

Energy - Wholesale Markets Checklist



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Contents from this checklist is taken from the Energy - Wholesale Markets Compliance Register.

About the Energy – Wholesale Markets Compliance Register

The Energy – Wholesale Markets compliance register helps organisations understand how to navigate and comply with the legislative and compliance requirements related to the quality of energy generation, distribution and transmission in Australia for consumers.

This register covers compliance requirements related to the Wholesale Energy Framework, Wholesale National Electricity Market (WEM), WEM Operations, Environmental Electricity Generation Considerations, Wholesale Gas Framework and more.

About the Experts

Caren Klavsén

Special Counsel, Piper Alderman



Caren is an experienced corporate and commercial lawyer advising both public and private companies across a broad range of industries in relation to share and asset acquisitions and disposals, the establishment and operation of joint ventures, strategic investments, corporate restructuring, due diligence investigations, corporate governance and general corporate and business matters.

Caren's experience working in-house within the legal team of two large energy companies has given her a unique insight into business operations, project management, compliance matters and corporate governance. In particular, Caren has expertise in drafting, negotiating and advising on procurement agreements for the mining services and energy industries and in the execution of large-scale contract remediation projects.

Andrew Rankin

Partner, Piper Alderman



Andrew is an experienced corporate and commercial lawyer with more than 25 years experience.

He regularly works with domestic and international clients on mergers & acquisitions, capital raisings, competition law and Australian regulatory compliance matters.

Andrew advises both private companies and publicly listed companies and has particularly strong experience in acting for those in the energy, resources, healthcare, and agribusiness sectors.

Prior to joining Piper Alderman, Andrew spent more than 10 years as a partner with an international firm in Brisbane in the corporate team.

ENERGY - WHOLESALE MARKETS CHECKLIST

This checklist has been designed to help organisations understand how to navigate and comply with the legislative and compliance requirements related to quality of energy generation, distribution and transmission in Australia for consumers.

Overview

Requirement	Needs work	Don't know	Meets requirement
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Does the energy market participant comply with requirements and procedures in accordance with the legislation designed to ensure the quality of energy generation, distribution and transmission in Australia for consumers?

Wholesale Energy Framework

Requirement	Needs work	Don't know	Meets requirement
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Does the energy market participant comply with the regulators and framework of the wholesale energy supply chain?

Does the energy market participant comply with the regulators and framework of the wholesale energy supply chain?

Does the energy market participant comply with the National Electricity Law?

Does the energy market participant comply with the National Gas Law?

Does the energy market participant in Western Australia comply with state-based gas and electricity legislation?

Does the energy market participant have procedures for submitting a self-report to the Australian Energy Regulator where a breach or potential breach has occurred?

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Wholesale National Electricity Market (NEM)

Requirement	Needs work	Don't know	Meets requirement
Does the generator of electricity comply with obligations to participate in the National Electricity Market (NEM)?			
Does the generator of electricity comply with the electricity generation system and National Electricity Law?			
Does the generator of electricity comply with selling obligations under the National Electricity Market (NEM)?			
Does the generator of electricity comply with pricing requirements in the National Energy Market (NEM)?			
Does the generator of electricity comply with the conditions of the contract market when selling to retailers or consumers in the National Electricity Market (NEM)?			
Does the energy generator engage in electricity or gas market misconduct?			

NEM Operation (National Electricity Rules)

Requirement	Needs work	Don't know	Meets requirement
Does the energy participant comply with National Electricity Rules that ensure the National Electricity Market operation?			
Does the energy market participant hold registration in one or more participant categories to be able to participate in the National Electricity Market (NEM)?			
Does the energy generator hold a registration to operate in the National Electricity Market (NEM)?			
Does the generator hold an exemption from generation registration in the National Electricity Market (NEM)?			
Does the scheduled generator comply with requirements in relation to any scheduled generating units under the National Electricity Market (NEM)?			

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Does the embedded generator comply with all connection requirements under the National Electricity Market (NEM)?

Does the energy market participant have procedures in place to notify their intention to cease to be a registered participant?

Does the energy market participant comply with the market principles to be able to participate in the energy market?

Does the energy market participant comply with the Australian Energy Market Operator settlement process?

Does the energy participant adequately manage power quality to help maintain the security and reliability of the power system?

Does the energy participant comply with their obligations in relation to network connection, access, planning and expansion?

Does the market participant who is financially responsible establish metering installations?

Does the registered energy participant comply with the dispute management system when selling and supplying energy?

Wholesale Electricity Market (WEM) - Western Australia

Requirement	Needs work	Don't know	Meets requirement
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Does the energy market participant in Western Australia comply with all Wholesale Electricity Market (WEM) rules and regulations?

Does the Economic Regulation Authority (ERA) properly regulate the Wholesale Electricity Market (WEM) within Western Australia?

Does the Wholesale Electricity Market participant comply with pricing limits?

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WEM Operation (WEM Rules)

Requirement	Needs work	Don't know	Meets requirement
Does the energy market participant in Western Australia comply with the Wholesale Electricity Market Rules (WEM) and operation requirements?			
Has the market participant registered as a Rule Participant to operate in the Wholesale Electricity Market (WEM) within Western Australia?			
Has the market participant registered any facility connected to the South West Interconnected System (SWIS)?			
Does the market participant pay any relevant fees charged by the AEMO?			
Does the market participant comply with requirements for the transmission of connected generating systems?			
Does the market participant comply with the Reserve Capacity Mechanism (RCM) processes?			
Does the market participant make submissions and comply with resulting dispatch instructions in the real-time market?			
Does the Short-Term Energy Market (STEM) participant comply with short-term energy market processes?			
Does the market participant comply with the settlement process in the Wholesale Electricity Market (WEM)?			
Does the market participant comply with all reviewable decisions and disputes in the Wholesale Electricity Market (WEM)?			

