



Rebidding and Technical Parameters Guideline

February 2017

© Commonwealth of Australia 2016

This work is copyright. In addition to any use permitted under the Copyright Act 1968, all material contained within this work is provided under a Creative Commons Attributions 3.0 Australia licence, with the exception of:

- the Commonwealth Coat of Arms
- the ACCC and AER logos
- any illustration, diagram, photograph or graphic over which the Australian Competition and Consumer Commission does not hold copyright, but which may be part of or contained within this publication. The details of the relevant licence conditions are available on the Creative Commons website, as is the full legal code for the CC BY 3.0 AU licence.

Requests and inquiries concerning reproduction and rights should be addressed to the Director, Corporate Communications,
Australian Competition and Consumer Commission,
GPO Box 4141,
Canberra ACT 2601
or publishing.unit@acc.gov.au.

Inquiries about this publication should be addressed to:

Australian Energy Regulator
GPO Box 520
Melbourne Vic 3001

Tel: (03) 9290 1444
Fax: (03) 9290 1457

Email: AERInquiry@aer.gov.au
AER Reference: 51841-D17/8133

Contents

1	Overview.....	2
1.1.	Purpose of this guideline	2
1.2.	Roles and functions of the AER	3
1.3.	Definitions and interpretation	3
2	Bidding and rebidding technical parameters	4
2.1.	Ramp rates	4
2.1.1	Information to be provided.....	4
2.1.2	Legal and other operating requirements	5
2.1.3	Ramp rates and standing data requirements	5
2.1.4	Minimum safe operating level.....	6
2.2.	Bidding and rebidding as ‘inflexible’ (clause 3.8.19).....	6
2.2.1	Overview of requirement	6
2.2.2	Abnormal plant or operating requirements.....	7
2.2.3	Information to be provided.....	7
2.2.4	Testing	7
2.3.	Market ancillary services	8
3	Rebidding.....	9
3.1.	Overview of requirement.....	9
3.2.	Information to be provided	9
3.2.1	Information to be provided in a rebid reason	9
3.2.2	Information to be included in a contemporaneous record	10
3.3.	Requirement to rebid as soon as practicable	11
3.4.	Form of rebid.....	11
4	Supervisory control and data acquisition (SCADA) inputs	12
5	Information requests by the AER	13

5.1. Overview of requirements	13
5.2. Procedure for requesting further information	13
5.2.1 Contemporaneous records	13
6 Information provided to AEMO in error	14
7 AER's procedures for handling confidential information claims	15

Amendment Record

Version	Date	Pages
1 D14/34526	Published: 25 September 2009 Date of effect: 1 December 2009	23
2 D17/8133	Published: 2017 Date of effect: 28 February 2017	20

1 Overview

This document is a guideline produced in accordance with National Electricity Rules (Rules) 3.8.3A(g), 3.8.19(b)(2) and 3.8.22(f) and the Rules Consultation Procedures, and also to assist *relevant participants* understand how the AER will exercise its functions in relation to rebidding and technical parameters. It does not constitute legal or other professional advice. *Relevant participants* should obtain professional advice for specific concerns.

1.1 Purpose of this guideline

The AER aims to work with National Electricity Market (NEM) participants to maximise their compliance with their obligations under the national energy framework. The purpose of this guideline is to inform *relevant participants* of our approach to the relevant obligations, including monitoring and enforcing compliance with the Rules regarding rebidding and technical parameters obligations.

The efficient and secure operation of the NEM depends on the ability to instantaneously match supply and demand of electricity. At the same time, the NEM is a dynamic market, where *Scheduled Generators*, *Semi-Scheduled Generators* or *Market Participants (relevant participants)* are able to adjust their *offers* to reflect changing events, or in response to changing market conditions. These arrangements are designed to ensure system security can be maintained, while still permitting adjustments to *offers* subject to certain requirements prescribed under the Rules.

