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DRAFT for Consultation

Rebidding and Technical Parameters Guideline

September 2016

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# Overview

The information in this guideline is for general guidance only. It does not constitute legal or other professional advice, and should not be relied on as a statement of the law in any jurisdiction. Because it is intended only as a general guide, it may contain generalisations. Relevant participants should obtain professional advice for specific concerns.

## Purpose of this guideline

The Australian Energy Regulator (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 National Electricity Rules (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.

## Roles and functions of the AER

The AER has functions and powers which include:[[1]](#footnote-2)

* 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]](#footnote-3) 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.

## Definitions and interpretation

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

# 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.

## 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.
* 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 applied to individual physical units, then summed.
* for scheduled network services and scheduled loads, 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.

All minimum ramp rate requirements are rounded down to the nearest whole number but not less than 1 MW/minute.

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[[3]](#footnote-4). 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.

### 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.

The brief, specific and verifiable 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).

### 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.

### 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 ramps 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]](#footnote-5)

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.

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.

### 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.

#### 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.

## Bidding and rebidding as ‘inflexible’ (clause 3.8.19)

### 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 an 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.

### 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.

### 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.

### 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 situations where plant or other equipment requires testing an inflexible bid may be required. In such cases, 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.

In order for system security to be appropriately managed, relevant participants should advise AEMO as soon as they recognise the need for a test that requires an inflexible bid.

## 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.

# Rebidding

## Overview of requirement

At the same time a relevant participant submits a rebid to AEMO, clause 3.8.22 of the Rules requires them 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 will be 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.

## Information to be provided

### 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. 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 record further information in their log book and include “see log” or “SL” in the rebid reason.
* where 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 possible, 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.

### 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 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.

## 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.

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 due to the convenience of the relevant participant is unlikely to be a relevant consideration.

## 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:

Category {space} HHMM1 {space} HHMM2 {space} DDD…D

Where:

|  |  |
| --- | --- |
| 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. |
| HHMM1 | Is the time, in 24-hour format, 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. |
| HHMM2 | 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. |
| DDD…D | is a verifiable description of the events or occurrences that explain the rebid.  (Where appropriate, the relevant participant should provide before and after data for relevant factors that assist in explaining the reason for the rebid). |

# 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 material 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.

# Information requests by the AER

## 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.

## 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 fulsome response.

### 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.

# 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 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).

# 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 ACCC/AER Information Policy: collection and disclosure of information (Information Policy)[[5]](#footnote-6) 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).

1. The AER's functions and powers are outlined in Part 3, Section 15 of the National Electricity Law. [↑](#footnote-ref-2)
2. Our Statement of Approach can be found at: <http://www.aer.gov.au/publications/corporate-documents/aer-compliance-and-enforcement-statement-of-approach> [↑](#footnote-ref-3)
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. [↑](#footnote-ref-4)
4. See AER's Request for rule changes - technical parameters, April 2008, p17, available at [www.aemc.gov.au](http://www.aemc.gov.au) [↑](#footnote-ref-5)
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> [↑](#footnote-ref-6)