

7 October 2025

Electricity Authority
PO Box 10041
Wellington 6143

Submitted via email: connection.feedback@ea.govt.nz

To whom it may concern,

ENA welcomes the opportunity to submit on the Electricity Authority (the Authority) *Network connections project (stage one) Code drafting - Technical consultation paper* (the paper). ENA represents the 29 electricity distribution businesses (EDBs) in New Zealand (see appendix B – ENA Members) which provide local and regional electricity networks. EDBs employ 7,800 people, deliver energy to more than two million homes and business and have spent or invested over \$6 billion in the last five years.

ENA has engaged expert legal advice to review the proposed amendments to the Electricity Industry Participation Code 2010 (the Code) contained in the consultation material and has produced a 'commented' version of the amendment containing their suggested changes. ENA has included this document¹ in its entirety with this submission to the Authority as we support all the suggested changes.

We have also identified a few areas of the Code amendment that we'd like to highlight to the Authority, in addition to the commented version of the Code amendment referred to above, and these are included in this letter as appendix A.

We're very happy to engage with the Authority further on this technical consultation if that is useful. Please contact Richard Le Gros (richard@electricity.org.nz), Policy and Innovation Manager at ENA, if you have any questions.

Regards,



Richard Le Gros
Policy and Innovation Manager

¹ ENA_Sub.EA_Ntwrk_Cnctn_Tech_Consult.Code_Amndmnt.071025.docx

Appendix A: ENA feedback to EA paper *Network connections project (stage one) Code drafting - Technical consultation paper*

1. Treatment of Battery Energy Storage Systems

ENA is concerned that the Code amendment does not adequately address how connections of both load and generation at the same ICP should be managed. We are particularly concerned by the treatment of Battery Energy Storage Systems (BESS), which as you know charges and discharges and is therefore a form of 'hybrid' connection that is both load and generation. In the proposed Code amendment, the Authority has retained the definition of 'generating plant' that was provided in draft Code amendments last year. We understand the intention is to clarify that BESS should also follow the Code's Part 6 process. However, this causes an unintended pricing issue, where BESS is treated as 'generation' and the incremental cost rule still applies when it's charging.

We have suggested amendments so that BESS are excluded from this position and are always treated as load first under the Code, meaning the distributed generation (DG) pricing principles do not apply. It is difficult to see how the Authority's approach would work in practice – i.e. how would the DG pricing principles be applied to only the generation component of BESS? We suggest the Authority pick up this issue in its upcoming review of the DG pricing principles.

Our legal advisors have made some suggested changes to the Code amendment to achieve the following scheme:

- Applications:
 - If an application includes both generation and load, then the application should be made for the component with the greater capacity, but it must include information about both load and generation (unaltered from the Authority's drafting);
- Pricing:
 - Load pricing principles are applied first. This is the position under new Part 6B, and we have included some amendments to make this position clear under Part 6 too.
 - We have suggested amendments so that BESS are excluded from this position and are always treated as load first under the Code, with the DG pricing principles not applying.
- For connection contracts vs regulated terms:
 - If no connection contract is negotiated, then the regulated terms apply to the distributed generation (unaltered from the Authority's drafting).
 - We have added drafting so that this position will not apply to energy storage systems that include load connections – i.e. a contract will be required for connection.

We encourage the Authority to adopt this scheme into its Code amendment to establish an appropriate treatment of BESS connecting to the distribution networks.

2. Confidentiality obligations

ENA notes the obligations placed on EDBs to treat certain information provided by applicant as confidential. We have concerns that the way these obligations are expressed (i.e. that applicants can nominate any part of their application as confidential) will be awkward and inconsistent for EDBs to apply in practice. We have suggested some alternative drafting to address this concern.

We are also concerned that the requirement to treat some elements of connection applications as confidential may inhibit the ability of EDBs to publish useful and comprehensive connection pipelines, as required by the recent Authority decisions on its network connections (stage one) project. We are also aware that many EDBs are in the process of scoping out projects to develop network visibility tools (e.g. capacity maps) and some concerns have been raised with ENA about whether the requirement to ensure confidentiality of some elements of connection applications might undermine the ability of the EDB to provide accurate network capacity information. We encourage the Authority to consider our proposed changes and explore whether the scope of confidentiality could be clarified to avoid limiting the usefulness of connection pipeline information or network visibility tools.

3. Obligations to assess third-party Health and Safety at Work Act compliance, etc

ENA is concerned that Clauses 9 and 15 in Schedule 6.1, Appendix 3 impose an unreasonable burden on EDBs by requiring them to assess, based on interim or final applications, whether DG will always comply with the Health and Safety at Work Act 2015 (HSWA), etc. We encourage the Authority to consider whether EDBs can reasonably be expected to meet the proposed standard of assessing compliance 'at all times'. We question whether the original intent was to allow EDBs to reject applications if they had some reason to believe the DG would not comply with the HSWA, Electricity Act, Code, etc, but the obligation was reversed in a way which seems unworkable in practice. We have provided some suggested Code amendments to address this concern.

4. Earlier suggestion to recognise different forms of load connections

ENA would also like to bring the Authority's attention to an element of Powerco's submission to your earlier consultation on the *Network connections project (stage one)*, where they suggested Code amendments to accommodate load connections where the customer doesn't have a contract with the EDB (the connection is interposed through the retailer). It is not clear to ENA whether the Authority gave this proposal due consideration, so we draw it to your attention once more – see [here](#), paragraphs 56 through 58. It would be helpful to see the Code recognise DDA/interposed arrangements for load customers where the customer and EDB elect not to enter into a connection agreement.

Appendix B: ENA Members

Electricity Networks Aotearoa makes this submission along with the support of its members, listed below.