The Rules require that if a *bid* or *offer* is amended through a *rebid*, a brief, verifiable and specific reason must be provided to the Australian Energy Market Operator (AEMO). The reason provided will be reviewed by the AER, and assists us to assess compliance with specific clauses of the Rules.

Relevant participants can also limit, amend or rebid their *offers* on the basis of the physical or technical capabilities of their plant (technical parameters). The ability to make offers in this way is necessary to ensure the plant is operated safely.

Specifically, this guideline is issued pursuant to Rules clauses:

- 3.8.3A(f) and (g) in respect of provision of ramp rates to AEMO.
- 3.8.19(b)(2) in respect of dispatch inflexibilities.
- 3.8.22(c)(3) in respect of rebidding.

1.2 Roles and functions of the AER

The AER has functions and powers which include:¹

- Monitoring compliance with the National Electricity Law (Law) and the Rules.
- Investigating breaches or possible breaches of the Law and the Rules.
- Instituting and conducting proceedings in relation to breaches and appeals from decisions in those proceedings.

In exercising these functions and powers we aim to ensure that:

- Our approach is consistent over time.
- Our processes are cost effective for participants and the AER.
- Our activities are transparent.

Our *Compliance and Enforcement - Statement of Approach* (Statement of Approach)² (as amended from time to time) details our approach to compliance, the enforcement options available to us and sets out the criteria we apply when exercising our discretion regarding enforcement action. Matters are assessed on a case-by-case basis with all relevant circumstances being considered, including those outlined in our Statement of Approach.

1.3 Definitions and interpretation

In this guideline the words and phrases presented in *italics* have the meaning given to them in the Rules.

¹ The AER's functions and powers are outlined in Part 3, Section 15 of the National Electricity Law.

² Our Statement of Approach can be found at: <http://www.aer.gov.au/publications/corporate-documents/aer-compliance-and-enforcement-statement-of-approach>.

2 Bidding and rebidding technical parameters

This section covers bidding and rebidding of technical parameters, including: up and down *ramp rates*, *inflexibilities*, and *market ancillary services*.

2.1 Ramp rates

As part of an energy market *offer*, *relevant participants* are obliged under the Rules to provide AEMO with details of the rate at which the output of the *generator* may vary up and down within five minutes. This is generally referred to as the *generator's ramp rate* and is measured in Megawatts per minute (MW/minute).

Minimum *ramp rate* requirements are as follows:

- for a *scheduled generating unit* or *semi scheduled generating unit* (that is not aggregated), the lower of three per cent of maximum *generation* or 3 MW per minute, rounded down but no less than 1 MW/minute.
- for a *scheduled generating unit* or *semi scheduled generating unit* that is aggregated, the lower of three per cent of maximum generation or 3 MW per minute, rounded down but no less than 1 MW/minute, applied to individual physical units, then summed.
- for *scheduled network services* and *scheduled loads*, that is not aggregated, 3 MW/minute.
- for *scheduled network services* and *scheduled loads* that are aggregated, 3 MW/minute applied to individual *network services* and individual *loads*, then summed.

The Rules require that, if a *relevant participant* cannot submit a *ramp rate* of at least the prescribed minimum, it must submit the maximum the relevant *generating unit* can safely attain at that time in an *offer*, *bid* or *rebid*³. The amount of detail that should be provided in the reason to AEMO and the way a plant should bid its *ramp rate* in certain circumstances is outlined below.

2.1.1 Information to be provided

A *relevant participant* may provide a *ramp rate* less than the minimum if it is affected by an event or other occurrence that physically prevents it from attaining the minimum *ramp rate* or makes it unsafe to operate at that *ramp rate*. If a *relevant participant* provides a *ramp rate* that is less than the minimum, it must simultaneously provide AEMO with a brief, verifiable and specific reason for that *ramp rate* being below the minimum. The reason provided to AEMO must relate directly to the occurrence or event that physically prevents it or makes it unsafe to do so. For the purpose of this guideline, we use the term "technical" to describe this.

