of this Subchapter 4.1 is to achieve the primary objective as simply, and with as little compliance burden and cost, as practicable.

91 Certain NWIS participants must register

{Under regulation 18, the requirement to register applies only in respect of the NWIS. If a non-NWIS Network is to be Covered, a Decision will be made at the time as to whether registration is required.}

(1) The following NSPs must register with the ISO under rule 94 —

(a) the NSP of a Covered NWIS Network; and

(b) the NSP of a Non-Covered NWIS Network which is not an Excluded Network.

{Each person registered under rule 91(1) is a **"Registered NSP"**. If more than one person is the NSP for a Network or Network Element, rule 20 requires that a single suitable person be designated for registration.}

(2) The following controllers must register with the ISO under rule 94 —

(a) the Controller of a Generation Facility on a Covered NWIS Network;

{The definition of "Generation Facility" excludes facilities below 10 MW.}

and

(b) the Controller of a large Consumer Facility which is supplied by an Excluded Network; and

(c) the Controller of each Facility on a Non-Covered NWIS Network which is, or is proposed to be, contracted to provide Essential System Services to Covered Networks; and

(d) the Controller of any other Facility on a Covered NWIS Network, if the ISO has determined under rule 93 that the Facility should be a Registered Facility; and

(e) the Controller of a CPC Facility.

92 Certain NWIS participants exempt from registration

(1) Subject to rule 92(2) and rule 93, the controllers of the following are not required to register under rule 91 —

(a) Generating Works (as defined in the Act) if the generation capacity of the Generating Works concerned is less than 10 MW at each Connection Point; and

(b) Storage Works; and

(c) a Consumer Facility.

(2) Rule 92(1) does not exempt the Controller of a CPC Facility from the requirement to register under rule 91(2)(e).

93 ISO may require otherwise exempt NWIS participants to register

(1) The ISO may determine that Controller of —

(a) Generating Works; or

(b) Storage Works; or

(c) a large Consumer Facility,

on a Covered Network must register under rule 91 if the ISO is satisfied of one or more of the following —

(d) an Outage of the Facility might credibly be expected to adversely affect —

(i) Security or Reliability; or

(ii) the ability of any part of a Covered Transmission Network to benefit from Essential System Services; or

(iii) the ability of a Covered NSP to provide Transmission Voltage contracted Network services;

or

(e) the Facility might credibly need to be the subject of a Constraint Direction; or

(f) the ISO, after weighing the primary and secondary objectives in rule 90 and subject to rule 93(3), determines that the Facility should be registered for some other reason.

(2) The ISO must consult with the Registered NSPs and relevant controllers before making a determination under rule 93(1).

(3) A determination under rule 93(1)(f) must specify a reasonable period of notice before the determination takes effect.

94 How to register

An NSP or Controller who is required to register with the ISO is to do so by giving its name and contact details to the ISO.

{A Registered NSP or Registered Controller must also provide Standing Data under rule 97.}

95 ISO to Maintain and Publish list of registered persons and facilities

The ISO must compile, Maintain and Publish a list of Registered NSPs, registered controllers and registered facilities.

96 ISO to Maintain and Publish list of certain Covered Network Elements

For each Covered Network, the ISO, in consultation with the Covered NSP and all other Registered NSPs in the Power System, must compile, Maintain and Publish a list of the —

(a) Covered Transmission Elements; and

(b) if the ISO determines appropriate after weighing the primary and secondary objectives in rule 90 — Covered Distribution Elements,

for which the ISO considers Standing Data should be provided under rule 97, and each such Network Element is a **"Listed Network Element"**.

{A Listed Network Element is the Network equivalent of a Registered Facility. Because Covered Networks and Covered NSPs are already regulated under these Rules, the main impact of listing is that Standing Data is collected under rule 97}

97 Standing Data

(1) The Registered Controller for a Registered Facility, and the Registered NSP of a Listed Network Element, must ensure that the ISO holds correct, complete and current **"Standing Data"**, comprising —

(a) operational contact details for the Controller or NSP, suitable for communication by voice and electronic message on a 24/7 Basis (email, SMS or other, as determined by the ISO from time to time); and

(b) general contact details for the Controller or NSP, suitable for normal and emergency communication by voice and email; and

(c) the Facility's or Network Element's Equipment Limits, which are to be expressed as —

(i) an **"Operating Rating"** which is a capacity level or rating for use in Normal Operating Conditions; and

(ii) an **"Overload Rating"** or ratings, together with the parameters in which an Overload Rating may or must not be used, which may together be expressed in the form of protection settings;

{Rule 97(1)(c)(ii) does not explicitly require the Overload Rating to be different from the Operating Rating. Rule 188(5) sets out the limits on use of Overload Ratings.}

and

(d) any other information the ISO reasonably requires, after weighing the primary and secondary objectives in rule 90.

(2) The ISO may give the contact details provided to it —

(a) under rule 97(1)(a) —

(i) to the ISO Control Desk; and

(ii) to the personnel of an NSP who are engaged in system operations activities, subject to any requirements which a Procedure Developed under rule 100 may place upon their use and sharing of the contact details;

and

(b) under rule 97(1)(b) — to a Registered NSP or a Registered Controller.

(3) The ISO may, but is not required to, undertake any independent investigation into, or verification of, any Standing Data provided to it.

(4) The ISO may Direct a Registered Controller or Registered NSP to amend any Standing Data.

(5) The ISO is to have regard to the primary and secondary objectives in rule 90 in determining when, and the extent to which, it will exercise the power in rule 97(4).

98 ISO to Publish a system map

(1) The ISO is to Maintain and Publish a high-level single line diagram of the Power System showing the relative locations, and approximate geographical locations, of, at least, all registered facilities and Transmission Elements linking them.

(2) Each Registered NSP or Registered Controller must inform the ISO in advance whenever it plans to add, or make a material change to, an existing or new Network Element or Registered Facility (as applicable), and the ISO must update the single line diagram accordingly.

(3) For the purposes of rule 98(2), a material change to a Facility or Network Element includes any change which might reasonably be expected to affect the manner in which, or extent to which, an Outage of the Facility or Network Element might impact on its Standing Data or on any of the things listed in rule 93(1)(d).

Subchapter 4.2 – Communications and systems requirements

99 Communication and systems requirements

Registered NSPs must Maintain communication systems that Enable communication with the ISO and registered controllers for the purposes of these Rules.

100 Other Entities' Data to be kept within Australia where practicable

(1) In this rule 100, **"Other Entities' Data"** —

(a) means information provided to a Rules Participant (**"Data Holder"**) under these Rules as to the quantum of electricity being, or which has previously been —

(i) consumed or generated by any person other than the Data Holder or its associates at any one or more sites; or

(ii) injected or withdrawn at a Connection Point;

but

(b) does not include such information when it is metering data or other data produced by the Data Holder's or its associates' Equipment.

(2) A Data Holder must use its best endeavours to ensure that Other Entities' Data —

(a) is stored only within Australia; and

(b) cannot be accessed by a person located outside Australia.

(3) A Data Holder must use its best endeavours to ensure that it and its contractors do not disclose Other Entities' Data to a person located outside Australia, without first ensuring that the data is appropriately aggregated or otherwise de-identified in an effective manner.

(4) This rule 100 does not limit Rule 17 {Vertically-integrated businesses} or Subchapter 11.2 {Confidential Information}.

101 Confidentiality and cyber-Security for Visibility data

(1) The Procedure Developed under rule 103 must —

(a) set out appropriate measures to ensure that any Confidential Information the ISO obtains under Subchapter 4.3 is not disclosed or accessible beyond the ISO Control Desk's operational staff (except to the extent reasonably necessary for audit, compliance and governance purposes); and

(b) not use, store, analyse or disseminate any Confidential Information it obtains under Subchapter 4.3, for any purpose other than performing its functions under these Rules or otherwise achieving or promoting the System Security Objective; and

(c) set out Procedures to at least a GEIP standard for —

(i) preventing unauthorised access or damage to the Platform or any System Data; and

(ii) preventing theft, damage, destruction or corruption of data stored on or processed by Platform or any System Data; and

(iii) protecting the Platform or any System Data from any virus; and

(iv) taking and storing on-site and off-site back-up copies of any System Data or other data owned or used by, or in the possession of, the ISO.

(2) The ISO must at all times comply, and ensure that its personnel complies, with the provisions of all applicable privacy laws with respect to any personal information collected, used or disclosed in Connection with the Platform or any or in Connection with the ISO's obligations under these Rules.

(3) In this rule 101 —

(a) **"Platform"** means any computer system used by the ISO, the ISO Control Desk or their contractors; and

(b) **"System Data"** means any and all electronic information received, generated or stored by the ISO in performing its functions under these Rules; and

(c) **"Viruses"** means any thing or device (including any software, code, file or program) which may —

(i) prevent, impair or otherwise adversely affect the operation of the Platform or any computer software, hardware or Network, or any telecommunications service, Equipment or Network or any other service or device; or

(ii) prevent, impair or otherwise adversely affect access to or the operation of the Platform or any program or data, including the Reliability of any program or data (whether by re-arranging, altering or erasing the programme or data in whole or part or otherwise); or

(iii) adversely affect the user experience, including worms, Trojan horses, viruses and other similar things or devices.

(4) Rule 101(1) does not Limit Rule 100, Subchapter 1.4 {Ringfencing} or Subchapter 11.2 { Confidential Information}.

102 Systems requirements

(1) The ISO —

(a) must, when it uses software systems, observe prudent software management practices, including appropriate version control, testing and archiving; and

(b) may require Registered NSPs to submit information to the ISO using specified software systems.

(2) A person —

(a) must ensure that any of its software systems which are linked to the ISO's systems conforms to the ISO's data and IT Security requirements at the point of interface; and

(b) must not deliberately use software systems in manner that undermines the operability of those or Connected software systems.

103 ISO to Develop Procedure for notices, communications and systems requirements

(1) The ISO must Develop a Procedure in respect of —

(a) notices and communications required under, contemplated by or relating to, these Rules; and

(b) communications and control system requirements; and

(c) data and information management system interface requirements for Registered NSPs and registered controllers; and

(d) cyber-Security requirements,

necessary to support its and Rules Participants' functions and activities under these Rules.

(2) The ISO must have regard to rule 5 when Developing the Procedure.

Subchapter 4.3 – Visibility

{Outline of this Subchapter — The ISO Control Desk needs to be given access to certain data and information to perform its tasks and Maintain Security and Reliability. This Subchapter 4.3 provides for a "Visibility List", a Procedure which will set out the data to be provided, deal with cost, confidentiality and cyber-Security, etc.}

104 Objective of this Subchapter 4.3

(1) This Subchapter 4.3's primary objective is to equip the ISO Control Desk with sufficient, and sufficiently timely, information to Enable the ISO Control Desk to perform its functions under these Rules, including the function of achieving, and facilitating Registered NSPs' endeavours to achieve, the System Security Objective.

(2) This Subchapter 4.3's secondary objective is to achieve the primary objective in a manner which —

(a) is as simple, efficient and secure as practicable; and

(b) so far as practicable without jeopardising the primary objective, minimises the extent to which the ISO Control Desk obtains another person's Confidential Information; and

(c) to the extent the ISO Control Desk does obtain another person's Confidential Information, so far as practicable without jeopardising the primary objective minimises the risk of that information being misused or inappropriately disclosed.

(3) Rule 104(2) does not limit a Covered NSP's obligations under the Access Code's ringfencing requirements.

105 ISO to Maintain Visibility List

(1) The ISO must Develop a Procedure (**"Visibility List"**) which lists the content, characteristics and timing of signals and data which must be Visible to the ISO Control Desk, in accordance with this Subchapter 4.3, from locations within the Power System or facilities Connected to the Power System, with a view to achieving the objectives in rule 104.

(2) The ISO is to Publish the initial Visibility List as soon as reasonably practicable after this rule 105 commences.

(3) A person may submit a Procedure Change Proposal to add a Visibility Item to the Visibility List, but the Procedure Change Proposal is not to proceed unless —

(a) it is determined under Appendix 2 that the benefits of the addition in terms of the objectives in rule 104 outweigh the disadvantages, and justify the costs, of doing so; and

(b) an appropriate mechanism is provided —

(i) to compensate the person required to provide the Visibility for any associated capital or operational costs; and

(ii) to permit the person a period of time to start providing the Visibility, which period is reasonable to a GEIP standard; and

(c) if the Visibility Item involves Visibility of a location within a private Power System, the inclusion is consistent with rule 5; and

(d) rule 101 is complied with.

(4) A person may submit a Procedure Change Proposal to remove a Visibility Item from the Visibility List, but the Procedure Change Proposal is not to proceed unless in all the circumstances, the removal —

(a) will not diminish or jeopardise Security or Reliability; and

(b) will make it materially harder or slower —

(i) for the ISO Control Desk to perform its functions under these Rules; or

(ii) for the ISO Control Desk or Registered NSPs to achieve the System Security Objective;

and

(c) is otherwise justified in accordance with GEIP and the Pilbara Electricity Objective.

(5) This rule 105 limits which Procedure Change Proposals may be submitted under Appendix 2 {Procedure change}, but does not otherwise displace or limit Appendix 2.

106 ISO Control Desk to be given Visibility

(1) A Registered NSP or Registered Controller must provide and Maintain (including, where necessary, restore) Visibility to the ISO Control Desk in accordance with the Visibility List.

(2) A person must not do anything which might reasonably be expected to disrupt, degrade or interrupt the communication to the ISO Control Desk of data and signals in accordance with the Visibility List.

107 Function of providing data to ISO Control Desk

It is a function of each person who provides information to the ISO Control Desk under this Subchapter 4.3, to provide the information.

Subchapter 4.4 – Modelling

108 ISO to Develop and Maintain a Power System Model

(1) The ISO must in accordance with the Power System Modelling Procedure Develop and Maintain an accurate software model of the Power System (the **"Power System Model"**), which —

(a) incorporates the Equipment Limits and Security Limits set out in the Standing Data, the Frequency Operating Standards and the other parameters for remaining Inside the Technical Envelope; and

(b) for each Registered Facility, and each other Facility which meets the Power System Modelling Threshold {see rule 121(2)} — includes a mathematical model of the Facility, including the impact of its control systems and protection systems on Security and Reliability.

(2) The Power System Model must be sufficient to Enable the ISO to —

(a) identify and determine how to manage Planning Criteria Interactions under rule 72; and

(b) design and where necessary implement protocols under Subchapter 3.7; and

(c) provide assistance to the Registered NSPs under rule 114; and

(d) determine Loss Factors under Subchapter 5.2; and

(e) determine a Generation Adequacy Objective under Chapter 6; and

(f) undertake investigations under Subchapter 7.6 including post-incident discussion and investigation under rule 84; and

(g) procure Essential System Services under Subchapter 8.1; and

(h) develop Constraint Rules and determine when to issue Constraint Directions under Subchapter 9.1; and

(i) provide access and Connection services under Subchapter 9.2, including participating in the Network Connection process and modelling the impact of New Connections, and assessing and helping develop required Augmentations; and

(j) undertake Network coordination and planning under Subchapter 10.1 and Subchapter 10.2; and

(k) perform its other functions under these Rules.

109 ISO may use Power System Model

Subject to these Rules (including Subchapter 4.5), the ISO may use the Power System Model as it sees fit in performing its functions under these Rules.

110 Registered NSP to Develop and Maintain a Network Model

(1) Each Registered NSP must in accordance with the Power System Modelling Procedure and the NSP's own Network Modelling Procedure Develop and Maintain an accurate software model of its Network (the **"Network Model"**), which —

(a) incorporates the Equipment Limits and Security Limits set out in the Standing Data, the Frequency Operating Standards and the other parameters for remaining Inside the Technical Envelope applicable to the Network; and

(b) for each Registered Facility on the Network, and each other Facility which meets the threshold specified for this purpose in the NSP's Network Modelling Procedure — include a mathematical model of the Facility, including the impact of its control systems and protection systems on Security and Reliability within the Network.

(2) The Network Model must be compatible with the Power System Model.

(3) The Network Model must be sufficient to Enable the Registered NSP to —

(a) develop a Limit Advice under Subchapter 9.1; and

(b) comply with its obligations under the Access Code and Subchapter 9.2; and

(c) perform its other functions under these Rules.

111 ISO may assist NSP to Maintain its Network Model

(1) Subject to its resourcing including Subchapter 4.5, and to rule 120, the ISO may provide information to assist a Registered NSP to develop and Maintain its Network Model, including, if requested, giving the NSP up-to-date software models of other networks and the facilities Connected to them.

(2) It remains the Registered NSP's responsibility to comply with rule 110 and the Harmonised Technical Rules, whatever the ISO does or does not do under rule 111(1).

112 NSP may use Network Model

Subject to these Rules and the Access Code, the NSP may use the Network Model in performing its functions under the Access Code and these Rules, and it is a function of the NSP to do so.

113 NSP modelling functions in HTR apply

The ISO's functions under this Subchapter 4.4 are in addition to, and do not limit, but may be used to support, an NSP's modelling functions under the Harmonised Technical Rules.

114 ISO to model and consult when NSP requests it

(1) If these Rules require or permit the Registered NSP to undertake modelling, then —

(a) if rule 50 requires it — the Registered NSP must; and

(b) for a Covered Network, if an Access Seeker reasonably requests it in accordance with the Access Code — the Covered NSP must; and

(c) otherwise — the Registered NSP may,

request the ISO to undertake modelling and other analyses, and engage in reasonable consultation, to support or supplement the Registered NSP's analyses.

(2) A request under rule 114(1) must be reasonable, and must be made in accordance with the Power System Modelling Procedure, and be accompanied by whatever information the Procedure requires the request to be accompanied by.

(3) Subject to rule 114(4), the ISO will undertake the requested modelling in accordance with the Power System Modelling Procedure. However, the ISO may in each case determine in accordance with that Procedure what scale and scope of modelling and consultation is appropriate.

(4) If the ISO determines that any information provided to it by a Registered NSP under this rule 114 is incorrect, or does not comply with the Power System Modelling Procedure, the ISO (after first consulting with the Registered NSP) may Direct the Registered NSP as to what corrected or further information the ISO requires.

115 Collaboration in respect of future and concurrent scenario modelling

Subject to the Power System Modelling Procedure, the ISO and Registered NSPs are to cooperate and coordinate with each other in order to maximise efficiencies, when it comes to modelling future scenarios across the Power System including scenarios which are confidential, hypothetical or both.

116 Registered NSP to provide information

(1) A Registered NSP must, in accordance with the Power System Modelling Procedure provide to the ISO the following regarding its Network —

(a) positive, negative and zero sequence Network impedances for the Network Elements; and

(b) information on the Network topology; and

(c) information on transmission circuit limits; and

(d) Limit Advice; and

(e) Overload Ratings, including, where applicable, details of how long an Overload Rating can be maintained; and

(f) the short circuit capability of Network Elements and Facility Equipment; and

(g) any other information reasonably specified in the Administration Procedure or the Power System Modelling Procedure.

(2) A Registered NSP must, in accordance with the Power System Modelling Procedure, Promptly give to the ISO all data available to it which the ISO reasonably requires to model the static and dynamic performance of the Power System, including its Network Model and computer models of the performance of facilities which are, or will be, Connected to its Network, including —

(a) all data provided to the NSP by Generators, controllers, other NSPs and any other source that that the NSP reasonably (to a GEIP standard) considers is relevant for the purpose of modelling in relation to the Network and the Power System; and

(b) all data relating to actual, committed or proposed modifications to its Network or facilities Connected to it, that the NSP reasonably (to a GEIP standard) considers is relevant to modelling in relation to the Network and the Power System.

(3) If the ISO determines that —

(a) data provided to it under this rule 116 does not adequately represent the performance of a Facility (or Equipment within the Facility); and

(b) this inadequacy will impede the ISO's performance of its functions under these Rules,

{This includes performance of a function on the ISO's behalf by a Delegate.}

then the ISO (after consulting with the Registered NSP or Controller) may Direct the Registered NSP or Controller to give it revised data and an associated model validation report demonstrating to the ISO's reasonable satisfaction that the Facility (or Equipment)'s performance has been tested, and is substantially in accordance with the revised modelling data.

117 General obligation to keep models complete, current and accurate

(1) A Rules Participant must use reasonable endeavours to ensure that all information it provides to another Rules Participant under this Subchapter 4.4 complies with these Rules and is complete, current and accurate to a GEIP standard, and Promptly notify the other Rules Participant if it reasonably suspects that this is not the case.

(2) The Power System Modelling Procedure may specify the requirements for a person providing information under this Subchapter 4.4 to certify or demonstrate that it complies with rule 117(1).

118 Notification of material changes and updating models

(1) The ISO must notify Registered NSPs each time it makes a material change to the Power System Model.

(2) A Controller must notify its NSP of any material change to a Generation Facility, Consumer Facility or CPC Facility.

(3) Subject to any agreement between the NSP and the Controller, the NSP's Procedure under section 3.6.12(a) of the Harmonised Technical Rules may specify what constitutes a material change for the purposes of rule 118(2).

(4) When a Controller notifies an NSP of a change to a Generation Facility or Consumer Facility, and when the NSP changes a Network Element, the NSP must —

(a) determine whether to update its own Network Model; and

(b) if it does so — inform the ISO of the modifications together with such of the information set out in rule 116 as the ISO may require to update the Power System Model.

(5) The Power System Modelling Procedure may specify thresholds, requirements and Procedures for reporting to the ISO under this rule 118.

(6) Rule 116(3) applies with appropriate modifications to any information provided to the ISO under this rule 118.

(7) Subject to the Power System Modelling Procedure, notification under this rule 118 may be done orally at a system coordination meeting.

(8) This rule 118 does not Limit Rule 117.

119 Disclosure of modelling results

(1) Subject to rule 119(2), the ISO must wherever practicable disclose the results of any Power System Modelling to any person who requests them, and may Publish them.

(2) Rule 119(1) does not authorise the ISO to disclose information to the extent that it is Confidential Information, or is information from which Confidential Information could reasonably be inferred or derived, unless doing so is a permitted disclosure under rules 300 {Permitted disclosure generally}, 301 {Disclosure to government entities} or 302 {Disclosure of non-confidential material}.

{The list in rule 119(2) does not include rule 299, the general power of disclosure in the course of performing a function.}

120 Confidentiality in modelling

{Overview of this rule 120 — A complete, current and accurate Power System Model is a vital requirement for, among other things, Security, Reliability and effective access. This rule Enables the ISO to access all information it requires for this purpose, regardless of its confidentiality. However, once in the ISO's hands, the information remains protected by Subchapter 11.2.}

(1) In this rule 120, **"Modelling Information"** means a software model, its inputs and assumptions, and any other information provided, or required or directed to be provided, for the purposes of this Subchapter 4.4 or the modelling requirements of the Harmonised Technical Rules.

(2) A Rules Participant must comply with an obligation to provide Modelling Information to the ISO whether or not the information is confidential or commercially sensitive, including if another person is the Information Owner.

{Rule 305 protects the Rules Participant for this disclosure, if it owes another person a duty of confidentiality in respect of the Modelling Information.}

(3) To the extent any Modelling Information provided to the ISO is Confidential Information, Subchapter 11.2 applies —

(a) in respect of the ISO's use and disclosure of the information; and

(b) to any Recipient to whom the ISO directly or indirectly discloses the information.

(4) If —

(a) the ISO provides a software model to an NSP under rule 111; and

(b) the use of the model may disclose confidential Modelling Information which has been disclosed to the ISO by a Rules Participant,

then —

(c) if the Rules Participant or the Information Owner reasonably request the ISO to endeavour to protect the information as described in this rule 120(4) — the ISO must; and

(d) otherwise — the ISO on its own initiative may,

endeavour to provide the model to the NSP in a manner which performs appropriately but does not disclose Confidential Information.

{Example — In providing a model of Network A to the NSP of Network B, the ISO might provide it as an encrypted 'external grid representation' module which simulates Network A's performance at the Interconnector, without disclosing how Network A is configured or what facilities may be Connected to it.}

(5) Rule 120(4) limits rule 299 {Permitted disclosure in performance of a function}.

121 ISO to Develop Power System Modelling Procedure

(1) The ISO is to Develop a Procedure (**"Power System Modelling Procedure"**), in respect of the matters in this Subchapter 4.4.

(2) The Power System Modelling Procedure must set out the criteria for identifying which facilities must be included in the Power System Model to Enable it to perform the functions set out in rule 108(2) to a GEIP standard and in accordance with the Pilbara Electricity Objective (**"Power System Modelling Threshold"**), which criteria are to

be determined by the ISO after consulting with the Registered NSPs and affected controllers.

(3) The Power System Modelling Procedure may authorise the ISO to require the following facilities to be included in the Power System Model, if the ISO judges it necessary to satisfy the Power System Modelling Threshold —

(a) an Excluded Network; and

(ab) having regard to the relevant CPC Measures, a CPC Facility; and

(b) having regard to rule 5, a Facility on an Integrated Mining Network.

(4) The Power System Modelling Procedure may specify uniform standards, formats and assumptions to be used in Network Models and all other models developed under these Rules (including the Harmonised Technical Rules), sufficient to ensure that all models integrate effectively and operate together efficiently and to a GEIP standard, in order to facilitate the operation of these Rules and promote the Pilbara Electricity Objective.

(5) Rules 121(2) to 121(4) do not limit the matters the Power System Modelling Procedure may deal with.

Subchapter 4.5 – Budgets and Fees

122 Budget objectives

(1) This Subchapter 4.5's primary objective is to ensure that —

(a) fees are consistent with the Pilbara Electricity Objective; and

(b) the ISO Fees include only costs which would be incurred by a prudent person performing the ISO's functions under Part 8A of the Act, acting efficiently, in accordance with GEIP, and seeking to achieve the lowest practicably sustainable cost of performing those functions, while effectively promoting the Pilbara Electricity Objective.

(2) This Subchapter 4.5's secondary objective is to achieve the primary objective as simply and inexpensively as possible, while ensuring that all affected stakeholders (including consumers on to whom the costs may be passed) have a reasonable opportunity to be heard.

123 Budget Procedure

The ISO must Develop a Procedure (**"Budget and Cost Management Procedure"**) which —

(a) must require the budget to be sufficiently detailed to allow Registered NSPs and other stakeholders to assess the budget's compliance with the objective in rule 122(1); and

(b) must set out indicative timing for the budget approval process; and

(c) must provide for at least the Expedited Consultation Process on the final proposed budget, before approved by the ISO Board; and

(d) may provide for mid-year budget adjustments.

124 ISO to Publish Annual Budget

(1) For each Financial Year, the ISO must Publish an Annual Budget for performing its functions under Part 8A of the Act, together with a report on its performance against budget in the preceding year.

(2) The budget must —

(a) be consistent with generally accepted accounting and regulatory principles; and

(b) include an adjustment in respect of the amount by which the revenue earned by the ISO by way of fees in the previous Financial Year is (or is forecast to be) greater or less than the ISO’s actual expenditure for the Financial Year; and

(c) if the ISO incurs costs which are attributable to it performing a function under Part 8A of the Act and also another function, but which cannot readily be attributed to function or the other — allocate those costs between the functions on a fair and reasonable basis.

125 ISO Control Desk costs

(1) If the ISO Delegates its Real-Time Functions to Horizon Power under rule 45, then Horizon Power may recover from the ISO its costs for performing the Delegated Functions, and the ISO is to include those costs in its Annual Budget.

(2) The costs recovered by Horizon Power under this rule 125 —

(a) must not exceed the amount that would be incurred by a prudent system operator performing those functions, acting efficiently, in accordance with GEIP, to achieve the lowest sustainable cost of performing the functions having regard to the Pilbara Electricity Objective; and

(b) must not include any allowance for corporate overheads; and

(c) must not include any mark-up, return on investment or other margin.

(3) If costs incurred by Horizon Power relate to both the performance of functions Delegated under rule 45 and the performance of other functions (including as an NSP, as a retailer, and in respect of Horizon Power’s non-NWIS activities), the costs must be allocated on a fair and reasonable basis between —

(a) costs recoverable under this rule 125; and

(b) other costs not to be recovered under this rule 125.

(4) The amount Horizon Power recovers from the ISO for a Financial Year is to include an adjustment to correct for the amount by which the amount recovered in the

previous Financial Year was greater than or less than the amount permitted under this rule 125.

(5) The ISO may Direct Horizon Power to obtain an independent audit of the costs it recovers or proposes to recover under this rule 125, and Horizon Power's costs of obtaining and participating in the audit —

(a) if in the auditor's opinion the audit shows a material non-compliance with this rule 125 — are not recoverable under this rule 125; but

(b) otherwise — may be recovered under this rule 125.

(6) A Registered NSP may request the ISO to Direct an audit under rule 125(5), and unless the ISO determines that the request is frivolous, vexatious or not made in good faith, the ISO must do so.

126 Economic Regulation Authority costs

(1) Subject to rule 127, the Authority may recover a portion of its budget determined by the Minister responsible for the Authority which corresponds to the costs of the Authority in undertaking its functions under Part 8A of the Act from the collection of Authority Fees under these Rules. The Authority must identify in its budget the proportion of its costs that relate to the performance of its functions under Part 8A of the Act.

(2) Subject to rule 127, the Authority's budget for each Financial Year is to include an adjustment to correct for the amount by which the revenue earned by the Authority via Authority Fees in the previous Financial Year is greater than or less than the Authority's expenditure related to its functions under Part 8A of the Act.

(3) By the date which is five Business Days before 30 June each year, the Authority must notify the ISO of the dollar amount that the Authority may recover under rule 126(1).

127 No double recovery

If the Authority performs a function under Part 8A of the Act, the Access Code or these Rules, the Authority must ensure that there is no double recovery of costs as a result of either —

(a) the recovery of a standing charge or specific charge under the Access Code; or

(b) the recovery of costs under these Rules.

128 Coordinator's costs

(1) The Coordinator may recover a portion of its budget determined by the Minister responsible for the Coordinator which corresponds to the Coordinator's costs of undertaking its functions under Part 8A of the Act from the collection of Coordinator Fees under these Rules. The Coordinator must identify in its budget the proportion of its costs that relate to the performance of its functions under Part 8A of the Act.

(2) The Coordinator's budget for each Financial Year is to include an adjustment to correct for the amount by which the revenue earned by the Coordinator via Coordinator Fees in the previous Financial Year is greater than or less than the Coordinator's expenditure related to its functions under Part 8A of the Act.

(3) By the date which is five Business Days before 30 June each year, the Coordinator must notify the ISO of the dollar amount that the Coordinator may recover under rule 128(2).

129 Determination of fees

(1) The **"ISO Fee"** payable by a Registered NSP for a Financial Year is to be calculated by dividing the ISO's Annual Budget published under rule 124 by the number of Registered NSPs.

{Example — At the commencement of these Rules, there are 3 Registered NSPs, so each will pay a third of ISO's published budget.}

(2) The **"Authority Fee"** payable by a Registered NSP for a Financial Year is to be calculated by adding the amounts recoverable under rule 126(1), and then dividing the total by the number of Registered NSPs.

(3) The **"Coordinator Fee"** payable by a Registered NSP for a Financial Year is to be calculated by adding the amounts recoverable under rule 128(2), and then dividing the total by the number of Registered NSPs.

(4) If information is not available for the ISO to determine the Authority Fee or the Coordinator Fee, then the ISO may determine and Publish a Fee based on the most recent information provided to the ISO by the Authority or Coordinator, as applicable.

(5) If during a Financial Year the ISO's Annual Budget is adjusted, or new or better information becomes available regarding the Authority Fee or the Coordinator Fee, then the ISO must Publish a revised ISO Fee, Authority Fee or Coordinator Fee (as applicable) within five Business Days after making any adjustment to the ISO's Annual Budget and receiving the information.

(6) A revised ISO Fee, Authority Fee or Coordinator Fee will supersede any previously-published Fee and is recoverable from Registered NSPs in arrears with effect from the start of the Financial Year to which they apply.

130 Payment of fees

(1) The ISO must charge a Registered NSP the relevant ISO Fee, Authority Fee and Coordinator Fee, and the Registered NSP must pay each Fee in full as a debt, in accordance with the Budget and Cost Management Procedure.

(2) Following, and subject to, receipt of payment under rule 130(1), the ISO must —

(a) pay to the Authority an amount equal to the Authority Fee; and

(b) pay to the Coordinator an amount equal to the Coordinator Fee.

Subchapter 4.6 – Miscellaneous

131 No requirement for credit support

(1) A person is not required to provide, and the ISO is not permitted to require, any form of credit support or other Security in respect of the person's obligations under these Rules.

(2) This rule 131 does not prevent the ISO from including commercially reasonable provisions in any contract it may enter into to procure goods or services including Essential System Services.

132 Financial years

The ISO and System Operations Participants are to collaborate, to the extent reasonably practicable, to mitigate any inconvenience caused by misalignment of different entities' Financial Years.

132A Working groups

(1) The ISO may:

(a) establish and administer one or more working groups comprising representatives of Rule Participants and other interested stakeholders, to assist or advise the ISO in connection with its functions; and

(b) disband any such working group.

(2) Before establishing a working group, and from time to time thereafter, the ISO must consider whether the ISO's costs associated with the working group are consistent with the objective in rule 122(1)(b).

133 Administration Procedure

The ISO may Develop a Procedure (**"Administration Procedure"**) governing the matters under this Chapter 4.

Chapter 5 – Measurement

Subchapter 5.1 – Metering

134 This Chapter prevails

In the event of any conflict or inconsistency between the Metering Code applying under rule 66 and this Chapter 5, this Chapter prevails.

135 Covered NSPs to undertake metering

Subject to any exemptions granted under rule 68, a Covered NSP must provide Metering Services and Maintain a Metering Database in accordance with the Metering Code, including in respect of the points referred to in rule 136(1).

136 Metering at Interconnectors between Covered and Non-Covered Networks

{This rule 136 applies in respect of Non-Covered Excluded Networks as well as Non-Covered registered networks.}

(1) If a Non-Covered Network (including an Integrated Mining Network and an Excluded Network) is Interconnected with a Covered Network, then an Interconnection Point on the Non-Covered Interconnector between the two networks —

(a) must be metered in accordance with the Metering Procedure, to at least the standard necessary in accordance with GEIP to facilitate the operation of Chapter 8, the Access Code, the Customer Transfer Code and Network Access Contracts; and

(b) must be included in the Covered NSP's Metering Database, unless the Metering Procedure provides otherwise under rule 136(4).

(2) The Covered NSP and the Non-Covered NSP may agree and notify the ISO, and failing such notification the ISO is to Direct, whether the metering referred to in rule 136(1)(a) is to be undertaken by the Covered NSP or by the Non-Covered NSP.

(3) If the metering is to be undertaken by the Non-Covered NSP, it must (in accordance with the Metering Procedure, if applicable, and otherwise in accordance with GEIP) make available the metering data to the Covered NSP, unless the Metering Procedure provides otherwise under rule 136(4).

(4) The Metering Procedure may, if the Non-Covered NSP consents, make alternative provision for the metering of an Interconnection Point on a Non-Covered Interconnector and the holding and provision of the associated metering data, in which case the Metering Procedure must specify how this Chapter 5 is to be read in Connection with the data.

137 Allocations at multi-user points

A Covered NSP must record, in a **“Metering Database”** under the Metering Code or otherwise, and provide to the ISO, how metered quantities are to be allocated between Network Users for —

(a) each Connection Point on its Network at which more than one Network User’s injection or withdrawal of energy is measured; and

(b) each Interconnection Point on its Network at which more than one Network User’s electricity transfer is measured.

138 Provision of metering data to the ISO

A Covered NSP must in accordance with the Metering Procedure provide metering data to, and as requested by, the ISO, to facilitate the ISO’s functions under these Rules including Chapter 8.

139 Provision of metering data to an NSP, user or Controller

(1) A Covered NSP (**“First NSP”**) must, and the ISO may, in accordance with the Metering Procedure provide metering and allocation data (including the information required under rule 137) to —

(a) a Covered NSP (**“Second NSP”**); or

(b) a Network User of the First NSP’s Network or the Second NSP’s Network; or

(c) the Controller of a Facility Connected to the First NSP’s Network or the Second NSP’s Network,

in order to —

(d) facilitate the Recipient’s functions under these Rules including —

(i) Load following under rule 169; and

(ii) invoicing for access; and

(iii) the Second NSP performing its functions under these Rules;

and

(e) subject to Subchapter 11.2, facilitate the Recipient’s other activities including invoicing for electricity supply.

(2) The Metering Procedure may make reasonable provision regarding the disclosure, use, aggregation or de-identification of the metering data and information about allocations.

(3) Disclosure and use in accordance with the Metering Procedure is authorised for the purposes of rule 305.

(4) Subject to the ringfencing requirements of the Access Code, this rule 139 authorises the provision of metering data between parts of a Vertically-Integrated Entity.

140 No transfer under the Customer Transfer Code without suitable meter

(1) In rule 140(2), the expressions **"Customer"**, **"Metering Installation"** and **"Metering Point"** have the meaning given in the Metering Code.

(2) For the purposes of clause 4.9(1)(ca) of the Customer Transfer Code, a Customer associated with a Connection Point cannot transfer under that Code unless the Metering Installation at each Metering Point for the Connection Point —

(a) if the Metering Procedure specifies requirements for contestable Metering Installations — complies with the requirements; and

(b) otherwise — has capabilities which, to the ISO's reasonable satisfaction, enable Rules Participants to comply to a GEIP standard with their obligations under these Rules.

141 Metering Procedure

(1) The ISO may Develop a Procedure (**"Metering Procedure"**) governing the gathering, storage, updating and communication to it and other persons of metering and other data under this Chapter 5.

(2) The Metering Procedure must, so far as practicable consistent with meeting the requirements of these Rules, seek to minimise compliance costs.

(3) The ISO must have regard to rule 5 when Developing the Metering Procedure.

142 Review of 30 minute Trading Interval

(1) The ISO may at any time, and must on reasonable request by an NSP, consider the merits of adopting a 15-minute Trading Interval.

(2) If —

(a) the ISO forms the view that recurrent or substantial breaches of rule 169(1)(b) are causing material cost or operational disadvantages for a Rules Participant or other person — the ISO must; and

(b) otherwise, if the ISO forms the view that the benefits of adopting a 15-minute Trading Interval outweigh the costs — the ISO may,

submit a Rule Change Proposal to adopt a shorter Trading Interval.

(3) Nothing in rule 142(2) limits a person's ability to submit a Rule Change Proposal.

Subchapter 5.2 – Loss factors

143 Energy quantities to be Loss Factor adjusted

Energy quantities under these Rules at any Balancing Point, and at any Connection Point on a Covered Network, are to be adjusted for Loss Factors.

144 Loss factors to be determined efficiently

In determining Loss Factors the ISO and a Covered NSP —

(a) must weigh the value reflected by Loss Factor adjustment, against the cost and complexity of detailed Loss Factor determination; and

(b) may, in place of detailed studies or analysis, use estimates and approximations developed in good faith after appropriate consultation, if the assessment in rule 144(a) suggests that the cost of detailed studies or analysis might not be justified.

145 ISO to Publish a reference node

(1) The ISO must, after consulting with Registered NSPs, determine and Publish the location of a reference node for Loss Factor calculations.

(2) A Covered NSP must use the published reference node when determining and revising Loss Factors.

146 Covered NSP must determine and Publish Loss Factors

(1) A Covered NSP must to the standard of GEIP (but subject to rule 144) determine, and from time to time review and revise, Loss Factors for —

(a) each Balancing Point in its Network; and

(b) if its Network includes non-interval-metered loads, a Notional Wholesale Meter.

(2) A Covered NSP must Publish its Loss Factors, and provide them to the ISO.

(3) If an Access Applicant seeks access at a Connection Point on a Covered Network and no Loss Factors have been published for the Connection Point, the Access Applicant may request the Covered NSP to determine and provide to the ISO Loss Factors for the Connection Point.

(4) A determination under this rule 146 may be the subject of an Access Dispute.

147 Reassessment of Loss Factors

(1) Any person may apply to the ISO for a reassessment of any Loss Factor, or the ISO may propose a reassessment of its own initiative, and in either case —

(a) the ISO and NSP may agree and determine a new Loss Factor, and failing agreement the ISO may (but subject to rule 144) determine and substitute its own Loss Factor; and

(b) the NSP must cooperate with the ISO in this regard including by providing reasonable access to the data and calculations used in producing the Loss Factor, and undertaking any recalculations or other adjustments directed by the ISO.

(2) A determination under this rule 147 may be the subject of an Access Dispute.

148 Covered NSP must provide information

The ISO may request, and a Covered NSP must provide, any information relating to the methodologies, models, software, data sources and internal Procedures used by the NSP for Loss Factor calculation and determination.

Chapter 6 – Generation adequacy

149 Definitions

(1) In these Rules —

(a) **“Exit User”** means

(i) a Network User whose Network Access Contract includes an Exit Service at one or more Connection Points; and

(ii) without limiting rule 149(1)(a)(i), includes a Network User who supplies energy to the Net Network Load in a Network, whether or not its Network Access Contract explicitly specifies an Exit Point (in which case **“Exit Point”** has a corresponding meaning);

and

(b) an Exit User’s **“Total Allocation”** is to be expressed in MW, and is the sum from time to time, across all Generators, of amounts allocated to the Exit User in Generators’ current Allocation Notices under rule 155.

150 Objectives of this Chapter 6

(1) The primary objective of this Chapter 6 is to ensure that the Power System has enough installed generating capacity, to give reasonable confidence in accordance with GEIP and applicable laws, that the Power System will remain secure and reliable at times of Power System Peak Demand, despite Credible contingencies including planned and unplanned Outages.

(2) A secondary objective of this Chapter 6 is to achieve the primary objective as simply, and with as little compliance burden and cost, as practicable.

151 ISO may suspend this Chapter at times of Surplus capacity

(1) If the ISO at any time considers that, having regard to the overall balance between generation and Load in the Power System, the primary objective in rule 150(1) will likely be achieved whether or not the processes in this Chapter 6 are followed, it may by publishing a notice suspend or modify the operation of some or all of this Chapter 6, with a view to reducing the compliance burden and cost for all parties.

(2) The ISO may Withdraw or modify a notice under rule 151(1) at any time, either generally or in respect of a specific Exit User.

{The New Connections process requires the ISO to review its position under this rule 151, after approving a major new Load.}

152 Generation adequacy in Non-Covered Networks

(1) Subject to rule 152(3) —

(a) this Chapter 6 does not apply in respect of a Non-Covered Network (including an Integrated Mining Network); and

(b) instead, the ISO may at reasonable intervals require the Non-Covered NSP to confirm to the ISO (with such reasonable supporting information, if any, as the ISO may request having regard to the secondary objective in rule 150(2)) that the balance between generation and Load in its Network is appropriate in accordance with GEIP, having regard to the objective in rule 150(1).

(2) Despite rule 152(1), a Generator in a Non-Covered Network may elect to give an Allocation Notice to an Exit User, in which case rules 154, 155 and 160 apply to and in respect of the Generator and the Allocation Notice.

(3) The ISO may at any time, if it considers it necessary to achieve the objective in rule 150(1), by publishing a notice —

(a) exclude a Non-Covered Network from the exemption in rule 152(1);

{The effect of this exclusion is that this Chapter 6 will apply to the Non-Covered Network, as modified, if applicable, under rule 152(3)(b).}

and

(b) if it does so, and to the extent it considers appropriate having regard to the secondary objective in rule 150(2), modify the operation of some or all of this Chapter 6 in respect of a Non-Covered Network, with a view to minimising the compliance burden and cost for parties associated with the Non-Covered Network.

(4) The ISO may Withdraw or modify a notice under rule 152(3) at any time, by further notice.

(5) Before giving a notice under rule 152(3) or 152(4), the ISO must —

(a) confer with the Non-Covered NSP to which the notice relates; and

(b) subject to rule 152(6), undertake at least the Expedited Consultation Process.