- Alpine Energy
- Aurora Energy
- Buller Electricity
- Centralines
- Counties Energy
- Electra
- EA Networks
- Firstlight Network
- Horizon Energy Distribution
- MainPower NZ
- Marlborough Lines
- Nelson Electricity
- Network Tasman
- Network Waitaki
- Northpower
- Orion New Zealand
- Powerco
- PowerNet (which manages The Power Company, Electricity Invercargill, OtagoNet and Lakeland Network)
- Scanpower
- The Lines Company
- Top Energy
- Unison Networks
- Vector
- Waipa Networks
- WEL Networks
- Wellington Electricity Lines
- Westpower

Appendix A Proposed Code amendment

Electricity Industry Participation Code 2010

Part 1

Preliminary provisions

aggregated capacity, for the purposes of Part 6, means the sum of the capacity of either **load** or **distributed generation** of all **points of connection** subject to an application under Part 6

applicant, for the purposes of Part 6, means any person who:

- (a) applies to a **distributor** to have **load** and / or **distributed generation** owned or operated (or intended to be owned or operated) by that person connected to a **distribution network** or to a **consumer installation** that is connected to a **distribution network**, including by a **network extension**; or
- (b) applies to a **distributor** to continue an existing connection of **load** and / or **distributed generation** in the circumstances specified in clause 6.1(b)(ii) and (iii); or
- (c) is a **distributed generator** and applies to a **distributor** to change the **maximum export power** or fuel type of connected **distributed generation**; or
- (d) is a **consumer** and applies to a **distributor** to change the connected capacity of the person's **load** connection.

clock stop/start mechanism for distributors, for the purposes of Part 6, means ~~the a policy that distributors have adopted for the purposes of Part 6 and which must be used~~ under clause 6.12A when stopping and restarting the time frame that applies to an application under Part 6

connection and operation standards, in relation to a **distributor** or **distributed generation** or **load**,—

- (a) means requirements, as amended from time to time by the **distributor**, that—
 - (i) are set out in written policies and standards of the **distributor**; and
 - (ii) relate to connecting **distributed generation** or **load** to a **distribution network** or to a **consumer installation** that is connected to a **distribution network**, and the operation of the **distribution network**, including requirements relating to the planning, design, construction, testing, inspection, and operation of **distributed generation** or **load** that is, or is proposed to be, connected; and
 - (iii) are made publicly available in accordance with clause 6.3; and
 - (iv) reflect, or are consistent with, **reasonable and prudent operating practice**; and
- (b) includes the following, as amended from time to time by the **distributor**:
 - (i) the **distributor's** congestion management policy, as referred to in clause 6.3(2)(d); and
 - (ii) the **distributor's** emergency response policies; and
 - (iii) the **distributor's** safety standards; and
- (c) until 1 September 2026, may include the **distributor's** policies for specifying available **maximum export power** amongst categories of network users, a **maximum export power**

Commented [R1]: Query how the definition of “applicant” is intended to align with the definition of “connection applicant” under the connection pricing requirements amendments (new Part 6B). “Connection applicant” applies to load only, but load is also covered by the definition of “applicant”. The term “connection applicant” is only used under the new Part 6B. Depending on the EA’s intent, one way to remove the confusion is to amend the definition of “connection applicant” so that it is expressed to be for the purposes of Part 6B only. That would mean the term “applicant” applies to Part 6, and “connection applicant” applies only for the load pricing methodology and other requirements under Part 6B.

Commented [R2]: To make it clearer, and to align with decision paper, that the policy is adopted by distributors.

threshold for applications under **Process 1A** of Schedule 6.1, and the methodology used to determine that threshold

distributed generator, for the purposes of Part 6, means a person who owns or operates **distributed generation**

final application, for the purposes of Part 6, means an application made under clause 7 of Appendices 2 and 4 of Schedule 6.1 and clause 12 of Appendices 3 and 5 of Schedule 6.1

flexible connection means an arrangement whereby an **applicant's** export or import of **electricity through the connection** is managed (often through real-time control) based upon ~~contracted and agreed~~ principles of available security or capacity agreed in writing with the distributor

generating plant means –

- (a) ~~equipment collectively used for generating electricity;~~ and
- (b) for the purposes of Part 6, ~~this includes energy storage systems, bi-directional chargers, inverters~~ and equipment that converts solar energy to **electricity**, to the extent that they and which inject electricity into a distribution network

initial application, for the purposes of Part 6, means an application made under clause 2 of appendices 2, 3, 4 and 5 of Schedule 6.1

interim application, for the purposes of Part 6, means an application made under clause 7 of appendices 3 and 5 of Schedule 6.1

load means, for the purposes of Part 6, any connection to a **distribution network** or to a **consumer installation** that consumes ~~more than 69 kVA of electricity;~~ other than distributed generation

maximum export power means the maximum **active power** exported into a **network** at an **ICP** of a **distributed generator**, and is equal to—

- (a) the **nameplate capacity** of the **distributed generation** minus the minimum **load** at the **point of connection**; or
- (b) the **active power** export limit imposed by an **active power** export control device

network connections pipeline, for the purposes of Part 6, means the applications to a **distributor** under Part 6 to connect **distributed generation** or **load** to the **distribution network** of the **distributor**, by network, ranked in the order of their priority position for consideration of those applications by the **distributor**.

process 1, for the purposes of Part 6, means the process that applies to applications for **distributed generation** that has a **maximum export power** of 10 kW or less to a distribution network under Appendix 1 of Schedule 6.1

process 1A, for the purposes of Part 6, means the one-stage process that applies to applications for **distributed generation** that has a **maximum export power** of 10 kW or less to a distribution network under Appendix 1A of Schedule 6.1

process 2, for the purposes of Part 6, means the process that applies to applications for **distributed generation** that has a **maximum export power** above 10 kW and below 300 kW to a distribution network under Appendix 2 of Schedule 6.1

Commented [RMcv3]: Suggested amendment to the definition of applicant so it captures the intended ownership and operation concept (agree with the removal of it here).

Commented [R4]: Edits to align with connection pricing requirements (Part 6B) amendments

Formatted: Font: Bold

Formatted: Font: Not Bold

Commented [R5]: We understand the intention is to clarify that energy storage systems should also follow Part 6 process, however this creates an unintended pricing consequence where it can be interpreted that battery energy storage is always 'generation' so that the generation pricing principles apply to the entire connection. This is especially so given there is no equivalent inclusion of energy storage systems within the definition of "load". We query whether subclause (b) is required. If it was removed energy storage systems can still be handled by the provisions that deal with connections that are both generation and load. If it is retained, we have proposed an amendment (and other proposed amendments to clause 6.9) to make it clear that energy storage systems are generation only to the extent they are injection and, consistent with our understanding of the EA's intent, the default pricing principles do not apply given the load component.

