

Ref: [REDACTED]  
27 March 2026

**Mr Scott Haig**  
**Acting General Manager, Renewable Energy Zones**  
**Australian Energy Regulator**

---

Re: AER Review of the Non-disclosure Guideline – Electricity Infrastructure Investment Act 2020 (NSW)

Dear Mr Haig,

Thank you for your ongoing collaboration and the opportunity to provide comment on the draft Non-disclosure Guideline – *Electricity Infrastructure Investment Act 2020 (NSW)* (Draft Guideline).

We welcome the intent of the Draft Guideline to provide a clear and consistent approach to how the AER will manage claims for non-disclosure and note the finalisation of the Draft Guideline is expected in May 2026.

We provide the following observations to assist you in finalising the Draft Guideline:

1. EnergyCo supports an approach to non-disclosure that is specific, well-justified and incentivises parties to make genuine non-disclosure claims.
2. We support an approach to non-disclosure that balances transparency and certainty, streamlines both the making of a claim and AER's consideration of a claim, and minimises the risk of inadvertent disclosure.
3. The AER has appropriately characterised the relevant factors for considering a claim for non-disclosure consistent with its functions under the EII Act and EII Regulation with a focus on (1) the public interest, (2) the extent to which publishing the part of the revenue determination, notice, reasons or schedule would disclose information that is confidential or commercially sensitive, and (3) the effect of publishing the part of the revenue determination, notice, reasons or schedule on future competitive assessment processes.

4. The AER's proposed approach to consulting on non-disclosure claims is reasonably clear, including the obligation under the EII Regulation to consult with the Infrastructure Planner before publishing a revenue determination, notice, reasons or schedule on its website.
5. EnergyCo are supportive of section 4.3 and will proactively prepare any claims for non-disclosure by EnergyCo as contemplated by the Draft Guideline.
6. We are generally comfortable with the non-disclosure claim template provided at Attachment A and the non-disclosure notice template provided at Attachment B.

If you have any questions or would like to discuss further, please contact Nicholas Landreth, A/Executive Director, Strategy and Policy at EnergyCo, at [REDACTED] or [REDACTED]. Thank you again for the opportunity to comment and discuss this draft Guideline.

Sincerely,

[REDACTED]

**Nicholas Landreth**

A/Executive Director, Strategy and Policy, Energy Corporation of NSW