(6) If the ISO considers the matter to be too urgent to allow time for consultation under rule 152(5)(b), it may instead undertake only such consultation as it considers to be reasonably practicable, but, after the notice is given, must subsequently undertake at least the Expedited Consultation Process in respect of the notice, and consider whether to issue a further notice under rule 152(4).

153 ISO to determine Generation Adequacy Margin

(1) The ISO must from time to time determine the margin (**"Generation Adequacy Margin"**) by which each Exit User's Total Allocation from Generators must exceed its chosen Demand Cap, in order to ensure there is enough installed generating capacity in the Power System to achieve the primary objective in rule 150(1).

(2) The ISO must consult with Generators and undertake at least the Expedited Consultation Process before making a determination under rule 153(1).

(3) The Generation Adequacy Margin may be expressed as a percentage, as a share of a fixed quantity, or in any other way the ISO considers appropriate.

154 Generator may self-certify capacity

{Generators' participation under this rule 154 and rule 155 is optional. It's up to the Exit Users to find Generators willing to participate.}

(1) A Generator may from time to time, after consulting with the ISO, give (or amend or Withdraw) a notice to the ISO (a **"Capacity Certificate"**) specifying a quantity in MW to stand as its **"Certified Capacity"**.

(2) A Capacity Certificate must not specify a quantity of Certified Capacity which exceeds the Generator's Actual Installed Capacity.

(3) A Generator's **"Actual Installed Capacity"** is to be expressed in MW, and —

(a) is to be a reasonable estimate determined in accordance with GEIP of the aggregate, across all the Generator's generation facilities, of the generation facilities' capacity available to generate electricity and send it out into the Power System at times of Power System Peak Demand; and

(b) is to make reasonable allowance for factors such as Network constraints, and the impact of ambient temperature on Generating Units' efficiency at the likely times of Power System Peak Demand; and

(c) may be determined on the assumption that none of the relevant Generating Units are undergoing an Outage.

{Explanation for rule 154(3)(c) — Generation adequacy counts all existing operational plant. The allowance for Outages etc is made elsewhere, in the ISO's determination of the Generation Adequacy Margin.}.

(4) A Capacity Certificate must include a statement, signed by a senior manager, that the certificate complies with rule 154(2).

(5) A Generator must Promptly amend or Withdraw a Capacity Certificate which does not comply with rule 154(2).

{Example — A previously-valid Capacity Certificate may later come to breach rule 154(2) if the Generator decommissions a Generating Unit.}

(6) The ISO may accept a Capacity Certificate at face value, but does not have to.

(7) The ISO may at any time, if it has reason to believe a Capacity Certificate does not comply with rule 154(2) —

(a) Direct the Generator to amend or Withdraw the certificate; and

(b) if the ISO considers that the situation poses an imminent threat to Security or Reliability — reject the certificate, in which case the certificate ceases to have effect, and the Generator's Certified Capacity becomes zero until it lodges a new certificate; and

(c) do anything set out in rule 160(4).

(8) The ISO, when making a determination under rule 154(7), must have regard to information provided by the Generator, but otherwise may inform itself as it sees fit.

(9) A determination under rule 154(7) may be the subject of a Rules Dispute.

155 Generator may give Allocation Notice

{Like rule 154, Generators' participation under this rule 155 is optional. It's up to the Exit Users to find Generators willing to participate.}

(1) Each Generator may from time to time give the ISO an **"Allocation Notice"** in respect of one or more Exit Users, specifying for each Exit User the quantity in MW of Certified Capacity being allocated to the Exit User.

{This does not require the Generator to supply energy to the Exit User. Chapter 6 simply makes sure that sufficient installed generation capacity exists. The commercial arrangements which underpin an Allocation Notice are a matter to be agreed between the Generator and the Exit User, and may or may not be linked to an energy supply agreement.}

{Example — A gentailer (**"LisaCo"**) wishes to sell 100% of the energy its plant can generate. To ensure to it complies with rule 158, it procures another Generator (**"BartCo"**) to allocate sufficient Certified Capacity under this rule 155 to top up LisaCo's own Certified Capacity. LisaCo does not need to procure any energy from BartCo.}

(2) An Allocation Notice —

(a) {**no over-allocation**} must not allocate more than 100% of the Generator's Certified Capacity, but may allocate less than 100%; and

(b) {**no double counting**} must not allocate a given megawatt of Certified Capacity to more than one Exit User.

(3) For the purposes of rule 155(2)(b), any commitments under an ESS Contract to provide SRESS or FCESS, or to Maintain frequency raise reserve, count as an allocation to an end user.

{Example — A gentailer (**"MargeCo"**) has a 100 MW plant. It has contracted to provide 20 MW of frequency raise reserve and 10 MW of SRESS. MargeCo may allocate 70 MW under this rule 155, because those Essential System Service commitments are counted.}

156 Exit User must forecast its own estimated Peak Demand

(1) An Exit User must calculate its forecast **"Peak Demand"**, which is to be an estimate, calculated in good faith in accordance with GEIP and the Generation Adequacy Procedure, of the Exit User's credibly possible maximum aggregate energy withdrawals in MW across all of its Exit Points at times of Power System Peak Demand.

(2) An Exit User must update its forecast Peak Demand as often as necessary to ensure it remains an accurate forecast in accordance with GEIP, including after each material change in its energy supply contracts.

157 Exit User must self-certify generation adequacy and a Demand Cap

(1) An Exit User must give to the ISO (and may amend or Withdraw) a notice (a **"Generation Adequacy Certificate"**) which —

(a) sets out the Exit User's current Total Allocation in MW, including a break-down showing the amount in MW allocated to it by each allocating Generator; and

(b) sets out the Exit User's chosen **"Demand Cap"** in MW.

(2) {**Margin must be adequate**} The Total Allocation set out in a Generation Adequacy Certificate must exceed the Demand Cap by at least the Generation Adequacy Margin.

(3) {**Cap must be Credible**} The Demand Cap set out in a Generation Adequacy Certificate must equal or exceed the Exit User's forecast Peak Demand.

{There is no limit on how high the Exit User may set its chosen Demand Cap, provided it has enough allocated capacity to satisfy rule 157(2).}

(4) A Generation Adequacy Certificate must include a statement, signed by a senior manager, that the certificate complies with rule 157(3).

(5) An Exit User must Promptly amend or Withdraw a Generation Adequacy Certificate which does not comply with rules 157(2) or 157(3).

(6) The ISO may, but does not have to, accept a Generation Adequacy Certificate at face value.

(7) The ISO may at any time, if it has reason to believe a Generation Adequacy Certificate does not comply with rules 157(2) or 157(3) —

(a) Direct the Exit User to amend or Withdraw the certificate; and

(b) do anything set out in rule 160(4).

(8) The ISO, when making a determination under rule 157(7), must have regard to information provided by the Exit User, but otherwise may inform itself as it sees fit.

(9) A determination under rule 157(7) may be the subject of a Rules Dispute.

158 Exit User must have Generation Adequacy Certificate in place

An Exit User must not receive energy out of a Covered Network, without having in place a valid Generation Adequacy Certificate.

159 Exit User must operate within its chosen Demand Cap

An Exit User must not receive a quantity of energy out of a Covered Network in a Trading Interval, which exceeds a number (in MWh) equal to the Exit User's current Demand Cap (in MW) multiplied by the length of the Trading Interval (in hours).

{Example — If the Exit User has chosen a Demand Cap of 80 MW, and the Trading Interval is 15 minutes, then the maximum quantity of energy the Exit User may validly receive during a Trading Interval is 80 x ¼ = 20 MWh.}

160 ISO's monitoring and enforcement role

(1) The ISO must, whenever it receives an Allocation Notice or a Generation Adequacy Certificate, reconcile all current Allocation Notices against all current Generation Adequacy Certificates, to ensure that the requirements of this Chapter 6 are being met.

(2) The ISO may from time to time monitor nominated metered quantities under Chapter 8 to verify that no Exit User is exceeding its Demand Cap or otherwise breaching this Chapter 6.

(3) The ISO may at any time Direct —

(a) a Generator to give it reasonable supporting information about the content of a Capacity Certificate including the Generator's determination of its Actual Installed Capacity; and

(b) an Exit User to give it reasonable supporting information about the content of a Generation Adequacy Certificate including the Exit User's calculation of its Peak Demand; and

(c) a Registered NSP to give it any information reasonably necessary to support the ISO's functions under this Chapter 6.

(4) If the ISO detects a breach of this Chapter 6 it may, without limiting its other remedies —

(a) Direct the breaching person to Promptly remedy the breach; or

(b) Publish details of the breach; or

(c) if the Exit User is breaching rules 158 or 159 — require the Exit User to either reduce its receipt of energy or lodge an appropriate Generation Adequacy Certificate; or

(d) if the Exit User is breaching rules 158 or 159 and the ISO considers that the breach is sufficiently serious to pose a Credible risk to the System Security Objective — Direct the relevant Registered NSP to curtail energy deliveries to the Exit User to a level permitted by the Demand Cap (or, if there is no valid Demand Cap in place, to a level the ISO determines appropriate from time to time to Maintain the System Security Objective).

161 ISO to Develop a Generation Adequacy Procedure

(1) The ISO must, in consultation with the Registered NSPs, Develop a Procedure (**"Generation Adequacy Procedure"**) for the purposes of this Chapter 6.

(2) The Procedure —

(a) must identify times of Peak Demand, or set out an adequate methodology for identifying times of Peak Demand, in order to Enable an Exit User to undertake the calculation under rule 156(1); and

(b) may, but does not have to, deal with any other matter appropriate for this Chapter 6.

Chapter 7 – System operations

Subchapter 7.1 – Key concepts

162 The System Security Objective

The **"System Security Objective"** is to —

(a) Maintain the Power System Inside the Technical Envelope where practicable, and otherwise Promptly return it to Inside the Technical Envelope; and

(b) Maintain the Power System in a Secure State where practicable, and otherwise return it to a Secure State as soon as practicable; and

(c) otherwise — to a GEIP standard Maintain, and to a GEIP standard seek to improve, Security and Reliability.

163 Definition of Inside the Technical Envelope

(1) The Power System is operating **"Inside the Technical Envelope"** whenever all of the following conditions are satisfied —

(a) the frequency at all energised busbars is within the Frequency Operating Standards set out in the Harmonised Technical Rules; and

(b) the voltage magnitudes are within the normal range set out in the Harmonised Technical Rules at all energised busbars in a switchyard or substation at a Generation Facility, or on a Transmission Network or Interconnector; and

(c) the MVA flows on all registered facilities and Network Elements are within the applicable Operating Ratings and Security Limits; and

(d) the Power System is configured such that the severity of any potential fault is within the capability of the relevant circuit breakers to disconnect the faulted circuit or Equipment.

(2) The Power System is operating **"Outside the Technical Envelope"** whenever any of the conditions listed in rule 163(1) is not satisfied.

164 Definition of Secure State

The Power System is in a **"Secure State"** if it is —

(a) operating Inside the Technical Envelope; and

(b) subject to rule 72(4), expected to remain Inside the Technical Envelope following the occurrence of a single Credible Contingency event.

165 Definition of Normal Operating Conditions

A Power System is under **“Normal Operating Conditions”** when —

(a) no Contingency has occurred; and

(b) no Islands have formed; and

(c) no System Operations Direction is in effect; and

(d) frequency is within the Normal Frequency Tolerance Band; and

(e) the Primary FCESS Provider is providing the Primary FCESS service in accordance with the Primary FCESS Contract; and

(f) each contracted SRESS Provider is maintaining the amount of Headroom required by its SRESS Contract; and

(g) electricity flows across Interconnectors are within the tolerances agreed by the Interconnected NSPs and notified to the ISO; and

(h) no Pre-Contingent Actions are being taken.

166 Definition of Notifiable Event

A **“Notifiable Event”** for a Power System is any planned or anticipated system event (including a planned Outage, commissioning or testing of a Facility or Network Element) which might credibly be expected to adversely affect —

(a) Security or Reliability; or

(b) the ability of any part of a Covered Transmission Network to benefit from Essential System Services; or

(c) the ability of a Covered NSP to provide Transmission Voltage contracted Network services.

167 Definition of System Coordination Matters

The following are **“System Coordination Matters”** —

(a) the scheduling and coordination of all planned or anticipated Notifiable Events; and

(b) any changed circumstances or material new information regarding any planned or anticipated Notifiable Event; and

(c) for each currently planned or anticipated Notifiable Event —

(i) its likely consequences for Security and Reliability; and

(ii) its likely consequences in terms of whether a Constraint Rule is, or is likely, to be violated; and

(iii) any measures, which may be necessary or desirable to put in place for managing the Power System in order to achieve the System Security Objective during the event, including any changes in Essential System Service procurement, configuration, Enablement or Dispatch; and

(iv) if it is a planned Outage — whether the Outage should proceed as planned or at all;

and

(d) any other matters affecting Security, Reliability or system operations generally which are appropriate for discussion under Subchapter 7.3.

Subchapter 7.2 – Standards of behaviour

168 General standard of behaviour

(1) A System Operations Participant given a function under these Rules must perform it to a GEIP standard.

(2) This rule 168 does not limit any other rule, Procedure or Direction.

169 Obligation to balance

(1) A Balancing Nominee in a Covered Network must, in Normal Operating Conditions, use reasonable endeavours in accordance with GEIP to procure that —

(a) {**energy**} its Imbalance for each Trading Interval is as close to zero as reasonably practicable; and

(b) {**power**} within a Trading Interval, subject to rule 169(4), Maintain as close as reasonably practicable to a real-time balance between the relevant injections and withdrawals.

(2) For each Balancing Nominee at a Balancing Point in a Covered Network, the following persons must, to the extent it is within their power to do so, each use reasonable endeavours in accordance with GEIP to facilitate the Balancing Nominee's compliance with rule 169(1) and, if applicable, 169(4) —

(a) the Nominator for the Balancing Point; and

(b) a Network User with an Entry Service or Exit Service at the Balancing Point; and

(c) a Controller of a Generation Facility, Consumer Facility or CPC Facility at the Balancing Point.

(3) Rules 169(1) and 169(2) do not apply, to the extent that an Imbalance results from good faith compliance with a Procedure, Protocol or Direction other than a Constraint Direction.

{Constraint Directions are excluded from rule 169(3)'s protection, because it's a principle of constrained access that the constrained-off Network User remains responsible for maintaining an energy balance.

(4) The ISO may, in consultation with the affected System Operations Participants, Direct a Balancing Nominee to relax its control settings, or procure that the relevant control settings be relaxed, if the Balancing Nominee's strict compliance with rule 169(1) is creating, or may create, a threat to Security or Reliability or other operational difficulties for the ISO or other Rules Participants.

170 Standards of behaviour in system coordination

In performing their functions under Subchapter 7.3 and Subchapter 7.4, the ISO, each Registered NSP and (where applicable) each ESS Provider must —

(a) confer with each other and share information as often, and in as much detail, as is required by GEIP; and

(b) seek to cooperate to the standard required by GEIP with a view to maintaining Security and Reliability; and

(c) have regard to the Pilbara Electricity Objective and the System Security Objective; and

(d) seek to achieve consensus outcomes wherever practicable.

171 General requirement to treat Load shedding as a last resort

(1) Regardless of which Protocol is active, System Operations Participants must endeavour in good faith in accordance with GEIP and these Rules to use all other means reasonably practicable to Maintain the Power System Inside the Technical Envelope in response to a Contingency, before using Load shedding.

(2) Rule 171(1) does not require a Registered NSP to depart from the under-frequency Load shedding requirements of the Harmonised Technical Rules, or to prevent automated systems from being configured and responding in accordance with those requirements.

172 Grounds for non-compliance

(1) A person does not have to comply with —

(a) rules 168, 169 or 170; or

(b) a Procedure (including the Protocol Framework), a Protocol or a Direction,

to the extent that the person believes in good faith that compliance —

(c) is impossible; or

(d) is inappropriate due to prevailing emergency circumstances; or

(e) would be contrary to any law; or

(f) may cause or exacerbate a situation which risks physical injury or death to any person or material damage to any Equipment; or

(g) would be contrary to the System Security Objective.

{For a Pluto Recipient, rules 188A(2)(a) and (3) provide additional grounds for non-compliance.}

(2) Rule 172(1) does not authorise a person to not comply with an obligation listed in paragraphs (a) or (b) of that rule, on any or all of the following grounds —

(a) that compliance may be inconvenient; or

(b) that compliance may cause the person to breach a contract or an Instrument of Delegation; or

(c) that compliance may cause the person to incur additional costs.

(3) If a person purports to rely on rule 172(1) to not comply with an obligation listed in paragraphs (a) or (b) of that rule, the person must Promptly notify the ISO Control Desk, and must provide details of its reasons during any post-incident discussion or investigation.

{Rule 188A(4) is a similar provision for a Pluto Recipient which seeks to rely on rules 188A(2)(a) and (3).}

Subchapter 7.3 – System coordination

173 Objectives of this Subchapter 7.3 and Subchapter 7.4

(1) The primary objective of this Subchapter 7.3 and Subchapter 7.4 is to —

(a) promote communication and collaboration between the ISO and Registered NSPs regarding System Coordination Matters; and

(b) in so doing provide the ISO, Registered NSPs and ESS Providers with the information they reasonably need to perform their obligations under these Rules and relevant contracts, with a view to achieving the System Security Objective; and

(c) promote the collaborative resolution of Scheduling Conflicts regarding Outages and other System Coordination Matters; and

(2) The secondary objectives of this Subchapter 7.3 and Subchapter 7.4 is to do the above things in as efficient and informal a manner as practicable, maximising communication while minimising the compliance burden.

174 System coordination meetings

(1) The ISO is to convene a system coordination meeting at least once every fortnight.

(2) The system coordination meeting is to discuss, as necessary, any or all current and anticipated System Coordination Matters.

(3) A system coordination meeting is to be attended by —

(a) from each Registered NSP, a manager who has Direct operational responsibility for the personnel of an NSP who are engaged in system operations activities, or the manager's alternate; and

(b) an ISO representative, who is to chair the meeting.

(4) Unless the chair determines otherwise after consulting the Registered NSP representatives —

(a) the system coordination meeting's duration should normally not exceed 30 minutes; and

(b) a person identified in rule 174(3) may appoint an alternate from time to time; and

(c) the chair may permit one further ISO or Registered NSP representative to attend the meeting, to provide secretarial support; and

(d) otherwise, no-one else may attend a system coordination meeting.

{The intention is that meetings will predominantly involve the 4 people identified, and no-one else. The chair may from time to time invite others to attend, for example representatives from an ESS Provider or a major Load, but this is not intended to be a regular occurrence.}

(5) The ISO and Registered NSPs may agree on arrangements for system coordination meetings which differ from this rule 174.

175 Activities between system coordination meetings

Between system coordination meetings, the ISO will liaise as necessary with Registered NSPs and ESS Providers regarding System Coordination Matters.

176 System coordination meetings and discussions – Confidential Information

(1) A person who participates in a meeting or discussion under this Subchapter 7.3 or Subchapter 7.4 must —

(a) ensure that any Confidential Information it obtains in the course of the meeting or discussion is not disclosed or accessible beyond the person's operational staff (except to the extent reasonably necessary for audit, compliance and governance purposes); and

(b) not use, store, analyse or disseminate any Confidential Information it obtains in the course of the meeting or discussion, for any purpose other than the purposes of this Subchapter 7.3 or Subchapter 7.4 or otherwise seeking to achieve the System Security Objective.

(2) Rule 176(1) does not limit Subchapter 11.2 { Confidential Information}.

177 ISO to produce System Coordination Report

(1) After each system coordination meeting, and otherwise as it considers necessary, the ISO must give to the Registered NSPs and ESS Providers a report on —

(a) any current or anticipated System Coordination Matters; and

(b) any follow-up actions the ISO considers appropriate, including further discussions and the provision of further information; and

(c) any other thing the ISO recommends be done or not done, in respect of any of those matters.

(2) The format and content of the System Coordination Report is to be determined by the ISO from time to time in consultation with the Registered NSPs, placing an emphasis on meeting the objectives in rule 173 as simply and efficiently as practicable.

(3) The System Coordination Report is to be based upon information received by the ISO —

(a) at system coordination meetings;

(b) from Registered NSPs' internal Outage planning reports provided under rule 180(2)(b);

(c) otherwise from Registered NSPs.

(4) The ISO may inform itself as it sees fit in Connection with this Subchapter 7.3 and Subchapter 7.4, but does not have a general obligation to investigate planned or anticipated Notifiable Events beyond the information sources set out in rule 177(3).

178 Review of this Subchapter 7.3 and Subchapter 7.4

(1) From time to time, and at least once in every five year period starting from the Rules Commencement Date, the ISO must conduct a review of the processes set out in this Subchapter 7.3 and Subchapter 7.4 against the Pilbara Electricity Objective.

(2) The review must include consultation with Registered NSPs and registered controllers and Public consultation following the Expedited Consultation Process.

(3) At the conclusion of a review, the ISO must Publish a report containing any recommended changes to this Subchapter 7.3 or Subchapter 7.4.

(4) If the ISO recommends any Rules or Procedure changes in the report, it must either submit a Rule Change Proposal or initiate a Procedure Change Process, as the case may be.

Subchapter 7.4 – Notifying planned and unplanned Outages

179 If a near-term event arises between system coordination meetings

(1) If a Registered NSP, the ISO or the ISO Control Desk becomes aware of a pending Notifiable Event which has not previously been notified and is likely to occur before the next system coordination meeting, then (without limiting rule 183) it must take reasonable steps to a GEIP standard Promptly to notify, and coordinate with, as the case may be, the other Registered NSPs and the ISO Control Desk regarding the Notifiable Event.

(2) Rule 179(1) applies also to a previously-notified Notifiable Event if there is a material change from the circumstances as previously notified.

180 Notification obligations

(1) Each Registered NSP must notify the ISO and the other Registered NSPs of each planned or anticipated Notifiable Event on its Network, and must (to an extent which is reasonable having regard to the objectives in rule 173) keep them updated as information about the Notifiable Event changes.

(2) Subject to rule 179, a Registered NSP will be deemed to have complied with its obligation under rule 180(1) if it —

(a) provides the information orally at the next system coordination meeting;

{There is no minimum advance warning period for planned Outages. However, the effect of rule 180(2)(a) is to oblige the Registered NSP to raise a planned Outage at the system coordination meeting as soon as it appears on the Registered NSP's own planning horizon.}

and

(b) Promptly gives the ISO a copy of the Registered NSP's internal Outage planning report each time the internal report is materially updated.

(3) A Registered NSP may redact commercially sensitive information from a report given to the ISO under rule 180(2)(b).

181 Outages of facilities

(1) Each Registered NSP must ensure that it is kept sufficiently informed about Notifiable Events affecting facilities Connected to its Network, to Enable it to comply with its obligations under Subchapter 7.3 and this Subchapter 7.4.

(2) If a Registered Facility is Connected to a Covered Network, then the Registered Controller must keep the Covered NSP sufficiently informed about Notifiable Events affecting the Registered Facility, to Enable Registered NSPs and the ISO to comply with their obligations under Subchapter 7.3 and this Subchapter 7.4.

182 Resolving Scheduling Conflicts

(1) A **"Scheduling Conflict"** arises for a planned Outage if the ISO determines that the Outage taken together with all currently proposed or anticipated Notifiable Events, may cause the Power System to be Outside the Technical Envelope, or otherwise poses an unacceptable risk to Security and Reliability.

(2) Wherever possible, Scheduling Conflicts are to be resolved by consensus between the Registered NSPs, facilitated as necessary by the ISO.

(3) If the ISO determines that a consensus will not be reached in time for the relevant Notifiable Events to be managed appropriately, the ISO may resolve the Scheduling Conflict by giving a Direction to one or more of the affected parties but cannot give such a direction to the Pluto Facility's Controller.

(4) If the Scheduling Conflict involves, or involved facilities in, both a Covered Network and an integrated Mining System, the ISO must have regard to rule 5 in determining the content of a Direction under rule 182(3).

(5) A Direction under rule 182(3) may specify which Notifiable Event is to have priority for scheduling purposes, and may contain such scheduling or other information or instructions as the ISO considers reasonably necessary to resolve the Scheduling Conflict and achieve the System Security Objective.

183 Obligations to report contingencies and unplanned events

(1) The Registered NSP in whose Network a Notifiable Unplanned Event {defined in rule 183(5)} occurs, must Promptly on a 24/7 Basis notify the other Registered NSPs and the ISO Control Desk.

(2) An ESS Provider who suffers an unplanned Outage which will impact its ability to provide Essential System Services, must Promptly on a 24/7 Basis notify all Registered NSPs and the ISO Control Desk.

(3) A Generator who suffers an unplanned Outage of any Generating Unit which will or might credibly be a Notifiable Unplanned Event, must Promptly on a 24/7 Basis notify all Registered NSPs and the ISO Control Desk.

(4) The Protocol Framework is to set out communication requirements for notifications under this rule 183.

(5) In rule 183(1), an **"Notifiable Unplanned Event"** for a Network means any Contingency or other event, that might impact the Network in a way which might credibly be expected to adversely affect —

(a) achievement of the System Security Objective; or

(b) any part of a Covered Transmission Network's ability to benefit from Essential System Services; or

(c) a Covered NSP's ability to provide Transmission Voltage contracted Network services.

Subchapter 7.5 – Operating the Power System

184 Objectives of this Subchapter 7.5

(1) This Subchapter 7.5's primary objective is to achieve the System Security Objective.

(2) This Subchapter 7.5's secondary objective is to achieve the primary objective in a manner which —

(a) as far as practicable relies on informal collaboration and cooperation; and

(b) subject to the Pilbara Electricity Objective, causes as little disruption as practicable to —

(i) Registered NSPs' operational discretion and flexibility; and

(ii) Registered NSPs' and Network Users' commercial arrangements with each other and with third parties.

185 Responsibilities and powers in Normal Operating Conditions

(1) {**Registered NSPs**} During Normal Operating Conditions a Registered NSP must —

(a) to a GEIP standard; and

(b) on a 24/7 Basis; and

(c) with a view to achieving the System Security Objective,

perform the following functions —

(d) operate and Maintain its Network in accordance with the Harmonised Technical Rules and any applicable Equipment Limits and Security Limits; and

(e) monitor its Network in order to (within its Network) —

(i) identify when a Contingency or Islanding Event has occurred; and

(ii) identify when a Network Constraint is occurring or might credibly occur;

{A Network Constraint can arise not only in a Covered Network, but also in an Interconnector — see definition in rule 8.}

and

(iii) identify when a Pre-Contingent Action may be required; and

(iv) detect any other present or emerging threat to Security or Reliability;

and

(f) communicate and coordinate in accordance with the Protocol Framework with the ISO Control Desk, the other Registered NSPs and (as necessary) others in respect of any matter detected or identified under rule 185(1)(e) with a view to advancing the objective in rule 184(1); and

(g) not itself do anything, and not cause or authorise any person to do anything, which might reasonably be expected to lead to the Power System being Outside the Technical Envelope; and

(h) subject to the other paragraphs of this rule 185(1), perform its obligations and exercise its rights under Network Access Contracts and any other contracts.

(2) {**ISO Control Desk**} During Normal Operating Conditions the ISO Control Desk must —

(a) to a GEIP standard; and

(b) on a 24/7 Basis; and

(c) with a view to achieving the System Security Objective,

perform the following functions —

{Unlike the Registered NSPs and the registered controllers, the ISO has no "operate and Maintain" function in the below list. Also, under Normal Operating Conditions, the ISO has no general power to give system operations directions under this Subchapter 7.5. But it may still give a Constraint Direction, a Direction under an ESS Contract and, if necessary, an emergency Direction under rule 189.}

(d) monitor the Power System in order to (within the Power System, but only to the extent it has Visibility) —

(i) identify when a Contingency or Islanding Event has occurred; and

(ii) identify when a Network Constraint may credibly occur or is occurring; and

(iii) identify when a Pre-Contingent Action may be required; and

(iv) detect any other present or emerging threat to Security or Reliability;

and

(e) communicate and coordinate in accordance with the Protocol Framework with the Registered NSPs and (as necessary) others in respect of any matter detected or identified under rule 185(2)(d) with a view to advancing the objective in rule 184(1); and

(f) determine (if applicable) Required Headroom under rule 212; and

(g) determine whether and when to Enable or Disable FCESS Providers under rule 215; and

(h) determine whether and when to issue a Constraint Direction; and

(i) determine whether and when to activate a Protocol; and

(j) not itself do anything, and not cause or authorise any person to do anything, which might reasonably be expected to lead to the Power System being Outside the Technical Envelope.

(3) {**Registered controllers**} During Normal Operating Conditions a Registered Controller must to a GEIP standard —

(a) operate and Maintain its Facility in accordance with the Harmonised Technical Rules and any applicable Equipment Limits and Security Limits; and

(b) not itself do anything, and not cause or authorise any person to do anything, which might reasonably be expected to lead to the Power System being Outside the Technical Envelope; and

(c) if applicable, communicate and coordinate in accordance with the Protocol Framework; and

(d) subject to the other paragraphs of this rule 185(3), perform its obligations and exercise its rights under any contract.

(4) Rules 185(1), 185(2) and 185(3) do not limit each other.

{The effect of rule 185(4) is that a rule participant's obligations are not reduced, simply because another System Operations Participant may have an overlapping obligation, overlapping Visibility or also be in a position to identify or undertake a required action.}

(5) Rule 185(1) does not limit the functions a Registered NSP may perform.

186 Responsibilities and powers in respect of Pre-Contingent Actions

(1) {**ISO Control Desk**} If circumstances arise which call for a Pre-Contingent Action, then the ISO Control Desk, in order to preserve a Secure State despite the external threat or planned Outage —

{Example of such circumstances — An approaching bushfire or storm.}

(a) must coordinate with Registered NSPs and, if appropriate, registered controllers; and

(b) may request reasonable cooperation from a Registered NSP or a Registered Controller; and

(c) may issue a reasonable Pre-Contingent Direction to a Registered NSP or a Registered Controller, but only to the extent permitted by the Pre-Contingent Protocol;

{In contrast to Normal Operating Conditions, the ISO does have a limited power to give directions in Connection with Pre-Contingent Actions, but this is more limited than its post-contingent powers, for which see rule 187(1).}

and

(d) otherwise, must continue to comply with rule 185(2).

(2) {**Registered NSPs and registered controllers**} If circumstances arise which call for a Pre-Contingent Action, then a Registered NSP and a Registered Controller —

(a) must coordinate with the ISO Control Desk as required; and

(b) must endeavour to comply with any reasonable request from the ISO Control Desk; and

(c) must comply with any Pre-Contingent Direction from the ISO Control Desk; and

(d) for a Registered NSP — may issue a reasonable Pre-Contingent Direction to the Controller of any Facility Connected to its Network, but only to the extent permitted by the Pre-Contingent Protocol; and

(e) otherwise, must continue to comply with rules 185(1) or 185(3), as applicable.

187 Responsibilities and powers following a Contingency, etc

(1) {**ISO Control Desk**} If the Power System is outside Normal Operating Conditions, including because one or more contingencies have occurred, then the ISO Control Desk —

(a) must seek to —

(i) Maintain the Power System Inside the Technical Envelope where practicable, and otherwise return it to Inside the Technical Envelope Promptly; and

(ii) Maintain the Power System in a Secure State where practicable, and otherwise return it to a Secure State as soon as practicable;

and

(b) must comply with any active Protocol; and

(c) if acting as Incident Coordinator, may issue system operations directions in accordance an active Protocol;

{The ISO's main power to give directions in response to a Contingency will be as Incident Coordinator under an active Protocol. Outside the Protocol, the ISO's Direction power is limited to emergencies (rule 189). If the parties are managing a Contingency informally (e.g. under rule 83), the ISO Control Desk's role will be to liaise and request, not Direct.}

and

(d) may coordinate with Registered NSPs and, if appropriate, registered controllers; and

(e) may request reasonable cooperation from a Registered NSP or a Registered Controller; and

(f) otherwise, must continue to comply with rule 185(2).

(2) {**Registered NSPs and registered controllers**} If the Power System is outside Normal Operating Conditions, including because one or more contingencies have occurred, then a Registered NSP and a Registered Controller —

(a) must comply with any Direction from the ISO Control Desk or, in the case of a Registered Controller, from the relevant Registered NSP; and

(b) must comply with any active Protocol; and

(c) must cooperate with the ISO Control Desk as required; and

(d) must endeavour to comply with any reasonable request from the ISO Control Desk; and

(e) for a Registered NSP — may issue a System Operations Direction in accordance with an active Protocol; and

(f) must otherwise, continue to comply with rules 185(1) or 185(3), as applicable.

188 System operations directions

{Rule 86 sets out the obligation to comply with directions, and the circumstances in which compliance is excluded, e.g. where compliance may be illegal or unsafe.}

{Except when it is acting as an Incident Coordinator under rule 188(2), this rule 188 does not empower the ISO and ISO Control Desk to issue an operational Direction of the sort contemplated here. The ISO does have other Direction powers, e.g.

- a residual emergency power in rule 189;

- a limited power in respect of Pre-Contingent Actions under rule 186;
- to manage ESS under Chapter 8;
- a Constraint Direction.}

(1) {**Registered NSP's general power**} Subject to rules 188(4) and 188(5), a Registered NSP may at any time, for the purposes set out in rule 184(1), issue a Direction in accordance with rule 188(3) to —

(a) the Controller of any Facility Connected to its Network; and

(b) a Network User of its Network.

(2) {**Incident Coordinator's power under a Protocol**} Subject to rule 188(5), the Incident Coordinator may at any time when permitted by rule 186 or while a Protocol is active if permitted by the Protocol, issue a Direction in accordance with rule 188(3) to —

(a) a Registered NSP other than the NSP of an Integrated Mining Network; and

(b) the Controller of any Facility (other than the Pluto Facility) Connected to a Covered Network; and

(c) an ESS Provider; and

(d) a Network User of a Covered Network; and

(e) if necessary, to the Registered NSP of an Integrated Mining Network, or to the Controller of a Facility Connected to an Integrated Mining Network, but only to the extent and for the purposes set out in rule 5;

{Rule 5 sets out the extent to which these Rules may affect the operation of an Integrated Mining System.}

and

(f) subject to rules 188A(2)(a) and 188A(3) — to the Controller of the Pluto Facility.

(3) {**Permitted content**} A Direction under this rule 188 —

(a) must be limited to what is reasonably necessary to achieve the primary objectives set out in rule 184(1), having regard to the secondary objective set out in rule 184(2); and

(b) subject to rule 188(5), must respect Equipment Limits and Security Limits; and

(c) most not exceed any limitations in, and must comply with any requirements of, the Protocol Framework or an active Protocol,

but otherwise, subject to rules 188(3)(a), 188(3)(b) and 188(3)(c), may deal with any matter, and may require the Recipient to do or not do (or continue doing or not doing) any thing, that the Registered NSP or Incident Coordinator (as the case may be) considers reasonably necessary or convenient under GEIP to achieve the primary objectives set out in rule 184(1).

{Examples — A System Operations Direction under this rule 188 may —

- (**Dispatch and Constraint**) Direct a Facility's Controller to increase or decrease its electricity injection or withdrawal, either directly (for example, by manual intervention from a control centre) or indirectly or automatically (for example by establishing or changing the configuration, settings or pre-programmed setpoints of automatic control systems); and
- (**settings**) requiring a Generator to activate/deactivate machine settings such as Isoch/AGC; and
- (**Outages**) cancel or defer a planned Outage that has not yet commenced, or in extreme circumstances recall a Facility from Outage; and
- (**Network**) perhaps, requiring a Registered NSP to Enable an alternative Network path; and
- (**dealing with long Outages**) if an Outage is expected to last for some time, the Direction may include taking steps to prepare for the next (i.e. second) Contingency, i.e. to adapt to the post-contingent state as the 'new normal'.}

(4) {**Directions and contractual powers**} If a Registered NSP is empowered by this rule 188 to give a Direction to a person, and also has a contractual power to impose a comparable requirement on the person, then the same notice can have effect as an exercise of the contractual power in accordance with its terms, and as a Direction under this rule 188.

(5) {**Use of Overload Ratings**} Unless the Protocol Framework or a Protocol provides otherwise, a Direction seeking to utilise the Overload Rating of a Facility or Network Element should not be given without first consulting the relevant Registered Controller or Registered NSP.

188A Restrictions on directions to Pluto facilities

(1) In this rule 188A and in rules 188B and 188C —

(a) "**Host Network**" means the NWIS Network to which the Pluto Facility is Connected; and

(b) "**Host NSP**" means the Registered NSP of the Host Network; and

(c) "**Pluto Recipient**" means:

(i) the Controller of the Pluto Facility; or

(ii) a Network User of the Host Network who has a right under a Network Access Contract with the Host NSP to either (or both) Withdraw electricity from the Host Network, or Inject electricity into the Host Network, at the Pluto Connection Point (but references in these rules to the Network User as a "Pluto Recipient" apply only in connection with the Network User's rights and obligations at the Pluto Connection Point).

(d) "**Pluto Permitted Direction**" means a System Operations Direction or notice under rule 191 issued to a Pluto Recipient in connection with the Pluto Connection Point which requires the Pluto Recipient to:

(i) reduce the Withdrawal of electricity from the Host Network at the Pluto Connection Point; or

(ii) disconnect the Pluto Connection Point from the NWIS; or

(iii) subject to rule 188A(2), reduce the Injection of electricity into the Host Network at the Pluto Connection Point;

(2) A Pluto Recipient:

(a) is not obliged to comply with a direction or notice of the type referred to in rule 188A(1)(b)(iii), to the extent that it believes in good faith that compliance may adversely affect the Reliability, Security or safety of the Pluto Facility or compliance with applicable laws; but

(b) if it purports to rely on rule 188A(2)(a) to not comply with a direction or notice, must instead disconnect the Pluto Facility from the NWIS in accordance with rule 188B.

(3) A Pluto Recipient is not obliged to comply with a System Operations Direction or notice under rule 191 issued to it in connection with a Pluto Connection Point, to the extent it is not a Pluto Permitted Direction.

{Rules 188A(2)(a) or (3) do not apply to a Constraint Direction.}

(4) If a Pluto Recipient purports to rely on rule 188A(2)(a) or (3) to not comply with a System Operations Direction or notice under rule 191, it must promptly notify the ISO Control Desk, and must provide details of its reasons during any post-incident discussion or investigation.

188B Power to disconnect Pluto Facility

(1) The Host NSP, the Incident Coordinator and the ISO Control Desk may, at any time and for any reason, disconnect the Pluto Facility from the NWIS if it considers doing so is reasonably necessary under GEIP to achieve the primary objectives set out in rule 184(1).

{This rule covers direct action to disconnect. Alternatively, a Direction to Disconnect may be given. This would be a Pluto Permitted Direction – see rule 188A(1)(b)(ii).}

(2) Subject to rule 188B(5), before a person exercises the power in rule 188B(1), it must give the Controller of the Pluto Facility as much advance notice of the upcoming disconnection as is practicable in the circumstances.

(3) The Controller of the Pluto Facility may, at any time and for any reason, disconnect the Pluto Facility from the NWIS if it considers doing so is reasonably necessary under GEIP to achieve the primary objectives set out in rule 184(1).

(4) Subject to rule 188B(5), before the Controller of the Pluto Facility exercises the power in rule 188B(3), it must give the ISO Control Desk and the Host NSP as much advance notice of the upcoming disconnection as is practicable in the circumstances.

(5) The obligation to give notice in rules 188B(2) and 188B(4) does not apply if the need to disconnect is so urgent under GEIP to achieve the primary objectives set out in rule 184(1) that prior notice cannot reasonably be given.

188C If Pluto facility is disconnected

If —

(a) a Direction to disconnect the Pluto Facility is given under rule 188A(1)(b)(ii); or

(b) the Pluto Facility is disconnected under rules 188B(1) or (3),

then —

(c) the Controller of the Pluto Facility must obtain the consent of the ISO and the Host NSP, before reconnecting the Pluto Facility to the NWIS; and

(d) rule 274K applies as though the direction or disconnection were listed in rule 274K(1) as a Potential Relevant Change.

189 Directions in emergencies

Despite anything in this Subchapter 7.5, or in the Protocol Framework or a Protocol, but subject to rules 188A(2)(a) and 188A(3) —

(a) a Registered NSP may give a Direction to a Recipient named in rule 188(1); and

(b) the ISO or the ISO Control Desk may give a Direction to a Recipient named in rule 188(2),

in whatever form and with whatever content it judges necessary, if it believes in good faith that emergency circumstances exist which justify its doing so under GEIP, including in order to Maintain the Power System Inside the Technical Envelope, prevent death or injury or damage to Equipment, or avoid Load shedding.

190 Actions in emergencies

(1) Despite anything else in these Rules, a Registered NSP in respect of its Network, and a Controller in respect of its Facility, may take such actions as it in good faith judges necessary, if it believes in good faith that extraordinary circumstances exist —

(a) which are not adequately dealt with by the Protocol Framework or otherwise under these Rules; or

(b) which in accordance with GEIP justify urgent or unilateral action,

including in order to Maintain the Power System Inside the Technical Envelope, prevent death or injury or damage to Equipment, or avoid Load shedding.

(2) Rule 190(1) does not limit any person’s functions or powers under these Rules, any written law, or otherwise.

191 ISO may intervene in respect of Equipment which jeopardises Security or Reliability

(1) If at any time the ISO determines that Equipment being, or remaining, Connected to a Network creates a Credible risk to Security or Reliability, and that the risk is not adequately being managed by the Registered NSP, it may give a notice to any or all

of the Registered NSP, a Network User or the Controller of Equipment requiring the Recipient of the notice to take steps to remedy the situation.

(2) A notice under rule 191(1) may do any or all of the following —

(a) require the Registered NSP to decline permission to Connect Equipment; and

(b) require the Registered NSP to perform a function or exercise a power under these Rules in a particular way; and

(c) require the Recipient of the notice to disconnect Equipment or procure its disconnection; and

(d) require the Recipient to take, or procure the taking of, any other reasonable measure with a view to achieving the System Security Objective; and

(e) specify the time within which a thing is to be done, including immediately; and

(f) withdraw, amend or supplement a previous notice under rule 191(1).

(2A) A notice under rule 191(1) is subject to rules 188A(2)(a) and 188A(3).

(3) A notice under rule 191(1) may be given at any time in respect of existing, proposed or contemplated Equipment.

(4) If a notice under rule 191(1) concerns issues of technology selection or design for proposed or contemplated Equipment, the ISO must endeavour to give the Registered NSP and Controller either a notice, or advance warning of a contemplated notice, as early in their design process as possible, but a failure by the ISO to do so does not invalidate any notice given or limit the ISO’s power under rule 191 to give a notice at any time.

(5) The ISO must —

(a) have regard, among other things, to the compliance, opportunity, delay and other costs which may arise from a notice under rule 191(1); and

(b) whether or not, and before and after, it issues a notice under rule 191(1) (and to the extent practicable and consistent with the System Security Objective) endeavour to —

(i) resolve any Security or Reliability issue collaboratively and consultatively, seeking to achieve the minimum practicable disruption, delay and cost to Registered NSPs, Generators, controllers and consumers; and

(ii) respect Registered NSPs’, Generators’ and controllers’ freedom to manage, configure and operate their networks and Equipment as they see fit in accordance with these Rules and GEIP.

(6) A notice under rule 191(1) may be given despite any prior consent, approval or other notice given by the ISO.

(6A) Subject to rules 188A(2)(a) and 188A(3), the recipient of a notice under rule 191(1) must comply with the notice.

(7) A notice under rule 191(1), and any other matter arising under this rule 191, may be the subject of a Rules Dispute, but unless the ISO (in its absolute discretion and on such conditions as it considers fit) grants permission otherwise, rule 191(6A) applies pending resolution of the dispute.

