

Rebecca Holland
A/g General Manager Compliance & Enforcement
Australian Energy Regulator

By online submission: aercompliance@aer.gov.au

8 April 2026

Dear Rebecca,

RE: Updates to the AER's Rebidding and Technical Parameters Guideline Consultation Paper

Ekü Energy is pleased to provide this submission to the AER's consultation on the Rebidding and Technical Parameters Guideline (the **Guidelines**).

As a global infrastructure investor, developer and operator of utility-scale battery energy storage systems (BESS) backed by a Macquarie Asset Management Managed Fund and British Columbia Investments, Ekü Energy is operating and developing a portfolio of utility-scale BESS capacity across the NEM, including a mid-late stage development pipeline of over 8 assets. Assets in operation or delivery include the 200MW / 400MWh Rangebanc BESS and 250MW / 500MWh Williamsdale BESS.

2.1 Amendments related to IPRR rule change (Q2 and Q3)

Per the IPRR rule change, it is understood that amendments to the Guidelines may be required to allow VSRPs to bid inflexibly to allow the accurate offering of VSR capacity, including any passive load. This facility would support VSRP avoiding a breach their obligations under 4.9.8 of the NER when passive, must-serve customer load is included in the resource.

As an alternative to the utilisation of ramp rate constraints that allow VSRPs to bid inflexibly, it is suggested that the AER and AEMO explore whether VSRP's utilise the 'fixed loading' bid field to signal passive load. This is an existing field within bid submissions and would not require consideration of dynamic market conditions. As this can be bid in advance, it would improve visibility and transparency to Market Bodies and other Market Participants.

2.2 Updates responding to key market changes and emerging risks

2.2.1 Ramp rate rebidding and the minimum safe operating level (Q4-6)

While the existing minimum safe operating level (MSOL) definition appears clear, Ekü Energy recognises the AER's intention to clarify the circumstances, and limitations, under which units may rebid their ramp rate to zero in response to technical and plant safety considerations, rather than commercial reasons.

Similar to the above response (2.1), the AER could consider alternatives to MSOL rebidding through ramp rate limitations and use 'fixed load' bidding. This may provide greater transparency to the market than rebidding ramp rates down to zero, as these bids would be submitted ahead of time and not be subject to dynamic market (or network constraint) conditions.

It is also flagged that presently, rebidding of ramp rates between the minimum and maximum ramp rates is allowed to manage commercial impacts of constraints. Amendments to the Guidelines should clarify the needs and circumstances of those allowances.

2.2.2 Information in relation to ST PASA Recall Period

Eku Energy supports changes that ensure both the Guideline and AEMO's updated ST PASA Procedures remain consistent and provide sufficient clarity for bi-directional units (BDU). As mentioned in the Consultation Paper, a bid and rebid must now include information related to recall period. The relevant procedure or Guideline could acknowledge that BDU availability, and recall period, may also need to take into account sufficient time to recharge, which is a characteristic specific to BDUs.

2.2.3 Utilisation of Auto-bidding

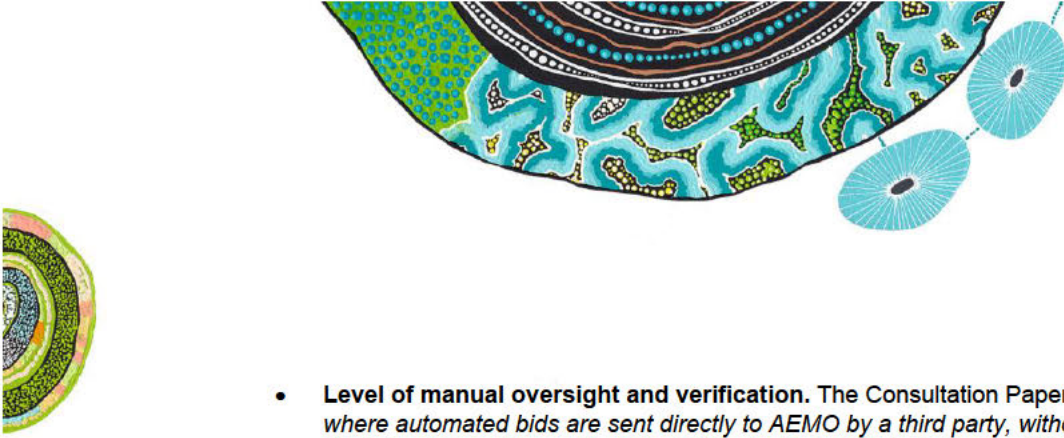
We welcome the AER's consideration of the definition, topics and use cases of 'auto-bidding' and 'Artificial Intelligence (AI) Systems' in modern day energy systems. Auto-bidding is a common tool and feature of market participation that has been in use across the NEM for a number of years. For example, these tools have been used to manage, optimise and submit energy and FCAS bids from a range of unit types and across asset classes. We welcome the AER's intent to improve clarity of the Guidelines as they relate to the utilisation of auto-bidding software.