³ Whenever a *ramp rate* is *rebid* pursuant to clause 3.8.22 of the Rules, a brief, verifiable and specific reason must be provided, in accordance with this guideline, regardless of whether the revised *ramp rate* is above or below the minimum.

The brief, verifiable and specific reason submitted with the *ramp rate* should include:

- details of the technical issue preventing the *generator* from achieving the minimum *ramp rate*, and
- the time the technical issue was identified (i.e. the time adduced).

2.1.2 Legal and other operating requirements

Some *relevant participants* are subject to environmental or other legislative constraints on how their plant can be operated. In some cases, this will affect the maximum ramping capability that can be bid by them. In these situations, the *bid* or *rebid* reason should clearly outline the relevant environmental or other legislative constraint.

2.1.3 Ramp rates and standing data requirements

Clause 3.13.3(b) requires all *relevant participants* to provide AEMO with *bid and offer validation data* relevant to their *generating units* in accordance with schedule 3.1 (bid and offer validation data). In addition, clause 3.13.3(b1) requires *relevant participants* with aggregated units to provide AEMO with the *maximum generation* of each individual unit. These clauses are civil penalty provisions.

Bid and offer validation data are the standing data requirements for verification and compilation of *dispatch bids* and *dispatch offers* on the trading day schedule. As part of this data, *relevant participants* are required to provide AEMO with the unit's *maximum ramp rate*.

Under clause 3.8.3A(h), *relevant participants* with a *maximum ramp rate* (in accordance with clause 3.13.3(b)) lower than the minimum required, must provide AEMO with a brief, verifiable and specific reason. The *maximum ramp rate* is the *maximum ramp rate* that an item of equipment is capable of achieving in normal circumstances and may be as specified by the manufacturer or as independently certified from time to time to reflect changes in the physical capabilities of the equipment.

The Rules excuse these *relevant participants* from having to attain the minimum *ramp rate* or provide a brief, verifiable and specific *rebid* reason to AEMO each time they rebid their *ramp rate* equal to their *maximum ramp rate* value. While the Rules do not specify how this should occur, the AER considers it to be "best practice" for these participants to outline their particular circumstances in correspondence to AEMO (and provide a copy to the AER at the same time).⁴

However, the Rules still require these participants to submit the *maximum ramp rate* the unit can safely attain at the time of rebidding or the period of the *offer*. If a participant is unable to attain its *maximum ramp rate*, it must submit a brief verifiable and specific reason to AEMO relating to the technical reason why the unit cannot meet its *maximum ramp rate*.

⁴ See AER's Request for rule changes - technical parameters, April 2008, p17, available at www.aemc.gov.au

The AER may audit the *ramp rates* included in standing data. We expect that standing data that includes below minimum *ramp rates* ought to be supported by evidence such as performance results, manufacturer's specifications or independent certification.

2.1.4 Minimum safe operating level

We consider minimum safe operating level to be the level below which the unit would become unstable, after other technical responses have been exhausted (for example, auxiliary firing). The minimum safe operating level reflects technical and plant safety considerations, not commercial conditions. Plant availability reflecting commercial considerations should still be managed through rebidding of capacity within price-bands.

In instances where a *Scheduled Generator* or *Semi-Scheduled Generator* has reached its minimum safe operating level and cannot safely follow a *dispatch instruction* to vary its output downwards, it should submit a zero down *ramp rate* to AEMO, as long as the zero *ramp rate* can be justified on the basis of a technical limitation.

This approach should be used in preference to submitting an *inflexible bid*, as it provides greater flexibility to ensure the market remains in a *secure operating state*.

As soon as the output of the unit moves materially above the minimum safe operating level, participants must submit a *rebid* to provide a *ramp rate* compliant with clause 3.8.3A of the Rules.

2.1.4.1 Legal and other operating requirements

Relevant participants can be subject to environmental or other legislative constraints on how their plant can be operated. In some cases, this will affect the minimum operating level of the plant.