(8) The ISO's power to intervene under this rule 191 does not displace the Registered NSP's responsibility under rule 269.

192 System restart (black start)

(1) A Protocol may deal with system restart, in which case the Protocol may modify or disapply this rule 192.

(2) A Registered NSP, in consultation with all Generators on its Network —

(a) subject to the secondary objective in rule 184(2), must develop and Maintain, and at all times be in a position to implement, operational arrangements (**"Network Restart Arrangements"**) to restart its Network or any Island in the event of system shutdown; and

(b) must keep the ISO reasonably informed about its current Network Restart Arrangements; and

(c) must, if a shutdown occurs, restart its Network or the Island, as applicable, as quickly as practicable in accordance with GEIP; and

(d) must, as circumstances require, coordinate and cooperate with other NSPs and the ISO Control Desk regarding, and use its reasonable endeavours to the standard of GEIP to assist in, the restart of other NSPs' networks or Islands.

(3) The ISO must review Registered NSPs' Network Restart Arrangements to ensure they are interoperable and adequate under GEIP standards, and, if they are not, may Direct changes to be made.

(4) The ISO Control Desk has the function of coordinating system restart activities for the Power System, and may give reasonable directions to Registered NSPs and registered controllers for that purpose.

(5) If any person is required, directed or reasonably requested to do or not do a thing under this rule 192 or a Network Restart Arrangements in Connection with restarting the Power System, a Network or an Island, the good faith doing or not doing of the thing is a function of the person under Part 8A of the Act.

Subchapter 7.6 – Post-incident discussion and investigation

193 Objectives of this Subchapter 7.6

(1) This Subchapter 7.6's primary objective is to Enable and promote —

(a) continuous improvement of these Rules, the Procedures, and the operation of the Power System; and

(b) appropriate accountability for Rules Participants,

with a view to maintaining and improving Security and Reliability.

(2) This Subchapter 7.6's secondary objective is to pursue the primary objective —

(a) as efficiently as possible, having regard to the compliance burden and cost of post-incident discussion and investigation for both the ISO and other Rules Participants; and

(b) having regard to rule 5; and

(c) in a manner which balances transparency with candour.

194 Incidents to be investigated

(1) This Subchapter 7.6 applies to each of the following incidents —

(a) a Contingency or other event which in the ISO's opinion jeopardised, or had the potential to jeopardise, the System Security Objective to a significant extent; or

(b) an unplanned Outage of a Facility or Network Element for which a planned Outage would be a Notifiable Event; or

(c) a Protocol being activated or the ISO referring any other matter under rule 84.

(Note — Rule 84 allows for referral of matters relating to the Protocol Framework and protocols, or otherwise arising in Connection with Subchapter 3.7).

(2) Without limiting what a discussion or investigation may consider, if it relates to a matter contemplated by Subchapter 3.7, it must consider —

(a) whether a Protocol was activated and deactivated appropriately, or should have been activated when it was not; and

(b) how any Contingency or other incident was managed, and whether it might have been better managed; and

(c) whether any System Operations Direction given was justified and appropriate.

195 ISO's investigation powers

The ISO, for the purposes of discussions under rule 196 or an investigation under rule 197, but having regard to the secondary objective in rule 193(2) —

(a) may inform itself as it sees fit; and

(b) may request, and in the case of an investigation under rule 197 may Direct, a Rules Participant to —

(i) provide a report on the incident; and

(ii) provide any information or data in the person's possession or control relevant to the incident; and

(iii) otherwise investigate the incident, undertake testing, or cooperate with or assist in the ISO's investigations;

and

(c) without limiting rule 195(a), may (subject to its budgetary arrangements under Subchapter 4.5) commission an investigation or report from a consultant or other third party.

196 Informal discussion

(1) Unless the ISO commences an investigation under rule 197, it must deal with an incident to which this Subchapter 7.6 applies by way of informal, confidential discussions between the ISO, Registered NSPs and, if the ISO considers it necessary, any other materially affected person.

(2) The discussions may be combined with a system coordination meeting, are to be chaired and facilitated by the ISO, and are to focus on identifying what happened, and what improvements (if any) might be made to the Rules, Procedures or operating practices.

(3) Rule 176 {Confidentiality in system coordination meetings} applies in respect of the discussions.

(4) The ISO, if it considers it appropriate, may —

(a) prepare notes regarding the incident and the discussions and provide them to the Rules Participants who participated in the discussions; and

(b) Publish the notes, or a summary or extract of the notes,

but in either case must have regard to the objective in rule 193(2)(c) and comply with Subchapter 11.2 { Confidential Information}.

197 ISO investigation and report

(1) The ISO may at any time, on its own initiative, investigate under this rule 197 an incident to which this Subchapter 7.6 applies.

(2) If any person considers that an incident to which this Subchapter 7.6 applies has not been adequately dealt with by discussions under rule 196 combined with any resulting Rule Change Proposal or Procedure Change Proposal under rule 198, then it may request the ISO to investigate the incident under this rule 197.

(3) The ISO, when requested under rule 197(2), must undertake the investigation unless it determines that the request is frivolous, vexatious or not made in good faith, or the cost of the investigation would outweigh any possible benefit.

(4) An investigation under this rule 197 is to be a more formal and thorough examination of the incident, its consequences and its surrounding and antecedent circumstances, than the informal process under rule 196, while continuing to have regard to the secondary objective in rule 193(2).

(5) Without limiting rule 195, in an investigation under this rule 197 the ISO —

(a) must consult with each Registered NSP; and

(b) must seek to identify, and consult with, any Rules Participant or other person which was materially adversely affected by the incident.

(6) Following the investigation, the ISO must Publish a report detailing its findings, conclusions and recommendations and including at least —

(a) any reports provided to it under rule 195(b)(i), after the ISO has removed any information that the ISO considers under Subchapter 11.2 should not be released; and

(b) any occasions on which a person purported to rely on rule 172 to not comply with a Protocol or a System Operations Direction or Pre-Contingent Direction; and

(c) a description of any changes to the Rules, Procedures or operating practices that the ISO considers necessary or desirable.

(7) If the ISO determines that a report under rule 197(6) needs to contain Confidential Information, then —

(a) it must give the Coordinator and the Authority an unredacted copy of the report; and

(b) it may, if it considers it appropriate, identify in the unredacted copy any Confidential Information or any other information which the ISO considers should not be made Public; and

(c) it must Publish a version of the report which complies with Subchapter 11.2 {Confidential Information}; and

(d) for the purposes of rule 299 {Permitted disclosure}, it may in the published report disclose Confidential Information but only if, and only to the extent, it determines that doing so is necessary to —

(i) achieve the objectives in rule 193; or

(ii) otherwise progress the Pilbara Electricity Objective.

(8) If the ISO proposes to disclose Confidential Information in reliance on rule 197(7)(d) —

(a) it must first comply with rule 303 {Pre-disclosure process}; but

(b) for the purposes of the balancing in rule 303(2), it may disregard any detriment to the Information Owner by way of reputational harm or embarrassment.

198 Consequential rule and Procedure changes

(1) If the ISO considers, following discussions or an investigation under this Subchapter 7.6 that a change to these Rules or a Procedure is necessary or desirable, it must submit a suitable Rule Change Proposal or Procedure Change Proposal, as applicable.

(2) Without limiting rule 198(1), if ISO determines that the giving of a System Operations Direction or Pre-Contingent Direction constituted, or resulted in, an unnecessary or unwarranted intrusion by the Incident Coordinator in another person's GEIP operations, the ISO must, unless it is satisfied that some other measure will adequately mitigate the risk of any recurrence, submit a suitable Rule Change Proposal or Procedure Change Proposal, as applicable, to mitigate the risk of any recurrence.

Chapter 8 – Essential system services, balancing and settlement

{Outline — This Chapter 8 deals with the following —

- Subchapter 8.1 provides for the two Essential System Services to be procured by the ISO, being FCESS (frequency control Essential System Service) and SRESS (spinning reserve Essential System Service);
- Subchapter 8.2 deals with the energy balancing part of the EBAS (energy balancing and settlement) regime; and
- Subchapter 8.3 deals with the settlement part of the EBAS regime, in which contract notes are issued to settle payments for both Essential System Services and Imbalances.
- Subchapter 8.4 contains miscellaneous EBAS provisions.}

Subchapter 8.1 – Essential system services

{Outline — This Subchapter 8.1 deals with the specification, procurement and Enablement of —

- FCESS (frequency control Essential System Service, also known as "regulation" service) to regulate frequency in the Power System and any Islands; and
- SRESS (spinning reserve Essential System Service, also known as "contingency reserve") to ensure there is adequate Headroom in the Power System and any Islands.

Following a Contingency, the required Spinning Reserve capacity will come from the FCESS Provider, and, once frequency falls outside the droop frequency deadband, from the droop response of all Enabled Generating Units including the SRESS Provider's units, using the Headroom available in each unit.

ESS Providers will be paid a price determined under this Subchapter 8.1 for making available the Essential System Service capacity. If a Generating Unit then provides or absorbs energy in the course of providing an Essential System Service, and the energy is not otherwise traded under private contractual arrangements, then the energy will be is balanced through the energy balancing regime in Subchapter 8.2 and settled under Subchapter 8.3.}

199 The ESS objectives

(1) This Subchapter 8.1's primary objective is to put in place the necessary arrangements, and equip the ISO Control Desk with access to the necessary Essential System Services, to Enable it to —

(a) pending any contingencies — Maintain the Power System in a Secure State; and

(b) following a Credible Contingency — Maintain the Power System Inside the Technical Envelope and return it to a Secure State as soon as practicable; and

(c) following any other Contingency —

(i) Maintain the Power System Inside the Technical Envelope where practicable, and otherwise return it to Inside the Technical Envelope Promptly; and

(ii) Maintain the Power System in a Secure State where practicable, and otherwise return it to a Secure State as soon as practicable;

and

(d) take or Direct Pre-Contingent Actions as necessary.

(2) This Subchapter 8.1's secondary objective is to achieve the primary objective in a way that seeks to —

(a) equitably and efficiently share the burden and benefit of doing so; and

(b) achieves the lowest practicably sustainable cost of doing so in accordance with these Rules and GEIP, having regard to the Pilbara Electricity Objective.

{It is expected that rule 199(2)(a) will promote outcomes in which a beneficiary of Essential System Services shares a fair proportion of the burden.}

200 ESS Contracting process

(1) Before entering into a proposed ESS Contract, the ISO must —

(a) Publish —

(i) the projected cost of the contract to likely Payers, together with the projected cost under other contracts for the Essential System Service, in a form which reasonably Enables each likely Payer to assess its likely future cost burden; and

(ii) reasonable details of the proposed ESS Provider's experience in providing the Essential System Service and the systems it will use to do so;

and

(b) conduct at least an Expedited Consultation Process.

(2) Unless the ISO determines that an alternative approach will better promote the secondary objective in rule 199(2), the ISO must undertake ESS procurement through a competitive tender or other transparent process.

{Example — It may be a waste of money to run a competitive tender if there is only one potential supplier in a particular Island.}

(3) The ISO's Decision to enter into an ESS Contract may be the subject of a Rules Dispute, but the only issue to be determined is whether the proposed ESS Contract represents a reasonable attempt to achieve the objectives in rule 199. The dispute resolver has Limited Discretion on this issue.

(4) Without limiting rule 200(3) —

(a) the ISO is not required by rule 200(1)(a)(i) or otherwise to investigate or disclose the proposed ESS Provider's anticipated costs of providing the Essential System Service or any margin which may be reflected in the ESS Provider's proposed charges; and

(b) the matters referred to in rule 200(4)(a) cannot be the subject of a Rules Dispute.

(5) An ESS Contract, and the procurement process that precedes it, may deal with more than one Essential System Service.

201 Definition – Frequency control service (a.k.a. Regulation Service)

The frequency control service (**"FCESS"**) is a service in which a person (the **"FCESS Provider"**) —

(a) frequently and rapidly raises or lowers the output of one or more Generating Units in order to keep the Power System's frequency within the Frequency Tolerance Band; and

(b) ensures that it operates its online Generating Units in such a way that —

(i) it has a reserve of generation capacity online (**"Regulation Raise Reserve"**) in order to be able to provide the "raise" referred to in rule 201(a); and

(ii) its Generators are sufficiently loaded (**"Regulation Lower Reserve"**), to be able to provide the "lower" referred to in rule 201(a),

which together comprise **"Regulation Reserve"**.

202 Requirements – Frequency control – ISO to determine

The ISO must, having regard to the objectives in rule 199, from time to time determine the appropriate amounts of Regulation Raise Reserve and Regulation Lower Reserve to be —

(a) contracted for with the Primary FCESS Provider under rule 203, and the required availability for that Regulation Reserve; and

(b) made available by a Secondary FCESS Provider when it is Enabled under rule 209.

203 Procurement – Primary FCESS service

The ISO must from time to time procure an ESS Contract with a **"Primary FCESS Provider"**, whose task will be to —

(a) Maintain frequency within the Frequency Tolerance Band for the Power System as a whole (or, if an Islanding Event has occurred, for the Island in which the Primary FCESS Provider is located); and

(b) Maintain levels of Regulation Raise Reserve and Regulation Lower Reserve at least equal to the amounts, and with at least the availability, determined by the ISO under rule 202(a).

204 Pricing – Primary FCESS service

(1) The price and other terms of the Primary FCESS Contract are to be negotiated in the ISO's discretion, having regard to the objectives in rule 199.

(2) The Primary FCESS Contract will set out the FCESS Provider's entitlement to be paid under rule 228(1)(c).

{Rule 204(2) places the payment in the contract. In contrast, for Secondary FCESS Providers the entitlement to be paid appears directly in rule 209(4).}

205 Identifying Islanding scenarios and Secondary FCESS Providers

(1) The ISO must identify all Credible Islanding scenarios for the Power System.

(2) The ISO must identify and select as many generation facilities as necessary, to ensure that there is within each Credible Island at least one Generation Facility capable of providing FCESS.

{These generation facilities will also be able to provide FCESS to the Power System as a whole, if the Primary FCESS Provider is not doing so.}

(3) Wherever practicable, having regard to the objectives in rule 199, under rule 205(2) the ISO is to select only generation facilities in Covered Networks, unless a Generator in a Non-Covered Network agrees otherwise.

(4) The Generator who controls a Generation Facility selected under rule 205(2) is a potential **"Secondary FCESS Provider"**.

(5) The ISO must notify each potential Secondary FCESS Provider —

(a) that its Facility has been selected by the ISO under rule 205(2); and

(b) of the amounts of Regulation Raise Reserve and Regulation Lower Reserve it will be required to make available if it is Enabled under rule 209, as determined by the ISO under rule 202(b).

206 Pricing – Secondary FCESS service

(1) A potential Secondary FCESS Provider must, within 2 months after being notified under rule 205(5), notify the ISO of its proposed price (in dollars per hour) for providing Secondary FCESS, and may thereafter (but no more than once in any 12-month period) notify the ISO of changes to the price.

(2) A price proposed under rule 206(1) —

(a) must be set at a level which fairly compensates the Secondary FCESS Provider for the actual Direct and indirect marginal cost of providing Secondary FCESS, including fuel consumption, heat rate impacts and additional maintenance; but

(b) must not include any fixed costs such as plant capital cost or corporate overheads, a return on capital or other profit margin.

(3) The ISO may from time to time determine and Publish an **“Administered Secondary FCESS Price”** (in dollars per hour) which is the ISO’s reasonable estimate of a price consistent with rule 206(2).

(4) The Administered Secondary FCESS Price applies as a cap on a price proposed under rule 206(1).

(5) The ISO must use the prices proposed by each potential Secondary FCESS Provider under rule 206(1) (as capped, if applicable, under rule 206(4)), to develop and Maintain a cost-based Enablement order of merit for Secondary FCESS Providers.

207 Enablement – Frequency control – One provider at a time

(1) No more than one FCESS Provider should be Enabled in an Island, or in a non-Islanded Power System.

(2) A Protocol or other Procedure may set out an exception to rule 207(1).

208 Enablement – Primary frequency control

(1) The Primary FCESS Provider should be Enabled at all times, unless a Protocol requires otherwise, or the ISO Control Desk directs otherwise under Subchapter 7.5 or the ESS Contract.

(2) While Enabled, the Primary FCESS Provider must ensure it maintains frequency as described in rule 203(1)(a), and makes available Regulation Raise Reserve and Regulation Lower Reserve at least to the levels determined under rule 202(a) as described in rule 203(1)(b).

209 Enablement – Secondary frequency control

(1) If for any reason the Primary FCESS Provider is not maintaining frequency in an Island (or the Power System as a whole), then the ISO Control Desk must, for each such Island (or the Power System) —

(a) identify all potential Secondary FCESS Providers available to the Island (or Power System); and

(b) use the cost-based Enablement order of merit developed under rule 206(5) to select the lowest-cost available Secondary FCESS Provider for the Island (or Power System);

(c) Promptly by voice or other means Direct the selected Secondary FCESS Provider to start providing FCESS (**“Enable”**); and

(d) when appropriate, in coordination with the affected Registered NSPs, by voice or other means Direct the Secondary FCESS Provider to stop providing FCESS (**“Disable”**).

(2) The ISO must, so far as practicable consistent with its other obligations under these Rules, endeavour to minimise the occasions on which, and duration for which, a Secondary FCESS Provider is Enabled.

(3) A Secondary FCESS Provider must, from the time it is Enabled under rule 209(1)(c) until the time it is Disabled under rule 209(1)(d) —

(a) provide FCESS; and

(b) ensure it keeps available the amounts of Regulation Raise Reserve and Regulation Lower Reserve notified to it under rule 205(5)(b).

(4) A Secondary FCESS Provider is entitled to be paid (in dollars per hour) under rule 228(2)(b) for providing FCESS, at the lower of the price it most recently proposed under rule 206(1), or the Administered Secondary FCESS Price under rule 206(4) —

(a) from the time it starts providing FCESS; and

(b) until the time it is Disabled, or the time it stops providing FCESS, whichever is earlier.

210 Spinning reserve – Definition of Headroom

In these Rules —

(a) **"Headroom"** at any time —

(i) for a Generating Unit — means the difference between its actual output at the time, and its maximum output capability at the time taking into account environmental conditions and Equipment Limits;

{For each Generating Unit, Headroom measures its droop response capacity to help arrest a fall in frequency after a Contingency.}

and

(ii) for the Power System — means the aggregate, across all Enabled Generating Units in the Power System at any time of each Generating Unit's Headroom as defined in 210(a)(i) at the time; and

(b) **"Required Headroom"** means the amount of Headroom needed in the Power System (or, if applicable, a Credible Island) to satisfy the Contingency Reserve Standard, determined by the ISO or ISO Control Desk under rule 212(1); and

(c) **"Required Headroom Level"** for the Power System or an Island is determined by the ISO under rule 212(1)(a) or by the ISO Control Desk under rule 212(2)(a).

211 Requirements – Spinning reserve – The Contingency Reserve Standard

The **"Contingency Reserve Standard"** is that the quantity of Headroom within the Power System (or, if applicable, a Credible Island) at any time must be sufficient to Enable the Power System (or Credible Island) to remain within the Frequency Operating Standards following the largest single Credible Contingency which could cause a shortfall between generation and Load on a Covered Network.

212 Requirements – Spinning reserve – ISO to determine

(1) The ISO must either —

(a) from time to time determine and Publish the Required Headroom Level for the Power System (or, if the ISO determines it to be appropriate, a Credible Island); or

(b) if it determines that a more flexible approach will better serve the objective in rule 199(2) — from time to time determine and Publish the process and Decision criteria which the ISO Control Desk is to apply to determine the Power System's (or, if the ISO determines it to be appropriate, a Credible Island's) Required Headroom Level from time to time, depending on the Power System's configuration and other circumstances.

(2) If the ISO has published Decision criteria under rule 212(1)(b), the ISO Control Desk must —

(a) as frequently as required by the criteria, apply the criteria to determine the Required Headroom Level; and

(b) notify each SRESS Provider of the Required Headroom Level whenever it changes.

213 Definition – The spinning reserve (Contingency reserve) service

The spinning reserve service (**"SRESS"**) is a service in which a person (the **"SRESS Provider"**) commits to Maintain an amount of Headroom in its Generating Units which equals or exceeds a specified amount, at a specified level of availability.

214 Procurement – Spinning reserve contracts

(1) The ISO must from time to time enter into an ESS Contract with one or more SRESS Providers to obtain SRESS.

(2) The ISO must ensure that the aggregate amount of SRESS for which it contracts is sufficient to ensure that —

(a) in Normal Operating Conditions, the SRESS Provider or providers between them Maintain an amount of Headroom which meets or exceeds the Required Headroom Level with a level of availability which is acceptable to a GEIP standard; and

(b) outside Normal Operating Conditions, or otherwise where necessary for example due to Network constraints, the ISO Control Desk can Enable a Generating Unit to provide SRESS in order to ensure that there is an amount of Headroom available to each part of the Power System, which meets or exceeds the Required Headroom Level.

(3) The Regulation Raise Reserve specified, or to be specified, in the Primary FCESS Provider's ESS Contract may be counted as contracted SRESS for the purposes of rule 214(2).

(4) If the ISO contracts with more than one SRESS Provider, the contracts may specify how the obligation to Maintain Headroom in rule 214(2)(a) is to be apportioned and managed between the SRESS Providers.

(5) The price and other terms of an SRESS Contract are to be negotiated in the ISO's discretion, having regard to the objectives in rule 199.

(6) The SRESS Contract will set out the SRESS Provider's entitlement to be paid under rule 228(2)(b).

215 Enablement – Spinning reserve

The ISO Control Desk must on a 24/7 Basis —

(a) monitor the Power System; and

(b) outside Normal Operating Conditions, or otherwise where necessary for example due to Network constraints — Enable Generating Units to provide SRESS as necessary,

to ensure that the Headroom available in each part of the Power System, having regard to Network configuration and constraints, meets or exceeds the Required Headroom Level.

216 Spinning reserve – Trial of alternative SRESS approach

If the ISO considers that the objectives in rule 199 might be better served by an alternative SRESS approach, then it may, in consultation with Rules Participants —

(a) propose and develop trials of an alternative SRESS approach; and

(b) determine whether there is support for an alternative approach, and whether the approach can adequately achieve the primary objective in rule 199(1) in a way which maximises the secondary objective in rule 199(2); and

(c) thereafter develop and submit suitable Rule Change Proposals or Procedure Change Proposals to implement the alternative approach.

{Example — In a "dynamic Enablement" approach, the ISO Control Desk, on a 24/7 Basis or otherwise, monitors and takes into account the aggregate Headroom available across all (or selected) Generating Units in the Power System (also known as "incidental Headroom"), and Enables and Disables Generating Units as necessary to minimise machine starts while ensuring that the aggregate available Headroom does not fall below a specified margin.}

217 Annual reporting

By 1 June each year, the ISO must Publish a report setting out reasonable details of the cost and effectiveness of arrangements under this Subchapter 8.1 in meeting the primary and secondary objectives in rule 199, and suggestions for any improvements.

Subchapter 8.2 – Energy balancing

{Balancing applies only on Covered Networks. Non-Covered NWIS Network and Excluded Networks are metered at the Interconnection Point with a Covered Network. The general obligation to balance appears in rule 169.}

218 Balancing points

(1) The following are the **"Balancing Points"** on a Covered Network —

(a) a Connection Point at which a Generation Facility is Connected to the Covered Network; and

(b) a Connection Point at which a Contestable Consumer's Consumer Facility is Connected to the Covered Network; and

(c) an Interconnection Point between the Covered Network and a Non-Covered Network (including an Integrated Mining System, an Excluded Network and a CPC Network);

{Interconnection Points between Covered Networks are not Balancing Points under these Rules. However, the EBAS engine will make calculations at those points to determine net Network loads, and Legacy Rights can exist at these points under Subchapter 9.1.}

and

(d) if applicable, one or more single points for the Network determined under rule 218(2); and

(e) a single point being the Notional Wholesale Meter.

{The Notional Wholesale Meter measures Net Network Load, which comprises losses, plus all of the loads referred to in rule 218(2) which are not assigned their own Balancing Point under that rule.}

(2) The EBAS Procedure may, if the Covered NSP consents, provide for any or all of the following to also be specified as a **"Balancing Point"** on a Covered Network (and each of these, if included as a Balancing Point, is a **"Notional Exit Point"**) —

(a) a single notional point for a Network to represent the aggregate of all measured or estimated interval metered Non-Contestable Consumer loads for the Network; and

(b) a single notional point for a Network to represent the aggregate of all measured or estimated non-interval metered loads for the Network; and

(c) a single notional point for a Network to represent the aggregate of all measured or estimated unmetered loads for the Network.

219 Metered quantities

(1) The **"Metered Quantity"** for a Balancing Point for a Trading Interval is the Loss Factor-adjusted quantity of energy entering or leaving the Covered Network at that point as metered, estimated or determined under Chapter 5 {Metering}.

(2) The Metered Quantity is to be expressed as a positive number for energy entering the Network and a negative number for energy leaving the Network.

220 There must be a Nominator for each Balancing Point

(1) In this rule 220, **"Relevant User"** means a Network User with an Entry Service or Exit Service at a Balancing Point.

(2) Responsibility for complying with rule 220(3) rests with —

(a) for a Balancing Point other than an Interconnection Point —

(i) if there is only one Relevant User at the Balancing Point — the Relevant User; and

(ii) if there is more than one Relevant User at a Balancing Point — the Relevant Users collectively, who must discharge the responsibility by agreement between themselves as notified to the ISO;

and

(b) for a Balancing Point which is an Interconnection Point — the two NSPs collectively, who must discharge the responsibility by agreement between themselves as notified to the ISO.

(3) The Relevant User, Relevant Users or NSPs, as applicable under rule 220(2), must ensure that for each Settlement Period —

(a) a person is identified as the **"Nominator"** for the Balancing Point; and

(b) the Nominator is authorised to make Nominations for the Balancing Point; and

(c) the ISO has been notified in accordance with the EBAS Procedure of the Nominator's Identity, its contact and banking details, and such other reasonable details as the Procedure may require.

(4) If at any time rule 220(3) is not being complied with then the following person is deemed to be the Nominator for the Balancing Point for the Settlement Period and to have the authority required by rule 220(3)(b) —

(a) for a Balancing Point other than an Interconnection Point —

(i) if there is only one Relevant User at the Balancing Point — the Relevant User; and

(ii) if there is more than one Relevant User at the Balancing Point — one of the Relevant Users as selected by the ISO and notified to the Relevant Users;

{The combined effect of this rule 220(4), which deems a Relevant User to be the default Nominator, and rule 223, which deems the Nominator to be the default Balancing Nominee, is that if all else fails, the Relevant User will be responsible for settlement payments under Subchapter 8.3.}

and

(b) for a Balancing Point which is an Interconnection Point — one of the NSPs as selected by the ISO and notified to the NSPs.

(5) A Relevant User must not designate a person as Nominator without the person's consent.

(6) The ISO may change its selection under rules 220(4)(a)(ii) and 220(4)(b) as it sees fit from time to time, provided it gives the affected persons advance notice of the new selection which is reasonable in the circumstances.

221 ISO-appointed Nominator must act fairly

A Relevant User selected by the ISO under rule 220(4)(a)(ii), and an NSP selected by the ISO under rule 220(4)(b), must give any Nomination and any Payment Allocation Notice in good faith, and must ensure the Nomination or Payment Allocation Notice fairly reflects the underlying commercial arrangements in Connection with injections and withdrawals at the Balancing Point.

222 Nominations

(1) The Nominator for a Balancing Point may from time to time give the ISO a **"Nomination"** for the Balancing Point for a Settlement Period.

{This rule is not mandatory. The Nominator may, if it wishes, instead rely on the default mechanism in rule 223, which deems the Nominator to be the default Balancing Nominee.}

(2) To be valid, a Nomination must —

(a) subject to rule 222(5), be given before the start of the Settlement Period to which it relates; and

(b) for each Trading Interval, allocate the Metered Quantity at the Balancing Point between one or more persons (which may include the Nominator) (each a **"Balancing Nominee"** for the Trading Interval), using an allocation methodology which —

(i) ensures that 100% of the Metered Quantity is allocated; and

(ii) otherwise complies with the EBAS Procedure;

and

(c) not include a Balancing Nominee unless the ISO has been notified of the Balancing Nominee's Identity, its contact and banking details, and such other reasonable details as the EBAS Procedure may require; and

(d) otherwise comply with the EBAS Procedure.

(3) A Nominator may give a standing Nomination which applies until further notice.

(4) A Nominator must not in a Nomination make an allocation to a proposed Balancing Nominee without the person's consent.

(5) The EBAS Procedure may permit a Nomination to be given after the start of the Settlement Period to which it relates, and before the ISO undertakes its settlement calculations for a Settlement Period, if the ISO is satisfied that the Nomination is given in good faith.

{Example — After-the-event Nominations under rule 222(5) might be used to implement commercial arrangements entered into to address contingencies, Pre-Contingent Actions, curtailments and the like. The EBAS Procedure may include measures to prevent gaming or other abuse, and will require such a Nomination to identify the part or parts of the Settlement Period to which it relates.}

223 Default Nomination – Nominator is Balancing Nominee

If the ISO does not hold a valid Nomination for a Balancing Point for a Settlement Period, then the Nominator is deemed to be the Balancing Nominee for the Settlement Period, and is to be allocated 100% of the Metered Quantity for the point for each Trading Interval in the Settlement Period.

{If this deeming produces a result which is at odds with the underlying commercial arrangements, the Nominator can lodge a Payment Allocation Notice under rule

224 ISO to verify that balancing arrangements provide full coverage

(1) The ISO, in accordance with the EBAS Procedure, is to determine whether rule 220 is being complied with.

{As long as rule 220 is being complied with, the combined effect of valid Nominations under rule 222 and deemed Nominations under rule 223 will ensure that 100% of the loss-adjusted energy entering and leaving the Power System in each Trading Interval gets allocated to Balancing Nominees.}

(2) Each Covered NSP must, in accordance with the EBAS Procedure, give to the ISO from time to time such information as the ISO reasonably requires to undertake the determinations required by rule 224(1).

225 The Balancing Nominee's Imbalance

A Balancing Nominee's **"Imbalance"** for a Trading Interval is calculated by summing (across all Balancing Points in the Power System) all of the quantities allocated to it by Nominations for the Trading Interval, and —

(a) if the total is a positive number, the Balancing Nominee has a **"Positive Imbalance"** equal to the total; or

(b) if the total is a negative number, the Balancing Nominee has a **"Negative Imbalance"** equal to the total.

Subchapter 8.3 – Settlement

226 Reference period for FCESS and SRESS settlement

The **"Reference Period"** for a Settlement Period is the 3 full Financial Years preceding the Financial Year in which the Settlement Period occurs.

{Example — For each Settlement Period in the 2020/21 Financial Year, the Reference Period covers the three Financial Years 2017/18, 2018/19 and 2019/20.}

227 Frequency control – Identify Payers and their shares

The Payers for FCESS in a Settlement Period, and their proportionate FCESS Payment Shares, are determined as follows —

(a) The **"FCESS Payment Threshold"** is a Load Swing of 5 MWh.

(b) **Step 1 — identify** all Balancing Points with at least one negative Metered Quantity for a Trading Interval in the Reference Period — these are the **"Exit Balancing Points"**.

(c) **Step 2 —** for each Exit Balancing Point, compile the set comprising all negative metered quantities for Trading Intervals in the Reference Period.

(d) **Step 3 —** Using the set compiled in Step 2, calculate the following for each Exit Balancing Point, with all values expressed in in MWh —

"Average Load"	=	the simple average of Metered Quantities across the set
"Maximum Load"	=	the Metered Quantity in the set with the highest absolute value
"Minimum Load"	=	the Metered Quantity in the set with the lowest absolute value
"Positive Load Swing"	=	the absolute value of the Maximum Load minus the absolute value of the Average Load
"Negative Load Swing"	=	the absolute value of the Average Load minus the absolute value of the Minimum Load
"Load Swing"	=	the Positive Load Swing plus the Negative Load Swing.

(e) **Step 4 — identify** all Exit Balancing Points (**"Relevant Balancing Points"**) at which the Load Swing was bigger than the FCESS Payment Threshold.

(f) **Step 5 — identify** each **"Payer"** for FCESS in the Settlement Period, being the Nominator associated with each relevant Balancing Point.

(g) **Step 6 —** for each relevant Balancing Point, determine the associated Payer's **"FCESS Balancing Point Share"** for the Settlement Period as follows —

$$FCESS\ balancing\ point\ share_b = \frac{Relevant\ Load\ Swing_b}{\sum Relevant\ Load\ Swings}$$

where —

$FCESS\ balancing\ point\ share_b$	=	the proportional FCESS Balancing Point Share for the Payer at relevant Balancing Point b

$Relevant\ Load\ Swing_b$ = the Load Swing for the relevant Balancing Point b

$Relevant\ Load\ Swings$ = the sum of all Load Swings for the Reference Period across all Relevant Balancing Points.

(h) **Step 7 —** for each Payer, determine the Payer's aggregate **"FCESS Payment Share"** for the Settlement Period as follows —

$$FCESS\ balancing\ point\ share_p = \sum FCESS\ balancing\ point\ shares_{bp}$$

$FCESS\ balancing\ point\ share_p$ = the aggregate payment share for FCESS for Payer ***p***

$FCESS\ balancing\ point\ shares_{bp}$ = the FCESS Balancing Point Share determined under Step 6 at each relevant Balancing Point ***b*** for which Payer ***p*** is the Payer.

228 Frequency control — Payment obligations

(1) For Primary FCESS, for a Settlement Period —

(a) the **"Payee"** is the Primary FCESS Provider (unless it was not Enabled to provide FCESS at all, during the Settlement Period); and

(b) a **"Payer"** is each Nominator identified Step 5 in rule 227;

{This rule places the immediate FCESS payment obligation on the Nominator, who by default (under the combined effects of rules 220(4) and 223) will be the Network User under rule. However, as with SRESS, the Nominator can allocate the obligation to another person under rule 238.}

and

(c) the total amount to be paid to the Payee is determined under its Primary FCESS Contract in accordance with rule 204(2); and

(d) the proportionate share of this amount to be paid by each Payer is its FCESS Payment Share calculated at Step 7 in rule 227.

(2) For each occasion in a Settlement Period on which Secondary FCESS was Enabled in an Island or the Power System —

(a) the **"Payee"** is the Secondary FCESS Provider; and

(b) the total amount to be paid to the Payee is determined under rule 209(4); and

(c) the **"Payers"** and their proportionate shares are the same as in rule 228(1).

229 Spinning reserve – Identify Payers and their shares

(1) The Payers for SRESS in a Settlement Period, and their proportionate SRESS Payment Shares, are determined as follows —

(a) The **"SRESS Payment Threshold"** (**MW_0**) equals the Regulation Raise Reserve specified in the Primary FCESS Provider's ESS Contract, in MW (and if this value changes during a Settlement Period, the smaller value is to be used for the full Settlement Period).

(b) **Step 1 — identify** —

(i) all Balancing Points at which at least one Generating Unit was Connected (directly or indirectly) to the Power System during the Reference Period (**"Entry Balancing Points"**); and

(ii) the Nominator associated under rule 220 with each Entry Balancing Point.

(c) **Step 2 —** for each Nominator identified in Step 1, identify all Generating Units Connected (directly or indirectly) during the Reference Period at all Balancing Points with which it is associated, and identify the one with the largest operational capacity which is capable of forming a Contingency Outage in MW — this is the Nominator's **"Reference Unit"**.

(d) **Step 3 —** identify the **"Payers"** for SRESS in the Settlement Period, being the Nominators identified in Step 1 which have Reference Units bigger than the SRESS Payment Threshold.

(e) **Step 4 —** rank the Payers by reference to the size of their Reference Units, from smallest ($rank_p = 1$) to largest ($rank_p = \boldsymbol{n}$).

(f) **Step 5 —** for each SRESS Payer ***p***, perform the following calculation to determine its proportionate **"SRESS Payment Share"** for the Settlement Period —

$$SRESS\ share_p = \sum_{i=1}^{rank_p} \frac{MW_i - MW_{(i-1)}}{[MW_n - MW_0] \times (n + 1 - i)}$$

where —

$SRESS\ share_p$	=	the proportional SRESS Payment Share for Payer ***p***
i	=	the summation index number
$rank_p$	=	the rank assigned to Payer ***p*** in Step 4 (rule 229(1)(e))
n	=	the number of Payers identified in Step 3 (rule 229(1)(d))
MW_i	=	the nameplate capacity in MW of the Reference Unit for each Payer $_i$ (such that

MW_p is the nameplate capacity for Payer ***p***), determined under Step 2 (rule 229(1)(c))

MW_0 = the SRESS Payment Threshold determined under rule 229(1)(a).

{The calculation in Step 5 is known as the "runway model". It allocates the greatest share to the Payer with the largest Reference Unit. The proportionate shares it calculates sum to 1.}

230 Spinning reserve – Payment obligations

For SRESS, for a Settlement Period —

(a) a **"Payee"** is each SRESS Provider contracted to provide SRESS at any time in the Settlement Period; and

(b) a **"Payer"** is each Nominator identified in Step 3 in rule 229(1);

{This rule places the immediate SRESS payment obligation on the Nominator, who by default (under the combined effects of rules 220(4) and 223) will be the Network User. However, as with FCESS, the Nominator can allocate the obligation to another person under rule 238.}

and

(c) the total amount to be paid to the Payee is determined under rule 214(5); and

(d) the proportionate share of this amount to be paid by each Payer is calculated at Step 5 in rule 229(1).

231 Balancing – ISO to determine Administered Price and Administered Penalty Price

The ISO may from time to time, having regard to the Pilbara Electricity Objective, determine and Publish —

(a) an **"Administered Price"** for balancing energy, in $ /MWh; and

(b) an **"Administered Penalty Price"** for balancing energy, in $ /MWh or by way of an uplift calculation based on the Administered Price.

232 Balancing – Not all Positive Imbalances to be compensated

Except as specified in this Subchapter 8.3, there is to be no payment for Positive Imbalances.

{For Positive Imbalances, this Subchapter 8.3 provides for payment to only FCESS Providers, persons complying with a System Operations Direction, and when the Power System was in a Non-normal EBAS State — see rules 235(2)(b), 235(2)(c) and 235(2)(d) respectively.}

233 Balancing – The balancing tolerance quantity for a Settlement Period

(1) Unless a different formula is specified under rule 233(3)(b), a Balancing Nominee's **"Negative Balancing Tolerance Quantity"** for a Settlement Period, expressed in MWh, is calculated as follows —

$$NBTQ_{bn} = margin \times \sum negative\ metered\ quantities_{bn}$$

where —

$NBTQ_{bn}$	=	the Negative Balancing Tolerance Quantity for Balancing Nominee ***bn***
$margin$	=	the margin published by the ISO under rule 233(3)(a)
$negative\ metered\ quantities_{bn}$	=	the sum of all negative Metered Quantities allocated to the Balancing Nominee ***bn*** for the Trading Interval.

(2) A Balancing Nominee's **"Positive Balancing Tolerance Quantity"** (**"PBTQ"**) for a Trading Interval, expressed in MWh, is the absolute value of its Negative Balancing Tolerance Quantity.

(3) The ISO, in consultation with Registered NSPs and all registered controllers, is to Publish from time to time, for use in rule 233(1) —

(a) a percentage margin; or

(b) another margin, in which case the EBAS Procedure is, if necessary, to specify an appropriately-adjusted formula to work with the different margin, which is to be used in place of the formula in rule 233(1).

234 Balancing – Payment obligations – Definitions

(1) For the purposes of rule 235 the Power System is in a **"Normal EBAS State"** for a Trading Interval if, for the whole of the Trading Interval —

(a) frequency is within the Normal Frequency Tolerance Band and being maintained there by the Primary FCESS Provider; and

(b) no Islands have formed; and

(c) the Primary FCESS Provider, in providing the Regulation Service it contracted under rule 203(1)(a) to provide, was not required to use more than the levels of Regulation Reserve it contracted under rule 203(1)(b) to Maintain.

(2) For the purposes of rule 235 the Power System is in a **"Non-normal EBAS State"** if it is not in a Normal EBAS State.

(3) The Power System does not enter a Non-normal EBAS State solely because one or more of the following has occurred —

(a) a Protocol is active; or

(b) Pre-Contingent Actions are being taken; or

(c) a Pre-Contingent Direction is in effect; or

(d) a Constraint Direction is in effect.

(4) The variables used in rule 235 are —

“AP” means the Administered Price in $ /MWh; and

“APP” means the Administered Penalty Price in $ /MWh; and

“|NBTQ|” means the absolute value of the Balancing Nominee’s Negative Balancing Tolerance Quantity in MWh under rule 233(1); and

“|NIQ|” means the absolute value of the Balancing Nominee’s Negative Imbalance quantity in MWh; and

“PBTQ” means the Balancing Nominee’s Positive Balancing Tolerance Quantity in MWh under rule 233(2); and

“PIQ” means the Balancing Nominee’s Positive Imbalance quantity in MWh.

235 Balancing – Payment obligations

(1) This rule 235 applies to determine payment amounts for energy balancing, for each Trading Interval in a Settlement Period.

(2) Each Balancing Nominee with a Positive Imbalance is a **“Payee”**, entitled to be paid a price per MWh for its Positive Imbalance determined as follows —

(a) generally, that is unless one of rules 235(2)(b) to 235(2)(d) applies — the Payee is to be paid —

PIQ x **AP**, for MWh up to PBTQ; and

zero, for MWh above PBTQ;

and

(b) if the Payee is an FCESS Provider — it is to be paid —

PIQ x **AP**;

and

(c) if the Payee complied with a System Operations Direction during the Trading Interval — it is to be paid —

PIQ x **AP**;

{A **System Operations Direction** does not include a Constraint Direction or a Pre-Contingent Direction.}

and

(d) if the Power System was in a Non-normal EBAS State during the Trading Interval — regardless of the above, every Payee is to be paid —

PIQ x **AP**.

(3) Each Balancing Nominee with a Negative Imbalance is a **"Payer"**, required to pay a price per MWh for its Negative Imbalance determined as follows —

(a) generally, that is unless one of rules 235(3)(b) to 235(3)(d) applies — the Payer is to pay —

|NIQ| x **AP**, for MWh up to **|NBTQ|**; and

|NIQ| x **APP**, for MWh above **|NBTQ|**;

and

(b) if the Payer is an FCESS Provider — unless rule 235(3)(d) applies, it is to pay —

|NIQ| x **AP**, for MWh up to **|NBTQ|**; and

zero, for MWh above **|NBTQ|**;

and

(c) if the Payer complied with a System Operations Direction during the Trading Interval — unless rule 235(3)(d) applies, it is to pay —

zero;

and

(d) if the Power System was in a Non-normal EBAS State during the Trading Interval — regardless of the above, each Payer is to pay —

|NIQ| x **AP**.

236 Balancing – Shortfall of balancing payments

If, for a Settlement Period, the aggregate amount to be paid by all Payers under rule 235(3) falls short of the aggregate amount to be paid to all Payees under rule 235(2), then the ISO is to —

(a) make a pro rata reduction to the amount paid to each Payee; and

(b) record the amount of short payment for each short-paid Payee (**"Outstanding Balance"**); and

(c) if in a subsequent Settlement Period there is a Surplus under rule 237(1), allocate the Surplus between all previous short-paid Payees, pro-rata by reference to their Outstanding Balances, in addition to any amounts otherwise payable to them for the Settlement Period.

237 Balancing – Surplus of balancing payments

(1) If, for a Settlement Period, the aggregate amount to be paid by all Payers under rule 235(3) exceeds the aggregate amount to be paid to all Payees under rule 235(2) (**“Surplus”**), then the Surplus is payable —

(a) first, to short-paid Payees under rule 236; and

(b) after all short-paid Payees have had their Outstanding Balances reduced to zero, to the ISO as an additional **“Payee”**.