Formatted: Indent: Left: 0 cm, Hanging: 0.75 cm, Space Before: 0 pt

Commented [RMcv6]: Amendment is to clarify that BESS is only generation to the extent it is in injection mode. Otherwise there is a risk that for Part 6 BESS is considered to always be generating plant, which we understand is not the intention.

Commented [R7]: Query why the definition of load will be different for Parts 6 and 6B. Load in Part 6B is not limited to consumption over 69kVA. It seems that the definition here should align to the definition of load for the purposes of Part 6B.

Commented [RMcv8]: The exclusion of distributed generation is confusing. By definition, distributed generation injects. By definition, load consumes. If a connection is both generation and load, then it would be better to let the relevant Code provisions govern how such connections are handled. The current approach to the definitions of generating plant and load suggests a connection must be one or the other, but can't be both.

Commented [RMcv9]: Query what "by network" is intended to add? Is it for distributors with more than one network? We note also that the definition of network in Part 1 excludes Part 6, so unclear what network is defined in this context.

Commented [RMcv10]: These minor amendments are for improved clarity / remove unnecessary reference to distribution network

process 3, for the purposes of Part 6, means the process that applies to applications for **distributed generation** with a **maximum export power** of 300 kW or more ~~to a distribution network~~ under Appendix 3 of Schedule 6.1

process 4, for the purposes of Part 6, means the process that applies to applications for **load** above 69 kVA and below 500 kVA ~~to a distribution network~~ under Appendix 4 of Schedule 6.1

process 5, for the purposes of Part 6, means the process that applies ~~to~~ applications for **load** of 500 kVA or more ~~to a distribution network~~ under Appendix 5 of Schedule 6.1

queueing and management policy for distributors means ~~at the policy that distributors have adopted for the purpose of Part 6 and which must be used~~ under clause 9 of Appendix 2, clause 14 of Appendix 3, clause 8 of Appendix 4, clauses 8 and 13 of Appendix 5 for queueing and managing an application to connect **distributed generation** or **load** to a **distribution network**, and to change the capacity of a **distributed generation** or **load** connection, ~~required under Part 6~~, where—

- (a) queueing includes the **distributor's** processes to set the priority position of, and manage, applications in the **network connections pipeline**
- (b) managing includes the **distributor's** process for managing applications with final approval to construction and completion, including setting project milestones, applying tolerance, and what occurs when project milestones are missed

regulated terms means the terms set out in Schedule 6.2

Commented [R11]: To make it clearer, and to align with the decision paper, that the policy is adopted by distributors.

Part 6

Connection to distribution networks

Contents

- 6.1 Contents of this Part
- 6.2 Purpose
- 6.2A Application of Part to **distributors** in respect of embedded networks
- 6.2AB Application of Part to **applicants** who are not **participants**
- 6.2AC Application of Part to developments, subdivisions, or **points of connection** or installations at the same location
- 6.2B Application of Part to **distributors** in respect of systems of lines not directly or indirectly connected to **grid**
- 6.2C **Connection and operation standards**
- 6.3 **Distributors** must **publish** information
- 6.4 Process for obtaining approval
- 6.4A **Distributor** and **applicant** may agree to simpler process for existing connection
- 6.5 Connection contract
- 6.6 Connection on **regulated terms**
- 6.7 Extra terms
- 6.8 Dispute resolution

- 6.8A Complaints by **applicants** that are not **participants**
- 6.9 **Distributed generation** pricing principles
- 6.10 *[Revoked]*
- 6.11 **Distributors** must act at arm's length
- 6.12 This Part does not affect rights and obligations under Code
- 6.12A Time frames for actions defined in this Part
- 6.12B **Distributors** to act reasonably

Transitional provisions

- 6.13 This Part does not apply to earlier connections

Schedule 6.1

Process for obtaining approval

Preliminary provisions

Confidentiality

Annual reporting and record keeping

Costs

Appendix 1

Process 1: Applications for **distributed generation** with **maximum export power** of 10 kW or less in total

Application process

Post-approval process

Appendix 1A

Process 1A: Applications for **distributed generation** with **maximum export power** of 10 kW or less in total in specified circumstances

Appendix 2

Process 2: Applications for **distributed generation** with **maximum export power** above 10 kW and below 300 kW in total

Initial application process

Final application process

Post-approval process

Appendix 3

Process 3: Applications for **distributed generation** with **maximum export power** of 300 kW or more in total

Initial application process

Interim application process

Final application process

Post-approval process

Appendix 4

Process 4: Applications for **load** above 69 kVA and below 500 kVA in total

Initial application process

Final application process

Post-approval process

Appendix 5

Process 5: Applications for load at 500 kVA or more in total

Initial application process

Interim application process

Final application process

Post-approval process

Schedule 6.2

Regulated terms for distributed generation

General

Meters

Access

Interruptions and disconnections

Time frame for construction

Confidentiality

Pricing

Liability

Schedule 6.3

Default dispute resolution process

Schedule 6.4

Distributed generation pricing principles

Capital and operating expenses

Share of generation-driven costs

Repayment of previously funded investment

Non-firm connection service

Schedule 6.5

Prescribed maximum fees

6.1 Contents of this Part

This Part specifies—

- (a) a framework to enable the connection and continued connection of **distributed generation** and **load** to a **distribution network** if consistent with a **distributor's connection and operation standards**, *required under clause 6.2C*; and
- (b) in Schedule 6.1, processes (including time frames) under which **applicants** may—
 - (i) connect **distributed generation** or **load** to a **distribution network**; or
 - (ii) continue an existing connection of **distributed generation** or **load** to a **distribution network** if the connection contract for the connection—

Commented [R12]: We acknowledge that this is an outline for Part 6, but it might also be helpful for clause 6.1 to also note that Part 6B contains pricing methodologies and other requirements for load.