Overall, rebidding delivers benefits to the wholesale market by way of accurate price discovery and competition. While too many rebids may present as a technical or data volume concern, it would be useful to understand the challenges this presents across both industry and for Market Bodies. We encourage that, prior to any changes or limitations being introduced, industry would benefit from understanding actual, or emerging, issues and specific use cases the AER seeks to address. This would ensure that any changes to rules, procedures or third party software are commensurate to the nature and scale of the risks.

The following inputs are provided for the AER's consideration:

- **Rebid reasons and contemporaneous records.** We are supportive of additional clarity on the AER's expectations for rebid reasons and contemporaneous records to ensure sufficient market transparency, accountability and support Market Participants' continued compliance within the rebid criteria. Notably, in the emerging context of third-party AI price forecasts, innovative tolling arrangements and utilisation of auto-bidding software, the Guidelines could expand upon:
 1. Example rebid reasons that constitute compliant brief, verifiable and specific rebid;
 2. What constitutes a material condition and circumstance in a contemporaneous record; and
 3. What level of detail is required within a contemporaneous record.
 - Furthermore, it is understood that AI forecasts and auto-bidders can ingest and generate significant volumes of data. Additional guidance beyond a 'store everything' approach would be welcome in supporting requirements for rebid justification, particularly when the AER may request further information to demonstrate compliance.
- **Annotating rebids that use auto-bidder.** It is unclear why each bid or rebid record may value from having additional category annotation (i.e. "AB") that indicates the functional use of an auto-bidding tool for submission, given the existing prevalence of auto-bidder trading software. As contemporaneous records are maintained on each platform, a range of this information is likely stored should it be required by the AER.
- **Form of rebid (category).** Further to the above, we do support the Guidelines clarifying which category annotation (i.e. 'F', or other new sub-category) should be used when an internal price forecast (rather than AEMO price forecast) has informed a rebid.
- **Third Party obligations.** We note the AER's intention to clarify that third party providers may be liable for any breach which results from the utilisation of their services.¹ As this obligation is presently already established within the NEL, it is unclear whether replicating this requirement within Guidelines or other subordinate documents is necessary.

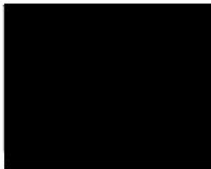
¹ NEL Section 40.



- **Level of manual oversight and verification.** The Consultation Paper states that “...any approach where automated bids are sent directly to AEMO by a third party, without the ability for the Market Participant to verify or adjust the bid, to be high risk”. Industry would benefit from further clarity on the potential risks that are of concern through the automation of bid submission. It is understood that third party service providers can provide the ability to allow the respective Market Participant to verify, review or intervene in the submission of bids. This functionality is further supported through governance arrangements established between the Market Participant and third party software provider, such as agreed trading principles and ‘Trading Protocols’.

We welcome an opportunity to discuss our submission with you further. Please contact Rachel Rundle, Director of Policy, [REDACTED]

Kind regards,



Elias Saba

Chief Commercial Officer

Eku Energy