(2) The ISO is to accumulate the amounts paid to it for a Settlement Period under rule 237(1), and rebate or credit the total in equal shares to the Registered NSPs.

238 Settlement – Payers may allocate payment obligations

(1) A Payer (**“Original Payer”**) may from time to time give the ISO a **“Payment Allocation Notice”** for a Settlement Period which designates one or more other persons as Payers in respect of part or all of the aggregate amount otherwise payable by the Original Payer under this Chapter 8 for the Settlement Period (**“Original Amount”**).

(2) To be valid, a Payment Allocation Notice must —

(a) subject to rule 238(6), be given before the start of the Settlement Period to which it relates; and

(b) allocate the Original Amount between one or more persons (which may include the Original Payer) (each a **“Replacement Payer”** for the Settlement Period), using an allocation methodology which —

(i) ensures that 100% of the Original Amount is allocated; and

(ii) otherwise complies with the EBAS Procedure;

and

(c) not include a Replacement Payer unless the ISO has been notified of the Replacement Payer’s Identity, its contact and banking details, and such other reasonable details as the EBAS Procedure may require; and

(d) otherwise comply with the EBAS Procedure.

(3) The effect of a valid Payment Allocation Notice is that the Original Payer ceases to be a **“Payer”** in respect of the Original Amount, and a Replacement Payer becomes a **“Payer”** in respect of the amount allocated to it by the Payment Allocation Notice.

(4) A Payer may give a standing Payment Allocation Notice which applies until further notice.

(5) A Payer must not, in a Payment Allocation Notice, make an allocation to a proposed Replacement Payer without the person’s consent.

(6) The EBAS Procedure may permit a Payment Allocation Notice to be given after the start of the Settlement Period to which it relates, and before the ISO undertakes its

settlement calculations for a Settlement Period, if the ISO is satisfied that the Payment Allocation Notice is given in good faith.

239 Settlement – ISO to issue Payment Notes

(1) The ISO must issue notices under this rule 239 (**"Payment Notes"**) for each Settlement Period, each notice directing a Payer to pay an amount to a Payee.

(2) The ISO must calculate the amounts to be specified in Payment Notes in such a way that, for the Settlement Period, and subject to any adjustments permitted or required by these Rules —

(a) the aggregate amount payable to each Payee under all such Payment Notes equals the aggregate amount the Payee is entitled to be paid under this Subchapter 8.3 for all Trading Intervals in the Settlement Period; and

(b) the aggregate amount payable by each Payer under all such Payment Notes equals the aggregate amount the Payer is required to pay under this Subchapter 8.3 for all Trading Intervals in the Settlement Period.

(3) Each payment note must —

(a) identify the Payer; and

(b) identify the Payee and provide its banking details; and

(c) specify the amount to be paid by the Payer to the Payee in respect of the Settlement Period; and

(d) be given to the Payer and Payee.

240 Payment – Payment notes are enforceable

(1) Each Payer must comply with a payment note, by paying the specified amount to the named Payee in accordance with the EBAS Procedure.

(2) A Payee may recover an amount payable under rule 240(1) as a debt.

(3) A contract may Limit Rule 240(2).

241 Payment – ISO not required to pay

The ISO is not required to pay any amount under this Subchapter 8.3.

242 Corrections and adjustments

(1) The EBAS Procedure is to set out how corrections and adjustments to settlements under this Subchapter 8.3 are to be managed and resolved.

(2) Without limiting rule 242(1), if a breach of rules 220(5), 222(4) or 238(5) results in a person becoming a Payer or a Payee without having given their consent, then the ISO may issue Payment Notes under this rule 242 to make the necessary corrections and adjustments to remedy the breach.

243 Settlement disputes

Despite rule 242 and anything in the EBAS Procedure, a matter arising under this Subchapter 8.3 may be the subject of a Rules Dispute.

Subchapter 8.4 – Miscellaneous

244 EBAS and ESS Procedures

(1) The ISO must Develop a Procedure for energy balancing and for settlement of balancing and Essential System Service payments (**"EBAS Procedure"**) setting out requirements relating to Subchapter 8.2 and Subchapter 8.3.

(2) The ISO may develop a Procedure for Essential System Services ("**ESS procedure**") setting out requirements relating to Subchapter 8.1 including how the ISO will or may meet the objectives in rule 199 {ESS objectives}.

245 ISO to develop and Maintain EBAS engine

The ISO must develop and Maintain a computer system for energy balancing and settlement in accordance with Subchapter 8.2 and Subchapter 8.3.

246 ISO may take Planning Criteria Interactions into account

The ISO and ISO Control Desk, in performing their functions under this Chapter 8, may take into account any Credible Planning Criteria Interactions identified under rule 72.

247 Review of ESS, balancing and settlement arrangements

(1) From time to time the ISO may, and at least once every 5 years the ISO must, conduct a review of the arrangements in and under this Chapter 8, their effectiveness and efficiency in achieving the Pilbara Electricity Objective, the System Security Objective and the objective in rule 199 {ESS objectives}.

(2) The ISO may Direct the Authority and one or more Registered NSPs to give the ISO such assistance in a review under rule 247(1) as the ISO may reasonably request, having first had regard to the cost and other burdens on the Requestee of giving such assistance (and, if the Requestee is the Authority, any likely resulting impact on the Authority Fee).

(3) The ISO must undertake at least the Expedited Consultation Process in respect of any review.

(4) After each review, the ISO must Publish a report containing any changes it recommends to the EBAS Procedure, this Chapter 8 or to anything done under either of them.

(5) If the ISO recommends any changes to these Rules or a Procedure, it must make an appropriate Rule Change Proposal or Procedure Change Proposal.

Chapter 9 – Network matters

Subchapter 9.1 – Constrained Network access

248 Application – Initial Covered Networks only

(1) This Subchapter 9.1 —

(a) applies only in respect of the Horizon Power Coastal Network and the Alinta Port Hedland Network; and

(b) does not apply in respect of a Non-Covered Network.

(2) If a Network other than the Horizon Power Coastal Network and the Alinta Port Hedland Network is to become a Covered Network, then the Coordinator is to conduct a review of how constrained access should be implemented for the Network, taking into account —

(a) the Pilbara Electricity Objective; and

(b) the operational and technical requirements necessary for the safe, secure and reliable operation of —

(i) the Network; and

(ii) if the Network is an Integrated Mining Network — the Integrated Mining System of which it forms part;

and

(c) the legitimate business interests of the NSP and of Network Users who are associates of the NSP, including whether any legacy priority rights are needed —

(i) in respect of the Network; and

(ii) if the Network is an Integrated Mining Network – in Connection with their use of the Integrated Mining System of which it forms part;

and if so how those legacy priority rights are to be implemented and managed; and

(d) the interests of all other Network Users; and

(e) the interests of current or future Access Seekers; and

(f) any other matters the Coordinator considers relevant.

249 Definitions

In this Subchapter 9.1 —

(a) a reference to **"Firm"** contracted rights is to be read subject to rule 250(1)(b), and otherwise is to be read as that word is understood in normal commercial terms in the electricity industry;

{Example — A service does not necessarily cease to be **"Firm"** simply because a Network Access Contract or ESA specifies circumstances in which the service may be curtailed or interrupted.}

and

(b) **"Legacy Contract"** means a Network Access Contract (which includes an Associate Arrangement) which was in effect on 15 March 2019; and

(c) **"Legacy Right"** means a right to be afforded priority in a Limit Advice or Constraint Rule, and in the issuing of a Constraint Direction, in accordance with this Subchapter 9.1, for injections at an Entry Balancing Point or, if applicable, at an Interconnection Point between Covered Networks; and

(d) **"Legacy User"** means the Network User who on the Rules Commencement Date was a party to the Network Access Contract referred to in rule 250(1)(a).

250 Legacy priority rights

(1) A Legacy Right —

(a) is to be derived from the Network User's Firm entitlements to an Entry Service under the Legacy Contract as those entitlements were in effect at 15 March 2019; and

(b) cannot reflect more than the Network User's entitlements under the contract or arrangement at that time; and

(c) is subject to all constraints and other limitations on those entitlements which were in existence on 15 March 2019; and

(d) is available only if and to the extent that the Network Access Contract (or Associate Arrangement) remains in effect and in use at the Rules Commencement Date; and

(e) is available only for the duration of the Network Access Contract as it was in effect on 15 March 2019, and as extended by any explicit right to extend its duration which was in existence on 15 March 2019.

(2) A Legacy Right created, identified or otherwise determined under these Rules is not a proprietary right, and may without compensation be cancelled, reduced, lost or disregarded under these Rules including Amending Rules.

(3) A Legacy Right —

(a) may be transferred to, subcontracted to, or otherwise used for the benefit of, an Associate of the Legacy User; but

(b) cannot otherwise be transferred to, subcontracted to, or used for the benefit of, another Entity.

251 Hierarchy of legacy, build-out and other rights

(1) The objectives in this rule 251 —

(a) apply only to the extent reasonably practicable to a GEIP standard; and

(b) apply subject to the System Security Objective; and

(c) may be explicitly waived by contract.

(2) The objective of this rule 251 is that —

(a) if the ISO Control Desk issues one or more Constraint Directions, the effect of those directions should be apportioned so that all Generators assigned lower priority in the table to this rule are Constrained Off before any Generator assigned a higher priority; and

(b) within a tranche in the table, directions should so far as practicable be apportioned —

(i) in accordance with GEIP; and

(ii) with a view to sharing the financial and operational impacts of constraining off equitably over time.

Table to rule 251

Row	Priority class	Tranche	Constrained off
1	Highest	Generators with Legacy Rights	Last
2	Middle	Generators with Build-out Priority Rights	Second
3	Lowest	All other Generators	First

252 Legacy Rights – Reduction or cancellation

(1) The ISO may, on application by any person, reduce or cancel a Legacy Right, to the extent the ISO considers appropriate to reflect the extent to which the Legacy User has, for a sustained period (or, at the time of application, had, for a sustained period) not been utilising the Legacy Right.

(2) Before making a reduction or cancellation under rule 252(1), the ISO must undertake the Standard Consultation Process.

253 Legacy Rights – Disputes

Without limiting Chapter 13, a determination of, and in Connection with, Legacy Rights may be the subject of a Rules Dispute.

254 Limit advice – Covered NSP to provide to the ISO

(1) A Covered NSP must develop and give to the ISO the following information (**"Limit Advice"**) for its Covered Network —

(a) all necessary Limit Rules in respect of Network Limits; and

(b) the rating for each Listed Network Element; and

(c) if applicable, other Constraint information for any Facility or Network Element in its Covered Network.

(2) A Covered NSP must, in consultation with the ISO, use reasonable endeavours to ensure that the Limit Advice held by the ISO is complete, current and accurate.

(3) The Limit Advice must seek to promote the System Security Objective and must comply with these Rules and must be developed and maintained in accordance with GEIP and the Pilbara Electricity Objective.

(4) The Limit Advice —

(a) may reflect the NSP's Network Planning Criteria;

{Example — In the Pilbara, some Transmission Elements are designed with N-0 redundancy.}

and

(b) may make provision for contingencies, Islanding Events and Pre-Contingent Actions; and

(c) unless the Network User agrees otherwise, must preserve a Network User's Legacy Rights and a Network User's Build-out Priority Rights in accordance with rule 251; and

(d) may take into account any Credible Planning Criteria Interactions identified under rule 72 {Network Planning Criteria interactions}.

(5) To the extent an NSP is required when preparing a Limit Advice to determine legacy priority rights, and the matters referenced in rule 250(1) are not adequately documented (for example in an Associate Arrangement), the NSP is to determine them —

(a) acting reasonably in consultation with the ISO; and

(b) in accordance with GEIP and the Pilbara Electricity Objective; and

(c) having regard to —

(i) the legitimate business interests of the NSP and of all Network Users who are associates of the NSP; and

(ii) the interests of all other Network Users.

255 Limit Advice – Must not discriminate

Except as permitted under rule 251, a Limit Advice —

(a) must not reflect or create any priority or other favourable rights for one Network User (including an Associate of the NSP) over another Network User, which are not directly referable to the physical characteristics of Network Elements or of other facilities or Equipment; and

(b) without limiting rule 255(a), must not treat Network Users differentially by reference to the date of their Network Access Contract, the date on which a Connection Point was first energised, or any other first-in-time criterion.

256 Constraint Rules – ISO to Publish

(1) The ISO, in consultation with the Covered NSPs, must —

(a) develop and Publish all necessary Constraint Rules for the Covered Networks in the Power System; and

(b) use reasonable endeavours to ensure that Constraint Rules are complete, current and accurate.

(2) The Constraint Rules must —

(a) seek to promote the System Security Objective; and

(b) be consistent with these Rules; and

(c) otherwise be developed in accordance with GEIP and the Pilbara Electricity Objective; and

(d) to the extent practicable and consistent with rules 256(2)(a), 256(2)(b) and 256(2)(c), be consistent with the relevant Limit Advice and, if necessary, rule 251.

(3) The Constraint Rules may make provision for contingencies, Islanding Events and Pre-Contingent Actions.

257 ISO Control Desk to monitor Network constraints

The ISO Control Desk must, to the extent it has Visibility, monitor the Power System, to determine whether a Constraint Rule is, or is likely, to be violated.

258 Constraint Directions – ISO Control Desk may issue

(1) If the ISO Control Desk determines that a Constraint Rule is, or is likely in the near future, to be violated, it may issue a Direction (**"Constraint Direction"**) to a Registered Controller at a Connection Point, requiring it to ensure that the energy injected into or withdrawn from the Power System at the Connection Point does not exceed the limits specified in the Constraint Direction.

(2) A Constraint Direction must specify —

(a) the Constraint Rule being relied upon; and

(b) the part or parts of the Network to which the Constraint Rule relates; and

(c) the following, determined in accordance with rule 259 —

(i) each Connection Point to which the Direction relates; and

(ii) the maximum quantity of the energy which may be injected into or withdrawn from the Power System at each Connection Point while the Direction is in effect.

(3) A Constraint Direction may —

(a) specify the time or period after which, or the conditions under which, the Direction ceases to have effect — in which case the Direction is withdrawn when the time passes, or the conditions occur; and

(b) specify that it applies until withdrawn by further notice.

(4) So far as practicable consistent with its other obligations under these Rules, the ISO Control Desk must endeavour to minimise the extent and duration of Constraint Directions.

(5) The ISO Control Desk may give more than one Constraint Direction at a time in respect of a Constraint Event.

259 Constraint Directions – Priority and apportionment

(1) The priority and apportionment obligations in this rule 259 apply —

(a) only to the extent reasonably practicable to a GEIP standard; and

(b) only to the extent consistent with maintaining or restoring a secure system state.

(2) In issuing Constraint Directions, the ISO Control Desk must —

(a) if a Constraint Rule gives priority to a Generator — seek to reflect that priority; and

(b) otherwise — endeavour to give effect to the objectives in rule 251.

260 Constraint Directions – Registered Controller must comply

The Registered Controller for a Connection Point named in a Constraint Direction must comply with the Constraint Direction, by ensuring that the quantity of energy injected into or withdrawn from the Power System at the Connection Point does not exceed a limit specified in the Constraint Direction.

261 Balancing during constraints – Constrained-off parties must still endeavour to balance

(1) The ISO Control Desk issuing a Constraint Direction does not relieve any person of its obligations under rule 169 {Obligation to balance}.

(2) If the ISO considers that the Credible periods and Credible quantities of energy for which a Registered Controller may be Constrained Off are sufficiently material to justify the intervention, the ISO may —

(a) require the Registered Controller to give it reasonable operational details (but not commercial details) of the arrangements in place to ensure that the relevant persons continue to comply with rule 169 should a Constraint Direction be issued;

{The "relevant persons" referred to in rule 261(2)(a) and 262 will be the Network User, Nominator and Balancing Nominees associated with the Exit Balancing Points with whom the constrained-off Generator has direct or indirect energy supply arrangements.}

{Example — A gentailer, **"Homer Ltd"**, generates and injects energy at Port Hedland, and sells energy to **"Flanders Ltd"** in Karratha. If Homer's Port Hedland injections are Constrained Off due to a Constraint on the 220 kV line between Port Hedland and Karratha, the **"relevant person"** referred to in rule 261(2)(a) and 262 will be whoever is responsible for managing Negative Imbalances at Flanders' Karratha Balancing Point.}

and

(b) if dissatisfied with those arrangements, Direct the Registered Controller to procure that satisfactory arrangements are put in place.

262 Balancing during constraints – ISO may constrain off loads to preserve balance if necessary

If the ISO Control Desk, having issued a Constraint Direction to a Generator, determines that —

(a) the relevant person or persons are not complying sufficiently with rule 169; and

(b) the non-compliance might reasonably be expected to jeopardise the System Security Objective,

then the ISO Control Desk may issue a further Constraint Direction to —

(c) the Controller of a Consumer Facility which the Generator is directly or indirectly contracted to supply; or

(d) the Registered NSP of the Network in which that Consumer Facility is located,

or both, with a view to managing and minimising the relevant Imbalances.

263 Network Access Contracts must reflect constrained access

(1) It is a term of any Network Access Contract for an Entry Service at a Connection Point on a Covered Network entered into after 15 March 2019 that —

(a) the Network User’s injection of electricity into the Covered Network at a Connection Point, may be limited by or in accordance with a Constraint Direction; and

(b) the Network User must comply with a Constraint Direction which applies to any of its contracted Connection Points, and if the Network User is not the Registered Controller at a Connection Point, must procure the Registered Controller’s compliance with a Constraint Direction; and

(c) the NSP may from time to time give the ISO a Limit Advice, and may consult with the ISO, and make recommendations to the ISO, upon Constraint Rules, which may result in a limitation under rule 263(1)(a); and

(d) for the purposes of rule 263(1)(a), a Limit Advice, a Constraint Rule and a Constraint Direction may take account of a thing which occurs anywhere in the Power System before or after the date of the relevant contract, including —

(i) a Network Access Contract being entered into; and

(ii) a change in generation or Load; and

(iii) the addition, modification, rerating, disconnection or removal of a Facility or Network Element; and

(iv) an NSP giving the ISO new or revised Limit Advice; and

(v) the ISO adopting a new or revised Constraint Rule.

(2) It is a term of any Network Access Contract on a Covered Network entered into after 15 March 2019 that to the extent reasonably necessary for the purposes of performing the NSP’s, the ISO’s and the ISO Control Desk’s functions under this Subchapter 9.1 —

(a) the NSP may use, and may disclose to the ISO, information about the past and anticipated quantities and patterns of electricity injection or withdrawal at any Connect point to which the contract relates; and

(b) the ISO may reflect this information in Constraint Rules; and

(c) the ISO Control Desk may issue Constraint Directions which reflect this information.

(3) A Covered NSP and a Network User must not enter into a Network Access Contract which is inconsistent with rule 263(1) or 263(2).

(4) An Arbitrator resolving an Access Dispute or Rules Dispute cannot make a determination which is inconsistent with rule 263(1) or 263(2).

(5) A purported provision of a contract or determination which is inconsistent with rule 263(2) or 263(4) is of no effect.

(6) Nothing in rules 258 or 263(1) limits the other interruption or curtailment powers, rights or obligations which may be included in a Network Access Contract by agreement or determination.

264 Building out constraints

(1) A Network Access Contract entered into after 15 March 2019 may provide for works to remove or reduce a Network Limit in a Covered Network.

(2) If a Network User contributes to the funding of those works (by way of capital contribution, underwriting, increased tariffs, risk allocation or otherwise), then without limiting rule 263(1) —

(a) the Network Access Contract may, to an extent which is reasonable having regard to the nature and scale of the contribution, provide for the Network User or a Registered Controller to have priority rights of access to the additional Network capacity which results from the works (**"Build-out Priority Rights"**); and

(b) the Limit Advice for the Covered Network may reflect the Build-out Priority Rights.

265 Constraint information

(1) This rule 265's objective is to provide information in a cost-effective manner, and in as timely a manner as is reasonably practicable and affordable, to Access Applicants and other interested persons to Enable them to understand patterns of Network Constraint in Covered Networks.

(2) The ISO must Publish from time to time information for the Covered Networks in a Power System which sets out at least —

(a) the Constraint Rules that apply in the Covered Networks; and

(b) each Covered Network's Limit Rules and Network constraints; and

(c) reasonable information regarding the frequency, duration and magnitude of Constraint Directions given in the preceding year; and

(d) to the extent known to the ISO at the time of the report, any information which suggests that the material set out under rules 265(2)(a) or (c) may change in the future, including (subject to Subchapter 11.2 {Confidential Information}) information regarding anticipated or proposed —

(i) New Connections to the Power System; and

(ii) Augmentations of the Power System; and

(iii) derating or decommissioning of a Generation Facility, Consumer Facility or a Network Element; and

(iv) changes to Network Elements;

and

(e) such other information as the ISO, in its reasonable opinion and subject to Subchapter 11.2 {Confidential Information}, considers relevant to implement the objective in rule 265(1).

(3) In preparing information under this rule 265, the ISO must consult with each Covered NSP.

(4) Each Covered NSP must do all things reasonably necessary to support the ISO in carrying out its obligations under this rule 265, including providing the ISO with any information or data that the ISO reasonably requires.

266 Constrained access Procedure

The ISO may Develop a Procedure for the purposes of this Subchapter 9.1, having regard to the Pilbara Electricity Objective.

Subchapter 9.2 – Access and Connection

267 Definitions

(1) In Subchapter 9.2, Subchapter 9.3 and Subchapter 9.4—

(a) **“Connection Request”** means a request by a person (**“Connection Applicant”**) to a Registered NSP (**“Host NSP”**) for approval of any of the following (each a **“New Connection”**) —

(i) the creation of a New Connection Point on the Registered NSP’s Network; or

(ii) in respect of an existing Connection Point — any change in the level of permitted injection or withdrawal of electricity, or in the technical characteristics of Equipment Connected, or to be Connected, at the Connection Point;

and

(b) **“Exempt Connection”** means a New Connection which satisfies the requirements set out in the Access and Connection Procedure to be exempted from ISO supervision under rule 270.

268 ISO’s access and Connection function

The ISO has the functions of —

(a) supervising the standards being applied by Registered NSPs for New Connections; and

(b) assisting the Access Seeker and Registered NSP in Connection with the preparation and processing of Access Applications and negotiation of Network Access Contracts; and

(c) providing modelling services for the preparation and processing of Access Applications and negotiation of Network Access Contracts and, if applicable, resolution of Access Disputes.

269 Connection standards are NSP's responsibility

A Registered NSP must not permit a New Connection to be energised unless —

(a) all facilities Connected, or to be Connected, at the New Connection comply with these Rules including the Harmonised Technical Rules; and

(b) the requirements in these Rules and the Harmonised Technical Rules regarding the approval and Connection process for a New Connection have been complied with; and

(c) if necessary, it has determined and updated its Limit Advice; and

(d) if necessary, it has consulted with the ISO regarding any new or revised Constraint Rules; and

(e) any requests by the Connection Applicant for one or more exemptions have been managed and assessed in accordance with these Rules.

270 ISO supervision of Connection standards

(1) For every New Connection which is not an Exempt Connection, before the Connection Point is energised, the Registered NSP must give to the ISO a notice which —

(a) certifies that the NSP has diligently complied with rule 269 regarding the New Connection; and

(b) provides all information required by, and otherwise complies with, the Access and Connection Procedure.

(2) The ISO, on receipt of a notice under rule 270(1) must assess the New Connection's impact on Security and Reliability and either —

(a) certify that the New Connection may proceed; or

(b) notify the NSP that the New Connection cannot proceed.

{In the course of considering a New Connection application for a major Load, the ISO would consider whether any notice under rule 151 (suspending the generation adequacy mechanism) may need to be withdrawn or modified.}

(3) In making an assessment under rule 270(2) the ISO must have regard to —

(a) the Pilbara Electricity Objective; and

(b) GEIP; and

(c) without limiting rule 270(3)(b), and to the extent the ISO is made aware of them, the Registered NSP's existing obligations under Network Access Contracts and the existing contractual entitlements of any potentially-affected Network Users, but the fact that the New Connection may impact how Constraint Rules operate for those other Network Users is not a relevant consideration; and

(d) the possibility of any exemption being granted under these Rules.

(4) If the ISO gives the Registered NSP a notice under rule 270(2)(a), the NSP may energise, or approve the energisation of, the New Connection.

(5) If the ISO gives the Registered NSP a notice under rule 270(2)(b) —

(a) the ISO and the NSP, and if applicable the Connection Applicant, must collaborate to find a solution to address the ISO's concerns; and

(b) in developing a solution, the parties must have regard to the matters listed in rule 270(3); and

(c) the solutions may include a suitable Constraint Rule; and

(d) when a solution has been found, the NSP may give a revised notice under rule 270(1) and this rule 270 applies afresh to the revised notice.

(6) The ISO's Decision to give a notice under rule 270(2)(b) may be the subject of a Rules Dispute or, if applicable, an Access Dispute, brought by the Registered NSP or the Connection Applicant.

(7) [Blank]

271 Modelling in Connection with Access Applications

If the Registered NSP requests it, but subject to these Rules and the Access and Connection Procedure, the ISO must undertake system modelling for the Registered NSP —

(a) to assist the Registered NSP and an Access Seeker in Connection with preparation and processing of Access Applications and negotiation of Network Access Contracts; and

(b) if applicable and if requested by the Arbitrator of an Access Dispute, to assist the Arbitrator to resolve the Access Dispute.

272 Facilitation and assistance in Connection with Access Applications

Subject to these Rules and the Access and Connection Procedure, the ISO may confer with, and may make recommendations or provide guidance to, either or both of the Registered NSP and an Access Seeker in Connection with an Access Application.

273 ISO to remain independent

The ISO's activities under rules 271 and 272 are to be undertaken —

(a) as an independent person, not subject to Direction or control by, or any duty of loyalty to, any of the Registered NSP, the Access Seeker or (except as to procedural matters) the Arbitrator; and

(b) in accordance with the Pilbara Electricity Objective; and

(c) with a view to maintaining and improving Security and Reliability.

274 [Blank]

Subchapter 9.3 – Compliance at Connection Point

{If the Subchapter 9.2 process identifies a Non-Compliant Component in the Equipment which a Connection Applicant seeks to Connect to the NWIS, then for certain Connection Applicants (i.e. those with Eligible Equipment) this Subchapter 9.3 provides an alternative pathway to Connection, rather than resolving the matter under Subchapter 9.2 (e.g. under rule 270(5)(a)).}

274A Concept, definitions and eligibility

(1) {**Concept**} In this Subchapter 9.3, "**Connection Point Compliance**" means an arrangement in which Equipment which is assessed under Subchapter 9.2 to include one or more Non-Compliant Components is nonetheless permitted to Connect to the NWIS, because the Equipment's Controller or the Host NSP, or both, implement measures which have been agreed between the Controller, the ISO and the Host NSP to ensure that the Facility as a whole complies with these Rules at its Connection Point, despite the non-compliance of the component.

(2) {**Definitions**} In these rules —

(a) "**CPC Facility**" means Eligible Equipment for which CPC Measures have been agreed under rule 274C and have been implemented; and

(b) "**CPC Measures**" for a CPC Facility means the measures which have been agreed for the facility between the Connection Applicant, the Host NSP and the ISO under rule 274C and recorded in writing under rule 274C(3)(a); and

(c) "**Eligible Equipment**" means a collection of Equipment which meets the requirements set out in rule 274A(3), as modified under rule 274A(4) if applicable; and

(d) "**Host NSP**" means the NSP of the NWIS Network to which the CPC Facility (or, if applicable, the Equipment which is proposed to become, or was previously, a CPC Facility) is, is to be, or was Connected; and

(e) "Non-Compliant component" means Equipment or a component of Equipment which (whether due to its operation, characteristics, configuration, performance or capacity) does not comply with these Rules (including the Harmonised Technical Rules), and the non-compliance is not the subject of an exemption under these rules.

(3) {**Eligibility**} A collection of Equipment is eligible for Connection Point Compliance if together the pieces of Equipment —

(a) are electrically interconnected with each other; and

(b) are under the control of a single Controller; and

(c) do not include any Network component which is Covered; and

(d) include at least one Non-Compliant Component; and

(e) subject to rule 274A(4), are connected to the NWIS by a Single Connection Point.

(4) {**Eligibility – multiple connection points**} If pieces of Equipment together —

(a) satisfy the requirements in rule 274A(3)(a) to (d); but

(b) are connected to the NWIS by multiple Connection Points,

then the ISO in its absolute discretion may agree in accordance with the CPC Procedure to nonetheless classify the Equipment as a single set of Eligible Equipment, in which case (unless the CPC Procedure provides otherwise) the agreed CPC Measures must govern all the Connection Points, and this Subchapter 9.3 applies in respect of each of the Connection Points.

274B Application for Connection Point Compliance

(1) Subject to rule 274B(2), a Connection Applicant may apply for Connection Point Compliance by giving notice in writing to the Host NSP and the ISO in accordance with the CPC Procedure.

(2) A Connection Applicant cannot give a notice under rule 274B(1), unless —

(a) when the Connection Applicant's Access Application was processed under Subchapter 9.2, the Host NSP or the ISO —

(i) assessed for compliance with these rules (including the Harmonised Technical Rules) each component of the Equipment which the Access Application seeks to have Connected to the NWIS; and

(ii) identified within the Equipment one or more Non-Compliant Components;

and

(b) all of the Equipment which the Access Application seeks to have Connected to the NWIS is Eligible Equipment.

{This Subchapter 9.3 is not limited to greenfields connections. Under rule 267(1)(a)(ii), "**Connection Applicant**" includes a person seeking to change the technical characteristics of Equipment connected, or to be connected, at an existing Connection Point.}

(3) If the ISO receives a notice under rule 274B(1), it must —

(a) Publish the notice; and

(b) before agreeing CPC Measures under rule 274C —

(i) refer the notice to the Pilbara Advisory Committee for its advice and have regard to the advice; and

(ii) consult regarding the notice using at least the Expedited Consultation Process.

(4) If the ISO is considering the disclosure of Confidential Information for the purposes of a referral or consultation under rule 274B(3), then for the purposes of the balancing in rule 303(2) {Pre-disclosure process}, the ISO is to have regard to the desirability of all system participants being able to understand and assess for themselves any risks to Security or Reliability posed by a CPC Facility connecting under this Subchapter 9.3, and how those risks are proposed to be managed by the CPC Measures.

(5) A Connection Applicant may at any time withdraw a notice under rule 274B(1) by giving notice in writing to the Host NSP and the ISO in accordance with the CPC Procedure, in which case the ISO must Publish the notice of withdrawal, and the process under this Subchapter 9.3 stops.

274C Assessing the application and agreeing CPC Measures

(1) If a Connection Applicant applies for Connection Point Compliance, then in accordance with the CPC Procedure —

(a) the Connection Applicant is to propose one or more CPC Measures to address the non-compliance; and

(b) the Connection Applicant, the Host NSP and the ISO are to endeavour in accordance with the timeframes and other requirements of the CPC Procedure to agree upon CPC Measures for the facility which meet the standard specified in rule 274E.

(2) In determining whether to agree to CPC Measures —

(a) the ISO's discretion is absolute, and its failure or refusal to agree cannot be the subject of a Rules Dispute or Access Dispute;

{The ISO is not obliged to agree to CPC Measures. For example, it may not be possible to satisfactorily remedy a non-compliance by CPC Measures.}

and

(b) a Non-Covered NSP's discretion is absolute, and its failure or refusal to agree cannot be the subject of a Rules Dispute or Access Dispute; and

(c) a Covered NSP must act in accordance with the Pilbara Electricity Objective and the Access Code, and its failure or refusal to agree may be the subject of a Rules Dispute or Access Dispute.

(3) If the Host NSP and the ISO reach agreement under rule 274C(1)(b) with the Connection Applicant on proposed CPC Measures, then:

(a) the Host NSP and the Connection Applicant must record the agreed measures in writing and provide them to the ISO, who may make or Direct any changes it considers necessary or convenient to ensure that the document accurately reflects the agreed measures; and

(b) the measures so recorded are the "**CPC Measures**" for the Facility.

(4) The ISO may in accordance with the CPC Procedure terminate the process in this rule 274C if it forms the view that agreement is unlikely to be reached.

274D CPC Measures – Permitted content

(1) CPC Measures may deal with any matter which the ISO, in consultation with the Host NSP, considers necessary or convenient to satisfy the requirements of rule 274E.

(2) Without limiting rule 274D(1) or Subchapter 9.2, CPC Measures may include —

(a) requirements for the installation, operation, characteristics, configuration, performance or capacity of equipment on the CPC facility's site;

{The relevant Equipment may be located elsewhere on the site than at the Non-Compliant Component.}

and

(b) any actions to be taken, and any obligations with which the CPC Facility, its Controller and the Host NSP must comply, before and after energisation occurs; and

(c) any operating protocols which the CPC Facility, its Controller and the Host NSP must follow while the CPC Facility is connected to the NWIS.

{Examples: The operating protocols may include certain thresholds not to be exceeded, or which must not be exceeded while the NWIS is in a particular operating state or configuration}

274E CPC Measures – Standard to be met

The Host NSP and the ISO must not agree to proposed CPC Measures unless satisfied to a GEIP standard that the measures, if implemented and maintained, are sufficient to ensure that —

(a) the CPC Facility —

(i) complies with these Rules (including the Harmonised Technical Rules) at the CPC Facility's Connection Point, despite any non-compliance by a Non-Compliant Component; and

(ii) poses no Credible threat to the NWIS's Security or Reliability, including threats resulting from —

(A) energy or power flows or power quality at the CPC Facility's Connection Point; or

(B) a disruption to anything referred to in rule 274E(a)(ii)(A),

which is caused or contributed by something behind the connection point (that is, on the CPC Facility's side of the Connection Point, in electrical terms);

and

(b) neither the CPC Facility nor the CPC Measures will adversely affect in any way the ISO's, the ISO Control Desk's, an Incident Controller's or a Registered NSP's ability to manage to a GEIP standard —

(i) a Credible Contingency; or

(ii) any other Credible threat to the NWIS's Security or Reliability,

regardless of the location or locations in the NWIS the Credible Contingency or other Credible threat occurs in or emerges from.

274F CPC measures – Effect

(1) While the CPC Facility's Controller and the CPC Facility (and the Host NSP, to the extent the CPC Measures place obligations on it) are complying with the CPC Measures and this Subchapter 9.3, but only for so long as the Facility remains compliant at the Connection Point, a Non-Compliant Component's Non-Compliance with these Rules is to be disregarded.

(2) Except as stated in rule 274F(1), these Rules (including the Harmonised Technical Rules) apply to all Equipment and Facilities forming part of the CPC Facility.

{Rule 274F(2) confirms, for example, that references in these rules to "Consumer Facility" and "Generation Facility" apply also to any consumer or generation facility which forms part of a CPC Facility, unless the agreed CPC Measures for the CPC Facility provide otherwise.}

274G CPC measures – Facility Controller and Host NSP must comply

(1) The CPC Facility and its Controller must comply with the CPC Measures for the Facility, at any time the Facility is Connected to the NWIS.

(2) The Host NSP must comply with any obligations the CPC Measures place on it in connection with the CPC Facility, at any time the Facility is connected to the NWIS.

274H CPC Measures – ISO and Host NSP obligations

(1) Before a CPC Facility's Connection Point is Energised, the Host NSP must give to the ISO a notice which —

(a) certifies that —

(i) the Host NSP it is satisfied to a GEIP standard that the CPC Facility's Controller —

(A) has implemented (or otherwise complied with) all aspects of the CPC Measures which are required to be implemented or complied with by the Controller before Energisation; and

(B) after energisation will continue to comply with all applicable requirements of the CPC Measures;

and

(ii) the Host NSP has implemented (or otherwise complied with) all aspects of the CPC Measures which are required to be implemented or complied with by the Host NSP before Energisation;

and

(b) provides all information required by, and otherwise complies with, the CPC Procedure.

(2) If at any time before the CPC Facility's Connection Point is energised the ISO is not satisfied of a matter referred to in rules 274H(1)(a)(i) or (ii), it may Direct the Host NSP and CPC Facility's Controller not to Energise the Connection Point, until the ISO gives notice that it is satisfied of the matter.

(3) The ISO and the Host NSP —

(a) must take the CPC Measures into account when performing a Function under Subchapter 9.2; and

(b) otherwise may take any CPC Measures into account when performing a function under the Act, the PNAC or these Rules (including when preparing any Procedure or Protocol).

(4) The ISO must take into account any CPC Measures when performing a function under rule 25.

274I CPC Measures – Disclosure

(1) Subject to Rule 274I(2), the ISO must wherever practicable disclose CPC Measures and relevant supporting information to any person who requests them, and may Publish them.

(2) Rule 274I(1) does not authorise the ISO to disclose information to the extent that it is Confidential Information, or is information from which Confidential Information could reasonably be inferred or derived, unless doing so is a permitted disclosure under Subchapter 11.2.

(3) For the purposes of the balancing in rule 303(2), the ISO is to have regard to the desirability of all system participants being able to understand and assess for themselves any risks to Security or Reliability posed by a CPC Facility connecting under this Subchapter 9.3, and how those risks are being managed by the CPC Measures.

(4) Rule 120 applies with appropriate modifications to any information the ISO requires in connection with developing or assessing proposed CPC Measures.

274J [Blank]

274K Changed circumstances

(1) In this Subchapter 9.3, "**Potential Relevant Change**" means a change (including a proposed change) to the Equipment forming part of a CPC Facility (including to its operation, characteristics, configuration, performance or capacity) that might Credibly be expected to —

(a) materially and adversely impact the CPC Facility's performance against the standard in rule 274E; or

(b) require an Access Application or a change to a Network Access Contract; or

(c) cause the Equipment to cease being Eligible Equipment.

(2) The CPC Procedure is to set out —

(a) the circumstances in which the ISO will or may declare a change to be a Relevant Change; and

(b) the circumstances in which the ISO will not or may not declare a change to be a Relevant Change;

{For example, the procedure may specify that planning and design work on a potential relevant change is not itself a relevant change.}

and

(c) the processes, consultation and timelines to be followed by the CPC Facility's Controller, the ISO and the Host NSP in connection with a Potential Relevant Change and a Relevant Change.

(3) The CPC Facility's Controller must notify the ISO and the Host NSP before making or authorising a Potential Relevant Change.

(4) The ISO, after consulting with (at least) the Host NSP and the CPC Facility's Controller and considering the matters in rule 274K(9), may at any time declare a change to the Equipment in a CPC Facility (including to its operation, characteristics, configuration, performance or capacity) to be a "**Relevant Change**", whether or not the CPC Facility's Controller gives notice under rule 274K(3).

(5) If the ISO declares a change to be a Relevant Change then —

(a) the process in this Subchapter 9.3 applies anew to the CPC Facility; and

(b) the CPC Facility's Controller must not commence or authorise work on the Relevant Change until the new Subchapter 9.3 process is completed and has resulted in agreed CPC Measures.

(6) If Equipment ceases being Eligible Equipment, then rule 274F(1) ceases to apply to the CPC Facility.

{If rule 274F ceases to apply to the CPC Facility, all the Equipment must comply fully with these rules unless otherwise exempted.}

(7) If a CPC Facility's Controller breaches rules 274K(3) or 274K(5)(b), then the ISO, in consultation with the Host NSP, may suspend or by direction modify the CPC Measures for the CPC Facility.

(8) If the ISO suspends the CPC Measures for the CPC Facility, then for the duration of the suspension, rule 274F(1) does not apply to the CPC Facility.

(9) Before declaring a change to be a Relevant Change, the ISO must consider the balance between —

(a) the burden, including cost, to the CPC Facility's Controller of repeating the Subchapter 9.3 process and the risk to the facility's Controller of a change in, or removal of, the CPC Measures; and

(b) the resultant benefit in terms of Security, Reliability and the Pilbara Electricity Objective.

(10) Nothing in this rule 274K limits or displaces the other requirements of these rules, a Network Access Contract, the Access Code or any applicable law regarding modifications to Equipment.

274L CPC (Connection Point Compliance) Procedure

(1) The ISO, in consultation with (at least) the Registered NSPs, is to develop a Procedure ("**CPC Procedure**") for the purposes of this Subchapter 9.3.

(2) The CPC Procedure may set out —

(a) the ISO's, the Host NSP's and the Connection Applicant's functions in connection with this Subchapter 9.3; and

(b) the process to be followed in making and assessing an application under rule 274B(1), unless the ISO in its discretion decides to modify this process; and

(c) the information which the Host NSP and the Connection Applicant must provide to the ISO, including the studies and analysis which must be undertaken (but nothing in the Procedure will limit the ISO's ability to request any other information, studies or analysis); and

(d) the studies or analysis the ISO may undertake; and

(e) indicative (but non-binding) timeframes; and

(f) sample CPC Measures, including measures for ongoing monitoring, verification and reporting of compliance at the Connection Point; and

(g) any criteria, processes, conditions or other requirements which apply in connection with the ISO agreeing under rule 274A(2) to classify Equipment and components across multiple Connection Points as a single CPC Eligible Facility.

{Rule 274K(2) lists some matters the procedure must set out.}

(3) Rule 274L(2) does not limit the matters the CPC Procedure may deal with.

274M Procedural review

A decision by the ISO or the Host NSP under rules 274C and 274K may be the subject of a Procedural Review in accordance with the regulations.

Subchapter 9.4 – Miscellaneous

274N ISO to develop access and connection procedure

(1) The ISO must develop a Procedure (**"Access and Connection Procedure"**) in connection with its functions under Subchapter 9.2, Subchapter 9.3 and this Subchapter 9.4.

(2) The Access and Connection Procedure must specify how costs are to be identified and allocated for the purposes of rules 274O, 274P, 274Q and 274R.

274O Freedom to contract regarding costs of Access Application

(1) A contract may limit or vary the effect of rules 274P, 274Q, 274R or 274S.

(2) Rule 274O(1) does not limit the Access Code or authorise a contract which is otherwise unlawful.

274P Connection applicant's own costs

A Connection Applicant is to bear its own costs of preparing and progressing an Access Application or an application under rule 274B(1), or otherwise in connection with seeking Access under Subchapter 9.2 or Subchapter 9.3.

274Q NSP's costs

An NSP's costs of performing a function under Subchapter 9.2 or Subchapter 9.3, including the payment of any fee under rule 274R —

(a) for a Covered NSP — are to be dealt with in accordance with the Access Code and

(b) for a Non-Covered NSP — are to be dealt with in accordance with the Access and Connection Procedure or otherwise as agreed between the NSP and the Connection Applicant.

274R ISO's costs

(1) The ISO's costs of performing a function under Subchapter 9.2 or Subchapter 9.3 in respect of a Connection Request may be recovered from the Host NSP by way of a fee determined by the ISO.

(2) For the purposes of rule 274R(1) —

   (a) the ISO may from time to time determine and Publish a reasonable standard fee for a class of function or activity; and

   (b) where there is no such standard fee, the fee must not exceed the costs which the ISO can identify as being directly attributable to the Connection Request; and

(c) if the New Connection is expected to involve more than one NSP granting Access to their Networks, the ISO may apportion the fee between the Host NSPs as it sees fit.

(3) A fee under this rule 274R must not include costs for a function or activity which the ISO determines should be recovered by way of the ISO Fee under Subchapter 4.5, including because the function or activity is likely to provide a benefit more widely than for just the Connection Applicant.

{For example, if the resulting work product is likely to benefit more than one Connection Applicant, or if comparable work would likely have been required within a reasonable time frame whether or not this Connection Request was made.}

(4) The ISO must notify the Registered NSP and the Connection Applicant of a fee under this rule 274R, before commencing the work.

(5) The Access and Connection Procedure may provide that if a Host NSP is a Non-Covered NSP, the fee under this rule 274R may be recovered from the Connection Applicant, and if so references in this rule 274R to the Host NSP are to be read accordingly.