Formatted: Font: Not Bold

- (A) is in force and the **applicant** wishes to extend the term of the connection contract; or
- (B) has expired; or
- (iii) continue an existing connection of **distributed generation** to a **distribution network** that is connected without a connection contract if the **regulated terms** do not apply; or
- (iv) change the **maximum export power, nameplate capacity, inverter model, electricity** producing components within the connected **distributed generation**, or fuel type of connected **distributed generation**; or
- (v) change the capacity of a **load** connection; and
- (c) in Schedule 6.2, the **regulated terms** that apply to **distributed generation** in the absence of a connection contract; and
- (d) in Schedule 6.3, a default dispute resolution process for disputes related to this Part; and
- (e) in Schedule 6.4, the **distributed generation** pricing principles to be applied for the purposes of this Part; and
- (f) in Schedule 6.5, prescribed maximum fees.

6.2 Purpose

The purpose of this Part is to enable **distributed generation** and **load** to be connected to a **distribution network** or to a consumer installation that is connected to a **distribution network**, if being connected is consistent with the distributor's connection and operation standards.

6.2A Application of Part to distributors in respect of embedded networks

Nothing in this Part applies to—

- (a) a **distributor** in respect of the **distributor's** ownership or operation of an embedded network that conveys less than 5 GWh of **electricity** per annum; or
- (b) a **distributed generator** when the **distributed generator** wishes to connect or has **distributed generation** connected to ~~such~~ an embedded network that conveys less than 5 GWh of **electricity** per annum; or
- (c) an **applicant** when the **applicant** wishes to connect or has **load** connected to ~~such~~ an embedded network that conveys less than 5 GWh of **electricity** per annum.

6.2AB Application of Part to applicants who are not participants

- (1) For the avoidance of doubt, an **applicant** who is not a **participant** is not required to comply with this Part and cannot be subject to the enforcement measures set out in the Act or the **Electricity Industry (Enforcement) Regulations 2010** for failing to comply with this Part.
- (2) Despite subclause (1), a **distributor** may refuse an application under this Part if an **applicant** who is not a **participant** fails to carry out the requirements expressed in this Part as applying to an **applicant**.

Formatted: Font: Not Bold

6.2AAC Application of Part to applications to connect distributed generation and load at the same ICP

If an **application** is for connection of both **distributed generation** and **load** at the same **ICP**, then-

- (a) clause 3(3) of Schedule 6.1 applies; and
- (b) clause 6B.2(3) applies even if the capacity of the **distributed generation** is higher than the capacity of the **load**.

6.2AC Application of Part to ~~developments, subdivisions, or multiple points of connection or installations~~ at the same location

- (1) This clause applies where—
 - (a) a person is intending to do any of the matters in clause 6.1(b) in respect of a development, subdivision, or **other activity that will require more than one set of points of connection or installations** at the same location;
 - (b) those matters are intended to be carried out at or about the same time;
 - (c) the person wishes to make an application or applications under this Part in respect of those matters.
- (2) Where this clause applies, unless there are reasonable grounds not to do so—
 - (a) in order for this Part to apply, the person must make a single application in respect of the **development, subdivision, or set of points of connection or installations**; and
 - (b) the total **aggregated capacity** of either **load** or **distributed generation** for the **development, subdivision, points of connection or installations** applies for the purpose of determining under Schedule 6.1 which application process applies; and
 - (c) **if the application is in respect of more than one point of connection**, every reference in this Part to a point of connection is to be read as a reference to **those all points of connection included in the single application**.
- (3) Reasonable grounds under subclause (2) includes that for genuine commercial reasons it is necessary for the person to stagger or make more than one application in respect of the **development, subdivision, points of connection or installations**.

6.2B Application of Part to distributors in respect of systems of lines not directly or indirectly connected to grid

Nothing in this Part applies to—

- (a) a **distributor** in respect of the **distributor's** ownership or operation of a system of lines that is used for providing **line function services** only to the **distributor**; or
- (b) a **distributor** in respect of the **distributor's** ownership or operation of a system of lines—
 - (i) that conveys less than 5 GWh of **electricity** per annum; and
 - (ii) that is not—
 - (A) directly connected to the **grid**; or
 - (B) indirectly connected to the **grid** through one or more other networks; or
- (e) a **distributed generator** when the **distributed generator** wishes to connect or has **distributed generation** connected to a system of lines described in paragraph (b).

Commented [R13]: Suggested including this clause:

- To make it clearer up front that there are rules for connections covering both generation and load; and
- To be clear that the rule that load cost is calculated first applies even if the distributed generation capacity is higher. This will help to make it clear that energy storage systems should be treated (and priced) as load first.

Formatted: Font: Bold

Formatted: Heading 4, Indent: Left: 0 cm, First line: 0 cm, Space Before: 0 pt, Don't keep with next

Commented [RMcv14]: It appears the intent is to cover multiple connections that would otherwise potentially be subject to individual applications. We have suggested changes to clarify this intent. There may still be some doubt about what "the same location" means, but that can be addressed via clause (2), which ultimately requires an assessment of what is reasonable in the circumstances.

Commented [RMcv15]: This confuses the intent of the clause. It suggests that the clause can apply to a single connection - ie if it is a development or subdivision. That raises the question of what a development or subdivision actually is, and what this clause requires if there is only one point of connection. As above, our understanding was that this clause was targeted at multiple points of connection.

Commented [RMcv16]: More a matter of useability, but clause 6.2B could be merged with 6.2A and the same comments made there apply. While this clause is targeted at networks not directly or indirectly connected to the grid, which is conceptually distinct from embedded networks, both would be excluded if the exclusion generally applied to any network owned or operated by a distributor that is under 5GWh.

6.2C Connection and operation standards

Each **distributor** must have **connection and operation standards**, which must include the queueing and management policy for **distributors**, **clock stop/start mechanism for distributors** and a congestion management policy, that align with good **electricity** industry practice.

6.3 Distributors must publish information that is not confidential

(1) The purpose of this clause is to require each **distributor** to **publish** certain information to enable the efficient approval of **distributed generation** and **load** under Schedule 6.1.

(1A) Each **distributor** ~~must consult with each applicant proposing to connect to its network to determine, when providing information to the distributor must, acting reasonably, identify what information provided to the distributor, if any, is the applicant's confidential information, being—~~

- (a) information that is commercially sensitive to the **applicant**, to any person to which the information relates or any person who supplied the information to the **applicant**;
- (b) information that is subject to an obligation of confidence;
- (c) information that is, by its nature, confidential; and
- (d) is, for any other genuine reason, confidential.