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Northern Territory Electricity System and Market Operator (NTESMO)

Requirement	Needs work	Don't know	Meets requirement
Does the energy market participants and network operator comply with the Northern Territory Electricity System and Market Operator (NTESMO) procedures?			
Does the energy market participant comply with the Interim Northern Territory Electricity Market (I-NTEM) framework?			
Does the generator or retailer need to register with the Market Operator to participate in the Interim Northern Electricity Market (I-NTEM)?			
Does the network operator and market participant comply with settlements statements and timetable procedure?			

Environmental Electricity Generation Considerations

Requirement	Needs work	Don't know	Meets requirement
Does the electricity generator comply with environmental electricity considerations?			
Does the intermittent generation registered participant comply with the Australian Energy Market Operator's requirements for intermittent generation?			
Do the semi-scheduled generators and intermittent non-scheduled generators comply with their obligations to submit an Energy Conversion Module to the Australian Energy Market Operator?			
Does the liable entity comply with its obligations to pay relevant shortfall charges and complete statements in relation to wholesale and notional wholesale acquisitions?			
Does the controlling organisation comply with its obligation to complete greenhouse gas reporting for the financial year to the Clean Energy Regulator?			

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Wholesale Electricity Licensing

Requirement	Needs work	Don't know	Meets requirement
Does the electricity entity within Australia hold a licence to generate, distribute or transmit electricity?			
Does the electricity entity hold a utility licence to generate, transmit or distribute electricity in the Australian Capital Territory?			
Does the electricity entity in Tasmania hold an electricity industry licence to generate, transmit or distribute electricity?			
Does the electricity entity in Western Australia have a licence to operate, transmit or distribute electricity?			
Does the electricity entity in New South Wales hold a licence to generate, transmit or distribute electricity?			
Does the electricity entity in South Australia hold a licence to generate, transmit or distribute electricity?			
Does the electricity entity in Victoria hold a licence to generate, transmit or distribute electricity?			
Does the electricity entity in Queensland hold a licence to participate in the wholesale electricity scheme?			
Does the electricity entity in the Northern Territory must hold a licence to operate in the National Electricity Market?			

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Wholesale Gas Framework

Requirement	Needs work	Don't know	Meets requirement
Does the gas participant comply with the wholesale gas framework in order to participate in the wholesale gas market?			
Does the participant hold registration under the contract carriage pipeline model?			
Does the registered participant comply with the market carriage pipeline model?			
Does the market participant choose to participate in the Short Term Trading Market on a contract carriage basis?			
Does the energy market participant hold registration if they wish to participate in the Gas Supply Hubs?			
Does the gas market participant have procedures in place for submitting a self-report to the Australian Energy Regulator where a breach or potential breach has occurred?			
Does the gas market wholesale participant comply with the modified Western Australian version of the National Gas Laws?			

Gas Market Operation (National Gas Rules)

Requirement	Needs work	Don't know	Meets requirement
Does the registered gas energy participant comply with the gas market operation and National Gas Rules within Australia?			
Does the participant register in a gas market under the National Gas Rules to participate?			
Does the light pipeline operator comply with light access arrangement requirements under the National Gas Rules?			
Does the full regulation pipeline operator comply with full access arrangement requirements under the National Gas Rules?			

Does the scheme pipeline service provider have approval for access arrangements?

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Does the service provider of a scheme pipeline comply with price and revenue regulation?			
Does the service provider comply with all standards, requests and user guides?			
Does the service provider, user or prospective user notify of access disputes and follow the dispute resolution process?			
Does the distributor have a model standing offer in place for basic connection services to retail customers?			
Does the Australian Energy Market Commission establish and maintain a gas pipeline register of all current and historical pipelines?			
Does the service provider disclose or incorrectly use confidential information or relevant confidential information?			
Does the operator register as a Bulletin Board reporting entity as part of the Natural Gas Services Bulletin Board?			
Does the gas trading exchange member comply with all relevant laws and rules to participate in the gas trading exchange?			
Does the market participant in Victoria comply with the Declared Wholesale Gas Market Rules?			
Does the market participant comply with the short-term trading market rules?			
Does the facility operator comply with the requirement to apply to the Australian Energy Market Operator for registration and with auction procedures under the National Gas Rules?			

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Wholesale Gas Licensing

Requirement	Needs work	Don't know	Meets requirement
Does the distributor hold a gas authority or licence to distribute gas within Australia?			
Does the wholesale gas entity hold a utility licence to generate, transmit or distribute gas in the Australian Capital Territory?			
Does the wholesale gas applicant hold a gas infrastructure and/or gas retail licence in Tasmania?			
Does the gas participant hold a gas distribution or trading licence within Western Australia?			
Does the gas participant hold a distribution licence to operate a distribution system to convey gas to others in New South Wales?			
Does the distributor hold a distribution licence to distribute gas in South Australia?			
Does the gas entity hold a licence to distribute gas, unless they are exempt within Victoria?			
Does the gas entity hold a distribution authority to distribute natural gas by transporting or supplying it through a pipeline or reticulation system?			
Does the full regulation pipeline operator comply with full access arrangement requirements under the National Gas Rules?			

Wholesale Market Metering

Requirement	Needs work	Don't know	Meets requirement
Does the registered participant comply with wholesale market metering requirements?			
Has the registered participant appointed a metering coordinator, and does it hold registration as, or work with, metering providers, metering data providers and network managers?			
Has a metering data agent been arranged for each network, who keeps a meter register, and does it provide metering data to the Australian Energy Market Operator (AEMO)?			
Does the market participant ensure there is a metering installation for each connection point that has been installed, in accordance with the national gas rules?			

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