In these situations, should a zero *ramp rate* or *inflexible offer* or *rebid* be required to meet legal obligations (such as emission limits), a brief, verifiable and specific reason should be submitted that clearly outlines the relevant legal requirement.

2.2 Bidding and rebidding as 'inflexible' (clause 3.8.19)

2.2.1 Overview of requirement

Clause 3.8.19(a) states that the declaration of *inflexibility* must be "due to abnormal plant conditions or other abnormal operating requirements in respect of that *scheduled generating unit, scheduled network service or scheduled load*".

A *generator* that declares itself *'inflexible'* is treated outside the normal market arrangements and must be dispatched by AEMO at the volume notified regardless of the price the *generator* offers that capacity. Accordingly, bidding inflexible is an exception to the normal operation of the market.

Clause 3.8.19(a2) of the Rules requires that the relevant participant not advise AEMO of any inflexibility unless it is unable to follow dispatch instructions in any *trading interval* due to abnormal *plant* conditions or other abnormal operating requirements.

When bidding *inflexible*, a *relevant participant* must provide AEMO with a brief, verifiable and specific reason for the *inflexibility*. The *relevant participant* must also advise AEMO of the removal of the *inflexibility* once it reasonably expects to be able to operate in accordance with *dispatch instructions*.

2.2.2 Abnormal plant or operating requirements

As a general principle, the AER considers that abnormal plant conditions or other abnormal operating requirements to be conditions related directly to the internal operation of the relevant plant. An exception to this principle is where another law or licensing requirement requires that plant be operated in a certain manner. The AER considers that this could amount to abnormal operating requirements. We would encourage *relevant participants* to contact us and AEMO to discuss the management of these requirements.

2.2.3 Information to be provided

There are two requirements on *relevant participants* to provide information in relation to *inflexible bids*. First, under clause 3.8.19(b)(1) of the Rules, *relevant participants* must provide AEMO with a brief, verifiable and specific reason for the *inflexibility* at the same time as it advises AEMO of the *inflexibility*. Second, under 3.8.19(b)(2) of the Rules, *relevant participants* must provide to the AER, upon written request, in accordance with this guideline, such additional information to substantiate and verify the reason for such *inflexibility* as the AER may require from time to time.

The information provided to AEMO at the same time as an *inflexible bid* is submitted should be sufficiently comprehensive to identify the nature of the reason for the *inflexibility*. This should be directly related to the change associated with physical conditions (for example, control system malfunction or changed hydrological conditions).

Specifically the *inflexible bid* or *rebid* should include:

- details of the abnormal plant conditions or other abnormal operating requirements that require the plant to be *inflexible*.
- the time the abnormal plant conditions or other abnormal operating requirements were identified.

2.2.4 Testing

Relevant participants must submit an *inflexible bid* in circumstances where testing of plant or equipment means they are unable to follow *dispatch instructions* due to abnormal plant conditions or other abnormal operating requirements.

In cases where a relevant participant submits an *inflexible bid* or *rebid* during testing, the brief, verifiable and specific reason submitted with the *bid* or *rebid* should include:

- a description of the test being conducted.
- why the *inflexibility* is required.
- the expected duration of the test.

2.3 Market ancillary services

Market ancillary services assist AEMO to manage system security. In accordance with clause 3.8.7A, *offers for market ancillary services* must contain:

- an incremental MW amount for each of the 48 *trading intervals*, distributed across up to 10 price bands with an *enabling price* for each *price band*.
- the *response breakpoint*.
- the upper and lower *enablement limits*.
- the *response capability*.

The final three items on this list comprise the technical parameters of the *offer* and provide the maximum amount of *ancillary service* that can be provided for a given MW output level for the *generating unit* or *load*.