(1B) Where an **applicant** advises the **distributor** that certain information it has provided is confidential information under subclause (1A), the **distributor** must—

- ~~(a) mark that item of information as confidential in its records;~~
- ~~(b) treat that information as confidential;~~

~~(e)(c)~~ not disclose that information publicly in a manner that identifies the confidential information without the **applicant's** written consent; and

~~(d)(f)~~ comply with clause 5(5) of Schedule 6.1.

(2) Each **distributor** must **publish**—

- (a) application forms **to be used** for applications under Schedule 6.1; and
- (b) the **distributor's connection and operation standards**; and
- (c) a copy of the **regulated terms** together with an explanation of how the **regulated terms** will apply if—
 - (i) approval is granted under Schedule 6.1; and
 - (ii) the **distributor** and the **distributed generator** do not enter into a connection contract; and
- (ca) a copy of the **queueing and management policy for distributors**, and **clock stop/start mechanism for distributors**;
- (d) a statement of the circumstances in which **distributed generation** or **load** will be, or may be, curtailed or interrupted from time to time in order to ensure that the **distributor's** other **connection and operation standards** are met; and
- (da) a list, updated before the first **business day** after 15 December, 15 March, 15 June, and 15 September, of all locations on its **distribution network** that the **distributor** knows to be subject to **export congestion**; and

Formatted: Font: Bold

Commented [RMcv17]: Suggested as a more straightforward and efficient way to promote the identification of confidential information (i.e. the applicant identifies their confidential information, which must be reasonably identified).

Commented [R18]: This seems to be unnecessary and unduly onerous on the distributor - the applicant should identify and mark the information as confidential.

Formatted: Indent: Left: 2 cm, No bullets or numbering

Commented [R19]: The requirements of confidentiality are prescribed in the other paragraphs, this undefined obligation may create confusion.

Commented [RMcv20]: Seeking to distinguish between template and completed application forms.

- (db) a list, updated before the first **business day** after 15 December, 15 March, 15 June, and 15 September, of all locations on its **distribution network** that the **distributor** expects to become subject to **export congestion** within the next 12 months; and
 - (dc) until 1 September 2026, the **maximum export power** threshold and the methodology used to determine that threshold, for locations at which the **distributor** has set a **maximum export power** threshold for applications under Part 1A of Schedule 6.1; and
 - (dd) **distributor** contact information for ~~queries about discussions on~~ available and upcoming **network capacity**; and
 - (de) lists containing the following information if known (“capacity information”) updated before the first **business day** after 15 December, 15 March, 15 June, and 15 September—
 - (i) location and available capacity of zone substation distribution feeders; and
 - (ii) location and available capacity of transformers 500 kVA and above; and
 - (df) The capacity information recorded in the lists referred to in paragraph (de) should—
 - (i) be marked with an as at date, which is as close as possible to the applicable date set out in paragraph (de); and
 - (ii) be to the best of the **distributor’s** knowledge at the time of publication and should be ~~immediately~~ corrected as soon as reasonably practicable if an error is discovered; and
 - (iii) be marked as estimated where it is estimated; and
 - (iv) include caveats where the capacity is subject to change intra-day or intra-year and
 - (v) note **applicants** should contact the **distributor** directly for the most up to date and accurate capacity information.
 - (e) a list of any fees that the **distributor** charges under Schedule 6.1, which must not exceed the relevant maximum fees prescribed in Schedule 6.5; and
 - (f) a list of the makes and models of inverters that the **distributor** has approved for connection to its **distribution network**; and
 - (g) the **distributor’s** contact information for any enquiries relating to connecting to its **distribution network**.
- (3) The application forms referred to in subclause (2)(a) must specify the information, including any supporting documents, that must be provided with an application under Schedule 6.1.
- (4) Subject to subclause (1B), the **distributor** must **publish** information, at both the network and zone substation level, ~~about on~~ its **network connections pipeline**, which—
- (a) for **distributed generation** applications received by the **distributor** under **Process 3** must include the following:
 - (i) number of **distributed generation** applications in the **network connections pipeline**;
 - (ii) the sum of the **maximum export power** of these applications (MW);
 - (iii) number of applications by fuel type (~~wind, solar, energy storage system, other generation~~);
 - (iv) number of applications by project stage (**initial application, interim application, final application**, construction, connected);

Commented [RMcv21]: Specifying contact “for discussions” feels a bit odd.

Commented [RMcv22]: May not be possible to achieve precise alignment between “as at” and update date.

Commented [RMcv23]: “Immediately” is likely an impossible standard.

Commented [RMcv24]: Query whether this is intended to be a prescriptive list so that only these categories are used?

- (v) detail on each application in the **network connections pipeline** (priority position in pipeline, **maximum export power** (MW), fuel type, project stage, location by zone substation or feeder, and (where relevant) date commissioned); and
 - (b) for **load** applications received by the **distributor** under **Process 5** must include the following information:
 - (i) number of **load** applications received;
 - (ii) the sum of the **load** capacity of each of those applications (MVA);
 - (iii) number of applications by **load** type (transport, process heat, data centre, other **load**):
 - (iv) number of applications by project stage (**initial application**, **interim application**, **final application**, construction, connected);
 - (v) detail on each application in the **network connections pipeline** (priority position in pipeline, capacity (MVA), **load** type, project stage, location by zone substation or feeder, and (where relevant) date connected).
 - (c) the **network connections pipeline** is to be updated before the final **business day** of each calendar month, except for December which is to be updated on 22 December or the next **business day** if 22 December is not a **business day**.
 - (5) The **distributor** must continue to **publish** information on applications under subclause (4) unless:
 - (a) an application is withdrawn; or
 - (b) six months have passed since the date on which the **distributed generation** or **load** to which the application relates was connected.
- ~~(b)~~ (6) If an **application** is for connection of both **distributed generation** and **load** at the same **ICP**, then the distributor must publish the information for both **distributed generation** and **load** in accordance with subclause (4).