274S Costs of implementing, operating and maintaining solutions

(1) Subject to rule 274S(2) and the Access Code, the Connection Applicant is to bear its own, and the Registered NSP's, costs of implementing, operating and maintaining —

(a) any solution under rule 270(5) or otherwise required to achieve connection under Subchapter 9.2; and

(b) the CPC Measures for a CPC Facility.

(2) To the extent that another person (including the ISO or the Registered NSP) causes or contributes to a cost referred to in rule 274R(1) through conduct which is in breach of these rules or GEIP, then that other person must bear the costs it causes or contributes to.

Chapter 10 – Planning and reporting

Subchapter 10.1 – Long term coordination and planning

275 Application of this Subchapter 10.1

This Subchapter 10.1 applies in respect of every Pilbara Network, but subject to rule 276.

276 Reporting evolution

(1) The scope and content of reporting under this Subchapter 10.1 is expected to start with a focus on the NWIS, and in particular (but not exclusively) Covered NWIS Networks, and to evolve over time as the ISO, NSPs and others collaborate to determine what will best meet the Pilbara Electricity Objective, and best balance the advantages and disadvantages of the reporting process.

(2) Rules Participants' obligations under this Subchapter 10.1 are to be construed in light of rule 276(1), and in light of any limitations in the information the ISO is able to obtain from NSPs and others, or to Publish, including rule 298.

277 Network coordination and planning objectives

(1) Subject to rule 276, the primary objective of this Subchapter 10.1 is to produce reports which —

(a) provide Credible, independent information over substantial forecast periods for potential developers of electricity networks, Generating Works and loads in the Pilbara, with the aim of —

(i) promoting efficient use of and investment in; and

(ii) facilitating efficient and coordinated development of,

existing, new and augmented Pilbara networks; and

(b) to facilitate access under the Access Code to the services of Covered Networks.

(2) The secondary objective of this Subchapter 10.1 is to pursue the primary objective in a manner which —

(a) so far as reasonably practicable, minimises cost and disruption to Rules Participants; and

(b) in Connection with an Integrated Mining Network — has regard to rule 5, but only until evolution occurs as contemplated by rule 276.

278 Reports are for information only

Reports under this Subchapter 10.1 are for information only, and no person is obliged to implement any recommendations in a report.

{For Covered Networks, an Arbitrator may take the reports into account in assessing whether expenditure is prudent.}

279 ISO to prepare and Publish biennial NCP Reports

(1) The ISO must prepare and Publish, in accordance with this Subchapter 10.1 and the Planning and Reporting Procedure, the following Network coordination and planning reports ("**NCP Reports**") —

(a) a Transmission Development Plan under rule 281; and

(b) a Pilbara GenSOO under rule 282.

(2) The NCP Reports must be published every two years by 1 July and the first NCP Reports are to be published by 1 July 2027.

280 NCP Planning Horizon

The NCP Reports are to cover a period specified in the Planning and Reporting Procedure (**"NCP Planning Horizon"**).

281 Transmission Development Plan – NWIS

A Transmission Development Plan is to set out, across the NCP Planning Horizon —

(a) a description of the NWIS's current Covered Transmission Elements; and

(b) a range of Credible scenarios for the locations and quantities of electricity supply and demand in NWIS Covered Networks (including locations which the NWIS is reasonably capable of servicing if it is suitably augmented); and

(c) for each Covered Network in the NWIS, a consolidated summary of the Covered NSP's most-recently-published proposed and contemplated Augmentations; and

(d) having regard to the supply and demand scenarios developed under rule 281(b) and Augmentation information published under rule 281(c) —

(i) current and projected areas of Network Constraint in the NWIS Covered Networks; and

(ii) possible efficient development strategies for extension or expansion of the NWIS Covered Networks including opportunities for co-optimisation of Network and non-Network investment, and opportunities for private investment; and

(iii) possible opportunities for new, extended or expanded Pilbara networks which may Interconnect with the NWIS;

and

(e) any other information required by the Planning and Reporting Procedure or which the ISO considers appropriate.

282 Pilbara GenSOO

A generation statement of opportunity for the Pilbara (**"Pilbara GenSOO"**) is to set out —

(a) possible efficient investment opportunities in new or expanded generation facilities and (if applicable) Storage Works for supply into the NWIS Covered Networks (including from locations which could supply into the NWIS if it is suitably augmented) over the NCP Planning Horizon; and

(b) the ISO's projections of Generator fuel availability, new fuel sources, and renewable and intermittent energy developments over the NCP Reports planning horizon; and

(c) a report on Essential System Services acquired by the ISO for the NWIS since the last NCP Reports Publication Date; and

(d) an assessment of the adequacy of system capacity in the NWIS Covered Networks over the NCP Planning Horizon, having regard to the Generation Adequacy Objective; and

(e) any other information required by the Planning and Reporting Procedure or which the ISO considers appropriate.

283 Reports to consider broader Pilbara to the extent practicable

(1) A Transmission Development Plan or a Pilbara GenSOO, or both, may —

(a) to the extent reasonably practicable weighing —

(i) the advantages contemplated by the objective in rule 276;

(ii) against —

(A) the disadvantages associated with gathering, analysing and reporting the information; and

(B) Subchapter 11.2;

and

(b) subject to rule 283(2); and

(c) in accordance with the Planning and Reporting Procedure,

include information of the sort contemplated by rules 281 and 282 respectively, in respect of existing, or potential new, extended or expanded, Non-Covered Networks which do not form part of the NWIS.

(2) For the first 5 years after the Rules Commencement Date, for a Generation Facility which is Connected to a Non-Covered Network which does not form part of the NWIS —

(a) the ISO may require the Controller of the Generation Facility to give the ISO the following information for the purposes of this Chapter 10, namely for each Generating Unit in the power station —

(i) its manufacturer and model; and

(ii) its nameplate capacity in MW; and

(iii) its fuel type; and

(iv) the date it was first commissioned;

and

(b) the ISO cannot require the Controller to give it any other information for the purposes of this Chapter 10.

284 Consultation

The ISO must undertake the Standard Consultation Process in respect of a Transmission Development Plan and a Pilbara GenSOO, including seeking submissions on —

(a) the principal inputs that it proposes to use for the preparation or revision of the NCP Reports; and

(b) the principal risks and issues over the NCP Planning Horizon relevant to the matters to be considered under rules 281 and 282.

285 ISO may inform itself as it sees fit

In preparing the NCP Reports, subject to the Planning and Reporting Procedure, the ISO may inform itself in any manner it sees fit.

286 Review of this Subchapter 10.1’s scope and objective

(1) From time to time at least once every 5 years, the ISO must conduct a review of the processes and reports set out in this Subchapter 10.1 against the objective in rule 276 and the Pilbara Electricity Objective, and Publish a report on the subject.

(2) The review must include consultation with Registered NSPs and Public consultation following at least the Expedited Consultation Process.

(3) If the ISO recommends any changes to these Rules or a Procedure in the report, it must either submit a Rule Change Proposal or initiate a Procedure Change Process, as the case may be.

(4) Nothing in this rule 286 limits a person’s right to submit a Rule Change Proposal or Procedure Change Proposal in respect of a matter relating to this Subchapter 10.1 at any time.

Subchapter 10.2 – Medium term planning

287 Medium Term PASA

(1) Unless the Planning and Reporting Procedure provides otherwise, the ISO is not required to undertake or Publish a projected assessment of system adequacy (**“PASA”**) study.

(2) If the Planning and Reporting Procedure provides for the ISO to undertake such a study, it may set out —

(a) the study’s planning horizon; and

(b) the information which must be provided by Rules Participants, and the timeframes within which it must be provided; and

(c) the form and content of any Publication resulting from the study.

(3) In conducting the study, subject to the Planning and Reporting Procedure, the ISO may inform itself in any manner it sees fit.

Subchapter 10.3 – Operational reporting

288 ISO to Publish system coordination bulletin from time to time

(1) For the benefit of other Rules Participants and the Public, the ISO must periodically, at least once every quarter and more frequently as circumstances require, Publish a bulletin giving brief information about matters discussed in System Coordination Reports which may impact the operational and commercial decisions of Pilbara electricity market participants.

(2) Subject to rule 288(3), the report is to include details of —

(a) the incidence and extent of Constraint Directions issued; and

(b) the incidence and extent of system operations directions and Pre-Contingent Direction issued; and

(c) the incidence and extent of non-compliances with directions; and

(d) the incidence and extent of noteworthy incidents in the Power System (including contingencies, Pre-Contingent Actions, shortfalls in Essential System Services, and occasions on which the Power System was not in a Secure State or was Outside the Technical Envelope), together with, for each such incident —

(i) information about the circumstances that caused the incident; and

(ii) information about the actions that the ISO and Registered NSPs took in response to the incident; and

(iii) the results of any post-incident discussion or investigation under Subchapter 7.6.

(3) The ISO must not include in the bulletin any information that cannot be made Public under Subchapter 11.2 {Confidential Information}, or which it considers should not be made Public.

(4) The ISO is to balance transparency with efficiency and cost effectiveness in determining what to include in the bulletin.

Subchapter 10.4 – Miscellaneous

289 Procedures for Chapter 10

The ISO may Develop a Procedure (**"Planning and Reporting Procedure"**) in relation to this Chapter 10.

Chapter 11 – Information

Subchapter 11.1 – Notices, Publication and records

290 Publication

(1) Where the ISO is required by these Rules to Publish or release a document or information, then the ISO must make that document or information available on the ISO Website, but must ensure that Confidential Information is only accessible by persons, and to the extent, permitted under these Rules.

{Confidential Information is generally protected under Subchapter 11.2, but these Rules do permit it to be disclosed in some circumstances.}

(2) Where the Authority or the Coordinator is required by these Rules to Publish or release a document or information, the Authority or Coordinator must make that document or information available on its web site, but must ensure that Confidential Information is only accessible by persons, and to the extent, permitted under these Rules.

291 Authority's Subscriber Database

(1) Any person may make a request to the Authority to receive all notices published by the Authority under these Rules by providing the Authority with their —

(a) name; and

(b) email address.

(2) Within one month of the Rules Commencement Date, the Authority must Publish a notice on its website inviting requests under rule 291(1).

(3) The Authority must establish and Maintain a database containing the name and email address of each person who has requested to receive all notices published by the Authority under these Rules under rule 291(1) by —

(a) as soon as practicable after receiving a request under rule 291(1) — adding the person's name and email address to the database; and

(b) as soon as practicable after receiving a written request from a person to remove their name and email address from the database — removing the person's name and email address from the database; and

(c) removing a person's name and email address from the database if the Authority reasonably believes that emails sent to the email address are not successfully delivered.

292 Rules Participant may combine Publications, reports, lists, etc

(1) If under these Rules a Rules Participant is required to provide or Publish information or a report on any matter or thing, or Maintain a list, or issue a notice, or is under any similar obligation, then the Rules Participant may combine or divide any provision, Publication, report, list, notice or other instrument as it sees fit, and may undertake the function or process of preparing and providing it concurrently with any other function or process, with a view to maximising efficiency and minimising duplication.

(2) Rule 292(1) does not limit the Rules Participant's discretion.

293 Record retention

(1) The ISO must develop and Publish a list of all information and documents that relate to the Power System activities that Rules Participants must retain.

(2) Effective from the date that the ISO publishes the list, Rules Participants must retain the specified information for seven years from the date it is created, or such longer period as may be required by law.

Subchapter 11.2 – Confidential Information

294 Confidentiality objective

(1) The primary objective of this Subchapter 11.2 is —

(a) to preserve the confidentiality of Confidential Information to the greatest extent practicable consistent with —

(i) persons' performance of their functions under the Pilbara Regime; and

(ii) the Pilbara Electricity Objective and any applicable objective stated in these Rules;

and

(b) if a Recipient receives Confidential Information in Connection with the Pilbara Regime, to ensure that a Recipient uses it only for —

(i) the Recipient's performance of their functions under the Pilbara Regime; and

(ii) in accordance with the Pilbara Electricity Objective and any applicable stated objective.

(2) A secondary objective of this Subchapter 11.2 is to achieve the primary objective as quickly, simply, and with as little compliance burden and cost, as practicable.

295 Definitions

In this Subchapter 11.2 —

(a) **“Confidential Information”** means, subject to rule 296, information that —

(i) by its nature is confidential; or

(ii) is specified to be confidential by the Discloser;

and

(b) **“Discloser”** means a person who discloses Confidential Information to a Recipient under the Pilbara Regime, and includes an Information Owner; and

(c) **“Information Owner”**, for an element of Confidential Information, means the person whose confidence would be breached by the element’s disclosure;

{This will often be the person who first discloses Confidential Information under the Pilbara Regime, or the person who owns the Confidential Information.}

and

(d) **“Pilbara Regime”** means Parts 8A and 9B of the Act, Parts 8 and 10 of the Act applying in respect of a Pilbara Network, these Rules and the PNAC; and

(e) **“Recipient”** means a person to whom Confidential Information is disclosed under the Pilbara Regime.

296 Information which is not confidential

The following is not Confidential Information for the purposes of these Rules —

(a) information which is in the Public domain or ascertainable from Public domain sources; and

(b) information which came into the Recipient’s hands by means which did not create a duty of confidentiality under the Pilbara Regime; and

(c) information which the Recipient already possessed at the time it was disclosed to the Recipient by the discloser; and

(d) information which the Recipient develops independently.

297 Restriction on use of Confidential Information

(1) A Recipient may use Confidential Information —

(a) for the purposes of performing a function under the Pilbara Regime; and

(b) as required or permitted by these Rules or the Pilbara Regime.

(2) A Recipient must not use Confidential Information for any other purpose, without the Information Owner’s written consent.

298 Restriction on disclosure of Confidential Information

Except as permitted under rules 299, 300 and 301, a Recipient must not disclose Confidential Information.

299 Permitted disclosure – In performance of a function

(1) A Recipient may disclose Confidential Information to the extent the Recipient in good faith determines is reasonably necessary for performing a function under the Pilbara Regime.

(2) Rule 303 {Pre-disclosure process} applies to a disclosure under this rule 299.

300 Permitted disclosure – General

(1) A Recipient may disclose Confidential Information —

(a) with the Information Owner's written consent, in accordance with any conditions in that consent; or

(b) on a confidential basis to its legal and other professional advisers; or

(c) as required under a written law, the listing rules of the Australian securities exchange or the rules of any other applicable financial market; or

(d) to, or as directed by, a court, Arbitrator or other tribunal established under a written law, on a confidential basis unless the court, Arbitrator or other tribunal directs otherwise; or

(e) if —

(i) the Recipient does not disclose any elements of the information that could lead to the identification of the Information Owner; or

(ii) the manner in which the Recipient discloses the information does not identify the Information Owner and could not reasonably be expected to lead to the Information Owner being identified.

{Example — Confidential information may be combined or arranged with other information to prevent the identification of the person to whom the Confidential Information relates.}

(2) Rule 303 {Pre-disclosure process} applies to a disclosure under this rule 300.

301 Permitted disclosure – To a Governance Entity

A Recipient may disclose Confidential Information on a confidential basis to the ISO, the Authority, the Coordinator or the Minister (a **"Governance Entity"**), and the Governance Entity may use the information, for the purposes of, or in Connection with, the Governance Entity's performance of a function under the Pilbara Regime or another written law.

302 Permitted disclosure – Non-confidential parts of documents

If a document contains both Confidential Information and other information, a Recipient may disclose the document if —

(a) the Confidential Information is omitted or obscured; and

(b) the omission is evident from a mark or note at the place in the document from which the Confidential Information is omitted.

303 Pre-disclosure process

(1) The process in this rule 303 applies if called for by, and as modified by, a rule in these Rules.

(2) If a person (**"Intending Discloser"**) proposes to disclose Confidential Information (**"Proposed Disclosure"**) then the person must first have regard to regard to the primary and secondary objectives in rule 294, and consider the balance between —

(a) the benefits associated with the Proposed Disclosure; and

(b) any likely detriment to the relevant Information Owner or Information Owners from the Proposed Disclosure.

(3) The Intending Discloser, acting reasonably and in good faith, may abridge or modify the process in this rule 303 having regard to the factors in rule 303(2).

(4) Subject to rule 303(3), the Intending Discloser must, before making the Proposed Disclosure —

(a) notify the Information Owner of the Proposed Disclosure, describing the information proposed to be disclosed and, if practicable, the circumstances of the disclosure; and

(b) allow the Information Owner an opportunity to express its views and to request redactions or other changes in order to minimise disclosure of the Confidential Information; and

(c) have regard to the Information Owner's views and requests; and

(d) if the Proposed Disclosure is being compelled through a process under a written law or otherwise —

(i) make reasonable endeavours (so far as is permitted) to minimise what is disclosed; and

(ii) if the Information Owner is able to intervene in the process and seeks to do so, not seek to hinder, or impose unreasonable conditions on, that intervention.

304 Intermediate Disclosers

If the Discloser is not the Information Owner, it must give the Recipient reasonable information to Enable the Recipient to identify the Information Owner.

305 Protection for disclosure under these Rules

{This rule 305 is made under section 120O(2) of the Act.}

(1) A disclosure or use of confidential or commercially sensitive information which is required or permitted by these Rules, is authorised by these Rules.

(2) If the disclosure or use of confidential or commercially sensitive information is authorised by these Rules —

(a) no civil or criminal liability is incurred in respect of the use or disclosure; and

(b) the use or disclosure is not to be regarded as —

(i) a breach of any duty of confidentiality or secrecy imposed by law or contract; or

(ii) a breach of professional ethics or standards or any principles of conduct applicable to a person's employment; or

(iii) unprofessional conduct.

Subchapter 11.3 – ISO's power to request information

306 ISO may request information

(1) The ISO may, for the purposes of performing its functions, request a Rules Participant to give specified information to the ISO.

(2) The request must —

(a) be in writing; and

(b) specify the information; and

(c) specify the occasion or occasions on which, or the frequency at which the information is to be given; and

(d) specify the time within which the information is to be given.

(3) A Rules Participant must comply with a request under this rule 306.

Chapter 12 – Compliance, enforcement and audit

Subchapter 12.1 – Monitoring and enforcement

307 ISO compliance function

(1) The ISO must monitor Rules Participants' behaviour (including its own) for compliance with these Rules and may take enforcement action under this this Subchapter 12.1.

{Because rule 85 requires compliance with Procedures, the expression "compliance with these Rules" includes compliance with the Procedures.}

(2) The ISO must endeavour to perform its functions under this Subchapter 12.1 with as little formality and as much expedition as reasonably practicable.

308 Compliance Procedure

The ISO is to Develop a Procedure (**"Compliance Procedure"**) for the purposes of this Subchapter 12.1.

309 Proportionate approach to investigations

(1) The Compliance Procedure may —

(a) specify which non-compliances must be reported to the ISO; and

(b) specify a tolerance range for a Facility or Network Element, or a class of either, such that operation which does not comply with these Rules but is within the tolerance range, is not a breach of these Rules; and

(c) provide the circumstances in which self-reported non-compliances are not a breach of these Rules, for example if they have been or are being rectified (if capable of rectification) and, where appropriate, steps are in place or planned to reduce the risk of recurrence; and

(d) permit the ISO to decide, based on specified criteria such as the materiality, frequency, duration and recurrence of non-compliances, whether a breach of these Rules should be investigated or merely logged; and

(e) for logged breaches, permit the ISO to decide the circumstances (for example a further non-compliance) in which a matter should be investigated or otherwise escalated.

(2) Rule 309(1) does not limit the matters the Compliance Procedure may deal with.

310 Reporting breaches

(1) Subject to the Compliance Procedure, a Rules Participant must inform the ISO in writing if it considers that it has breached these Rules, or has reasonable cause to suspect that it may have breached these Rules, and must provide details of the breach.

(2) Subject to the Compliance Procedure, a Rules Participant or other person —

(a) may inform the ISO in writing, if it considers that another Rules Participant has breached these Rules or a Procedure, and may provide evidence of the breach; and

(b) may inform the Authority and the ISO in writing, if it considers that the ISO has breached these Rules, and may provide evidence of the breach.

(3) The Compliance Procedure may specify how and when information provided under rules 310(1) or 310(2) is to be updated.

311 ISO must record and may investigate

If the ISO becomes aware of an alleged breach of these Rules, then —

(a) it must record the alleged breach; and

(b) if required by the Compliance Procedure it must, and otherwise it may, investigate the alleged breach; and

(c) it may meet with the Rules Participant on one or more occasions to discuss the alleged breach and possible actions to remedy the alleged breach and prevent its recurrence.

312 Investigation and enforcement

(1) This rule 312 applies if the Compliance Procedure requires the ISO to investigate a non-compliance, or the ISO elects to do so.

(2) The ISO —

(a) must record the results of the investigation; and

(b) where it reasonably believes a breach has taken place — may in accordance with the Compliance Procedure issue a warning to the Rules Participant to rectify the alleged breach; and

(c) if does so — must record the Rules Participant’s response to any such warning.

(3) The ISO may —

(a) require information and records from any Rules Participant, which the Rules Participant must provide; and

(b) conduct an inspection of any Rules Participant's Equipment, and the Rules Participant must allow the ISO reasonable access to do so.

(4) A Rules Participant must —

(a) cooperate with an investigation by the ISO into an alleged breach; and

(b) not engage in materially false or misleading conduct in Connection with an investigation.

(5) If a Rules Participant fails to comply with rule 312(4), the ISO may appoint a person to investigate the breach and provide a report or such other documentation as the ISO requires, and the ISO may recover the cost of the investigator from the Rules Participant. The Rules Participant must cooperate with and assist the investigator.

(6) Following the investigation, the ISO must determine either —

(a) that a breach has occurred, in which case the ISO —

(i) must Publish a notice identifying the breaching Rules Participant and, subject to rule 316, setting out reasonable details of the breach; and

(ii) may Direct the Rules Participant do or refrain from doing a thing in order to remedy the breach or prevent its recurrence;

or

(b) that no breach has occurred, in which case the ISO must give notice of that Decision —

(i) to the Rules Participant that was alleged to have breached; and

(ii) to any Rules Participant who notified the ISO of the alleged breach; and

(iii) if the Rules Participant that was alleged to have breached is the ISO — to the Minister.

313 Referral of ISO breaches to the Authority

(1) Any person may refer an alleged Rules breach by the ISO to the Authority, by notice given to the ISO and the Authority.

(2) A notice under rule 313(1) may be given at any time, before or after the ISO makes a determination under rule 312(6).

(3) Unless it considers the referral to be frivolous, vexatious or not made in good faith, the Authority must investigate a matter referred to it under rule 313(1).

(4) Rule 312 applies to the Authority's investigation under rule 313(3), and references in that rule to the ISO's powers and functions in undertaking the investigation are to be read as references to the Authority's powers and functions.

314 Review by the Board

A notice under rule 312(6) given by the ISO, or by the Authority under rule 313(4), may be challenged before the Electricity Review Board.

315 Annual and ad hoc reporting

(1) The ISO must annually provide to the Minister and, subject to rule 316, Publish a report of, for the preceding year —

(a) all alleged breaches (including its own); and

(b) the outcome of each investigation; and

(c) any matters referred to the Authority under rule 313(1); and

(d) any proceedings that have been brought before the Electricity Review Board in Connection with this rule 315(1) and the Electricity Review Board's findings and final orders in Connection with those matters.

(2) In addition to the annual report under rule 315(1), the ISO may from time to time Publish a report on any one or more matters referred to in rule 315(1).

316 Confidentiality of compliance matters

(1) If the ISO determines that a notice under rule 312(6)(a)(i) or a report under rule 315(1) needs to contain Confidential Information, then —

(a) it must give the Coordinator and the Authority an unredacted copy of the notice or report; and

(b) it may, if it considers it appropriate, identify in the unredacted copy any Confidential Information or any other information which the ISO considers should not be made Public; and

(c) it must Publish a version of the notice or report which complies with Subchapter 11.2 {Confidential information}; and

(d) for the purposes of rule 299 {Permitted disclosure}, it may in the published notice or report disclose Confidential Information if, and to the extent, it determines that doing so is necessary or convenient —

(i) to achieve effective monitoring and compliance; or

(ii) to Maintain and improve Security and Reliability; or

(iii) otherwise to progress the Pilbara Electricity Objective.

(2) If the ISO proposes to disclose Confidential Information in reliance on rule 316(1)(d), it must first comply with rule 303 {Pre-disclosure process}, but —

(a) it may abridge or suspend the process in rule 303 to the extent it judges necessary or convenient in the circumstances of a breach; and

(b) for the purposes of the balancing in section 303(2), it may disregard any detriment to a non-compliant person by way of reputational harm or embarrassment.

317 Authority to support ISO

(1) The Authority must to the extent reasonably requested by the ISO give the ISO such information and other assistance as the ISO reasonably considers necessary or convenient to facilitate its performance of its function under this Subchapter 12.1.

(2) Before making a request under rule 317(1), the ISO must first have regard to the cost and other burdens on the Authority of giving such assistance, and any likely resulting impact on the Authority Fee.

Subchapter 12.2 – ISO Audit

318 ISO Audit

(1) The ISO must appoint an auditor to undertake an audit, within the time limit required by rule 318(2), of —

(a) the ISO's internal Procedures and business processes' compliance with these Rules; and

(b) the ISO's compliance with these Rules and the Procedures; and

(c) the ISO's software systems and processes for software management; and

(d) any other matter the ISO considers appropriate.

(2) The first audit is to be conducted no later than 2 years after the Rules Commencement Date. In that each subsequent audit report, the auditor, having regard to the findings of its audit, is to recommend a period of no more than 5 years, within which the next audit must be conducted.

(3) Within 30 Business Days after receiving the auditor's report the ISO must Publish it, and must either —

(a) accept the report and any recommendations it contains; or

(b) Publish a separate report setting which of the matters raised in the auditor's report the ISO accepts and which it does not accept, and give reasons for that view.

Chapter 13 – Disputes

{The Arbitrator has Limited Discretion under these Rules in relation to the disputes as to the ESS Contracting process — see rule 200(3).}

{A Rules Dispute which arises in Connection with an Access Application or otherwise under the Access Code, may also be an Access Dispute. The Complainant may choose how to approach this.}

Subchapter 13.1 – Administration

319 Meaning of Arbitrator's Determination

In these Rules **"Arbitrator's Determination"** means an Expedited Determination, an Interim Determination, or a Final Determination.

320 Authority's role

(1) The Authority's functions include —

(a) establishing a pool of potential arbitrators; and

(b) in respect of a Dispute Notice — appointing an Arbitrator and referring the Rules Disputes the subject of the notice to it; and

(c) publishing information about Rules Disputes and Arbitrator's Determinations; and

(d) any other function expressly set out in these Rules.

(2) The Authority has the power to do all things necessary or convenient to be done for or in Connection with the performance of its functions.

321 Authority to Maintain pool of potential arbitrators

(1) The Authority must —

(a) establish and Maintain a pool of at least 3 commercial arbitrators from which an Arbitrator may be appointed; and

(b) ensure that each Pool Member —

(i) is an "Australian legal practitioner" as defined in the *Legal Profession Act 2008*; and

(ii) has been admitted to practice in Australian for at least 10 years; and

(iii) has practised primarily in arbitration or litigation; and

(iv) is suitably qualified to act as Arbitrator.

(2) The Authority may at any time add a person to, or remove a person from, the pool established under rule 321(1)(a), and in doing so may consult with any person it considers appropriate including a current Pool Member.

(3) The Authority must Publish a list of Pool Members, setting out each Pool Member's name, contact details and (where provided by the Pool Member) curriculum vitae.

(4) The Authority may determine in its discretion from time to time the process for identifying candidates to be Pool Members.

(5) The pools created under this rule 321 and under the Access Code can be the same.

322 Publication of information

(1) Within 5 Business Days after it receives the Publication version of an Arbitrator's Determination from an Arbitrator, the Authority must —

(a) Publish the following information —

(i) the parties' names; and

(ii) the name of the Arbitrator and, if applicable, the other members of the Arbitral Panel; and

(iii) the time elapsed between the Rules Dispute being referred to the Arbitrator and the making of the Arbitrator's Determination; and

(iv) the Publication version of the Arbitrator's Determination;

and

(b) email a copy of, or a hyperlink to, the information under rule 322(1) to each email address listed on the Authority's Subscriber Database.

(2) At least once a year on a date of its choosing, the Authority must —

(a) Publish information about —

(i) the number of Dispute Notices lodged; and

(ii) in respect of each Dispute Notice — whether it was —

(A) withdrawn; or

(B) resolved by a Final Determination; or

(C) resolved in some other manner;

and

(b) email a copy of, or a hyperlink to, the information under rule 322(2) to each email address listed on the Authority's Subscriber Database.

(3) A good faith disclosure of information by the Authority under or purportedly under this rule 322 is a permitted disclosure under rule 299, and rule 303 {Pre-disclosure process} does not apply to it.

323 Confidentiality

(1) Without limiting the definition of Confidential Information, for the purposes of this Chapter 13 **"Confidential Information"** includes information that is prepared, filed, lodged, or served on another party, in the course of the arbitration and specifically includes the following —

(a) statements in the nature of pleadings or submissions, and other information supplied to the Arbitrator by a party to the Rules Dispute; and

(b) any information supplied by a party to another party in compliance with a Direction of the Arbitrator; and

(c) any evidence (whether documentary or otherwise) supplied to the Arbitrator; and

(d) any notes made by the Arbitrator of oral evidence or submissions given before the Arbitrator; and

(e) any transcript of oral evidence or submissions given before the Arbitrator; and

(f) any ruling or Arbitrator's Determination which is not required to be published under this Chapter 13; and

(g) any other thing declared by the Arbitrator to be Confidential Information (whether of the Arbitrator's own motion or on the request by a party).

(2) Subject to this this rule 323, a person must comply with Subchapter 11.2 in respect of this Chapter 13.

(3) The Arbitrator may give an oral or written order to any person not to disclose specified information that was given to the person in the course of an arbitration without the Arbitrator's permission.

(4) An order under rule 323(3), prevails over, and may modify the effect of, Subchapter 11.2 of these Rules as it applies in respect of this Chapter 13.

(5) Without limiting rule 323(4), rule 303 {Pre-disclosure process} applies subject to any order under rule 323(3).

324 Functions

It is a function of each of —

(a) the Authority; and

(b) a Pool Member; and

(c) an Arbitrator; and

(d) a Panel Expert; and

(e) the ISO; and

(f) an independent expert appointed under rule 356,

respectively, to do each thing required of them under this Chapter 13.

325 Commercial Arbitration Act does not apply

An arbitration under this Chapter 13 is not an arbitration within the meaning of the *Commercial Arbitration Act 2012*.

Subchapter 13.2 – Commencement and termination

326 Dispute notice

(1) At any time, a Rules Participant may lodge a Dispute Notice with the Authority.

(2) The Dispute Notice must state —

(a) the rule or rules of these Rules or the Harmonised Technical Rules to which the Dispute Notice relates; and

(b) the matters (if any) on which agreement has been reached; and

(c) each matter that is in dispute and, if the Complainant proposes that a matter or matters be dealt with as an Expedited Matter, that proposal; and

(d) the Complainant's name and address, and contact details for a contact person; and

(e) the name and address of the other party to the Rules Dispute; and

(f) the name and address of each other person that the Complainant reasonably believes may have an interest in being joined as a party to, or otherwise heard in, the Rules Dispute.

327 Notifications following Dispute Notice

(1) As soon as practicable, and in any event within 2 Business Days after a Dispute Notice is lodged under rule 326(1), the Complainant must —

(a) serve it on the other party; and

(b) give a copy of the notice to the ISO and to each person it named under rule 326(2)(f).

(2) Upon receipt of a Dispute Notice the Authority must —

(a) Publish a notice setting out —

(i) the parties to the Rules Dispute; and

(ii) the Complainant’s contact details;

and

(b) email a copy of, or a hyperlink to, the published notice to each email address in the Authority’s Subscriber Database.

328 Trivial, vexatious etc claims

(1) Subject to rule 343, at any time, the Arbitrator may of their own motion or on the application of a party to a Rules Dispute (other than the Complainant) terminate an arbitration without making an Arbitrator’s Determination if the Arbitrator considers that —

(a) the Complainant lodged the Dispute Notice frivolously, vexatiously, prematurely or not in good faith; or

(b) before lodging the Dispute Notice, the Complainant failed to negotiate in good faith regarding the matters now subject to the Dispute Notice; or

(c) the subject matter of the Rules Dispute is trivial, misconceived or lacking in substance.

(2) The Arbitrator terminates an arbitration under rule 328(1) by giving notice of the termination to the parties, the ISO and the Authority.

(3) A notice under rule 328(2) —

(a) must include the Arbitrator’s reasons for the termination; and

(b) takes effect from the later of —

(i) the time the parties receive the notice; or

(ii) the time (if any) specified in the notice.

(4) The termination of an arbitration under rule 328(2) is final and binding on the parties.

{Rule 365 deals with costs of the arbitration.}

329 Withdrawal of a Dispute Notice

(1) A Complainant may Withdraw a Dispute Notice at any time before the Arbitrator makes a Final Determination.

(2) If a Dispute Notice is withdrawn under this rule 329 —

(a) the arbitration terminates on the date on which the Dispute Notice is withdrawn; and

{Rule 365 deals with costs of the arbitration.}

(b) within 5 Business Days after the notice is withdrawn under this rule 329, the Arbitrator must notify the Authority that the arbitration has terminated.

330 Mediation

(1) If a party to a Rules Dispute is not —

(a) the ISO; or

(b) a party joined under rule 333(6),

it may request that the Arbitrator Direct some or all of the parties to attend mediation to attempt to resolve some or all of the issues in dispute.

(2) The Arbitrator —

(a) may, of its own motion or at the request of a party, under section 330(1), having regard to the objective in rule 342(1); and

(b) must, if two or more parties make a joint request under section 330(1),

Direct any or all of the parties to attend mediation to attempt to resolve some or all of the issues in dispute.

(3) The Arbitrator’s Direction under this rule 330 may set out timeframes and Procedures for the mediation.

(4) Within 2 Business Days after a mediation terminates, the parties which attended mediation must give notice to the Arbitrator setting out the issues in dispute (if any) which were resolved at mediation.

331 Determination of an Expedited Matter

(1) In this rule 331, **“Expedited Matter”** means a matter (including a discrete matter arising in the course of an arbitration) —

(a) which is capable of being fairly determined within the timeframe set out under this rule 331; and

(b) the resolution of which may permit the negotiation or other process to which the matter relates to be further progressed without the parties having to resort to a longer or full-scale dispute process.

(2) At any time, a Rules Participant may apply to the Arbitrator for the determination of an Expedited Matter under this rule by giving notice —

(a) requesting expedited hearing of the matter; and

(b) setting out the grounds for why the expedited hearing and resolution of the matter may permit the negotiation or other process to which the matter relates to be further progressed without the parties having to resort to a longer or full-scale dispute process.

(3) Within 2 Business Days after receiving a notice under rule 331(2), the Arbitrator must give notice to each other party of the request —

(a) attaching a copy of the notice under rule 331(2); and

(b) inviting the party to make a submission in response to the notice under rule 331(2) within the timeframe under rule 331(4).

(4) Within 5 Business Days after receiving a notice under rule 331(3), a party may lodge a submission with the Arbitrator —

(a) supporting or opposing the request; and

(b) giving reasons for its position; and

(c) whether or not the party supports or opposes the request — setting out the party's position in relation to the matters under rule 331(7).

(5) Within 10 Business Days after receiving a notice under 331(3), the Arbitrator must consider any submissions lodged under rule 331(4) and either —

(a) if, the Arbitrator determines that the expedited hearing and resolution of the matter may permit the Access Application or negotiation to which the matter relates to be further progressed without the parties having to resort to a longer or full-scale dispute process — Direct that the hearing and determination of an Expedited Matter proceed under rules 331(7) and331(8); and

(b) otherwise — Direct that the matter continue as a normal arbitration.

(6) Upon making a Direction under rule 331(5), the Arbitrator must immediately give the parties notice of the Direction.

(7) If the Arbitrator makes a Direction under rule 331(5)(a) —

(a) unless the Arbitrator directs otherwise, the parties are restricted to —

(i) one round of written submissions and evidence; and

(ii) one round of written submissions and evidence in reply,

which cannot be amended except with the Arbitrator's leave; and

(b) unless the Arbitrator directs otherwise, any hearing is to be conducted without legal representation (but a party may obtain legal advice in preparing the written submission); and

(c) the Arbitrator may elect to dispense with a hearing and determine the matter on the papers; and

(d) the Arbitrator is to treat the objective of informality and expedition as paramount; and

(e) the Arbitrator must endeavour to determine the Expedited Matter within 10 Business Days after the issue of the notice under rule 331(6); and

(f) the parties must take all reasonable steps to assist the Arbitrator to determine the Expedited Matter within 10 Business Days after the issue of the notice under rule 331(6).

{Rule 360 sets out general requirements in respect of an Arbitrator's Determination.}

(8) If in the course of an expedited hearing the Arbitrator determines that it is not possible to determine the Expedited Matter in the time, or on the materials, available under rule 331(7), the Arbitrator may do one or more of the following —

(a) determine the matter as soon as practicable within a longer period not exceeding 20 Business Days after the expedited process is commenced; or

(b) Direct that the matter cease being expedited, and continue as a normal arbitration; or

(c) make an Interim Determination.

(9) An Expedited Determination is binding on the parties.

Subchapter 13.3 – Parties

332 Parties to an arbitration

(1) The parties to an arbitration are —

(a) the Complainant and a Rules Participant identified by the Complainant; and

(b) if the Arbitrator permits a person to be joined as a party under rule 333(6) or directs the ISO to join under rule 334 — that person or the ISO, from the time they are joined.

(2) A party to an arbitration must comply with any Direction or order of the Arbitrator.

333 Consolidation, joinder and other third party participation

(1) Within 5 Business Days after the Authority publishes information under rule 335(7)(c), a person who is not a party may apply to the Arbitrator to —

(a) consolidate part or all of the arbitration with part or all of another arbitration (**"Second Arbitration"**) to which the person is a party; or

(b) be joined as a party; or

(c) be heard in, or participate in, the arbitration; or

(d) otherwise have their views or interests considered in the arbitration.

(2) An application under rule 333(1) must —

(a) set out the applicant's name and address, and contact details for a contact person; and

(b) set out the order or orders sought under rule 333(1); and

(c) be accompanied by —

(i) submissions in support of the application; and

(ii) any evidence in support of the application;

and

(d) in the case of an application under rule 333(1)(a) — set out the name and address and contact details for —

(i) the Arbitrator appointed in the Second Arbitration; and

(ii) each party to the Second Arbitration.

(3) Within 2 Business Days after receipt of an application under rule 333(1), the Arbitrator must give notice of the application to each party and each person listed under rule 333(2)(d) (if applicable) —

(a) enclosing a copy of the application; and

(b) inviting submissions and evidence in response to the application within 5 Business Days.

(4) Within 5 Business Days after receiving notice under rule 333(3), a person may lodge submissions and evidence in response to an application under rule 333(1).

(5) Within 10 Business Days after the Arbitrator gives notice under rule 333(3), the Arbitrator may convene a hearing in relation to an application under rule 333(1) and each person who received a notice under rule 333(3) may participate in the hearing.

(6) As soon as practicable after receiving an application under rule 333(1) and in any event within 20 Business Days after the Arbitrator gives notice under rule 333(3), the Arbitrator must —

(a) make such orders (if any) regarding the conduct of the arbitration (including the applicant’s participation in the arbitration) as the Arbitrator considers appropriate; and

(b) give notice of the orders to the parties; and

(c) in the case of an application under rule 333(1)(a) — give notice of the orders to each person listed under rule 333(2)(d).

(7) In determining an application under rule 333(1), the Arbitrator must have regard to —

(a) the objective in rule 342(1); and

(b) any submissions received under rule 333(4); and

(c) if the person has applied under rule 333(1)(a) —

(i) whether there is a compelling case for the application to be granted; and

(ii) the benefits of the application being granted; and

(iii) the disadvantages of the application being granted, including —

(A) any delay in determining the Rules Dispute or the Second Arbitration; and

(B) any additional cost to the parties to the Rules Dispute or the Second Arbitration;

and

(iv) whether the request can be addressed by allowing participation in some other form;

and

(d) if the person has applied under rule 333(1)(b) to 333(1)(d) —

(i) whether there is a compelling case for the application to be granted; and

(ii) the benefits of the application to be granted; and

(iii) the disadvantages of the application to be granted, including —

(A) any delay in determining the Rules Dispute; and

(B) any additional cost to the parties;

and

(iv) whether the person's participation should be limited in any way; and

(v) whether the request can be addressed by allowing participation in some other form;

and

(e) the extent to which allowing the person's participation in this Rules Dispute may avoid another Rules Dispute, and any resulting efficiencies.

(8) If an Arbitrator determines under rule 333(6) that part or all of an arbitration is to be consolidated with part or all of another arbitration, within 5 Business Days after giving notice under rule 333(6), the two arbitrators must —

(a) confer in relation to procedural steps consequent upon the consolidation of the arbitrations, including which of them will hear and determine the consolidated arbitration;

{Section 342 applies to a consolidated arbitration.}

and

(b) if the arbitrators agree on the procedural steps consequent upon the consolidation of the arbitrations — give notice of the steps to the parties to the consolidated arbitration.

(9) If the arbitrators do not agree on the procedural steps consequent upon the consolidation of the arbitrations under rule 333(8) —

(a) within 1 Business Day after the expiry of the period under rule 333(8) —

(i) the Arbitrator must immediately give notice to the Authority to that effect; and

(ii) each Arbitrator must give notice to the Authority of proposed procedural steps consequent upon the consolidation of the arbitrations and the reasons for the proposed steps;

and

(b) within 5 Business Days after the Authority receives notice under rule 333(9)(a), the Authority must determine the procedural steps consequent upon the consolidation of the arbitrations and give notice of them to the parties to the consolidated arbitration.

(10) The Arbitrator may at any time —

(a) Direct a party to provide the Arbitrator with sufficient information to Enable it to identify other persons who might wish to apply under rule 333(1); and

(b) notify any person identified by it under rule 333(10)(a) of the Rules Dispute and the parties to the Rules Dispute.

(11) A party must Promptly comply with a Direction under rule 333(10)(a).

334 Arbitrator may join the ISO as a party if absolutely necessary

(1) Subject to this rule 334, the Arbitrator may, on its own initiative or at a party's request, consider joining the ISO as a party.

(2) Before joining the ISO as a party, the Arbitrator must give notice to each party and the ISO —

(a) proposing the joinder of the ISO; and

(b) setting out its reasons for the potential joinder; and

(c) inviting them to make a submission on the proposal within the timeframe under rule 334(3).

(3) As soon as practicable, and in any event within 5 Business Days, after receiving the Arbitrator's notice under rule 334(2), each of the parties and the ISO may make a submission to the Arbitrator —

(a) supporting or opposing the proposal; and

(b) giving reasons including its views on the matters set out under rules 334(4) and 334(5).

(4) The Arbitrator may only join the ISO as a party if —

(a) having regard to the objective at rule 342(1), and the benefits of preserving the ISO's independence, the Arbitrator considers it absolutely necessary to join the ISO as a party, to Enable the Arbitrator to properly determine the Rules Dispute; and

(b) the Arbitrator determines that there is no other practicable way in which to obtain the necessary information or assistance, including any combination of requests under rule 351(1), engagement under rule 357(1), and independent experts under rule 356.

(5) The Arbitrator cannot join the ISO as a party solely on the ground that an act or omission of the ISO is in dispute.

(6) Within 10 Business Days after giving notice under rule 334(2), the Arbitrator —

(a) may Direct the ISO to become a party to an arbitration; and

(b) must give the parties and the ISO notice of its Decision on the joinder of the ISO.