Clause 3.8.7A(k) requires *ancillary services* providers to be capable of meeting the market ancillary service specification (MASS) at all times. According to Section 1.5 of AEMO's MASS where there is a condition that results in changed availability and capability of the *market ancillary service*, the *market participant* must *rebid* to reflect changes to the *market ancillary service* availability and capability in the *central dispatch process*. This includes services that are aggregated across multiple *connection points*.

Clauses 3.8.7A(l) and 3.8.7A(m) of the Rules require that the technical parameters of *market ancillary service offers* represent the technical characteristics of the *generating unit* or *load* at the time of *dispatch*. Where the technical parameters of *market ancillary service offers* are being rebid, the reason provided should relate directly to the technical characteristics that have altered since the initial *market ancillary service offer*. This is required as, in order to be compliant with 3.8.7A(l), the *initial offer* must have represented the technical characteristics of the ancillary service generating unit or ancillary service *load*. Therefore, if a *rebid* is submitted, there necessarily must have been a change in technical characteristics.

If the physical or technical limitations of a unit, *load* or facility change as a result of a change in conditions, the *relevant participant* should rebid to avoid its latest *offer* resulting in a *dispatch instruction* that the unit, *load* or *facility* is unable to follow.

3 Rebidding

3.1 Overview of requirement

At the same time a *relevant participant* submits a rebid to AEMO, clause 3.8.22 of the Rules requires it to provide the time at which the events or other occurrences adduced by the *relevant participant* as the reason for the *rebid* occurred in addition to a brief, verifiable and specific reason for the *rebid*.

In circumstances when a *relevant participant* needs to submit a *rebid* prior to all of the information outlined above being available, the *relevant participant* should include all available information in the *rebid* reason and record further information in the log book as it becomes available. Should further rebids be required, the additional information obtained since the initial *rebid* should be included.

To signal that the *rebid* was based on incomplete information, in addition to the brief, verifiable and specific reason for the rebid, the *rebid* reason should indicate that further information is logged, in the form of see log or “SL”. The AER may request the information log at a later stage to substantiate and verify the reasons for the *rebid*.

3.2 Information to be provided

3.2.1 Information to be provided in a rebid reason

Detailed *rebid* reasons help the AER to substantiate and verify the reason provided, thereby reducing the need to seek further clarification from *relevant participants* after the event. It is also important that *relevant participants* maintain high quality detailed records, including trading logs, and contemporaneous records in respect of *rebids* made in the *late rebidding period*.

The information should include:

- the event(s) or other occurrence(s) stated by the *relevant participant* as the reason for the *rebid*.
 - *rebids* can be submitted in response to a series of events, or a number of different forecasts. In these situations, details of the most significant event in the series should be provided, with a note that further information is available from the log book, in the form of “see log” or “SL”.
 - One single brief, verifiable and specific *rebid* reason can be included for multiple units as part of a portfolio *rebid*. If different reasons for rebidding multiple units within a portfolio are being adduced as the reason for the *rebid*, then separate *rebids* should be submitted with different *rebid* reasons.
- the time the event occurred ("time adduced"). This is the time at which the relevant event(s) or occurrence(s) that the *relevant participant* cited as the reason for the rebid, occurred. This should be the time at which the most significant event in the series

occurred. *Relevant participants* should record further information in their log book and include “see log” or “SL” in the *rebid* reason.

- the time the relevant participant first became aware of the change in material conditions and circumstances on the basis of which it decides to vary its dispatch offer or dispatch bid. Again, this should be the time of becoming aware of the most significant event in the series. *Relevant participants* should include a note that further information is available from the log book in the form of “see log”, or “SL”.
- if the event relates to a revised forecast produced by AEMO, a description of the forecast type and when it was produced should be included (for example, by providing the time of the relevant 5-minute or 30-minute price or demand forecast).
- if a change to an AEMO forecast is the reason for a *rebid*, where reasonable, the reason should provide the original forecast and the revised forecast.
- if the event relates to technical plant conditions, the information provided to AEMO should include the time the condition was identified and a brief, verifiable and specific explanation of that condition.