6.4 Process for obtaining approval

- (1) Schedule 6.1 applies if an **applicant** wishes to—
 - (a) connect **distributed generation** or **load** to a **distribution network**, whether the **distributed generation** ~~is~~ will be on the **regulated terms** or on other terms; or
 - (b) continue an existing connection of **distributed generation** or **load** to a **distribution network** if the connection contract—
 - (i) is in force and the **applicant** wishes to extend the term of the connection contract and the connection contract does not otherwise provide for an extension of its term; or
 - (ii) has expired; or
 - (c) continue an existing connection of **distributed generation** or **load** to a **distribution network** that is connected without a connection contract if the **regulated terms** do not apply; or
 - (d) change the **maximum export power**, **nameplate capacity**, inverter model, **electricity** producing components within the connected **distributed generation**, or fuel type of connected **distributed generation**; or
 - (e) change the capacity of an existing **load** connection, unless the **distributor** and the **applicant** agree another process in accordance with clause 6.4A.

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Heading 3

Formatted: Font: Bold

Formatted: Font: Bold

Commented [RMcv25]: This has been moved up from the application process schedule given that this clause governs the publication of the connections pipeline.

Commented [R26]: Suggest changing to “will be on” rather than “is on”, as the applicant will not be on any regulated terms at the time of application.

Commented [R27]: To be clear that any contractual terms should prevail.

- (2) A **distributor** must approve an application to connect **distributed generation or load** submitted under Schedule 6.1 if the application complies with the requirements of that Schedule.
- (3) Except as provided in clause 6.4A, a **distributor** cannot contract out of the provisions of Schedule 6.1 with an **applicant**.

Commented [R28]: Should include “load” as per rest of clause.

6.4A Distributor and applicant may agree to simpler process for existing connection

A **distributor** and an **applicant** may agree a simpler process to continue an **existing** connection to the **distributor's distribution network** than the relevant process set out in Schedule 6.1 if—

- (a) a connection contract—
 - (i) is in force and the **applicant** wishes to extend the term of the connection **contract** **and the connection contract does not otherwise provide for an extension of its term**; or
 - (ii) has expired; or
- (b) the **applicant** is connected without a connection contract; or
- (c) there is a change in the **maximum export power, nameplate capacity**, inverter model, **electricity** producing components within the connected **distributed generation**, or fuel type of the **distributed generation**; or
- (d) there is a change to the capacity of the existing **load** connection: and
- (e) the parties agree to terms which are consistent with the principles and requirements in Part 12A.

Commented [R29]: To be clear that any contractual terms should prevail.

6.5 Connection contract

If a **distributor** and an **applicant** enter into a contract to connect **distributed generation or load** to a **distribution network**—

- (a) their rights and obligations in respect of the connection of **distributed generation or load** are governed by that contract, and accordingly the **regulated terms** do not apply; and
- (b) a breach of the terms of that contract is not a breach of this Code.

6.6 Connection on regulated terms

- (1) Schedule 6.2 sets out the **regulated terms** for the connection of **distributed generation**.
- (2) The **regulated terms** apply in the following circumstances:
 - (a) if a **distributor** and an **applicant** for connection of **distributed generation** do not enter into a connection contract by the expiry of the period for negotiating a connection contract under clauses 6 of Appendix 1, 13 of Appendix 2 and 18 of Appendix 3 of Schedule 6.1:
 - (b) in accordance with clause 7 of Appendix 1A of Schedule 6.1.
- (3) If the **regulated terms** apply,—
 - (a) the parties' rights and obligations in respect of the connection are governed by the **regulated terms**; and
 - (b) a breach of the **regulated terms** is not a breach of contract.
- (4) Despite this clause, a **distributor** and an **applicant** may at any time, by agreement, enter into a connection contract that will apply instead of the **regulated terms**.

6.7 Extra terms

- (1) The parties' rights and obligations in respect of a connection on the **regulated terms**, are also governed by any other terms and conditions that—
 - (a) were **published** under clause 6.3(2)(d) in a statement of the terms and conditions that would apply
 - (b) cover any other incidental matters (for example, invoicing procedures) if—
 - (i) the matters are not covered by the **regulated terms**; and
 - (ii) the other matters are reasonable terms and conditions that either were proposed by the **distributor** during the 30 **business day** negotiation period under clauses 6 of Appendix 1, 13 of Appendix 2, 18 of Appendix 3, 13 of Appendix 4, and 18 of Appendix 5 of Schedule 6.1 as part of a connection contract or are terms that would be implied by law if the connection was under a connection contract; and
 - (iii) the other terms and conditions do not contradict any of the **regulated terms**.
- (2) In this Part, if the parties have agreed to change all or any part of one or more of the **regulated terms** as part of a binding contract, the resulting contract is, in total, a connection contract on terms that apply instead of the **regulated terms** for the purposes of this Part.

6.8 Dispute resolution

- (1) Subject to subclause (2), Schedule 6.3 applies to a dispute between an **applicant** that is a **participant** and a **distributor** arising from any one of the following —
 - (a) an allegation that a party has breached any of the **regulated terms** that apply under clause 6.6(2) or 6.6(2A); and
 - (aa) an allegation that conditions specified by the **distributor** under Schedule 6.1 are not reasonably required; and
 - (ab) an allegation that a party has not attempted to negotiate in good faith under Schedule 6.1; and
 - (b) an allegation that a party has breached any of the other provisions of this Part.
- (2) However, Schedule 6.3 does not apply to disputes between an **applicant** and a **distributor**—
 - (a) arising from an allegation that a party has breached any of the terms of a connection contract; or
 - (b) arising from an allegation that a party has breached any of the extra terms referred to in clause 6.7(1); or
 - (c) that the **applicant** and the **distributor** have agreed should be determined by any other agreed method (for example, under any dispute resolution scheme under section 95 of the Act).

6.8A Complaints by applicants that are not participants

- (1) If an **applicant** that is not a **participant** is in a dispute with a **distributor** about the application of this Part, and has notified the **distributor** of the dispute, the **distributor** must attempt to resolve the dispute in good faith within 20 **business days**.
- (2) This clause does not prevent the **applicant** from reporting a breach or possible breach of the Code under regulation 9 of the Electricity Industry (Enforcement) Regulations 2010 or from

Formatted: Font: Bold

making a complaint to the **distributor** under regulation 5 of the Electricity Industry (Enforcement) Regulations 2010 at any time.