(7) A Direction under rule 334(6) is final and binding on the parties (including the ISO).

Subchapter 13.4 – The Arbitrator and the Arbitral Panel

335 Appointing the Arbitrator

(1) As soon as practicable, and in any event within 5 Business Days, after a Dispute Notice is served, each party must give a notice to the other party —

(a) nominating two or more Pool Members to determine the Rules Dispute; and

(b) attaching a notice from each nominated Pool Member —

(i) confirming the Pool Member’s availability to determine the Rules Dispute; and

(ii) setting out the Pool Member’s indicative schedule of fees; and

(iii) disclosing any matters likely to give rise to justifiable doubts as to the Pool Member’s impartiality or independence to determine the Rules Dispute.

(2) Upon receipt of the notice under rule 335(1) the parties must negotiate in good faith with a view to agreeing one or more Pool Members they will jointly nominate to the Authority to determine the Rules Dispute.

(3) As soon as practicable, and in any event within 10 Business Days, after a Dispute Notice is served —

(a) if the parties have agreed the Pool Member to determine the Rules Dispute — the parties must give a joint notice to the Authority of the agreed Pool Member and attaching a copy of the Pool Member’s notice under rule 335(1)(b); or

(b) if the parties have not agreed the Pool Member to determine the Rules Dispute, each party must give a notice to the Authority —

(i) setting out —

(A) the Pool Members the party nominated under rule 335(1); and

(B) if applicable, any submissions the party wishes to make about a nominated Pool Member, including regarding any matters disclosed under rule 335(1)(b)(iii);

and

(ii) attaching each nominated Pool Member's notice under rule 335(1)(b).

(4) Subject to rule 335(5), within 2 Business Days after receipt of a notice under rule 335(3)(a), the Authority must appoint the Pool Member jointly nominated by the parties to determine the Rules Dispute.

(5) If the Authority considers there to be justifiable doubts as to the impartiality or independence of a Pool Member jointly nominated in a notice under rule 335(3)(a) to determine the dispute —

(a) it cannot appoint the Pool Member to determine the Rules Dispute; and

(b) as soon as practicable, the Authority must give the parties notice that it will not appoint the Pool Member; and

(c) within 3 Business Days after the issue of notice under rule 335(5)(b), each party must give a notice to the Authority setting out the information under rule 335(3)(b); and

(d) within 5 Business Days after the issue of notice under rule 335(5)(b), the Authority must —

(i) have regard to any notices it receives under rule 335(5)(c); and

(ii) consider whether there are justifiable doubts as to the impartiality or independence of any Pool Member to determine the Rules Dispute; and

(iii) appoint a Pool Member to determine the Rules Dispute.

(6) If the parties give notice under rule 335(3)(b) or fail to give any notice under rule 335(3) — within 15 Business Days after service of the Dispute Notice under rule 327(1), the Authority must —

(a) where applicable — have regard to any notices under rule 335(3)(b); and

(b) consider whether there are justifiable doubts as to the impartiality or independence of any Pool Member to determine the Rules Dispute; and

(c) appoint a Pool Member to determine the Rules Dispute.

(7) Within 1 Business Day of appointing a Pool Member, the Authority must —

(a) give a notice to the parties and the selected Pool Member —

(i) confirming the appointment of the selected Pool Member as Arbitrator to determine the Rules Dispute; and

(ii) attaching the Dispute Notice; and

(iii) referring the Rules Dispute to the Arbitrator for determination under this Chapter 13;

and

(b) give notice of the Arbitrator’s contact details to —

(i) the ISO; and

(ii) each person named under rule 326(2)(f);

and

(c) Publish the following information —

(i) the rule or rules of these Rules or the Harmonised Technical Rules to which the Dispute Notice relates; and

(ii) the parties’ names; and

(iii) the name and contact details of the Arbitrator; and

(iv) the timeframe for a person who is not a party to apply under rule 333(1);

and

(d) email a copy of, or a hyperlink to, the published notice to each email address in the Authority’s Subscriber Database.

(8) Subject to rules 338 and 340, the Authority’s appointment of an Arbitrator under this rule 335 is final and binding on the parties.

336 Arbitrator may convene an Arbitral Panel

(1) Within 5 Business Days after receipt of a notice under rule 335(7), a party may apply to the Arbitrator to convene an Arbitral Panel, comprising the Arbitrator and up to two experts, to hear the Rules Dispute.

(2) An application under rule 336(1) must —

(a) set out the party’s view on —

(i) the expertise required on the Arbitral Panel; and

(ii) the number of experts to serve on the Arbitral Panel; and

(iii) the Identity of the expert or experts to serve on the Arbitral Panel;

and

(b) set out the party's submissions in support of the application; and

(c) be accompanied by any evidence in support of the application.

(3) Within 10 Business Days after receipt of a notice under rule 335(7), the Arbitrator —

(a) may of its own motion; and

(b) must on receipt of an application under rule 336(1),

give notice to each party —

(c) informing it of the proposal that the Rules Dispute be heard by an Arbitral Panel; and

(d) in the case of the Arbitrator proposing of their own motion that an Arbitral Panel hear the Rules Dispute — setting out its reasons for the proposal; and

(e) in the case of an application under rule 336(1) — attach a copy of the application and all material lodged in support of the application; and

(f) inviting a submission on the proposal within the timeframe under rule 336(4).

(4) As soon as practicable, and in any event within 10 Business Days, after receiving the Arbitrator's notice under rule 336(3), each party may make a submission to the Arbitrator —

(a) supporting or opposing the proposal, and giving reasons for its position; and

(b) setting out the party's views on —

(i) the expertise required on the Arbitral Panel; and

(ii) the number of experts to serve on the Arbitral Panel; and

(iii) the Identity of the expert or experts to serve on the Arbitral Panel.

(5) Within 15 Business Days after giving notice under rule 336(3), the Arbitrator must —

(a) consider any submissions provided under rule 336(4); and

(b) if the Arbitrator considers it appropriate that the Rules Dispute be heard by an Arbitral Panel —

(i) obtain, from each person it proposes as an expert member, a notice —

(A) confirming their availability to hear the Rules Dispute; and

(B) disclosing any matters likely to give rise to justifiable doubts as to their impartiality or independence to hear the Rules Dispute; and

(C) attaching the proposed expert member's current curriculum vitae;

and

(ii) give a notice to the parties —

(A) setting out —

1. the Identity of any proposed expert members; and

2. the relevance of the proposed expert member's expertise to the Rules Dispute; and

3. the Fee each expert member will charge for the engagement or the manner in which that Fee will be determined;

and

(B) attaching each notice under rule 336(5)(b)(i); and

(C) inviting the parties to may make submissions in response to the notice within the period under rule 336(6).

(6) Within 5 Business Days after receipt of the notice under rule 336(5)(b)(ii), a party may lodge submissions in response to the notice.

(7) The Arbitrator must only appoint a proposed expert member to an Arbitral Panel if —

(a) the Arbitrator considers that the person has professional expertise or experience that will assist the Arbitrator to determine the Rules Dispute efficiently and in accordance with the Pilbara Electricity Objective; and

(b) the Arbitrator is satisfied that there are no justifiable doubts as to the person's impartiality or independence to hear the Rules Dispute.

(8) Within 10 Business Days after issuing the notice under rule 336(5)(b)(ii), the Arbitrator must —

(a) consider any submissions provided under rule 336(6) and either —

(i) decide to hear the Rules Dispute as a single Arbitrator; or

(ii) decide to convene and chair an Arbitral Panel;

and

(b) in the case of a Decision to convene an Arbitral Panel — give notice to each proposed expert member appointed to the Arbitral Panel of their appointment; and

(c) give notice to the parties of the Arbitrator's Decision and (if applicable) the names of any Panel Expert appointed to hear the Rules Dispute.

(9) The Arbitrator's decisions to convene an Arbitral Panel and appoint expert members are final and binding on the parties.

337 Operation of the Arbitral Panel

(1) If a Rules Dispute is to be heard by an Arbitral Panel, it is to be determined by the Arbitrator in the same manner as though the Arbitrator is sitting as an Arbitrator alone, except that the Arbitrator must —

(a) consider how the expertise of each Panel Expert could assist the Arbitrator to determine a matter in the dispute; and

(b) to the extent it determines that the expertise of a Panel Expert could assist, seek that person's views on the matter and have regard to those views in determining the dispute.

(2) The Arbitrator is to chair the Arbitral Panel and may determine its Procedures.

338 Impartiality and independence or Arbitral Panel Member

(1) In this rule 338, **"Arbitral Panel Member"** means, collectively —

(a) an Arbitrator hearing a dispute as a single Arbitrator or as chair of an Arbitral Panel; and

(b) a Panel Expert appointed under rule 336(8)(b).

(2) An Arbitral Panel Member must Promptly disclose to the parties any circumstance likely to give rise to justifiable doubts as to the member's impartiality or independence, which the member has not previously disclosed to the parties.

(3) Subject to rules 338(4) and 338(5), if a party becomes aware that circumstances exist that give rise to justifiable doubts as to an Arbitral Panel Member's impartiality or independence, it must within 3 Business Days after becoming aware of those circumstances give notice to the Arbitrator and the other parties —

(a) challenging the Arbitral Panel Member's impartiality or independence; and

(b) setting out the circumstances that give rise to justifiable doubts as to the Arbitral Panel Member's impartiality or independence.

(4) If a party was aware of circumstances that give rise to justifiable doubts as to an Arbitral Panel Member's impartiality or independence before their appointment as an Arbitral Panel Member — the party cannot give notice under rule 338(3) in respect of those circumstances.

(5) In this rule 338, there are justifiable doubts as to the impartiality or independence of an Arbitral Panel Member only if there is a real danger of bias on the part of the person in hearing or determining the arbitration (as the case may be).

(6) Within 5 Business Days after receipt of a notice under rule 338(3), a party may give notice to the Arbitrator and the other parties stating whether the party —

(a) supports the challenge; or

(b) does not support the challenge.

(7) Within 10 Business Days after the Arbitrator receives a notice under rule 338(3), the Arbitral Panel Member the subject of the notice —

(a) must give notice of their withdrawal from office if all the other parties give notices supporting the challenge; and

(b) otherwise — may give notice of their Withdraw from office.

(8) A notice of withdrawal under rule 338(7) must be given to —

(a) in the case of the withdrawal of a Panel Expert — the Arbitrator and the parties; and

(b) in the case of the withdrawal of the Arbitrator — the Authority and the parties.

(9) An Arbitral Panel Member's appointment in respect of a Rules Dispute terminates immediately upon them giving notice under rule 338(7).

{Rule 339 deals with change of Panel Expert and rule 340 deals with change of Arbitrator.}

(10) If an Arbitral Panel Member does not Withdraw from office under rule 338(7)(b) —

(a) within 10 Business Days after the Arbitrator receives a notice under rule 338(3) — the Arbitral Panel Member must prepare reasons for the Decision to not Withdraw from office and (in the case of a Panel Expert provide a copy to the Arbitrator); and

(b) within a further 2 Business Days — the Arbitrator must give the parties notice that the Arbitrator rejects the challenge and give the parties a copy of the reasons under rule 338(10)(a).

(11) If the Arbitrator rejects a challenge under rule 338(8)(b), the challenging party may, within 10 Business Days after receiving notice of the rejection, request the Chair of Resolution Institute ACN — 008 651 232 (or, if Resolution Institute no longer exists or refuses the request — the President of the Law Society of Western Australia) to decide on the challenge.

(12) A Decision on a request under rule 338(11) is final.

(13) While a request under rule 338(11) is pending, the Arbitrator cannot progress the course of the arbitration and cannot make an Arbitrator's Determination.

339 Change of Panel Expert

(1) If for any reason a Panel Expert abandons the hearing of a Rules Dispute or is unable to continue hearing the Rules Dispute, the Panel Expert or any party may give notice to the other parties and the Arbitrator —

(a) requesting that a new Panel Expert be appointed; and

(b) setting out the basis for the request.

(2) Within 5 Business Days after receiving a notice under rule 339(1), the Panel Expert and each party may make a submission to the Arbitrator —

(a) supporting or opposing the request; and

(b) giving reasons for its position.

(3) Within 5 Business Days after expiry of the time for the lodgement of a submission under rule 339(2), the Arbitrator must give notice to the Panel Expert and the parties of its Decision whether to terminate the appointment of the Panel Expert and appoint a new Panel Expert.

(4) Where the Arbitrator receives a notice under rule 338(8)(a) or decides to appoint a new Panel Expert under rule 339(3) — the Arbitrator and the parties must follow the process in rule 336(5)(b) to 336(8) to appoint a new Panel Expert.

(5) Where a new Panel Expert is appointed in place of a previous Panel Expert —

(a) the Arbitrator may, having regard to the objective at rule 342(1), order the proceeding to be reheard —

(i) in full, in which case all evidence heard by the previous Arbitral Panel is to be disregarded by the Arbitrator unless resubmitted or retendered; or

(ii) in part, in which case any evidence heard by the Arbitral Panel during the parts of the arbitration which are reheard is to be disregarded by the Arbitrator unless resubmitted or retendered;

and

(b) if no order is made under rule 339(5)(a), then the arbitration is to continue as though the new Panel Expert had been present from the commencement of the arbitration.

340 Change of Arbitrator

(1) If for any reason the Arbitrator —

(a) does not make a Final Determination within the time provided for under rule 362(3) (as extended, if applicable); or

(b) abandons the arbitration; or

(c) is unable to continue the arbitration,

then the Arbitrator or any party may give notice to the other parties and the Authority —

(d) requesting that a new Arbitrator to be appointed; and

(e) setting out the basis for the request.

(2) Within 5 Business Days after receiving notice under rule 340(1), the Arbitrator and each party may make a submission to the Authority —

(a) supporting or opposing the request; and

(b) giving reasons for its position.

(3) Where the Authority receives a notice under rule 340(1)(a) —

(a) within 5 Business Days after expiry of the time for the lodgement of a submission under rule 340(2), the Authority must —

(i) decide whether to allow further time (not exceeding 2 months) for the Arbitrator to make a Final Determination; and

(ii) give notice of its Decision to the Arbitrator and the parties;

and

(b) if the Authority does not allow further time under rule 340(3)(a), it must follow terminate the appointment of the Arbitrator and follow the process in rule 335 to appoint a new Arbitrator, for which purpose time is to be calculated from the date of the notice as if it were a Dispute Notice; and

(c) if the existing Arbitrator makes a Final Determination before a new Arbitrator is appointed, then the notice under rule 340(1) lapses and the Authority cannot appoint a new Arbitrator.

(4) If —

(a) the Authority decides under rule 340(3)(a) to allow further time for an Arbitrator to make a Final Determination; and

(b) the Authority considers in its absolute discretion that the Arbitrator is unable to make a Final Determination within the extended time period,

the Authority must give notice to the Arbitrator and the parties terminating the appointment of the Arbitrator and follow the process in rule 335 to appoint a new Arbitrator, for which purpose time is to be calculated from the date of the notice as if it were a Dispute Notice.

(5) Where the Authority receives a notice under rule 340(1)(b) or 340(1)(c) — within 5 Business Days after expiry of the time for the lodgement of a submission under rule 340(2), the Authority must —

(a) decide whether to terminate the Arbitrator's appointment and appoint a new Arbitrator; and

(b) give notice of its Decision to the Arbitrator and the parties.

(6) An Arbitrator's appointment in respect of a Rules Dispute terminates immediately upon the Authority giving notice under rule 340(5).

(7) Where an Arbitrator gives a notice of withdrawal under rule 338(7) or an Arbitrator's appointment is terminated — the Authority must follow the process in rule 335 to appoint a new Arbitrator, for which purpose time is to be calculated from the date of the notice as if it were a Dispute Notice.

341 Effect of appointment of new Arbitrator on evidence previously given and awards and determinations previously made

(1) Where a new Arbitrator is appointed in place of a previous Arbitrator —

(a) the new Arbitrator may, having regard to the objective at rule 342(1), order the dispute to be re-heard —

(i) in full, in which case all evidence heard by the previous Arbitrator is to be disregarded by the new Arbitrator unless resubmitted or retendered; or

(ii) in part, in which case any evidence heard by the previous Arbitrator during the parts of the arbitration which are re-heard is to be disregarded by the new Arbitrator unless resubmitted or retendered;

and

(b) if no order is made under rule 341(1)(a), then the arbitration is to continue as though the new Arbitrator had been present from the commencement of the arbitration; and

(c) if an order is made under rule 341(1)(a)(ii), then —

(i) the arbitration is to continue as though the new Arbitrator had been present during the Earlier Arbitration; and

(ii) the new Arbitrator is to treat any evidence given, document produced or thing done in the course of the Earlier Arbitration in the same manner in all respects as if it had been given, produced or done in the course of the arbitration conducted by the new Arbitrator;

and

(d) any Interim Determination made in the course of the Earlier Arbitration is to be taken to have been made by the new Arbitrator; and

(e) the new Arbitrator may adopt and act on any determination of a matter made in the course of the Earlier Arbitration without applying the new Arbitrator's own judgment to the matter.

(2) In rule 341(1), **"Earlier Arbitration"** means the arbitration or parts of the arbitration which the new Arbitrator does not order to be re-heard under rule 341(1)(a)(ii).

Subchapter 13.5 – Procedure

342 Expedition, informality and efficiency

(1) The Arbitrator must resolve Rules Disputes with as little formality and technicality, and as much expedition and efficiency, as the requirements of this Chapter 13, and a proper hearing and determination of the Rules Dispute, permit.

(2) The parties must do all things necessary for the proper and expeditious conduct of the arbitration, and must not seek to delay or frustrate proceedings.

(3) Without limiting rule 342(1) but subject to rule 343, the Arbitrator —

(a) is not bound by technicalities, legal forms or rules of evidence; and

(b) may determine such Procedures for the arbitration, and conduct the arbitration in such manner, as it considers appropriate from time to time.

343 Natural justice

The Arbitrator must afford the parties natural justice.

344 Arbitrator's procedural powers

(1) The Arbitrator may do any of the following things for the purpose of determining a Rules Dispute —

(a) may from time to time — give directions and make orders regulating the conduct of, and regulating the conduct of a party or third party in relation to, the Rules Dispute including orders directed towards achieving the objective in rule 342(1); and

(b) make an Interim Determination under rule 361; and

(c) hear and determine the arbitration in the absence of a party who has been given notice of the hearing; and

(d) refer matters for determination as an **"Access Dispute"** under the Access Code.

(2) Subject to the timeframes expressly set out in this Chapter 13 and rule 344(4), the Arbitrator may determine the periods that are reasonably necessary for the fair and adequate presentation of the respective cases of the parties in the arbitration hearing, and may require that the cases be presented within those periods.

(3) The Arbitrator may require evidence or argument to be presented in writing, and may decide the matters (if any) on which the Arbitrator will hear oral evidence or argument, and the matters (if any) on which a party may put forward expert evidence.

(4) Subject to rule 344(5), an Arbitrator may, upon application by a party or of its own motion, extend a deadline applying under this Chapter 13 to —

(a) a party; or

(b) a third party; or

(c) the ISO; or

(d) the Arbitrator; or

(e) a Panel Expert,

by a reasonable period and on more than one occasion, but only if, and to the extent that a longer period of time is essential for due consideration of all the matters under consideration.

(5) In deciding whether to extend any deadline under rule 344(4), the Arbitrator must have regard to —

(a) Rule 342; and

(b) whether there is a compelling case for extending the deadline; and

(c) the benefits and disadvantages of extending the deadline.

345 Precedent

(1) A party may request the Arbitrator to take into account a precedent set by a previous Final Determination.

(2) If a party makes a request under rule 345(1) —

(a) the Arbitrator must consider the extent to which the precedent is relevant to the current Rules Dispute; and

(b) to the extent the Arbitrator considers the precedent relevant, it must take the precedent into account when making the current Arbitrator's Determination; and

(c) the Arbitrator may decide to not follow a relevant precedent, but —

(i) if so, must with its Final Determination give reasons for not following the precedent; and

(ii) before making the Decision, must have regard to the desirability of promoting predictability in regulatory outcomes.

346 Programming

(1) As soon as practicable, and in any event within 10 Business Days after receipt of the notice under rule 335(7)(a), the parties must confer on a proposed timetable of steps to determine the Rules Dispute.

(2) Within 10 Business Days after receipt of the notice under rule 335(7)(a), each party must either —

(a) if the parties have agreed a proposed timetable of steps to determine the Rules Dispute — ensure that the agreed proposed timetable is lodged with the Arbitrator; or

(b) otherwise — lodge with the Arbitrator —

(i) its proposed timetable of steps to determine the Rules Dispute; and

(ii) its submissions in support of its proposed timetable.

(3) The Arbitrator may convene a hearing for the purposes of this rule 346.

(4) Within 15 Business Days after the issue of the notice under rule 335(7)(a), the Arbitrator must —

(a) determine the Procedures and timetable of steps for the arbitration of the Rules Dispute; and

(b) notify the parties of the determination.

(5) The Arbitrator may from time to time in its discretion amend the Procedures and timetable of steps under rule 346(4).

347 Hearing to be in private

(1) Unless the parties to a Rules Dispute agree otherwise, the Rules Dispute must be heard by the Arbitrator in private.

(2) The Arbitrator may give written directions as to the persons who may be present at a dispute hearing that is conducted in private.

(3) In giving directions under rule 347(2), the Arbitrator must have regard to the wishes of the parties and the need for commercial confidentiality.

348 Contempt

A person must not do any act or thing in relation to the arbitration of a Rules Dispute that would be a contempt of court if the Arbitrator were a court of record.

Subchapter 13.6 – Evidence and experts

349 Arbitrator may inform itself as it sees fit

(1) Subject to rule 343, the Arbitrator may gather information about any matter relevant to the Rules Dispute in any way the Arbitrator thinks appropriate, including by seeking (by whatever means the Arbitrator considers appropriate) written submissions from persons who are not parties.

(2) If a person (including a party) provides information to the Arbitrator pursuant to rule 349(1) which is Confidential Information of that person, it must at the time of providing that information to the Arbitrator make a submission to the Arbitrator —

(a) identifying the Confidential Information; and

(b) stating whether the person consents to or objects to the information being provided to the other parties; and

(c) if the person objects to the information being provided to the other parties — setting out a proposal for dealing with the information so that the Arbitrator may provide it to the parties, which proposal may include redacting material or the Arbitrator making an order under rule 323(3).

(3) If a person (including a party) provides information to the Arbitrator pursuant to rule 349(1) which is Confidential Information of another person who is the Information Owner for the Confidential Information, it must at the time of providing that information to the Arbitrator give a notice to the Information Owner and the Arbitrator —

(a) identifying any material which the person believes is Confidential Information of the Information Owner; and

(b) providing current contact details for the Information Owner and the Arbitrator.

(4) Nothing in rule 349(3) authorises a person to provide an Information Owner's Confidential Information to a party or to any other person.

(5) Within 5 Business Days after an Information Owner receives a notice under rule 349(3), it may make a submission to the Arbitrator —

(a) identifying information which is Confidential Information; and

(b) stating whether it consents to or objects to the Confidential Information being provided to the parties; and

(c) if it objects to the Confidential Information being provided to the parties — setting out a proposal for dealing with the material so that the Arbitrator may provide it to the parties, which proposal may include redacting Confidential Information or the Arbitrator making a Direction under rule 323(3).

(6) To the extent necessary to comply with the rules of natural justice, the Arbitrator may, having regard to submissions received under rule 349(2) or rule 349(5), disclose to the parties information it gathers under rule 349(1) —

(a) in such form as the Arbitrator determines; and

(b) subject to such conditions or directions as the Arbitrator determines.

350 Submissions

The Arbitrator —

(a) must have regard to a submission from a party received within the time allowed for the submission (whether under these Rules or under a Direction by the Arbitrator); and

(b) without limiting rule 350(1) may have regard to any other submission.

351 Arbitrator may obtain information from Authority or ISO

(1) Without limiting rule 350(1), the Arbitrator may request the Authority or the ISO (called the **"Relevant Agency"** in this rule 351) to give the Arbitrator any information in the Relevant Agency's possession that is relevant to the Rules Dispute.

(2) If the Arbitrator issues a request under rule 351(1) —

(a) the Relevant Agency must give the Arbitrator any information requested, whether or not it is Confidential Information and whether or not it came into the Relevant Agency's possession for the purposes of the arbitration; and

(b) if the Relevant Agency gives the Arbitrator Confidential Information, it must identify to the Arbitrator the nature and extent of the confidentiality or commercially sensitivity and, subject to rule 351(2)(c), the Arbitrator is to treat the information accordingly; and

(c) to the extent necessary to comply with the rules of natural justice, the Arbitrator may disclose to the parties any information provided by the Relevant Agency whether or not it is Confidential Information, but may make an order under rule 323(3) in respect of such information.

352 Power to take evidence on oath or affirmation, issue summons

(1) The Arbitrator may take evidence on oath or affirmation and for that purpose may administer an oath or affirmation.

(2) The Arbitrator may summon a person to appear before the Arbitrator to give evidence and to produce such documents (if any) as are referred to in the summons.

(3) The powers contained in rules 352(1) and 352(2) may only be exercised for the purposes of arbitrating a Rules Dispute.

353 Failing to attend as a witness, answer questions, etc

(1) A person who is served with a summons to appear as a witness before the Arbitrator must not, without reasonable excuse —

(a) fail to attend as required by the summons; or

(b) fail to appear and report herself or himself from day to day unless excused, or released from further attendance, by the Arbitrator.

(2) A person appearing as a witness before the Arbitrator must not, without reasonable excuse —

(a) refuse or fail to be sworn or to make an affirmation; or

(b) refuse or fail to answer a question that the Arbitrator directs the person to answer; or

(c) refuse or fail to produce a document that a summons served on the person requires the person to produce.

(3) Subject to section 353(4), the determination as to what is a reasonable excuse for the purposes of this rule 353 is solely in the Arbitrator's discretion.

(4) It is a reasonable excuse for the purposes of rule 353(2) for an individual to refuse or fail to answer a question or produce a document if the Arbitrator determines that the answer or the production of the document might tend to incriminate the individual or to expose the individual to a penalty.

(5) Rule 353(4) does not limit what is a reasonable excuse for the purposes of rule 353(2).

354 Intimidation etc

A person must not —

(a) threaten, intimidate or coerce another person; or

(b) cause or procure damage, loss or disadvantage to another person,

because that other person —

(c) proposes to produce, or has produced, documents to the Arbitrator; or

(d) proposes to appear, or has appeared, as a witness before the Arbitrator.

355 Documents and evidence

(1) If documents are produced to an Arbitrator, the Arbitrator may take possession of, make copies of, and take extracts from, the documents and may keep the documents for as long as is necessary for the purposes of the arbitration.

(2) Subject to rule 323 and rule 349, all statements, documents or other information supplied to the Arbitrator by a party must be supplied to the other parties at the same time.

(3) Subject to rule 323 and rule 349, any expert report or evidentiary document on which the Arbitrator may rely in making its Decision must be communicated to the parties.

356 Procedure if Arbitrator appoints expert

(1) The Arbitrator may refer any matter to an independent expert under this rule 356.

(2) Before appointing an independent expert, the Arbitrator must —

(a) obtain from the proposed independent expert —

(i) a current curriculum vitae; and

(ii) a written statement —

(A) confirming their availability to act as independent expert in relation to the Rules Dispute; and

(B) disclosing any matters likely to give rise to justifiable doubts as to its impartiality or independence to act as an independent expert in relation to the Rules Dispute;

and

(b) notify the parties of —

(i) the Arbitrator's intention to appoint an independent expert; and

(ii) the Arbitrator's reasons for appointing an independent expert; and

(iii) the proposed independent expert; and

(iv) the amount the independent expert will charge or the manner in which that amount will be determined;

and

(c) provide the parties with a copy of the curriculum vitae and the statement under rule 356(2)(a); and

(d) obtain the parties' consent to the maximum amount that may be charged by the independent expert in Connection with the reference.

(3) A party must not unreasonably withhold its consent under rule 356(2)(b)(i).

(4) Once the Arbitrator has obtained the parties' consent under section 356(2)(d), the Arbitrator may —

(a) appoint the independent expert and

(b) accept the independent expert's written or oral report as evidence in the arbitration.

(5) The Arbitrator must only appoint an independent expert if the Arbitrator is satisfied that there are no justifiable doubts as to the person's impartiality or independence in relation to the Rules Dispute.

(6) Unless otherwise agreed by the parties, the Arbitrator may require a party to give the independent expert any relevant information or to produce, or to provide access to, any relevant documents or places for the expert's inspection.

{Rule 323 deals with confidentiality.}

(7) The Arbitrator may, of their own motion, or on the application of a party, Direct the independent expert to participate in a hearing where the parties have the opportunity to —

(a) put questions to the expert; and

(b) if the Arbitrator so permits — present expert witnesses in order to testify on the points at issue.

(8) An independent expert must comply with a Direction under section 356(7).

357 Arbitrator may engage the ISO's assistance

(1) At any time, a party may request that the Arbitrator, or the Arbitrator may on the Arbitrator's own motion, engage the ISO to —

(a) present a report to the Arbitrator in relation to a matter in the Access Dispute; or

(b) appear as a witness in the arbitration; or

(c) otherwise provide information to the Arbitrator relevant to a matter in the Access Dispute; or

(d) undertake modelling or other analyses as reasonably necessary to assist in any of the above,

and the ISO must accept the engagement.

(2) Subject to rule 357(3), before engaging the ISO under rule 357(1), the Arbitrator must —

(a) notify the parties and the ISO of —

(i) the proposed scope of the engagement; and

(ii) the reasons for proposing the engagement;

and

(b) specify a time by which a party or the ISO may make a written submission in response to the proposal.

(3) If a party has made a request under rule 357(1), the Arbitrator must issue the notice under rule 357(2) within 2 Business Days after receipt of the request.

(4) Within 15 Business Days after issuing the notice under rule 357(2), the Arbitrator must, after considering any submissions provided on the proposal under rule 357(2) —

(a) decide whether to engage the ISO for any of the purposes under rule 357(1)(a) to 357(1)(d), in a manner consistent with the objective in rule 342(1) and accept the ISO's written or oral report as evidence in the arbitration; and

(b) give notice to the ISO and the parties of its Decision.

(5) The Arbitrator may consult with the ISO before and after engaging it under rule 357(1), including as to the content and timing of the engagement and the manner in which the ISO may undertake the engagement.

(6) The Arbitrator may from time to time, after consulting with the parties and the ISO, revise or Withdraw an engagement under rule 357(1).

(7) If the Arbitrator, of its own motion or at a party's request, so directs, after the ISO has delivered its report on any matter referred to it under rule 357(1), the ISO must attend at a hearing where each party has the opportunity to put questions to it and, if the Arbitrator so permits, present expert witnesses in order to testify on the points at issue.

Subchapter 13.7 – Determinations

358 Factors the Arbitrator must take into account

When making an Arbitrator's Determination, the Arbitrator must take the following matters into account, to the extent applicable —

(a) the Pilbara Electricity Objective; and

(b) the operational and technical requirements necessary for the safe, secure and reliable operation of the Power System; and

(c) the interests of all users of the Power System; and

(d) any other matters the Arbitrator considers relevant.

359 Determinations which may be made

(1) An Interim Determination or a Final Determination may deal with any matter the subject of the Rules Dispute.

(2) Without limiting rule 359(1), an Interim Determination or a Final Determination may —

(a) require a party to the Rules Dispute to do all or any of the following —

(i) to take specified action; and

(ii) to cease or refrain from taking specified action; and

(iii) to pay a monetary amount to another party to the Rules Dispute;

and

(b) grant any other form of relief that may be appropriate in the circumstances; and

(c) fix the time for compliance with the Arbitrator's Determination.

360 General requirements for determinations

{Rule 361 sets out specific requirements in respect of an Interim Determination. Rule 362 sets out specific requirements in respect of a Final Determination.}

(1) An Arbitrator's Determination must —

(a) be in writing, dated and signed by the Arbitrator; and

(b) identify the parties and the place where the Arbitrator's Determination is made; and

(c) specify the time and day on which it takes effect; and

(d) include reasons for the Decision set out in the Arbitrator's Determination; and

(e) set out any matters the subject of the Arbitrator's Determination which —

(i) were in dispute but were agreed by the parties; and

(ii) remained in dispute between the parties;

and

(f) set out how the Arbitrator took into account the matters in rule 358 in making the Arbitrator's Determination;

(2) Within 2 Business Days after making an Arbitrator's Determination, the Arbitrator must communicate the Arbitrator's Determination to the parties and the Authority.

(3) An Arbitrator's Determination takes effect from the time and date specified under rule 360(1)(c), and if no time or date is specified, from the time it is received by the Authority.

361 Interim determinations

{Rule 360 sets out general requirements in respect of an Arbitrator's Determination.}

(1) An Interim Determination may deal with any matter which may be dealt with in a Final Determination.

(2) Subject to a Final Determination and any order of the Arbitrator to the contrary, an Interim Determination is binding on the parties.

362 Final determinations

{Rule 360 sets out general requirements in respect of an Arbitrator's Determination.}

(1) Subject to rules 362(4) to 362(5), the Arbitrator must, as soon as possible make a Final Determination.

(2) If an Arbitrator makes an Interim Determination, the Final Determination must provide for adjustments to reflect any differences between the Interim Determination and the Final Determination in respect of the period prior to the Final Determination taking effect.

(3) Subject to rule 362(4), the Arbitrator must make the Final Determination within 7 months after the date on which notice was given under rule 335(7)(a).

(4) The Arbitrator may, of their own motion or on the joint application of the parties, extend the time period under rule 362(3) by up to 90 Business Days if the Arbitrator considers that an extension is necessary in order to determine the Rules Dispute.

(5) When calculating a timeframe under rule 362(3) or 362(4), the following time periods must be excluded to the extent applicable —

(a) {**Arbitral Panel**} the time between the issue of a notice under rule 336(3) and the issue of notice under rule 336(8)(b); and

(b) {**other parties joining or otherwise participating**} the time between the issue of a notice under rule 333(3) and the issue of a notice under rule 333(6)(b); and

(c) {**joinder of ISO**} the time between the issue of a notice under rule 334(2) and the issue of a notice under rule 334(6)(b); and

(d) {**impartiality and independence**} the time between the issue of a notice under rule 338(3)and the last to occur of —

(i) the issue of a notice under rule 338(7)(b); and

(ii) the issue of a notice under rule 338(10)(b); and

(iii) a Decision under rule 338(11);

and

(e) {**change of Panel Expert**} the time between the issue of a notice under rule 339(1) and either —

(i) the Arbitrator giving notice of their Decision under rule 339(3) to not terminate the appointment of the Panel Expert; or

(ii) the appointment of a new Panel Expert under rule 339(4);

and

(f) {**change of Arbitrator**} the time between the issue of a notice under rule 340(1) and either —

(i) the Authority giving notice under rule 340(3)(a); or

(ii) the appointment of a new Arbitrator under rule 340(3)(b), 340(4) or 340(7);

and

(g) {**mediation**} the time between a referral to mediation under rule 330(2) and the notice under rule 330(4); and

(h) {**Expedited Determination**} the time between an application under rule 331(3) and the Direction under rule 331(5); and

(i) {**independent expert**} the time between the issue of a notice under rule 356(2)(b) and the appointment of an independent expert under rule 356(4); and

(j) {**engaging the ISO**} the time between the issue of a notice under rule 357(2) and a Decision under rule 357(4).

(6) Within 20 Business Days of making a Final Determination, the Arbitrator must give the parties a notice —

(a) inviting each party to make a submission on the Arbitrator’s proposed Publication version of the documents under rule 362(6)(b) within the timeframe under rule 362(7); and

(b) attaching the Arbitrator's proposed Publication versions of the Final Determination from which the Arbitrator has redacted Confidential Information to the extent it considers reasonably necessary to protect the parties' legitimate business interests.

(7) Within 10 Business Days after receiving notice under rule 362(6), a party may make a submission to the Arbitrator regarding the proposed Publication versions of the documents under rule 362(6)(b).

(8) The Arbitrator must take into account any submissions made under rule 362(7), and may make further redactions or remove redactions in respect of the proposed Publication version of the documents under rule 362(6)(b).

(9) Within 20 Business Days after giving notice under rule 362(6), the Arbitrator must give to the Authority a final Publication version of the Final Determination for Publication under rule 322(1)(a)(iv).

363 Determination is binding

Subject to rule 364, each of an Interim Determination and a Final Determination is binding upon the parties.

364 Correction of errors

(1) Within 10 Business Days after the Arbitrator provides an Arbitrator's Determination to the parties, it may, on its own initiative or at the request of a party, give notice to the parties and to the Authority —

(a) proposing to correct the Arbitrator's Determination or any accompanying instrument (including reasons) to remedy —

(i) a clerical mistake; or

(ii) an accidental slip or omission or an error arising therefrom; or

(iii) a material miscalculation of figures or a material mistake in the description of any person, thing or matter; or

(iv) a defect in form;

and

(b) inviting the parties and the Authority to make a submission on the proposal within the timeframe under rule 364(2).

(2) Within 5 Business Days after receipt of a notice under rule 364(1), the parties and the Authority may make a submission to the Arbitrator on the Arbitrator's proposal to correct the Arbitrator's Determination or any accompanying instrument.

(3) Within 10 Business Days after giving notice under rule 364(1), the Arbitrator may make a correction under rule 364(1), having regard to each submission received under rule 364(2).

(4) In the case of publishing a correction to an Arbitrator's Determination —

(a) Rules 362(6)(b), 362(7), 362(8) and 322(1)(a)(iv) apply with appropriate modifications; and

(b) the Arbitrator may reduce the timeframes set out under those rules.

Subchapter 13.8 – Costs and appeal

365 Costs

(1) This rule 365 applies even if —

(a) a Complainant withdraws a Dispute Notice under rule 329; or

(b) an Arbitration has terminated by way of Final Determination or otherwise.

(2) Subject to rule 365(3), the parties must —

(a) bear their own costs of arbitration; and

(b) each pay an equal share of the following costs of the arbitration —

(i) the fees and expenses of the Arbitrator and Arbitral Panel; and

(ii) the costs of room hire; and

(iii) the cost of any additional input agreed by the parties to be necessary to the conduct of the arbitration; and

(iv) the cost of an independent expert appointed under rule 356.

(3) At the time of, or within 30 Business Days after —

(a) the Arbitrator terminates an arbitration under rule 328(2); or

(b) a Complainant withdraws a Dispute Notice under rule 329; or

(c) the Arbitrator makes the Final Determination,

the Arbitrator may Direct a party to pay part or all of another party's costs of the arbitration or to pay part or all of the costs referred to in rule 365(2)(b), taking into account —

(d) if applicable —

(i) the reasons for terminating the arbitration under rule 328(2); and

(ii) the circumstances of the Complainant withdrawing a Dispute Notice under rule 329;

and

(e) whether a party has conducted itself in the arbitration in a way that unnecessarily disadvantaged another party by conduct such as —

(i) failing to comply with an order or Direction of the Arbitrator without reasonable excuse; or

(ii) failing to comply with the Act, these Rules or the Access Code; or

(iii) requesting an extension of time without a reasonable basis; or

(iv) causing an adjournment; or

(v) attempting to deceive another party or the Arbitrator;

and

(f) whether a party has been responsible for unreasonably prolonging the time taken to progress or complete the arbitration; and

(g) in the case of a party other than a party specified in rule 326 — the role of the party in the Rules Dispute and the arbitration; and

(h) any agreement between any or all of the parties in respect of costs; and

(i) any other matter the Arbitrator considers relevant.

(4) Costs payable under this rule are a debt due by the party to the Arbitrator, or the person to whom the Arbitrator has ordered that they be paid.

366 Appeal to Court

(1) A party may appeal a Final Determination to the Supreme Court, on a question of law.

(2) An appeal must be instituted —

(a) not later than one month after the day on which the Final Determination is published under rule 322(1) or within such further period as the Supreme Court (whether before or after the end of that period) allows; and

(b) in accordance with the applicable rules of the Supreme Court (if any).

(3) The parties to an appeal under this rule are the parties to the arbitration in respect of which the appeal is instituted.

(4) Within 2 Business Days after instituting an appeal, the party appealing the Final Determination must give notice to the Authority of the appeal.

(5) On the determination of an appeal under this section the Supreme Court may by order —

(a) confirm the Final Determination; or

(b) vary the Final Determination; or

(c) remit the Final Determination, together with the Supreme Court’s opinion on the question of law which was the subject of the appeal, to the Arbitrator for reconsideration; or

(d) set aside the Final Determination in whole or in part.

(6) The Supreme Court cannot exercise its power to set aside a Final Determination, in whole or in part, unless it is satisfied that it would be inappropriate to remit the matters in question to the Arbitrator for reconsideration.

(7) Where the Final Determination is remitted under rule 366(5)(c), the Arbitrator must, unless the order otherwise directs, make the remitted Final Determination within 2 months after the date of the order.

(8) Where the Final Determination of an Arbitrator is varied on an appeal under this rule, the Final Determination as varied has effect (except for the purposes of this rule) as if it were a Final Determination of the Arbitrator.

(9) Within 5 Business Days after the Supreme Court makes an order under rule 366(5), the Arbitrator must give notice of the order to the Authority.

Subchapter 13.9 – Enforcement of this Chapter 13

367 Supreme Court may make orders

(1) For the purposes of this section, a person is a **"Person in Default"** in relation to proceedings before an Arbitrator if the person breaches a provision of this Chapter 13.

(2) Unless otherwise agreed by the parties, the Supreme Court may, on the application of a party or the Arbitrator, order a Person in Default to do any or all of the following —

(a) retrieve, destroy or otherwise deal with information disclosed in breach of rule 323(2) or 323(3); and

(b) attend the Supreme Court to be examined as a witness; and

(c) produce a relevant document to the Supreme Court; and

(d) comply with a provision of this Chapter 13.

(3) A party may only make an application to the Supreme Court under rule 367(2) with the permission of the Arbitrator.

(4) The Supreme Court cannot make an order under rule 367(2) in relation to a person who is not a party unless —

(a) before the order is made, the person is given an opportunity to make representations to the Supreme Court; and

(b) the Supreme Court is satisfied that it is reasonable in all the circumstances to make the order.

(5) A person cannot be compelled under an order made under rule 367(2) to answer any question or produce any document which the person could not be compelled to answer or produce in a proceeding before the Supreme Court.

(6) If the Supreme Court makes an order under rule 367(2), it may in addition make orders for the transmission to the Arbitrator of any of the following —

(a) a record of any evidence given under the order; and

(b) any document produced under the order or a copy of any such document; and

(c) any order made by the Supreme Court.

(7) Any evidence, document or thing transmitted under rule 367(6) is taken to have been given, produced or done (as the case requires) in the course of the Rules Dispute.

(8) If the Authority or an Arbitrator fails to meet an obligation under a timeframe specified in this Chapter 13 —

(a) they are not the Person in Default as defined in rule 367(1) by reason only of the failure; and

(b) the failure does not affect the validity of the arbitration or the Arbitrator's Determination.

Chapter 14 – Miscellaneous

Subchapter 14.1 – Consultation

368 Consultation

(1) If these Rules require a Decision maker to deal with a proposal in accordance with the Standard Consultation Process or the Expedited Consultation Process, the Decision maker must proceed in accordance with Appendix 1.

(2) A Decision maker must —

(a) conduct any consultation processes required by these Rules in good faith; and

(b) ensure that those consultation processes allow a reasonable opportunity for relevant stakeholders to present their views.

Subchapter 14.2 – Monitoring the regime's effectiveness

369 ISO to monitor and report on the Pilbara networks regime's effectiveness

(1) The ISO is to collect and analyse data, and Publish a report within a time limit required by rule 369(2), regarding the operation and effectiveness of —

(a) the Interconnected Pilbara networks; and

(b) the regulatory arrangements established for Pilbara networks under Part 8A of the Act (including the Access Code and these Rules),

in maintaining and improving Security and Reliability and the Pilbara Electricity Objective.