3.2.2 Information to be included in a contemporaneous record

The Rules require *relevant participants* to, upon written request from the AER, provide contemporaneous records made to substantiate and verify the reason for a *rebid* submitted in the *late rebidding period*. Clause 3.8.22(ca) provides that the following must be included in the contemporaneous record for a *rebid* made in the *late rebidding period*:

- the material conditions and circumstances giving rise to the *rebid*.
- the *Generator's* or *Market Participant's* reasons for making the *rebid*.
- the time at which the relevant event(s) or other occurrence(s) occurred.
- the time at which the *Generator* or *Market Participant* first became aware of the relevant event(s) or other occurrence(s).

In respect of the reasons for making the *rebid*, we expect *relevant participants* to include more detailed information in the contemporaneous record than that provided in the *rebid* reason. The relevant times recorded in the record should be clearly attributed to the times at which the relevant event(s) or other occurrence(s) occurred, and the time at which the *relevant participant* first became aware of the relevant event(s) or other occurrence(s), respectively.

Given the ability to provide more detailed information in the contemporaneous record, we would expect that if there are multiple triggers leading up to a *rebid*, then times and details of each of these triggers should be recorded.

3.3 Requirement to rebid as soon as practicable

Clause 3.8.22A(d) requires a *relevant participant* to make a *rebid* as soon as practicable after becoming aware of the change in material conditions and circumstances on the basis of which it decides to vary its *dispatch offer* or *dispatch bid*.

To reach an efficient outcome, the competitive process relies on transparency and predictability. In the context of a decentralised dispatch market such as the NEM, *relevant participants* who deliberately delay rebidding (after they have already made a decision to do so) could have a harmful effect on this process. This is because such delays limit the time competitors have to respond, which may lead to unexpected price outcomes. Ultimately this may inflate the prices of hedge products, which may in turn filter down to end consumers. In summary, deliberately delaying rebidding for convenience or commercial gain is ultimately not in the long term interest of consumers.

It is not possible to state in advance the time frame that will satisfy the obligation on a *relevant participant* to make a *rebid* “as soon as practicable”, as this will depend on the surrounding facts and circumstances in which a *rebid* is made. It is clear however, that the phrase means that a *relevant participant* must make a *rebid* as soon as the circumstances permit, and that delay solely or primarily for the convenience of, or to provide commercial advantage to, the *relevant participant* is unlikely to be a relevant consideration.

3.4 Form of rebid

Participants have up to 500 characters in which to submit a brief, verifiable and specific reason and relevant times to AEMO at the same time they submit a *rebid*. The *rebid* should be in the following general form:

HHMM {space} Category {space} DDD...D

Where:

HHMM is the time, in 24-hour format, of the event(s) or other occurrence(s) adduced by the *relevant participant* as the reason for the rebid occurred.

Category is either P for a plant or physical change, A for a AEMO forecast or dispatch change, F for a financial or commercial change or E for a *rebid* to address an error.

DDD...D is a verifiable description of the events or occurrences that explain the *rebid*.

(Where appropriate, *relevant participants* should provide before and after data for factors that assist in explaining the reason for the *rebid*. The AER also recommends that the time when the *relevant participant* becomes aware of the change in material conditions and circumstances on the basis of which it decides to vary its *dispatch offer* or *dispatch bid* (see clause 3.8.22A(d)) be included in the *rebid* reason in HHMM format.)

4 Supervisory control and data acquisition (SCADA) inputs

Relevant participants provide real time information about their plant capability (in particular *ramp rates* and regulation FCAS *enablement limits*) through the SCADA system. This information is in addition to the values contained in the *relevant participant's bid* or *offer*. The AEMO *dispatch* process uses the most constraining of the SCADA and the offered values.

In situations where a difference emerges between SCADA values and *bid* or *offer* data, a *rebid* containing a brief, verifiable and specific rebid reason should be submitted, to bring the *bid* or *offer* in line with the SCADA value. For clarity this applies when the SCADA value is more constraining than that specified in the *relevant participant's bid* or *offer*.