Formatted: Font: Not Bold

6.9 Distributed generation pricing principles

(1) Schedule 6.4 applies in accordance with—

Formatted: Heading 3, Indent: Left: 0 cm, Space Before: 0 pt

(a) clause 19 of Schedule 6.2; and

(b) clause 4 of Schedule 6.3.

(2) ~~Where an application for connection includes both distributed generation and load, then clause 6B.2(3) applies.~~

Formatted: Font: Bold

Formatted: Font: Bold

~~(b)(3) Schedule 6.4 does not apply to an energy storage system that is load.~~

Commented [R30]: Addition is to make clear that clause 6B.2(3) governs the pricing of connections with generation and load.

6.10 *[Revoked]*

Commented [R31]: We suggest that it would be best to have a clear rule that the default pricing principles do not apply to energy storage systems that have a load connection. We understand that this aligns with the EA intent.

6.11 Distributors must act at arm's length

A **distributor** must use, in respect of all **applicants**, the same reasonable efforts in processing and considering applications and notices under Schedule 6.1, regardless of—

Formatted: Not Highlight

(a) whether the **distributor** has an ownership interest or a beneficial interest in the **applicant**, in the project to which the application relates, or any other **distributed generation** or **load** project connected to the **distributor's** network for which the **distributor** has received an application; or

Formatted: Font: Bold

(b) who the **applicant** is.

Formatted: Not Highlight

Formatted: Heading 3

6.12 This Part does not affect rights and obligations under Code

This Part does not affect any rights or obligations of a **distributor** or an **applicant** who is a **participant** under any other clause in this Code.

6.12A Time frames for actions defined in this Part

~~(1) Where an action is dependent on the provision of any information that is not held by the applicant or the distributor, and despite using best endeavours the applicant or the distributor has not been able to obtain that information, the distributor, acting reasonably, may pause and restart the time frame in accordance with the clock stop/start mechanism for distributors.~~

Formatted: Normal, Indent: Left: 1 cm, Space Before: 3 pt

~~(2) When time frames in this Part are exceeded, the applicant may refer the failure to comply with the time frame issue to the complaint process set out in clause 6.8A or the dispute process set out in Schedule 6.3.~~

Commented [RMcv32]: This is confusing - it suggests applicants have a choice about which process to use, which is not correct. It is also unnecessary, because other clauses already establish who can use what procedure and when.

6.12B Distributors to act reasonably

~~Distributors must act reasonably and process applications received under this Part without undue delay.~~

Commented [RMcv33]: Suggest removing. Distributors are already under specific process obligations and timeframes. The complaints/disputes process applies if they are not complied with. A general obligation such as this is vague and does not add anything to the specific obligations, but could invite further disputes and complaints.

Transitional provisions

6.13 This Part does not apply to earlier connections

(1) This Part does not apply in relation to, or affect, any **distributed generation** that was connected under a contract entered into before 30 August 2007, except for the purpose of renewing or extending the term of the contract.

Appendix A – Proposed Electricity Industry Participation Code 2010

- (2) This Part does not apply in relation to, or affect, any **load** connections connected under a contract entered into before [*date that the amendment comes into force*], except for the purpose of renewing or extending the term of the contract.

Schedule 6.1 Process for obtaining approval

cl 6.4

Contents

Preliminary provisions

- 1 Contents of this Schedule
- 2 **Applicant** must apply
- 3 How this Schedule applies to applications
- 4 When application may be made under **Process 1A**

Confidentiality

- 5 Confidentiality of information provided

Annual reporting and record keeping

- 6 **Distributors** must keep records

Costs

- 7 Responsibility for costs under this Schedule

Appendix 1

Process 1: Applications for **distributed generation** with **maximum export power** of 10 kW or less in total

- 1 Contents of this Appendix

Application process

- 2 Application for **distributed generation** with **maximum export power** of 10kW or less in total
- 3 **Distributor**'s decision on application
- 4 Extension of time by mutual agreement for **distributor** to process application
- 5 **Distributed generator** must give notice of intention to ~~negotiate~~proceed

Post-approval process

- 6 ~~6030~~business days to negotiate connection contract if **distributed generator** gives notice of intention to proceed
- 7 Testing and inspection
- 8 Connection of **distributed generation** if connection contract negotiated
- 9 Connection of **distributed generation** on **regulated terms** if connection contract not negotiated

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.1

Appendix 1A

Process 1A: Applications for **distributed generation** with **maximum export power** of 10 kW or less in total in specified circumstances

- 1 Contents of this Appendix
- 2 Application for **distributed generation** with **maximum export power** of 10 kW or less in total in specified circumstances
- 3 **Distributor** may inspect **distributed generation**
- 4 **Export congestion**
- 5 Non-compliance or incomplete information
- 6 Notice of final approval
- 7 **Regulated terms** apply
- 8 When **distributed generator** may connect to **distribution network**

Appendix 2

Process 2: Applications for **distributed generation** with **maximum export power** above 10 kW and below 300 kW in total

- 1 Contents of this Appendix

Initial application process

- 2 Initial application for distributed generation with maximum export power above 10 kW and below 300 kW in total ~~Distributed generator must make initial application and give information~~
- 3 **Distributor** must give information to **distributed generator**
- 4 Other matters to assist with decision making
- 5 **Distributor** and **distributed generator** must make reasonable endeavours regarding new information
- 6 **Distributor's** decision on **initial application**

Final application process

- 7 **Distributed generator** must make **final application**
- 8 Notice to third parties
- 9 Priority of **final applications**
- 10 **Distributor's** decision on **final application**
- 11 Time within which **distributor** must decide **final applications**
- 12 **Distributed generator** must give notice of intention to ~~negotiate~~ proceed

Post-approval process

- 13 ~~30-60~~ business days to negotiate connection contract if **distributed generator** gives notice of intention to negotiate

Commented [R34]: Suggest consistent subheadings for equivalent processes under each Appendix

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.1

- 14 Testing and inspection
- 15 Connection of **distributed generation** if connection contract negotiated
- 16 Connection of **distributed generation** on **regulated terms** if connection contract not negotiated
- 17 Approved **final applications** must connect to retain approval

Appendix 3

Process 3: Applications for **distributed generation** with **maximum export power** of 300 kW or more in total