(2) The first report is to be published no later than 2 years after the Rules Commencement Date. In that each subsequent report, the ISO, having regard to the findings of the report, is to recommend a period of no more than 5 years, within which the next report must be published.

(3) The ISO may Develop a Procedure in Connection with its function under rule 369(1).

(4) Where the ISO considers that it is necessary or desirable for the performance of its functions under these Rules, it may collect additional information from Rules Participants or the Coordinator as follows —

(a) the ISO may issue a notice to a Rules Participant or the Coordinator requiring it to provide specified data by a reasonable date; and

(b) the Rules Participant or the Coordinator must comply with the notice.

(5) It is a function of the Authority, to the extent reasonably requested by the ISO, to give the ISO such information and other assistance as the ISO reasonably considers necessary or convenient to facilitate the ISO's performance of its function under rule 369(1).

(6) Before making a request under rule 369(5), the ISO must first have regard to the cost and other burdens on the Authority of giving such assistance, and any likely resulting impact on the Authority Fee.

(7) If the ISO determines that a report under this rule 369 needs to contain Confidential Information, then —

(a) it must give the Minister an unredacted copy of the report; and

(b) it may, if it considers it appropriate, identify in the unredacted copy any Confidential Information or any other information which the ISO considers should not be made Public; and

(c) it must Publish a version of the report which complies with Subchapter 11.2 {Confidential information}; and

(d) for the purposes of rule 299 {Permitted disclosure}, it may in the published report disclose Confidential Information but only if, and only to the extent, it determines that doing so is necessary to —

(i) achieve the objectives of this rule 369; or

(ii) otherwise progress the Pilbara Electricity Objective.

(8) If the ISO proposes to disclose Confidential Information in reliance on rule 369(7)(d), it must first comply with rule 303 {Pre-disclosure process}.

Subchapter 14.3 – Reviewable Decisions

370 Reviewable Decisions

(1) Decisions by the Coordinator, the ISO or the Authority, as applicable, made under the following rules are **"Reviewable Decisions"** —

(a) a Decision by the ISO under rule 57 {Exemptions from these Rules}; and

(b) a Decision by the ISO under rule 93 {Requirement to register}; and

(c) a Decision by the ISO under rule 152(3) {Removing generation adequacy exemption for Non-Covered Networks}; and

(d) a Decision by the ISO under rule 160(4) {Generation adequacy enforcement}; and

(e) a Decision by the ISO to disclose Confidential Information under rule 197(7)(d) {Reporting on investigations}; and

(f) a Decision by the ISO under rule 256(2)(d), applying rule 251 {Legacy priority rights in constrained access}; and

(g) a Decision by the ISO to disclose Confidential Information under rule 316(1)(d) {Reporting on non-compliances}; and

(h) a Decision listed as a Reviewable Decision in clause A2.17 of Appendix 2; and

(i) a Decision by the ISO to modify or Withdraw legacy arrangements under Appendix 3 {HTR legacy arrangements}.

(2) In accordance with the Regulations, a Rules Participant may apply to the Electricity Review Board for a review of a Reviewable Decision or a Decision made under clauses subject to Procedural Review.

Subchapter 14.4 – Transition

371 Transitional rules appear in Appendix 4

Appendix 4 {Transition} has effect.

372 Effect of transitional rules ceasing

(1) Section 37 {General savings on repeal} of the *Interpretation Act 1984* applies with appropriate amendments to the cessation of a provision in Appendix 4.

(2) Section 36 {Effect of repeal and re-enactment} of the *Interpretation Act 1984* applies with appropriate amendments if the effect or operation of a ceased provision in Appendix 4 is replaced by the effect or operation of a comparable provision in the main body of these Rules.

Appendix 1 – Standard and Expedited Consultation Processes

{The timings in this Appendix 1 can be displaced by timings in the rule or Procedure which refers to it — see clause A1.2.}

Introduction

A1.1 If these Rules require a Decision maker to deal with a proposal in accordance with the Standard Consultation Process or the Expedited Consultation Process, the Decision maker must proceed in accordance with this Appendix 1.

A1.2 The timings in this Appendix 1 apply, unless the rule or Procedure which refers to this Appendix 1 provides otherwise.

Expedited consultation process

A1.3 If required to proceed in accordance with the Expedited Consultation Process, the Decision maker must proceed as follows —

(a) the Decision maker must, after such consultation (if any) as the Decision maker considers appropriate (and any revision of the proposal that results from that consultation), make a draft Decision;

(b) the Decision maker must then Publish, on its website and in any other way the Decision maker considers appropriate —

(i) the draft Decision; and

(ii) a notice inviting written submissions and comments on the draft Decision, within a period (at least 15 Business Days) stated in the notice;

and

(c) the Decision maker must, within 20 Business Days after the end of the period allowed for making submissions and comments on the draft Decision, consider all submissions and comments made within the time allowed (and may consider any other material including any late submission) and make its final Decision.

Standard consultation process

A1.4 If required to proceed in accordance with the Standard Consultation Process, the Decision maker must proceed as follows —

(a) Issues paper — the Decision maker may produce and Publish an issues paper examining the issues relating to the proposal.

(b) First round Public submissions —

(i) The Decision maker must Publish an invitation for submissions on the proposal.

(ii) The Decision maker must specify in its invitation for submissions under clause A1.4(b)(i) the length of time it will allow for the making of submissions on a proposal in accordance with clause A1.4(b)(iv).

(iii) A person may make a submission on a proposal within the period of time specified by the Decision maker.

(iv) The time specified by the Decision maker for the making of submissions must be at least 10 Business Days after any issues paper was published under clause A1.4(a).

(c) Draft Decision by the Decision maker —

(i) Subject to clause A1.6, the Decision maker must consider any submissions made on the proposal.

(ii) The Decision maker may make a draft Decision if, in the opinion of the Decision maker the circumstances warrant the making of a draft Decision.

(iii) If the Decision maker determines that a draft Decision is warranted, the Decision maker must Publish the draft Decision within 2 months after the due date for submissions under clause A1.4(b)(ii).

(d) Second round Public submissions (if applicable) —

(i) Clauses A1.4(d)(ii) to A1.4(d)(v) apply only if the Decision maker makes a draft Decision under clause A1.4(c)(ii).

(ii) The Decision maker must Publish an invitation for submissions on the draft Decision at the time it publishes the draft Decision.

(iii) A Decision maker must specify in its invitation for submissions under clause A1.4(d)(ii) the length of time it will allow for the making of submissions on the proposal in accordance with clause A1.4(d)(v).

(iv) A person may make a submission on the draft Decision to the Decision maker within the period of time specified by the Decision maker.

(v) The time specified by the Decision maker for the making of submissions on the draft Decision must be at least 10 Business Days after the draft Decision is published.

(e) Final Decision by Decision maker —

(i) Subject to clause A1.6, the Decision maker must consider any submissions and make a final Decision in relation to the proposal.

(ii) The time for the Decision maker to make and Publish its final Decision is —

(A) where a draft Decision has been made, within 30 Business Days after the due date for submissions under clause A1.4(d)(iii); or

(B) otherwise within 2 months after the due date for submissions under clause A1.4(b)(ii).

Publication of submissions

A1.5 Subject to clause A1.8 and A1.9, the Decision maker must Publish all submissions made under this Appendix 1.

Late submissions

A1.6 The Decision maker may, but does not have to, consider any submission made after the time for making that submission has expired.

Additional consultation

A1.7 The Decision maker may undertake additional consultation at any point during the process if required.

Confidential information

A1.8 If the Decision maker determines that a draft Decision, final Decision or any other material it may Publish needs to contain Confidential Information, then —

(a) it must in publishing the Decision or material comply with Subchapter 11.2 {Confidential information}; and

(b) for the purposes of rule 299 {Permitted disclosure}, it may in the published Decision or material disclose Confidential Information but only if, and only to the extent, it determines that doing so is necessary to —

(i) achieve the purpose for which the Decision in question was required; or

(ii) otherwise progress the Pilbara Electricity Objective.

A1.9 If the Decision maker proposes to disclose Confidential Information in reliance on clause A1.8(b), it must first comply with rule 303 {Pre-disclosure process}.

Vexatious etc submissions may be disregarded

A1.10 Without otherwise limiting a Decision marker's discretion, a Decision maker may disregard all or any part of a submission which the Decision maker reasonably determines to be frivolous, vexatious or not made in good faith.

When final Decision takes effect

A1.11 Subject to these Rules, a Decision made in accordance with this rule takes effect on the date provided for its commencement under the terms of the Decision or, if no date is so provided, 10 Business Days after the date of the Decision.

Extension of deadlines

A1.12 The Decision maker may on one or more occasions extend any time limit specified in this Appendix 1 for a period determined by the Decision maker if, and only to the extent that, the Decision maker first reasonably determines that —

(a) a longer period of time is essential for due consideration of all matters under consideration or satisfactory performance of its obligations under these Rules, or both; and

(b) the Decision maker has taken all reasonable steps to fully utilise the times and processes provided for in this Appendix 1.

A1.13 The Decision maker must not exercise the power in clause A1.12 to extent a time limit unless, before the day on which the time would otherwise have expired, it publishes notice of, and reasons for, its Decision to extend the time limit.

Appendix 2 – Rule and Procedure change

{Note on clause numbering — The Rule Change and Procedure change regimes described in this Appendix and in the WEM Rules are similar but not identical. To help the reader find comparable clauses in the two regimes, this Appendix uses similar numbering.}

Sub-appendix 2.1 – Rule and Procedure change governance

Coordinator's rule and Procedure change functions

A2.2D.1 The functions conferred on the Coordinator are to —

(a) [blank]

(b) [blank]

(c) Develop Procedures, and amendments to and replacements for them, as required by these Rules;

(d) do anything that the Coordinator determines to be conducive or incidental to the performance of the functions set out in this clause A2.2D.1;

(e) [blank]

(f) administer these Rules;

(g) Develop amendments to these Rules and replacements for them;

(h) consider and, in consultation with the Pilbara Advisory Committee, progress the evolution and development of the regime under Part 8A of the Act and these Rules;

(i) provide PAC Secretariat services to the Pilbara Advisory Committee and support its Independent Chair;

(j) undertake reviews and consultation as required under these Rules; and

(k) carry out any other functions conferred, and perform any other obligations imposed, on the Coordinator under these Rules.

The Pilbara Advisory Committee (PAC) is formed

A2.3.1 The Pilbara Advisory Committee is a committee of industry representatives convened by the Coordinator —

(a) to advise the Coordinator regarding Rule Change Proposals and, if applicable under clause A2.10.6A, Procedure Change Proposals;

(b) to advise Custodians regarding Procedure Change Proposals;

(c) to advise the Coordinator, the ISO and the Authority on the development of Rule Change Proposals where requested by the Coordinator, the ISO or the Authority in accordance with clauses A2.5.1A or A2.5.1B or A2.5.1C;

(d) to advise the Coordinator regarding matters concerning, and the Coordinator's plans for, the evolution and development of the regime under Part 8A of the Act and these Rules; and

(e) [not used].

How the PAC makes decisions

A2.3.1A The Pilbara Advisory Committee is a non-voting committee.

A2.3.1B The Pilbara Advisory Committee must endeavour where practicable to reach a consensus position on any issue before it.

A2.3.1C If, after allowing a reasonable time for discussion, the Independent Chair determines that a consensus position either will not be achieved, or is unlikely to be achieved within a time which is reasonable in the circumstances, then the Independent Chair must provide advice to the Coordinator which reflects any majority view, and which includes or is accompanied by the dissenting views.

Coordinator to develop PAC governing documents

A2.3.A2 The Coordinator must develop, Publish and Maintain a constitution for the Pilbara Advisory Committee detailing matters including —

(a) the process for convening the Pilbara Advisory Committee;

(b) the terms of reference of the Pilbara Advisory Committee;

(c) the membership terms of Pilbara Advisory Committee members;

(d) the process for appointing and replacing Pilbara Advisory Committee members by the Coordinator;

(e) the conduct of Pilbara Advisory Committee meetings, including wholly or partially remotely by electronic means;

(f) the role of the PAC Secretariat in respect of the Pilbara Advisory Committee;

(g) the interaction between the Pilbara Advisory Committee and the Coordinator, the ISO, the Authority and NSPs;

(h) the ability of the Pilbara Advisory Committee to Delegate any of its roles to a Working Group; and

(i) the governance arrangements to apply between the Pilbara Advisory Committee and any Working Groups; and

(j) such other matters as the Coordinator considers necessary or convenient.

A2.3.3 The constitution of the Pilbara Advisory Committee must be consistent with the Rules.

A2.3.4 The Coordinator must invite Public submissions when developing or amending the constitution of the Pilbara Advisory Committee.

Who is to be members of the PAC

A2.3.5 Subject to clause A2.3.13, the Pilbara Advisory Committee must comprise —

(a) at least 1 and not more than 6 members representing Rules Participants not listed in the following paragraphs;

(b) at least one independent member nominated by the Minister to represent the interests of contestable customers;

(c) for each Registered NSP, a member to represent the NSP;

(d) for each Excluded NSP, if the NSP so chooses, a member to represent the NSP;

(e) at least one independent member nominated by the Minister to represent the interests of small-use customers;

(f) [blank]

(g) a member to represent the ISO;

(h) [blank]

(i) an Independent Chair, to be appointed by the Minister under clause A2.3.8A.

A2.3.5A [Blank]

A2.3.5B The same Entity cannot be represented by more than one member on the Pilbara Advisory Committee simultaneously.

A2.3.5C Candidates for appointment under clause A2.3.5(c), (d) and (g) must be proposed to the Coordinator by the Entity the candidate is to represent.

A2.3.6 The Minister may appoint a representative to attend Pilbara Advisory Committee meetings as an observer.

A2.3.7 The Authority may appoint a representative to attend Pilbara Advisory Committee meetings as an observer.

A2.3.7A The Coordinator or the Independent Chair of the Pilbara Advisory Committee may invite a person to attend Pilbara Advisory Committee meetings as an observer, either for a specified meeting or meetings or until further notice.

A2.3.8 The Coordinator may, after consulting with the Independent Chair, appoint members of the Pilbara Advisory Committee. In the case of members to be appointed under clause A2.3.5(c), (d) or (g), the Coordinator cannot appoint a person who has not been proposed to the Coordinator under rule A2.3.5C by the Entity the candidate is to represent.

PAC to have an Independent Chair

A2.3.8A The Minister must appoint a person to be the independent Chair of the Pilbara Advisory Committee, who in the opinion of the Minister —

(a) is free from any business or other relationship that could materially interfere with the independent exercise of the Independent Chair's judgment; and

(b) has the skills and experience necessary to carry out the responsibilities and functions of the Independent Chair of the Pilbara Advisory Committee.

A2.3.8B The Independent Chair will be appointed for a term of three years, with the possibility of one three-year extension.

A2.3.8C The Minister may remove an Independent Chair at any time in the following circumstances —

(a) the person becomes an undischarged bankrupt; or

(b) the person becomes of unsound mind or his or her estate is liable to be dealt with in any way under law relating to mental health;

(c) an event specified in the Independent Chair's terms of engagement; or

(d) in the Minister's opinion the person no longer adequately meets the criteria in clause A2.3.8A.

A2.3.8D The Minister may appoint an interim Chair of the Pilbara Advisory Committee in the event that the Independent Chair becomes temporarily unavailable or the position is otherwise vacant for any reason. The interim Chair may be appointed for an initial term of up to six months and may be reappointed for further six months. The interim Chair must meet, so far as is practicable, the criteria in clause A2.3.8A.

Interim PAC members

A2.3.8E The Coordinator may appoint an interim member representing small-use consumers if the position under clause A2.3.5(e) is vacant for any reason.

Review and removal of PAC members

A2.3.9 The Coordinator must review the composition of the Pilbara Advisory Committee at least every 2 years in consultation with the Independent Chair.

A2.3.10 When appointing and removing members of the Pilbara Advisory Committee, the Coordinator must consult with the Independent Chair, and (except in the case of candidates for appointment under clause A2.3.5(c), (d) and (g), to whom clause A2.3.5C applies) take Nominations from Rules Participants and industry groups, that it considers relevant to the regime under Part 8A of the Act, and, if practicable, must choose members from persons nominated.

A2.3.11 The Coordinator may remove a member of the Pilbara Advisory Committee at any time in the following circumstances —

(a) the person becomes an undischarged bankrupt;

(b) the person becomes of unsound mind or his or her estate is liable to be dealt with in any way under law relating to mental health; or

(c) an event specified for this purpose in the constitution for the Pilbara Advisory Committee occurs; or

(d) in the Coordinator's opinion, after consulting with the Independent Chair, the person no longer represents the person or class of persons that they were appointed to represent in accordance with clause A2.3.5.

Resignation of PAC members

A2.3.1A2 A member of the Pilbara Advisory Committee may resign by giving notice to the Coordinator in writing.

PAC vacancies

A2.3.13 Where a position on the Pilbara Advisory Committee is vacant at any time, the Coordinator must use its reasonable endeavours to appoint a person to fill the position, but the Pilbara Advisory Committee may continue to perform its functions under this clause A2.1 despite any vacancy.

A2.3.14 [Blank]

When PAC is to be convened

A2.3.15 The Independent Chair must convene the Pilbara Advisory Committee —

(a) on any occasion where these Rules require a meeting to discuss a Rule Change Proposal;

(aA) on any occasion where these Rules require a meeting to discuss a Procedure Change Proposal;

(b) on any occasion where a Rule Change Proposal involves an amendment to the Harmonised Technical Rules; and

(c) on any occasion when two or more members of the Pilbara Advisory Committee have informed the Independent Chair in writing that they wish to bring a matter regarding the evolution or the development of the regime under Part 8A of the Act or these Rules before the Pilbara Advisory Committee for discussion; and

(d) on any occasion when the Coordinator has informed the Independent Chair that she or he wishes to bring a matter regarding the evolution or the development of the regime under Part 8A of the Act or these Rules before the Pilbara Advisory Committee for discussion.

{The Independent Chair can also make her or his own Rule Change Proposals, see clause A2.5.3B.}

Coordinator to provide information to PAC

A2.3.16 Subject to her or his obligations of confidentiality under these Rules and otherwise, the Coordinator must use reasonable endeavours to provide the Pilbara Advisory Committee any information in the Coordinator's possession obtained in the course of performing a function under these Rules that is pertinent to the issues being addressed by the Pilbara Advisory Committee.

PAC Working Groups

A2.3.17 The Pilbara Advisory Committee may —

(a) establish one or more Working Groups comprising representatives of Rules Participants and other interested persons, to assist the Pilbara Advisory Committee in advising the Coordinator, Authority, the ISO and NSPs on any of the matters listed in clause A2.3.1 of these Rules; and

(b) disband any Working Groups where it considers that the Working Group is no longer required, or will no longer be required, to assist the Pilbara Advisory Committee in advising the Coordinator, Authority and the ISO on any of the matters listed in clause A2.3.1 of these Rules.

A2.3.17A The Pilbara Advisory Committee may establish a Working Group comprising representatives of Rules Participants and other interested stakeholders who are appropriately qualified technical experts to assist the Pilbara Advisory Committee, including on any occasion when it is consulted on an amendment to the Harmonised Technical Rules.

Confidentiality

A2.3A.1 Subchapter 11.2 {Confidential information} applies in respect of information provided in Connection with this Appendix 2.

A2.3A.2 For the purposes of rule 299 {Permitted disclosure}, the Coordinator or a Custodian may disclose Confidential Information but only if, and only to the extent, it determines that doing so is necessary to —

(a) allow other persons to adequately assess, as applicable, the Coordinator's or the Custodian's Decision; or

(b) otherwise progress the Pilbara Electricity Objective.

Sub-appendix 2.2 – Rule change process

{In addition to the Rule Change process set out below, the Minister has a transitional power to make rules for the first 2 years of the regime — regulation 9(6).}

Rules made by the Coordinator

A2.4.1 The Coordinator —

(a) is responsible for maintaining and publishing the Rules;

(b) is responsible for ensuring the development of amendments of, and replacements for, the Rules; and

(c) may make Amending Rules in accordance with this Chapter.

A2.4.A2 The Coordinator cannot make Amending Rules unless it is satisfied that the Rules, as proposed to be amended or replaced, are consistent with the Pilbara Electricity Objective.

{Regulation 4 sets out a non-exclusive list of factors to which regard should be had, when considering the Pilbara Electricity Objective.}

A2.4.3 In deciding whether to make Amending Rules, the Coordinator must have regard to the following —

(a) any applicable statement of policy principles given to the Coordinator under clause A2.5.2;

(aA) any advice provided by the Pilbara Advisory Committee regarding the evolution or the development of the regime under Part 8A of the Act or these Rules;

(b) the practicality and cost of implementing the Rule Change Proposal;

(c) the views expressed in any submissions on the Rule Change Proposal;

(d) any advice by the Pilbara Advisory Committee where the Pilbara Advisory Committee met to consider the Rule Change Proposal;

(dA) whether advice from the Pilbara Advisory Committee provided under clause A2.4.3(aA) or A2.4.3(d) reflects a consensus view or a majority view, and, if the latter, any dissenting views included in or accompanying the advice and how these views have been taken into account by the Coordinator;

(e) any technical studies that the Coordinator considers are necessary to assist in assessing the Rule Change Proposal.

A2.4.3A Without limiting clause A2.4.3, in deciding whether or not to make Amending Rules, the Coordinator may seek information or advice, and the Coordinator may have regard to that information or advice, from any person that the Coordinator considers is appropriate to assist it in assessing the relevant Rule Change Proposal.

A2.4.4 The Coordinator must Maintain and Publish a Rule Change Proposal form which must include —

(a) contact details for proposing Rule Changes; and

(b) information that must be provided in proposing a change, including —

i. the name of the person submitting the Rule Change Proposal, and where relevant, details of the organisation that person represents;

ii. the issue to be addressed;

iii. the degree of urgency of the proposed change;

iv. any proposed specific changes to particular rules;

v. a description of how the Rule Change would allow the Rules to better address the Pilbara Electricity Objective; and

vi. any identifiable costs and benefits of the change.

Rule change proposals

A2.5.1 Any person may make a Rule Change Proposal by completing a Rule Change Proposal form and submitting it to the Coordinator.

A2.5.1A The ISO, Authority or Coordinator (**"Funded Proponent"**) must, before commencing the development of a Rule Change Proposal or providing material support or assistance to another party to develop a Rule Change Proposal, consult with the Pilbara Advisory Committee on —

(a) the matters to be addressed by the Rule Change Proposal and if applicable the nature and scope of the support or assistance requested by the other party;

(b) what options exist to resolve the matters to be addressed by the Rule Change Proposal;

(c) the Funded Proponent's estimated costs to be recovered through fees of developing the Rule Change Proposal or providing the support or assistance requested by the other party;

(d) whether and when the Funded Proponent should develop the Rule Change Proposal or if the Funded Proponent should provide the support or assistance requested by the other party; and

(e) whether and how the Pilbara Advisory Committee will be consulted during the development of the Rule Change Proposal,

and must take into account any advice, comments or objections provided by any member or observer of the Pilbara Advisory Committee in deciding whether, when and how to develop the Rule Change Proposal or provide material support or assistance to another party to develop the Rule Change Proposal.

A2.5.1B [Blank — now in clause A2.5.1A]

A2.5.1C [Blank — now in clause A2.5.1A]

A2.5.A2 The Minister may issue a statement of policy principles to the Coordinator with respect to the development of the regime under Part 8A of the Act. The statement of policy principles must not be inconsistent with the Pilbara Electricity Objective. Before giving a statement of policy principles, the Minister may provide a draft of the proposed statement to the Pilbara Advisory Committee and seek the Pilbara Advisory Committee's views on it.

A2.5.3 The Coordinator must have regard to any statement of policy principles given by the Minister in making Amending Rules in accordance with this Chapter.

A2.5.3A The Coordinator must have regard to any advice received from the Pilbara Advisory Committee regarding the evolution or the development of the regime under Part 8A of the Act or these Rules.

A2.5.3B The Independent Chair may develop and submit Rule Change Proposals based on advice received from the Pilbara Advisory Committee regarding the evolution or the development of the regime under Part 8A of the Act or these Rules.

A2.5.4 Subject to clause A2.5.1A, where the Coordinator considers that a change to the Rules is required, the Coordinator may develop a Rule Change Proposal and must Publish it in accordance with clause A2.5.7.

A2.5.5 Where necessary, the Coordinator may contact the person submitting a Rule Change Proposal and request clarification of any aspect of the Rule Change Proposal. Any clarification received is to be deemed to be part of the Rule Change Proposal.

A2.5.6 Within five Business Days of the later of —

(a) receiving the Rule Change Proposal; and

(b) any clarification under clause A2.5.5,

the Coordinator must —

(c) decide whether or not to progress the Rule Change Proposal any further; and

(d) notify the person who submitted the Rule Change Proposal of the Decision.

A2.5.6A The Coordinator may decide not to progress the Rule Change Proposal on the following grounds and no others, namely if the Rule Change Proposal is —

(a) materially incomplete; or

(b) manifestly inconsistent with the Pilbara Electricity Objective; or

(c) materially the same as another Rule Change Proposal considered by the Coordinator in the 12 months prior to the date of the Rule Change Proposal.

A2.5.6B The Coordinator must consult with the Pilbara Advisory Committee before finalising a Decision not to progress the Rule Change Proposal. This consultation may be conducted out of session.

A2.5.7 When it has developed a Rule Change Proposal, or within seven Business Days of receiving a Rule Change Proposal under clause A2.5.1, the Coordinator must Publish notice of the Rule Change Proposal and provide a copy of the notice to the Pilbara Advisory Committee. The notice must include —

(a) the date that the Rule Change Proposal was submitted, if applicable;

(b) the name, and where relevant, the organisation, of the person who made the Rule Change Proposal;

(c) details of the Rule Change Proposal, including relevant references to provisions of the Rules and any proposed specific changes to those rules;

(d) the description of how the Rule Change would allow the Rules to better address the Pilbara Electricity Objective given by the person submitting the proposed Rule Change;

(e) whether the Rule Change Proposal will be progressed and the reason why the Rule Change Proposal will or will not be progressed; and

(f) if the Rule Change Proposal will be progressed —

i. whether the Rule Change Proposal is to be subject to the Fast Track Rule Change Process, the Standard Rule Change process or the abridged Standard Rule Change process and the reasons for this Decision;

ii. if the Rule Change Proposal is subject to the Fast Track Rule Change Process, and the Rule Change Proposal did not include proposed specific changes to rules, the Coordinator's proposed Amending Rules to implement the Rule Change Proposal; and

iii. if the Rule Change is subject to the Standard Rule Change process or the abridged Standard Rule Change process, a call for submissions in relation to the Rule Change Proposal.

A2.5.8 Where a Rule Change Proposal that will be progressed relates to a Protected Provision the Coordinator must notify the Minister at the same time as it gives the notice described in clause A2.5.7.

A2.5.8A A Decision by the Coordinator to accept a Rule Change Proposal (in proposed or modified form), which was initiated by the Coordinator, does not take effect until it receives the Minister's approval.

Coordinator to select Rule Change process

A2.5.8B The Coordinator must, where reasonably practicable, first notify the Pilbara Advisory Committee of the Rule Change Proposal and give the Pilbara Advisory Committee an opportunity to comment on the process to be used before making a Decision under clauses A2.5.9, A2.5.9A and A2.5.9B.

A2.5.9 {**Fast track process**} The Coordinator may decide to subject a Rule Change Proposal to the Fast Track Rule Change Process if —

(a) in her or his opinion, the Rule Change Proposal is of a minor or procedural nature; or

(b) the Pilbara Advisory Committee requests the use of the Fast Track Rule Change Process.

A2.5.9A {**Abridged standard process**} The Coordinator may decide to subject a Rule Change Proposal to the abridged Standard Rule Change process if —

(a) the Pilbara Advisory Committee requests the use of the abridged Standard Rule Change process; or

(b) in the Coordinator's opinion, the Rule Change Proposal is not of a minor or procedural nature but is —

(i) required to correct a manifest error; or

(ii) urgently required and is essential for either —

(A) the safe operation; or

(B) the effective operation; or

(C) the reliable operation,

of a Power System.

A2.5.9B {**Standard process**} Unless the Coordinator decides to subject a Rule Change Proposal to the Fast Track Rule Change Process or the abridged Standard Rule Change process, the Coordinator must subject the Rule Change Proposal to the Standard Rule Change process.

Objection to Coordinator's process Decision

A2.5.9C A Rules Participant may notify the Coordinator of its objection, with reasons, to a Rule Change Proposal being subjected to the Fast Track Rule Change Process within five Business Days after the Coordinator publishes a notice under clause A2.5.7(f)(i) to that effect.

A2.5.9D If a Rules Participant notifies the Coordinator of an objection in accordance with clause A2.5.9C then unless the Coordinator considers the objection to be frivolous, vexatious or not made in good faith, the Coordinator must reclassify the Rule Change Proposal as not being subject to the Fast Track Rule Change Process, and must progress it in accordance with the Standard Rule Change process.

Extensions of time

A2.5.10 Subject to clause A2.5.12, the Coordinator may at any time after deciding to progress a Rule Change Proposal decide to extend the normal timeframe for processing the Rule Change Proposal. If the Coordinator decides to do so, then she or he may modify the times and time periods under clauses A2.6, A2.7, A2.7A or A2.8 in respect of the Rule Change Proposal and Publish details of the modified times and time periods.

A2.5.11 If a Rule Change Proposal is subject to the Fast Track Rule Change Process, and the Coordinator decides to extend the timeframe, she or he must either —

(a) extend the timeframe by no more than 15 Business Days; or

(b) reclassify the Rule Change Proposal as not being subject to the Fast Track Rule Change Process, and must progress it in accordance with the Standard Rule Change process.

A2.5.12 The Coordinator must Publish a notice of an extension determined in accordance with clause A2.5.10, and must update any information already published in accordance with clause A2.5.7(f).

A2.5.13 A notice of extension must include —

(a) the reasons for the proposed extension;

(b) the views of any Rules Participants consulted on the extension;

(c) the proposed length of any extension; and

(d) the proposed work program.

Objection to Coordinator's Decision to extend time

A2.5.13A A Rules Participant may notify the Coordinator of its objection, with reasons, to an extension under clause A2.5.11(a) within five Business Days after the Coordinator publishes the notice under clause A2.5.12.

A2.5.13B If a Rules Participant notifies the Coordinator of an objection in accordance with clause 2.5.13A then, unless the Coordinator considers the objection to be frivolous, vexatious or not made in good faith, the Coordinator must reclassify the Rule Change Proposal as not being subject to the Fast Track Rule Change Process, and must progress it in accordance with the Standard Rule Change process.

Rules change proposals to be progressed using selected process

A2.5.14 A Rule Change Proposal that the Coordinator decides under clause A2.5.9 is subject to the Fast Track Rule Change Process is to be progressed in accordance with clause A2.6, and clauses A2.7 and A2.7A do not apply.

A2.5.14A Rule Change Proposal that the Coordinator decides under clause A2.5.9A is subject to the abridged Standard Rule Change process is to be progressed in accordance with clause A2.7A, and clauses A2.6 and A2.7do not apply.

A2.5.15 If the Coordinator does not decide that a Rule Change Proposal is subject to the Fast Track Rule Change Process or the abridged Standard Rule Change process, the Rule Change Proposal is to be progressed in accordance with clause A2.7, and clauses A2.6 and A2.7A do not apply.

Fast track Rule Change process

A2.6.1 Within five Business Days of publishing the notice referred to in clause A2.5.7, the Coordinator must notify those Rules Participants, members of the Pilbara Advisory Committee that she or he considers have an interest in the Rule Change Proposal, and may notify other persons, of her or his intention to consult with them concerning the Rule Change Proposal.

A2.6.2 Within five Business Days of the notice referred to in clause A2.5.7 being published, a person may notify the Coordinator that they wish to be consulted concerning the Rule Change Proposal.

A2.6.3 Within 15 Business Days of publishing the notice referred to in clause A2.5.7, the Coordinator must have completed such consultation as the Coordinator considers appropriate in the circumstances with the persons described in clauses A2.6.1 and A2.6.A2.

A2.6.3A Within 20 Business Days of publishing the notice referred to in clause A2.5.7, the Coordinator must —

(a) after taking into account the views received during consultation, decide whether to —

i. accept the Rule Change Proposal in the proposed form; or

ii. accept the Rule Change Proposal in a modified form; or

iii. reject the Rule Change Proposal; and

(b) prepare and Publish a Final Rule Change Report on the Rule Change Proposal.

A2.6.4 The Final Rule Change Report must contain —

(a) the information in the notice of the Rule Change Proposal under clause A2.5.7;

(b) any analysis of the Rule Change Proposal that the Coordinator has carried out;

(c) the identities of persons that were consulted;

(d) information on any objections expressed by the persons consulted, and the Coordinator's response to the objections;

(e) the Coordinator's assessment of the Rule Change Proposal, after taking into account the views expressed during consultation, in light of clauses A2.4.2 and A2.4.3;

(f) the Decision made by the Coordinator under clause A2.6.3A(a) on the Rule Change Proposal;

(g) the Coordinator's reasons for the Decision; and

(h) if the Coordinator decides to make Amending Rules arising from the Rule Change Proposal —

i. the wording of the Amending Rules; and

ii. the proposed date and time that the Amending Rules will commence.

Standard Rule Change process

A2.7.1A If the Coordinator subjects a Rule Change Proposal to the Standard Rule Change process, then the due date for submissions is —

(a) 30 Business Days after the date of the notice under clause A2.5.7; or

(b) if a longer timeframe is determined in accordance with clause A2.5.10, at a time that is consistent with that timeframe.

A2.7.1 Any person may make a submission to the Coordinator relating to a Rule Change Proposal within the time frame specified under clause A2.5.7(f)(iii).

A2.7.2 Subject to its obligations of confidentiality under these Rules and otherwise, the Coordinator must release to the Public all information submitted under clause A2.7.1.

A2.7.3 The Coordinator may —

(a) hold Public forums or workshops concerning a Rule Change Proposal; and

(b) engage in such forms of communication with Rules Participants, the Pilbara Advisory Committee and others as the Coordinator deems efficient for the progression of the Rule Change Proposal.

A2.7.4 [Blank]

A2.7.5 The Coordinator must consult with the Pilbara Advisory Committee concerning a Rule Change Proposal, unless the Independent Chair first notifies the Coordinator that all members of the Pilbara Advisory Committee have agreed to waive consultation.

A2.7.6 Within 20 Business Days following the close of submissions, the Coordinator must —

(a) prepare and Publish a Draft Rule Change Report on the Rule Change Proposal; and

(b) Publish a deadline for further submissions in relation to the Rule Change Proposal, where that deadline must be at least 20 Business Days after the date the deadline is published.

A2.7.7 The Draft Rule Change Report must contain —

(a) the information in the notice of the Rule Change Proposal under clause A2.5.7;

(b) all submissions received before the due date for submissions, a summary of those submissions, and the Coordinator's response to issues raised in those submissions (and the report may in the Coordinator's discretion contain any or all of this material in respect of a submission received after the due date);

(c) a summary of any Public forums or workshops held;

(d) a summary of any views expressed by the members of the Pilbara Advisory Committee and, if the Pilbara Advisory Committee has delegated its role to consider the Rule Change Proposal to a Working Group under clause A2.3.17(a), a summary of the views expressed by that Working Group;

(dAA) whether any advice from the Pilbara Advisory Committee regarding the Rule Change Proposal reflects a consensus view or a majority view, and, if the latter, any dissenting views included in or accompanying the advice and how these views have been taken into account by the Coordinator;

(dA) reasons if the Coordinator does not propose to follow partially or fully the advice received from the Pilbara Advisory Committee;

(e) the Coordinator's assessment of the Rule Change Proposal, after taking into the views of Rules Participants and other persons expressed in submissions or during consultation, and in light of clauses A2.4.2 and A2.4.3;

(f) a proposal as to whether the Rule Change Proposal should be accepted in the form proposed. The proposal may be that —

i. the Rule Change Proposal be accepted in the proposed form; or

ii. the Rule Change Proposal be accepted in a modified form; or

iii. the Rule Change Proposal be rejected; and

(g) if the Coordinator proposes to make Amending Rules arising from the Rule Change Proposal —

i. the wording of the proposed Amending Rules; and

ii. a proposed date and time the proposed Amending Rules will commence.

A2.7.7A Within 20 Business Days of the deadline specified under clause A2.7.6(b), the Coordinator must —

(a) decide whether to —

i. accept the Rule Change Proposal in the proposed form; or

ii. accept the Rule Change Proposal in a modified form; or

iii. reject the Rule Change Proposal; and

(b) prepare and Publish a Final Rule Change Report on the Rule Change Proposal.

A2.7.8 The Final Rule Change Report must contain —

(a) the information in the Draft Rule Change Report;

(b) all submissions received before the deadline for submissions specified in relation to the relevant Draft Rule Change Report under clause A2.7.6(b), a summary of those submissions, and the Coordinator's response to the issues raised in those submissions (and the report may in the Coordinator's discretion contain any or all of this material in respect of a submission received after the deadline);

(bAA) whether any further advice from the Pilbara Advisory Committee regarding the Rule Change Proposal since what was reported in the Draft Rule Change Report reflects a consensus view or a majority view, and, if the latter, any dissenting views included in or accompanying the advice and how these views have been taken into account by the Coordinator;

(bA) reasons if the Coordinator has decided not to follow partially or fully the advice received from the Pilbara Advisory Committee;

(c) any further analysis or modification to the Rule Change Proposal;

(d) the Coordinator's assessment of the Rule Change Proposal, after taking into the views of Rules Participants and other persons expressed in submissions or during consultation, and in light of clauses A2.4.2 and A2.4.3;

(e) the Decision made by the Coordinator under clause A2.7.7A(a) on the Rule Change Proposal;

(f) the Coordinator's reasons for the Decision; and

(g) if the Coordinator decides to make Amending Rules arising from the Rule Change Proposal —

i. the wording of the Amending Rules; and

ii. the proposed date and time that the Amending Rules will commence.

Abridged Standard Rule Change process

A2.7A.1 If the Coordinator subjects a Rule Change Proposal to the abridged Standard Rule Change process, then the Standard Rule Change process must be followed except —

(a) the due date for submissions under clause A2.7.1A(a) is a minimum of 10 after the date of the notice under clause A2.5.7; and

(b) the due date for submissions under clause A2.7.6(b) is a minimum of 5 Business Days after the date the deadline is published.

A2.7A.2 The Coordinator must Publish the due dates for submissions in the notices published in accordance with clause A2.5.7 and clause A2.7.6(b), as applicable.

Review of Coordinator's Rule Change decisions

A2.8.1 A Rules Participant may apply to the Electricity Review Board for a Procedural Review of a Decision by the Coordinator contemplated by clause A2.5.6(c), A2.5.9, A2.6.3A(a) or A2.7.7A(a) within the time specified in the Regulations, on the grounds that the Coordinator has not followed the Rule Change process set out in clauses A2.5, A2.6 and A2.7.

A2.8.2 Following an application for a Procedural Review under clause A2.8.1, if the Board finds that the Coordinator has not followed the Rule Change process set out in clauses A2.5, A2.6 and A2.7 the Board may set aside the Coordinator's Decision and Direct the Coordinator to reconsider the relevant Rule Change Proposal in accordance with the process set out in clauses A2.5, A2.6 and A2.7.

Ministerial approval of certain Rule Change decisions

A2.8.3 The Coordinator must submit a Rule Change Proposal, together with the Final Rule Change Report, to the Minister for approval where Amending Rules in the Final Rule Change Report —

(a) amend or replace a Protected Provision, or, in the Coordinator's opinion, would have the effect of changing the meaning or effect of one or more Protected Provisions; or

(b) are subject to the requirements in clause A2.5.8A.

A2.8.4 Subject to clause A2.8.6, the Minister must consider the Rule Change Proposal within 20 Business Days and decide whether the Rules, as amended or replaced by the proposed Amending Rules, are consistent with the Pilbara Electricity Objective.

A2.8.5 Where a Rule Change Proposal is submitted under clause A2.8.3, the Minister may —

(a) approve the proposed Amending Rules;

(b) not approve the proposed Amending Rules; or

(c) send back to the Coordinator the proposed Amending Rules with any revisions the Minister considers are required to ensure the Rules, as amended or replaced by the proposed Amending Rules, are consistent with the Pilbara Electricity Objective.

A2.8.6 The Minister may extend the time for a Decision on a Rule Change Proposal under clause A2.8.4 by a further period of up to 20 Business Days by notice to the Coordinator. The Minister may extend the time for a Decision in respect of a Rule Change Proposal more than once.

A2.8.7 The Coordinator must Publish notice of any extension under clause A2.8.6 on the Coordinator's Website.

A2.8.8 Where the Minister does not make a Decision by the original date determined in accordance with clause A2.8.4, or by an extended date determined in accordance with clause A2.8.6, as applicable, then the proposed Amending Rules will be taken to have been approved by the Minister.

A2.8.9 Where the Minister does not approve the proposed Amending Rules or sends proposed Amending Rules back to the Coordinator under clause A2.8.5(c), the Minister must give reasons, and the Coordinator must Publish a notice of the Minister's Decision and the reasons given by the Minister.

A2.8.10 Where the Minister sends proposed Amending Rules back to the Coordinator in accordance with clause A2.8.5(c), the Coordinator must —

(a) Publish the revised Amending Rules and call for submissions on the revised Amending Rules within 15 Business Days of Publication; and

(b) provide a revised Final Rule Change Report, including any submissions received on the Minister's revised Amending Rules to the Minister within 25 Business Days after the close of the consultation period and clauses A2.8.4 to this clause A2.8.10 apply to the revised Final Rule Change Report.

When Rule Changes come into force

A2.8.11 Amending Rules are made —

(a) for Rule Change Proposals to which clause A2.8.3 applies, when the Minister has either approved, or is taken by clause A2.8.8 to have approved, the Amending Rules; and

(b) for Rule Change Proposals to which clause A2.8.3 does not apply, when the Coordinator has decided to make the Amending Rules as notified under clause A2.6.3A(b) or clause A2.7.7A(b).

A2.8.12 Subject to clause A2.8.2, Amending Rules commence at the time and date determined by the Coordinator. The Coordinator must Publish notice of the time and date Amending Rules commence.

Protected provisions

A2.8.13 The following rules are Protected Provisions —

(a) rule 1(2) {Coordinator's and Minister's power to amend these Rules}; and

(b) rule 38 {Coordinator's functions}; and

(c) rule 128 {Coordinator's costs}; and

(d) rules 129 {Determination of fees} and 130 {Payment of fees} to the extent they relate to the Coordinator Fee; and

(e) rule 248(2) {Coordinator to review how constrained access is to be implemented for a newly-Covered Network}; and

(f) rule 291{Publication} to the extent it relates to the Coordinator; and

(g) Subchapter 11.2 {Confidential information} to the extent it relates to the Coordinator; and

(h) this Appendix 2 {Rule and Procedure change}.

Sub-appendix 2.3 – Procedure Change Process

Procedures

{Most of clause 2.9 of the WEM Rules is addressed in Subchapter 3.6.}

A2.9.4 The Coordinator may Maintain on a website a Procedure Change Submission form.

A2.9.5 The Coordinator may Develop a Procedure (**"Procedure Change Procedure"**) setting out the Procedure and timetable for Developing and amending Procedures.

Procedure Change Proposals

A2.10.1A In these Rules, a Procedure's **"Custodian"** is the person required or permitted by these Rules to Develop the Procedure.

A2.10.1 Any person may initiate the Procedure Change Process by developing a Procedure Change Proposal.

A2.10.2 A Rules Participant may notify a Procedure's Custodian that it considers an amendment to or replacement of a Procedure would be appropriate.