5 Information requests by the AER

5.1 Overview of requirements

Under clauses 3.8.3A(f) and (g), 3.8.19(b)(2) and 3.8.22(c)(3) of the Rules, the AER may request additional information to substantiate and verify the reason for: submitting a *ramp rate* below the required minimum value; submitting an *inflexible bid*; and a *rebid* (including any record made in respect a rebid submitted in the late rebidding period), respectively.

The AER can also seek documents and information under section 28 of the Electricity Law.

5.2 Procedure for requesting further information

Under clauses 3.8.22(c)(3), 3.8.3A(f) and (g) and 3.8.19(b)(2), we may require, upon written request, *relevant participants* to provide additional information in accordance with this guideline.

Under clause 3.8.22(c)(3), we may request additional information to substantiate and verify the reason for a *rebid* (including any record made under paragraph (ca) - "late rebidding contemporaneous record").

Clause 3.8.3A(f) allows us to request additional information from *relevant participants* to substantiate and verify *rebid* reasons for *ramp rates* below the minimum required.

In respect of clause 3.8.19(b)(2), we may seek additional information in accordance with clause 3.8.19(b)(2) to ascertain the nature of the abnormal plant conditions or other abnormal operating requirements to confirm that the *inflexible bid*, or *rebid*, was submitted in accordance with clause 3.8.19.

Our written request will clearly set out the information and level of detail required from *relevant participants*. In addition, we will allow *relevant participants* a reasonable time to provide a detailed response.

5.2.1 Contemporaneous records

We consider it sufficient for participants to record the location of multiple sources of information, and broadly what was happening at the time, without extracting and presenting the information in a single document.

6 Information provided to AEMO in error

As discussed in our Statement of Approach, we encourage *relevant participants* to aim to achieve compliance with the national energy laws. We seek to demonstrate proportionality and procedural fairness in our enforcement actions.

If a *relevant participant* becomes aware of an error in the *bid* or *rebid* reasons they have provided to AEMO and there is sufficient time to lodge another (correcting) *rebid*, a *rebid* should be submitted under the category of “E” (for error). If a large number of corrected *rebids* are submitted, the AER may seek further information regarding the source of the errors.

However, when errors are detected without sufficient time for a correcting *rebid* to be submitted, *relevant participants* should detail the error in a log book entry.

Relevant participants should alert the AER within two business days of finding the error.

Consistent with the AER’s Statement of Approach, an important consideration of whether to take further enforcement action, irrespective of whether a *rebid* was made in relation to the error, is whether the *relevant participant* has cooperated with the AER in relation to the breach. For example, by providing evidence that the AER was otherwise unaware of, and taking prompt and effective action to rectify the breach and avoid a recurrence. The AER may consider whether a *relevant participant* has cooperated fully with the investigation (for example, providing full and frank disclosure of documents and other evidence in relation to the relevant conduct).

7 AER's procedures for handling confidential information claims

The AER must provide information provided to it in accordance with paragraphs 3.8.22(c)(3) and 3.8.19(b)(2) (additional information to substantiate and verify the reason for a *rebid* or *inflexibility*, respectively) to *relevant participants* who request the information, except to the extent that the information can be reasonably claimed to be confidential.

In accordance with clause 3.8.22(e)(2), this guideline must include procedures for handling confidential information claims in respect of clauses 3.8.22(c)(3) and 3.8.19(b)(2). The AER will apply the ACCC/AER Information Policy: collection and disclosure of information (Information Policy)⁵ as amended from time to time. The Information Policy sets out the general policy of the Australian Competition and Consumer Commission and the AER on the collection, use and disclosure of information (including confidential information).

⁵ The ACCC/AER Information Policy can be found at: <https://www.accc.gov.au/publications/accc-aer-information-policy-collection-and-disclosure-of-information>