A2.10.2A Within 20 Business Days of receipt of a notification under clause A2.10.2, and without limiting any person's power under clause A2.10.1, the Custodian must —

(a) determine whether an amendment to or replacement of a Procedure is appropriate; and

(b) Publish details of whether the Custodian will progress a Procedure Change Proposal will be progressed with respect to the suggested amendment to or replacement of a Procedure and the reasons for that Decision.

A2.10.3 If an Amending Rule requires a Custodian to Develop a new Procedure or to amend or replace an existing Procedure, then the Custodian is responsible for the Development of, amendment of or replacement for, Procedures so as to comply with the Amending Rule.

A2.10.4 [Blank]

A2.10.5 [Blank]

A2.10.5A A Custodian must Publish Procedure Change Proposals that the Custodian develops or that are submitted to the Custodian by another person.

A2.10.6 A Procedure Change Proposal must include —

(a) a proposed Procedure or an amendment to or replacement for a Procedure, indicating the proposed amended words, or a proposed Procedure; and

(b) the reason for the proposed Procedure or an amendment to or replacement for a Procedure or proposed Procedure.

Procedure Change Proposals – escalation

A2.10.6A Subject to clause A2.10.6B, the Coordinator may, on her or his own initiative, or on application by any person, Direct that a Procedure Change Proposal be managed by the Coordinator under the Standard Rule Change process or the abridged Standard Rule Change process (each read with appropriate amendments, including replacing “Rule Change Proposal” with “Procedure Change Proposal”), instead of the process set out in clauses 2.10.7 to 2.10.19.

A2.10.6B The Coordinator cannot give a Direction under clause A2.10.6A unless satisfied that the additional time and cost involved in applying a Rule Change process is justified because —

(a) the Procedure Change Proposal, if implemented, will or might have a sufficiently material impact on one or more persons’ operations, costs, rights, obligations or risks; or

(b) there is another sufficient reason.

A2.10.6C The Coordinator may give a Direction under clause A2.10.6A at any time before the Custodian publishes a Procedure Change Report under clause A2.10.10.

Procedure Change Process

A2.10.6D The process in clauses 2.10.7 to 2.10.19 applies to a Procedure Change Proposal unless the Coordinator directs otherwise under clause A2.10.6A.

A2.10.7 At the same time as it publishes a Procedure Change Proposal notice, the Custodian must Publish a call for submissions on that proposal. The due date for submissions must be 20 Business Days from the date the call for submissions is published. Any person may make a submission to the Custodian relating to a Procedure Change Proposal. A Procedure Change Submission may be made using a Procedure Change Submission form maintained on the Coordinator’s website in accordance with clause A2.9.4.

A2.10.8 [Blank]

A2.10.9 The Independent Chair must convene a meeting of the Pilbara Advisory Committee concerning any Procedure Change Proposal before the due date for submissions in relation to the Procedure Change Proposal if —

(a) the Independent Chair, the Coordinator, or the Custodian considers that advice on the Procedure Change Proposal is required from the Pilbara Advisory Committee;

(aA) [blank] or

(b) two or more members of the Pilbara Advisory Committee have informed the Independent Chair in writing that they consider that advice on the Procedure Change Proposal is required from the Pilbara Advisory Committee.

A2.10.10 Following the closing date for submissions, the Custodian must within the time set out in the Procedure Change Procedure prepare and Publish a Procedure Change Report on the Procedure Change Proposal.

A2.10.11 [Blank]

A2.10.12 [Blank]

A2.10.12A [Blank]

A2.10.12B [Blank]

A2.10.12C [Blank]

A2.10.12D [Blank]

A2.10.13 The Procedure Change Report must contain —

(aA) the Custodian's Decision whether to —

i. accept the Procedure Change Proposal in the proposed form; or

ii. accept the Procedure Change Proposal in a modified form; or

iii. reject the Procedure Change Proposal; and

(a) the wording of any proposed Procedure or amendment to or replacement for the Procedure;

(b) the reasons for its Decision under clause A2.10.13(aA);

(c) all submissions received before the due date for submissions, a summary of those submissions, and the response of the Custodian to the issues raised in those submissions (and the report may in the Custodian's discretion contain any or all of this material in respect of a submission received after the deadline);

(d) a summary of any views expressed by the members of the Pilbara Advisory Committee and, if the Pilbara Advisory Committee has delegated its role to consider the Procedure Change Proposal to a Working Group under clause A2.3.17(a), a summary of the views expressed by that Working Group;

(dA) whether any advice from the Pilbara Advisory Committee regarding the Procedure Change Proposal reflects a consensus view or a majority view, and, if the latter, any dissenting views included in or accompanying the advice and how these views have been taken into account by the Coordinator;

(e) [blank]

(f) [blank]

(g) a proposed date and time for the Procedure or amendment or replacement to commence, which must, in the Custodian's opinion, allow sufficient time after the date of Publication of the Procedure Change Report for Rules Participants to implement changes required by it;

(h) [blank — now in A2.10.13(g)];

(i) [blank — now in A2.10.13(g)]; and

(j) [blank — now in A2.10.13(g)].

A2.10.14 [Blank]

A2.10.15 [Blank]

A2.10.16 [Blank]

A2.10.17 If the Coordinator or the Custodian considers, at any time after publishing a Procedure Change Proposal, that it is necessary to extend the normal timeframes for processing the Procedure Change Proposal because —

(a) issues of sufficient complexity or difficulty have been identified relating to the Procedure Change Proposal;

(b) further Public consultation on an issue associated with the Procedure Change Proposal is required; or

(c) the Procedure Change Proposal cannot be dealt with adequately without an extension because of any other special circumstance,

then —

(d) the Coordinator may; or

(e) subject to the Procedure Change Procedure, the Custodian may,

modify the times and time periods under clause A2.10.7 in respect of the Procedure Change Proposal and Publish details of the modified times and time periods.

A2.10.18 The Custodian must Publish a notice of an extension determined in accordance with clause A2.10.17 and must update any information already published in accordance with clause A2.10.7.

A2.10.19 A notice of extension under clause A2.10.18 must include —

(a) the reasons for the proposed extension;

(b) the views of any Rules Participant consulted on the extension;

(c) the proposed length of any extension; and

(d) the proposed work program.

Review of Procedure change decisions

A2.11.1 A Rules Participant may apply to the Electricity Review Board for a Procedural Review of a Decision by a Custodian contemplated by clauses A2.10.2A(a) or A2.10.13, or by the Coordinator under clause A2.10.6A, within the time specified in the Regulations, on the grounds that the Custodian or the Coordinator, as applicable, has not followed the process set out in clause A2.10 or the Procedure specified in clause A2.9.5.

A2.11.2 Following an application for a Procedural Review under clause A2.11.1, if the Board finds that the Custodian or the Coordinator has not followed the process set out in clause A2.10 or the Procedure specified in clause A2.9.5, the Board may set aside the Custodian's or the Coordinator's Decision, as applicable, and Direct the Custodian or the Coordinator to reconsider the relevant Procedure Change Proposal in accordance with clause A2.10 and the Procedure specified in clause A2.9.5.

When Procedure changes come into force

A2.11.3 Subject to clauses A2.11.2 and A2.11.4, a Procedure or an amendment of or replacement for a Procedure commences at the time and date specified under clause A2.10.13(g).

A2.11.4 If at any time, the Coordinator or the Custodian considers that Rules Participants will not have sufficient time to implement any necessary changes required by the Procedure, amendment or replacement referred to in clause A2.11.3, then —

(a) the Coordinator may; or

(b) subject to the Procedure Change Procedure, the Custodian may;

extend the time and date when that Procedure, amendment or replacement commences by publishing notice of the revised time and date when the Procedure, amendment or replacement commences.

{Clauses 2.12 to 2.16 of the WEM Rules are not included in this Appendix 2.}

Reviewable Decisions

A2.17.1 Decisions by a Custodian or the Coordinator, as applicable, made under the following clauses are Reviewable Decisions —

(a) [blank]

(b) clauses A2.5.6(c), A2.5.9, A2.5.9A and A2.5.9D;

(c) clause A2.6.3A(a);

(d) clause A2.7.7A(a);

(e) clause A2.10.2A(a);

(f) clause A2.10.13(aA);

(g) to (w) [blank]

A2.17.A2 Decisions by a Custodian or the Coordinator, as applicable, made under the following clauses may only be subject to a Procedural Review —

(a) clauses A2.5.6(c), A2.5.9, A2.5.9A, A2.5.9D, A2.6.3A(a) and A2.7.7A(a); and

(b) clauses A2.10.2A(a) and A2.10.13(aA).

A2.17.3 In accordance with the Regulations, a Rules Participant may apply to the Electricity Review Board for a review of a Reviewable Decision or a Decision made under clauses subject to Procedural Review.

Appendix 3 – Legacy arrangements for Harmonised Technical Rules

Definitions

A3.1 In this Appendix 3 —

(a) **"Committed"** in respect of a Facility is defined in clauses A3.2 and A3.3;

{A Facility which does not meet the definition of "Committed" may still be eligible for general exemptions under rule 64.}

and

(b) **"HTR Application Date"** means —

(i) for a Network — the date the Harmonised Technical Rules first apply to the Network under these Rules; and

(ii) for a Facility — the date the Harmonised Technical Rules first apply to the Network to which the Facility is Connected;

and

(c) **"Previous Standards"** means the Technical Rules or other technical standards which applied to a Facility immediately before the HTR commencement date.

A3.2 Subject to clause A3.3, a person has **"Committed"** to constructing a Facility when the person, intending to construct a Facility, begins to put its intention into effect by doing an act which is more than merely preparatory to undertaking the construction, including by —

(a) making a substantial financial commitment in respect of the construction, such as committing to —

(i) a significant obligation which is legally binding; or

(ii) an obligation which would have significant commercial repercussions if cancelled, discontinued or dishonoured;

or

(b) commencing, or procuring the commencement of, construction.

A3.3 A person will not be considered to have Committed to constructing a Facility merely because it has —

(a) undertaken preparatory system or other studies in respect of the Facility; or

(b) engaged in preparatory planning, design or costing activities in respect of the Facility; or

(c) obtained an approval in respect of the Facility, unless the approval comes within the description in clause A3.2(a) or A3.2(b).

Legacy arrangements for existing and Committed facilities

A3.4 Subject to clauses A3.10, A3.13(b) and A3.17, a Facility which was constructed or Committed at the Facility's HTR Application Date —

(a) is exempt from complying with the Harmonised Technical Rules; and

(b) must instead comply with the Previous Standards.

A3.5 Clause A3.4 does not relieve the ISO or an NSP of its obligations in Connection with Security and Reliability.

Loss of legacy arrangements after major works

A3.6 In this Appendix 3, a **"Potentially Relevant Modification"** in respect of a Facility, means a modification to a Facility, or Equipment within the Facility, which is of such a nature or scale that it has the potential to be judged a Relevant Modification.

A3.7 The Controller of a Facility must notify the ISO of any Potentially Relevant Modification to its Facility.

A3.8 A modification to the Facility, or Equipment within the Facility, is a **"Relevant Modification"** if —

(a) the ISO determines that the modification gives the Facility's Controller a reasonable opportunity in accordance with GEIP, at reasonable additional cost, to concurrently remedy or mitigate any non-compliance by the Facility with the Harmonised Technical Rules; and

(b) the ISO gives a notice to the Facility's Controller of that determination.

A3.9 Before giving a notice under clause A3.8, the ISO —

(a) must consult with the Facility's Controller and the Registered NSPs; and

(b) may consult otherwise as it sees fit; and

(c) must consider the balance between the cost to the Facility's Controller of undertaking the remedial or mitigating work, against the resultant benefit in terms of Security, Reliability and the Pilbara Electricity Objective.

A3.10 If the ISO gives a notice under clause A3.8, then —

(a) if in the notice the ISO determines that the following differentiation is operationally feasible in accordance with GEIP —

(i) clause A3.4 continues to apply in respect of the parts of the Facility specified in the notice (which parts must have been constructed or Committed before the Facility's HTR commencement date); and

(ii) clause A3.4 ceases to apply in respect of any part of the Facility not so specified;

and

(b) otherwise — clause A3.4 ceases to apply in respect of the Facility.

{A Facility which loses its legacy arrangements under clause A3.10 may still be eligible for general exemptions under rule 64.}

Withdrawal of legacy arrangements for Security or Reliability reasons

A3.11 The ISO may at any time by notice to the Controller of a Facility declare that the operation of the legacy arrangements in clause A3.4 in respect of the Facility is placing the Security or Reliability at risk, or that the ISO forecasts a Credible risk of this occurring within the next 2 years.

{The risk to the Security or Reliability need not necessarily arise from anything the Controller or the Facility is doing. It could for example stem simply from Load growth in the Power System, or the Interconnection of a new Facility or Network elsewhere in the Power System.}

A3.12 Before giving a notice under clause A3.11, the ISO —

(a) must consult with the Facility's Controller and the Registered NSPs; and

(b) may consult otherwise as it sees fit; and

(c) must consider the balance between the cost to the Facility's Controller of undertaking the work required to make the Facility compliant with the Harmonised Technical Rules, against the resultant benefit in terms of Security, Reliability and the Pilbara Electricity Objective.

A3.13 If the ISO gives a notice under clause A3.11, then —

(a) the notice must specify a time, to be determined by the ISO under clause A3.14, on which the notice takes effect; and

(b) clause A3.4 ceases to apply in respect of the Facility from the time the notice takes effect.

{A Facility which loses its legacy arrangements under clause A3.13(b) may still be eligible for general exemptions under rule 64.}

A3.14 In determining a time at which a notice under clause A3.13 takes effect, the ISO must —

(a) prioritise the System Security Objective; and

(b) subject to clause A3.14(a), allow the Facility's Controller a reasonable time to make the Facility compliant with the Harmonised Technical Rules.

A3.15 The ISO may from time to time, acting reasonably, and after undertaking the process in clause A3.12, determine and notify the Facility's Controller of a new time at which a notice under clause A3.13 takes effect.

A3.16 If the Facility's Controller puts in place an acceptable interim solution to mitigate the risk referred to in clause A3.11, the ISO may at any time, after undertaking the process in clause A3.12, defer the time at which a notice under clause A3.13 takes effect by a period of up to 5 years from the first date the notice was given.

Opting in to Harmonised Technical Rules

A3.17 A Facility's Controller may by notice to the ISO, elect for clause A3.4 to cease to apply in respect of the Facility from a time specified in the notice.

{A Facility which opts in to the Harmonised Technical Rules under clause A3.17 may still be eligible for general exemptions under rule 64.}

Cost of compliance upgrades

A3.18 Except as specified in rule 62 or any contract, the cost of any work required to make a Facility compliant with either the Previous Standards or the Harmonised Technical Rules is to be borne by the Facility's Controller.

Legacy arrangements apply also to Equipment etc

A3.19 A reference in this Appendix 3 to a Facility applies with appropriate amendments in respect of Equipment forming part of a Facility, and to a Network Element.

Appendix 4 – Transitional Rules

Sub-appendix 4.1 – Introduction

Transition objective

A4.1 The objective for this Appendix 4 is that during the Transition Period —

(a) the NWIS will be operated in accordance with the System Security Objective; and

(b) third party access to Covered Networks will be facilitated in at least a transitional manner; and

(c) NWIS operations on and after 1 July 2021 will continue largely unchanged, until the ISO and NSPs are ready to implement change; and

(d) the three Registered NSPs will work collaboratively to manage the NWIS, with minimal (and preferably no) resort to directions; and

(e) Rules which have not commenced, are commenced under rule A4.3 as early as reasonably practicable.

When Sub-appendices 4.1 to 4.13 apply

A4.2 The transitional rules in Sub-appendix 4.1 to Sub-appendix 4.13 have effect on and from the Rules Commencement Date and cease to have effect at 8:00AM on 1 July 2023 (**"Transition Period"**).

Earlier commencement of rules

A4.2A The ISO and Rules Participants are to collaborate, to the extent reasonably practicable, to procure that rules commence under A4.3 as early as reasonably practicable.

A4.3 The Coordinator may at any time Publish a notice which amends rule 3, to provide for a rule to commence at an earlier time than is specified in rule 3 immediately before the notice is published.

A4.4 The ISO may by notice to the Coordinator recommend that the Coordinator Publish a notice under rule A4.3.

A4.5 Before making the recommendation, the ISO must consult with Registered NSPs and any other affected Rules Participants.

A4.6 A notice under rule A4.3 commences at a time specified in the notice.

A4.7 Appendix 2 {Rule change} does not apply to a notice under rule A4.3.

Things done or required before rules commence

A4.7A If —

(a) the ISO wishes to take steps in preparation for the commencement of a rule; and

(b) a rule (**"Relevant Rule"**) which has not commenced would, if it had commenced, require a Rules Participant to do a thing (including providing information to, or consulting or collaborating with, the ISO),

{The Relevant Rule may be the rule referred to in subrule (a), or another rule or rules.}

then the ISO may Direct the Rules Participant to do the thing in accordance with the Relevant Rule, as though the Relevant Rule had commenced.

A4.7B Rule A4.7A applies with appropriate modifications in respect of a rule which has commenced but has its operation affected by this Appendix 4.

Amendment or repeal of transitional rules

A4.8 A notice under rule A4.3 may make consequential changes to this Appendix 4.

Sub-appendix 4.2 – Managing the ISO's functions while ISOCo is still developing its capabilities

ISO to perform functions to the extent possible

A4.9 All ISO functions under these Rules (including this Appendix 4) are to be read as reasonable endeavours only, having regard to the ISO's processes and available resources (including personnel, technical and modelling).

A4.10 The ISO's failure to perform a function is not a breach of these Rules.

A4.11 If the ISO is unable, or having regard to its processes and available resources the ISO is unwilling, to perform a function under these Rules, then a reference to the ISO in the Relevant Rule is to be disregarded and these Rules are to be read with appropriate amendments.

{Example — If a rule calls for ISO approval or consent, but the ISO elects not to perform that function, then the rule is to be read without the requirement for the ISO's consent or approval. Rules A4.12 and A4.13 will apply in this instance.}

NSPs to fill the gap

A4.12 Subject to rule A4.15, to the extent the ISO does not perform a function under these Rules, then NSPs must collaborate in accordance with GEIP with a view to achieving the objective of the rule in question.

A4.13 It is a function of each NSP, in accordance with this Appendix 4 and the rest of these Rules to —

(a) Maintain and improve Security and Reliability in its Network; and

(b) in accordance with rules A4.12 and A4.18, participate in and contribute to the achievement of the System Security Objective in the Power System.

Sub-appendix 4.3 – Access and Connection

Access and Connection

A4.14 Subchapter 9.2 has commenced but —

(a) the ISO may in its absolute discretion —

(i) determine the extent to which it will perform a function under Subchapter 9.2; and

(ii) Delegate the performance of any such function to any person;

and

(b) a reference to the Access and Connection Procedure is to be read as a reference to a determination by the ISO or a Delegate appointed under rule A4.14(a)(ii) on the matter in question; and

(c) Rules A4.14(a) and A4.14(b) may be applied on a case by case basis as the ISO in its absolute discretion considers appropriate; and

(d) Subchapter 2.2 does not apply in respect of the Delegation under rule A4.14(a)(ii).

A4.15 In respect of the ISO's functions under rule A4.14, including under Subchapter 9.2 applying as a result of this rule A4.14 —

(a) rules A4.9 to A4.11 apply; but

(b) rule A4.12 does not apply.

Sub-appendix 4.4 – Power system operation without an ISO

No material change in operating practices

A4.16 A Registered NSP must not implement or permit a material change in operating practices compared with the period before the Rules Commencement Date, without first securing a consensus view with other Registered NSPs as to —

{This rule A4.16 will limit recontracting if it results in a material change in operating practices. It will not prevent a recontracting which does not have that result.

Example — This rule A4.16 would apply if an NSP or its related business wish to materially change its spinning reserve or Headroom strategies or procurement, for example because it considers its past practice has been inefficient.}

(a) the likely impact (if any) of the change on Security and Reliability across the Power System; and

(b) how any such impact is to be managed; and

(c) whether any commercial adjustments are needed as a result of conclusions reached under rules A4.16(a) and A4.16(b).

A4.17 A Registered NSP must procure that its related bodies corporate and related businesses comply with rule A4.16.

NSPs must cooperate to promote System Security

A4.18 Registered NSPs must to a GEIP standard cooperate with each other and (subject to rules A4.9 to A4.11) with the ISO, to promote the System Security Objective.

System operation – NSP responsibilities

A4.19 A Registered NSP must perform its functions under —

(a) Rule 185(1) {NSP functions in Normal Operating Conditions}; and

(b) Rule 186(2) {NSP and Controller pre-contingent functions}; and

(c) Rule 187(2) {NSP and Controller functions after Contingency}.

A4.20 To the extent that rule A4.19 requires a Registered NSP to do something in accordance with a Procedure or Protocol which the ISO has not yet published, the Registered NSP must do so in accordance with GEIP.

System operation – Registered Controller responsibilities

A4.21 A Registered Controller must perform its operational functions under —

(a) Rule 185(3) {Controller functions in Normal Operating Conditions}; and

(b) Rule 186(2) {NSP and Controller pre-contingent functions}; and

(c) Rule 187(2) {NSP and Controller functions after Contingency}.

Horizon Power has limited ISO Control Desk function

A4.21A The ISO and Horizon Power may enter into an interim Delegation agreement under rules 39 and 45 for a period commencing 7 January 2022, in respect of a limited form of the ISO Control Desk function, and if they do —

(a) rules A4.23 to A4.26 do not apply; and

(b) rule 42 {ISO's responsibility when choosing and monitoring Delegate} does not apply in respect of the Delegation; and

(c) Horizon Power must comply with the agreement and its ringfencing obligations under the Pilbara Networks Access Code, and must not discriminate in favour of itself or a related body corporate, or against any person; and

(d) payments to Horizon Power under the agreement must not exceed the amount that would be permitted under rule 125 {ISO Control Desk costs}; and

(e) without limiting this Appendix 4, Sub-appendix 4.2 applies in respect of any ISO Control Desk functions not Delegated by the agreement.

A4.22 Subject to rule A4.21A(a), during Normal Operating Conditions Horizon Power is to perform the functions of the ISO Control Desk under rule 185(2).

A4.23 Subject to rule A4.21A, if circumstances arise which call for a Pre-Contingent Action, then Horizon Power is to perform the functions of the ISO Control Desk under rule 186(1) (other than rule 186(1)(c)).

A4.24 Subject to rule A4.21A, for the purposes of rules A4.22 and A4.23, Horizon Power is a Delegate of the ISO, and Subchapter 2.2 does not apply in respect of the Delegation.

A4.25 Subject to rule A4.21A(a), for the purposes of rule A4.22 references in rule 185(2) to rules which have not yet commenced, are to be disregarded.

System coordination meetings to commence

A4.26 The NSPs and the ISO are to commence fortnightly meetings in accordance with rule 174.

No power to give directions

A4.27 Except as set out in rules A4.28 {Emergency directions} and A4.45 {Headroom directions} and Sub-appendix 4.10 {Constraint Directions}, these Rules do not give an NSP (including Horizon Power acting as the ISO Control Desk) the power to give a Direction.

Directions in emergencies

A4.28 A Registered NSP may give a Direction to —

(a) the Controller of any Facility Connected to its Network; and

(b) a Network User of its Network,

in whatever form and with whatever content it judges necessary, if it believes in good faith that emergency circumstances exist which justify it doing so under GEIP, including in order to pursue the System Security Objective, prevent death or injury or damage to Equipment, or avoid Load shedding.

Visibility

A4.29 If a location was Visible at 15 March 2019, then it must remain Visible until the first Visibility List is published under rule 105(2) (not rule A4.57(b)), unless unanimous consent is obtained from all Registered NSPs and (subject to rules A4.9 to A4.11) the ISO.

Sub-appendix 4.5 – Energy balancing and settlement (including ESS payment)

Definitions

A4.30 In this Appendix 4 —

(a) **"Legacy Contract"** means a Network Access Contract between a Covered NSP and a Network User which is in effect as at the Rules Commencement Date; and

(b) **"Legacy User"** means a Network User with a Legacy Contract; and

(c) **"Legacy Point"** means a Balancing Point at which the Legacy User is entitled under the Legacy Contract to Inject or Withdraw electricity; and

(d) **"New Contract"**, **"New User"** and **"New Point"** have the corresponding meaning in respect of a Network Access Contract entered into on or after the Rules Commencement Date.

Legacy arrangements apply to existing contracted points only

A4.31 To the extent a Legacy User seeks to Inject or Withdraw electricity at a Balancing Point other than a Legacy Point, then for the purposes of this Appendix 4 —

(a) the point is to be treated as a **“New Point”**; and

(b) the user is to be treated, in respect of that point but not in respect of any Legacy Point, as a **“New User”**; and

(c) the user’s Network Access Contract is to be treated, in respect of that point but not in respect of any Legacy Point, as a **“New Contract”**; and

(d) to facilitate the operation of paragraphs A4.31(a), A4.31(b) and A4.31(c) and the rest of this Appendix 4, for the purposes of any Nomination under Chapter 8 (applying in accordance with this Appendix 4) the Network User may be treated as two (or more) separate Balancing Nominees, one in its capacity as a Legacy User in Connection with its Legacy Point or points, and the other (or others) in its capacity as a New User in Connection with its New Point or points.

Nominations and data provision

A4.32 To facilitate the operation of rule A4.36 —

(a) each Legacy User and each New User (including the Network User responsible for supplying the Notional Wholesale Meter) is the Nominator for its Balancing Points, and must provide its contact details to the ISO by no later than 30 July 2021; and

(b) the ISO must develop a process for Nominators to make Nominations, and must make this available to Nominators on or before it issues the EBAS Readiness Notice; and

(c) when the ISO or its Delegate is ready to receive Nominations and has systems and personnel in place to undertake balancing and settlement as required by rule A4.36, it must give notice of that fact to Rules Participants (**“EBAS Readiness Notice”**); and

(d) a Nominator must within 15 Business Days after the date of the EBAS Readiness Notice submit to the ISO, and thereafter have in place, a valid Nomination under rule 222 for its Balancing Points, whether they are Legacy Points or New Points; and

(e) each NSP must, to the extent necessary, provide information in accordance with rules 138 {Provision of metering data to ISO} and 139 {Provision of metering data to NSP etc}.

Energy balancing and settlement

A4.33 After it issues the EBAS Readiness Notice, the ISO is to determine Imbalance quantities in accordance with Subchapter 8.2.

A4.34 The ISO may in its absolute discretion Delegate the performance of its function under rule A4.33 to any person. Subchapter 2.2 does not apply in respect of the Delegation.

A4.35 For a Legacy User from 1 July 2021 to 6 January 2022 —

(a) payments to and by the Legacy User in respect of energy Imbalances (including Imbalances determined under rule A4.33) and Essential System Services are to be determined and made in accordance with its existing contract; and

(b) a payment note which purports to name the Legacy User as a Payer or Payee is of no effect.

A4.36 For a New User from 1 July 2021, and for a Legacy User from 7 January 2022, balancing and settlement matters, including payments to and by the New User in respect of energy Imbalances and Essential System Services, are to be resolved and administered in accordance with the rules in Chapter 8, modified as follows —

{This rule A4.36 is only a transitional rule. From 1 July 2023 at the latest, energy balancing and settlement for both New Contracts and existing contracts will be dealt with under Chapter 8.}

(a) although balancing and settlement are to apply from 1 July 2021 and 7 January 2022, for New Users and Legacy Users respectively, the ISO is to defer undertaking the actual settlement calculations for each Settlement Period until at least 15 Business Days after it has issued the EBAS Readiness Notice, at which point it is to undertake the calculations for each Settlement Period in arrears; and

(b) the Administered Price is to be determined and published by the ISO from time to time, for which purpose the ISO may inform itself as it sees fit; and

(c) subject to rule A4.41(a), no payments are to be made in respect of Secondary FCESS; and

(d) the Administered Penalty Price is to be 130% of the Administered Price; and

(e) in each payment note issued to the New User or Legacy User —

(i) if during the settlement interval Horizon Power paid for Primary FCESS under rules A4.38 or A4.39 — Horizon Power is to be inserted as Payee in place of the Primary FCESS Provider; and

(ii) if during the settlement interval Horizon Power paid for primary SRESS under rules A4.42 or A4.43 — Horizon Power is to be inserted as Payee in place of the primary SRESS Provider; and

(iiA) if during the settlement interval Horizon Power paid (or was paid) for balancing electricity under rules A4.38 or A4.39 — Horizon Power is to be inserted as Payee (or Payer, respectively), in place of the Payee (or Payer) identified by the ISO under these Rules; and

(iii) otherwise — the Covered NSP who is the counterparty to the New User's New Contract is to be substituted as the counterparty Payee or Payer;

and

(f) in place of rule 237(1)(b), any Surplus is to be retained by the relevant Covered NSP.

Sub-appendix 4.6 – Essential system services

Definitions – ESS transitional arrangements

A4.37 In the following rules —

(a) **"Prior Arrangement"** means a contractual arrangement which Horizon Power had in place for Essential System Service procurement before the Rules Commencement Date; and

(b) **“New Arrangement”** means any modified or replacement contract, arrangement or understanding for Essential System Service procurement which Horizon Power enters into after the Rules Commencement Date, and includes any variation to a Prior Arrangement.

Transition for frequency control (regulation) and balancing

A4.38 While the Prior Arrangement between Rio Tinto and Horizon Power is in effect, Rio Tinto will provide, and be paid for, the Primary FCESS service in accordance with the Prior Arrangement, and the parties will pay, and be paid for, electricity imbalances in accordance with the Prior Arrangement.

A4.39 If the Prior Arrangement between Rio Tinto and Horizon Power will no longer be in effect, then Horizon Power must enter into a New Arrangement in accordance with rules A4.48 to A4.52 to replace it.

A4.40 If a Secondary FCESS service is required, whether due to an Islanding Event or otherwise, then —

(a) Horizon Power is to provide or procure it; and

(b) if Horizon Power is not providing, and has not procured, Secondary FCESS service in an Island under rule A4.40(a), then Alinta DEWAP is to provide or procure it in accordance with its existing contract.

{The current contractual arrangement, in which one of Alinta’s machines will enter Isoch mode when a control set point is reached, after which Horizon Power will take over Secondary FCESS and Alinta will revert to droop mode, will continue in accordance with the contract.}

A4.41 If Horizon Power or Alinta DEWAP provides Secondary FCESS service, then —

(a) if and for so long as they are the only Rules Participant providing FCESS service in the NWIS — they are to be paid the same amount as Rio Tinto would have been under its Prior Arrangement; but

(b) otherwise — they are not to be paid.

Transition for spinning reserve (Headroom)

A4.42 While the Prior Arrangement between Rio Tinto and Horizon Power is in effect, Rio Tinto will provide at least 20 MW of Headroom by way of Regulation Raise Reserve in accordance with the Prior Arrangement.

A4.43 If the Prior Arrangement between Rio Tinto and Horizon Power is no longer in effect, then Horizon Power must enter into a New Arrangement for at least 20 MW of Headroom in accordance with rules A4.48 to A4.52 to replace it.

A4.44 In addition to the Headroom referred to in rules A4.42 or A4.43, each Registered NSP must provide or procure that there is —

(a) in Normal Operating Conditions — at least 14 MW of Headroom in Generating Units Connected to its Network; and

(b) otherwise — sufficient Headroom to satisfy the Contingency Reserve Standard in rule 211, in each Island which includes any part of its Network.

{If an Island includes more than one Network, the Registered NSPs may collaborate to meet the requirement in rule A4.44(b) collectively.}

A4.45 A Registered NSP may issue a Direction to a Generator in its Network, or to a Network User of its Network, for the purposes of rule A4.44.

A4.46 Unless a contract provides otherwise, a Rules Participant is not to be paid for providing Headroom under rules A4.44 or A4.45.

Varying prior ESS arrangements

A4.47 A Prior Arrangement will continue unchanged after the Rules Commencement Date until it —

(a) expires or is terminated in accordance with its terms; or

(b) is modified in accordance with rules A4.48 to A4.52.

A4.48 A New Arrangement must not result in any change to the —

(a) quantity; or

(b) any other technical or operational specification or requirement,

of the Essential System Service being procured, compared with the relevant previous arrangement, unless the change has first received unanimous consent under rule A4.49 from all Registered NSPs and (subject to rules A4.9 to A4.11) the ISO.

A4.49 A Registered NSP and the ISO must consent to a change under rule A4.48, as soon as it is satisfied to a GEIP standard that the proposed change —

(a) does not materially jeopardise the System Security Objective, compared with the position under the previous arrangement; and

(b) is consistent with rule A4.51.

A4.50 Subject to rule A4.51, the price and other commercial terms for any New Arrangement may be agreed between the parties to the New Arrangement as they see fit.

A4.51 A New Arrangement must not result in a person paying more under an existing contract than it would have under the Prior Arrangement, unless the person agrees to the increase.

A4.52 If a New Arrangement consists of self-supply or supply by a related business or a related body corporate, it must be documented in writing.

Minister may make transitional orders regarding ESS Contracts

A4.53 Without limiting regulation 32 {Ministerial transitional orders}, the Minister may by order published in the Gazette determine how any Prior Arrangement is to be treated after the Rules Commencement Date, for the purposes of these Rules.

Sub-appendix 4.7 – Harmonised Technical Rules

Harmonised Technical Rules apply

A4.54 Subject to exemptions under the Rules and Legacy Rights under Appendix 3, and to rule 5 {Integrated mining systems}, the Harmonised Technical Rules apply.

A4.55 However, rules A4.9 to A4.13 apply in respect of any ISO function under the Harmonised Technical Rules.

A4.56 Until a Covered NSP publishes content for Attachments 5, 10, 11 and 12 of the Harmonised Technical Rules in accordance with Attachment 1 of the Harmonised Technical Rules, the corresponding attachment of the Horizon Power Technical Rules of October 2020, read with appropriate amendments, may be used as a non-binding guideline in its place.

Sub-appendix 4.8 – Developing initial Procedures

Interim Procedures

A4.57 Rules A4.58 to A4.60 apply to the following Procedures —

(a) a communications Procedure under Subchapter 4.2; and

(b) a Visibility List; and

(c) an Administration Procedure for the purposes of Chapter 4; and

(d) a Budget and Cost Management Procedure for the purposes of Subchapter 4.5; and

(e) an interim Procedure to manage Essential System Services, energy balancing, and settlement; and

(f) an Access and Connection Procedure for the purposes of Subchapter 9.2; and

(fa) a CPC Procedure for the purposes of Subchapter 9.3; and

(g) any other Procedure which the ISO determines needs to be put in place sufficiently soon after the Rules Commencement Date to make full consultation impractical.

A4.58 The ISO must notify Rules Participants and the Coordinator of a determination under rule A4.57(g).

A4.59 For a Procedure to which this rule A4.59 applies —

(a) the ISO, when Developing the Procedure, may abridge or dispense with consultation to the extent it judges appropriate, and Publish an interim Procedure; but

(b) [Blank]

A4.60 [Blank]

Sub-appendix 4.9 – Generation adequacy

Generation adequacy

A4.61 If the ISO at any time considers that the primary objective in rule 150(1) may be at risk, it may convene a meeting of Registered NSPs to discuss the NSPs' estimates in accordance with GEIP of the overall balance between generation and Load in the Power System, and whether —

(a) Chapter 6 should be commenced; or

(b) other measures should be taken to ensure that the primary objective in rule 150(1) is being and will likely continue to be achieved,

and if so in either case, an appropriate form for any Rule Change Proposal.

Sub-appendix 4.10 – Constrained access

Constrained access

A4.62 The ISO Control Desk must, to the extent it has Visibility, monitor the Power System in order to identify when a Network Constraint may occur or is occurring.

A4.63 Subject to rule A4.64, the ISO Control Desk may issue a Constraint Direction to a Generator in a Covered Network, or to a Network User of a Covered Network, if it considers that doing so is necessary to preserve the System Security Objective.

A4.64 In determining whether and to whom to issue a Constraint Direction, and the nature and duration of such a Direction, the ISO Control Desk must —

(a) apply GEIP; and

(b) subject to rule A4.64(a) and the System Security Objective, seek to minimise the extent and duration of any Constraint Direction; and

(c) endeavour to treat Network Users and Rules Participants fairly in all the circumstances, having regard (among other things) to previous entitlements and practices and the Pilbara Electricity Objective.

A4.65 A Rules Participant —

(a) must comply with a Constraint Direction; and

(b) must nonetheless endeavour to Maintain or procure a balance between the relevant injections and withdrawals as contemplated by rule 169.

Sub-appendix 4.11 – Transitional funding

Transitional funding

A4.66 The ISO may from time to time estimate an amount of money it expects to require (including by way of working capital) to perform its functions under Part 8A of the Act.

A4.67 An **"Interim ISO Fee"** payable by a Registered NSP from time to time is to be calculated by dividing the amount determined under rule A4.66 by the number of Registered NSPs.

A4.68 The ISO may issue an invoice in respect of an Interim ISO Fee, and a Registered NSP must pay the invoiced amount Promptly.

A4.69 For the purposes of rule 124(2)(b) {Budget reconciliation in subsequent year} Interim ISO Fees are to be counted as "ISO Fees".

Sub-appendix 4.12 – Transitional process for Rule Change

Transitional process for Rule Changes

A4.70 If —

(a) a Rule Change Proposal is developed by, or submitted to, the Coordinator, or a Procedure Change Proposal is developed by, or submitted to, a Custodian; and

(b) a process in Appendix 2 requires the Pilbara Advisory Committee to be convened, consulted, or otherwise perform a function; and

(c) the Pilbara Advisory Committee is not yet formed or otherwise is not yet in a position to perform the required function,

then the Coordinator may by notice published on its website determine that the Rule Change process or Procedure Change Process either —

(d) is to proceed without the Pilbara Advisory Committee; or

(e) is to be suspended until the Pilbara Advisory Committee is in a position to perform the required function.

A4.71 If the Coordinator determines under rule A4.70(d) that the process should proceed, then references in Appendix 2 to the Pilbara Advisory Committee are to be disregarded, and the Coordinator or Custodian (as applicable) must instead confer and otherwise inform themselves as appropriate in the circumstances.

A4.72 If the Coordinator determines under rule A4.70(e) that the process should be suspended, then time ceases running for the purposes of Appendix 2 from the time of the notice, until the Coordinator publishes a further notice that the process is to resume.

Sub-appendix 4.13 – Transitional process for Pluto CPC Measures

Transitional process for Pluto CPC Measures

A4.73 To the extent that the ISO considers that things done before the commencement of this rule A4.73 deal adequately with matters to be considered and steps to be taken under Subchapter 9.3 in connection with proposed CPC Measures for the Pluto Facility –

(a) the ISO, the Host NSP and the Connection Applicant may take those things into account for the purposes of Subchapter 9.3, as if they were done under Subchapter 9.3; and

(b) the ISO may by Published notice waive some or all of rules 274B(1), 274B(5) and 274B(3)(b).

A4.74 A notice under rule A4.73(b) —

(a) may be expressed to be subject to such conditions as the ISO considers necessary or convenient; and

(b) is subject to the CPC Procedure.

Sub-appendix 4.14 – Transitional rules for the period from 1 July 2023

When this Sub-appendix 4.14 applies

A4.75 This Sub-appendix 4.14 applies from 8:00AM on 1 July 2023, and prevails over any other provision of these Rules to the extent of any inconsistency.

Interim Instruments — Publication and consultation

A4.76 In this Sub-appendix 4.14, **"Interim Instrument"** means, in connection with a Procedure or other instrument which the ISO is required to Publish or regarding which the ISO is required to consult, an interim form of the Procedure or instrument developed and Published by the ISO under rule A4.77.

A4.77 Before 1 January 2024 —

(a) the ISO may develop and Publish an Interim Instrument or an amendment to an Interim Instrument, and the Procedure Change Process or other consultation requirements in these Rules do not apply; and

(b) the ISO must ensure that it has Published for consultation each Interim Instrument or amendment, and has Published each submission it receives in reply and its response to any issues raised in the submission.

Interim Instruments continue in effect after 1 January 2024

A4.78 From 8:00AM on 1 January 2024 —

(a) if the ISO has complied with rule A4.77(b) in respect of an Interim Instrument — the Interim Instrument continues in effect until amended, replaced or revoked in accordance with these Rules; and

(b) the Procedure Change Process and other consultation requirements in these Rules apply in respect of (among other things) the Procedures and other instruments continued in effect by rule A4.78(a).

Publication

A4.79 For the purposes of these Rules including this Sub-appendix 4.14, and despite rule 290, a thing is taken to be Published if before 8:00AM on 1 January 2024 the ISO disseminated it on a non-confidential basis to persons the ISO judged would be interested in responding, or otherwise made reasonable endeavours to place the thing in the public domain.

Interim Visibility arrangements

A4.80 Unless all Registered NSPs and the ISO unanimously agree otherwise, if a location was Visible at 15 March 2019, then it must remain Visible until the first Visibility List takes effect.

Interim ISO Control Desk Arrangements

A4.81 Until 8:00AM on 1 September 2023, or such earlier date as is specified in an Instrument of Delegation under rule 45 and Published by the ISO —

(a) the ISO and Horizon Power may agree to continue the interim delegation agreement entered into between them under rule A4.21A; and

(b) rules A4.21A to A4.25 continue to apply.

Appendix 5 – Pilbara Harmonised Technical Rules

{Please see next page.}

{For convenience, in an electronic version of these Rules, the Harmonised Technical Rules may be presented as a separate document. For change management, the Harmonised Technical Rules carry their own version number.}

Version History

Date	Amendment	Rule Change Reference
30 November 2021	Minister amended rules A2.8.12 (new), A4.36, A4.45, A4.63, A4.68, and Sub-appendix 4.12 (new).	*Pilbara Networks Rules Amendments (Tranche 1) 2021*
24 December 2021	Minister amended rules 3, A4.1, A4.2, A4.2A (new), A4.7A (new), A4.7B (new), A4.14, A4.15, A4.21A (new), A4.22, A4.23, A4.24, A4.25, A4.35, A4.36 and A4.38.	*Pilbara Networks Rules Amendments (Tranche 2) 2021*
31 March 2023	The Coordinator amended Table to rule 4, rules 8, 19, 20, 21, 22, heading to Subchapter 1.5A (new), 25A (new), 25B (new) 25C (new), 33, 77, 91, 92, 118, 121, 169, 172, 182, 188, 188A (new), 188B (new), 188C, 189, 190, 191, 218, 267, 274, heading to Sub-chapter 9.3 (new), rules 274A (new), 274B (new), 274C (new), 274D (new), 274E (new), 274F (new), 274G (new), 274H (new), 274I (new), 274J (new), 274K (new), 274L (new), 274M (new), A4.57, Sub-appendix 4.13 (new), heading above rule A4.73 (new), rule A4.73 (new) and A4.74 (new).	Pilbara Rule Change PRC_2022_01
1 July 2023	The Coordinator amended rules 3, 8, 75, 132A (new), 244, 267, 270, 274, 274J, heading to Subchapter 9.4 (new), rules 274N (new), 274O (new), 274P (new), 274Q (new), 274R (new), 274S (new), 372 (new), heading above rules A4.2, A4.2, A4.59, A4.60 and A4.73, heading to Sub-appendix 4.14 (new), heading above A4.75 (new), rule A4.75 (new), heading above A4.76, (new), rules A4.76 (new), A4.77 (new), heading above rule A4.78 (new), rule A4.78 (new), heading above rule A4.79 (new), rule A4.79 (new), heading above rule A4.80 (new), rule A4.80 (new), heading above rule A4.81 (new) and rule A4.81 (new).	Pilbara Rule Change PRC_2023_01
18 June 2025	The Coordinator amended rules 279 and 286.	Pilbara Rule Change PRC_2025_01