- 1 Contents of this Appendix

Initial application process

- 2 ~~Initial application for distributed generation with maximum export power of 300 kW or more in total~~**Distributed generator must make initial application, give information and pay initial application fee**
- 3 **Distributor** must give information to **distributed generator**
- 4 Other matters to assist with decision making
- 5 **Distributor** and **distributed generator** must make reasonable endeavours regarding new information
- 6 **Distributor's** decision on **initial application**

Interim application process

- 7 **Distributed generator** must make **interim application** and give information
- 8 Notice to third parties
- 9 **Distributor's** decision on **interim application**
- 10 Time within which **distributor** must decide **interim applications**
- 11 **Distributed generator** must give notice of a dispute

Final application process

- 12 **Distributed generator** must make **final application**
- 13 Notice to third parties
- 14 Priority of **final application**
- 15 **Distributor's** decision on **final application**
- 16 Time within which **distributor** must decide **final applications**
- 17 **Distributed generator** must give notice of intention to ~~negotiate~~**proceed**

Post-approval process

- 18 ~~30-60~~ **business days** to negotiate connection contract if **distributed generator** gives notice of intention to negotiate

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.1

- 19 Connection of **distributed generation** if connection contract negotiated
- 20 Connection of **distributed generation** on **regulated terms** if connection contract not negotiated
- 21 Approved applications must meet milestones to retain priority position in **distributor's network connections pipeline**
- 22 Approved **final applications** must meet milestones to retain approval
- 23 Treatment of approved applications at the same network location
- 24 Testing and inspection

Appendix 4

Process 4: Applications for **load** above 69 kVA and below 500 kVA in total

- 1 Contents of this Appendix

Initial application process

- 2 ~~Initial application for load above 69kVA and below 500kVA in total~~**Distributor must receive information to process an initial application**
- 3 **Distributor** must give information to **applicant**
- 4 Other matters to assist with decision making
- 5 **Distributor** must make reasonable endeavours regarding new information
- 6 **Distributor's** decision on **initial application**

Final application process

- 7 **Distributor** must receive **final application**
- 8 Priority of **final applications**
- 9 **Distributor's** decision on **final application**
- 10 Time within which **distributor** must decide **final applications**
- 11 **Distributor** must negotiate if notified by **applicant**

Post-approval process

- 12 **Distributor** has ~~40-60~~ **business days** to negotiate connection contract if **applicant** gives notice of intention to negotiate
- 13 Connection of **load** if connection contract negotiated
- 14 Approved **final applications** must connect to retain approval

Appendix 5

Process 5: Applications for **load** at 500 kVA or more in total

- 1 Contents of this Appendix

Initial application process

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.1

2 ~~Initial application for load at 500kVA or more in total~~~~Distributor must receive information~~
3 ~~to process an initial application~~

3 **Distributor** must give information to **applicant**

4 Other matters to assist with decision making

5 **Distributor** must make reasonable endeavours regarding new information

6 **Distributor's** decision on **initial application**

Interim application process

7 **Distributor** must receive **interim application**

8 Notice to third parties

9 **Distributor's** decision on **interim application**

10 Time within which **distributor** must decide **interim applications**

11 **Applicant** may complain under section 95 of the Act

Final application process

12 **Distributor** must receive **final application**

13 Priority of **final application**

14 **Distributor's** decision on **final application**

15 Time within which **distributor** must decide **final applications**

16 **Distributor** must negotiate if notified by **applicant**

Post-approval process

17 **Distributor** has ~~40-60~~ **business days** to negotiate connection contract if **applicant** gives
18 notice of intention to negotiate

18 Connection of **load** if connection contract negotiated

19 Approved applications must meet milestones to retain priority position in **distributor's**
20 **network connections pipeline**

20 Approved **final applications** must meet milestones to retain approval

21 Treatment of approved applications at the same network location

Preliminary provisions

1 **Contents of this Schedule**

This Schedule specifies the procedures under Part 6 for:

- (a) processing applications from **applicants** for the connection or continued connection of **distributed generation** or **load** to a **distribution network**; and
- (b) for the renewal of an existing or expired connection contract; and
- (c) particular changes to connections of **distributed generation** and **load** connections.

2 **Applicant must apply**

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.1

- (1) Subject to clause 6.4A and clause 4 of Schedule 6.1, an **applicant** must apply to a **distributor** if it wishes to—
- (a) connect **distributed generation** or **load** to the **distributor's distribution network** using the processes in Part 6 and this Schedule; or
 - (b) continue an existing connection of **distributed generation** or **load** to the **distributor's distribution network** using the processes in Part 6 and this Schedule if a connection contract—
 - (i) is in force and the **applicant** wishes to extend the term of the connection contract; or
 - (ii) has expired; or
 - (c) continue an existing connection of **distributed generation** or **load** using the processes in Part 6 or this Schedule to the **distributor's distribution network** that is connected without a connection contract if the **regulated terms** do not apply; or
 - (d) change the **maximum export power**, **nameplate capacity**, inverter model, **electricity** producing components within the connected **distributed generation**, or fuel type of the **distributed generation** for applications under **Process 2** and **Process 3**; or
 - (da) change the **maximum export power** or fuel type of the **distributed generation** for applications under **Process 1** and **Process 1A**; or
 - (e) change the capacity of an existing **load** connection.

3 How this Schedule applies to applications

- (1) The appendices to this Schedule set out different processes which apply to different kinds of applications under clause 2.
- (2) The appendices and the processes in those appendices apply as follows:
- (a) **Process 1**, which is set out in Appendix 1, applies to applications for **distributed generation** that has **maximum export power** of 10 kW or less in total, unless the **distributed generator** has elected, under clause 4, to apply under **Process 1A**:
 - (b) **Process 1A**, which is set out in Appendix 1A, applies to applications for **distributed generation** that has **maximum export power** of 10 kW or less in total, if the **distributed generator** has elected, under clause 4, to apply under **Process 1A**:
 - (c) **Process 2**, which is set out in Appendix 2, applies to applications for **distributed generation** with **maximum export power** above 10 kW and below 300 kW in total:
 - (d) **Process 3**, which is set out in Appendix 3, applies to applications for **distributed generation** with **maximum export power** of 300 kW and above in total:
 - (e) **Process 4**, which is set out in Appendix 4, applies to applications for **load** above 69 kVA and below 500 kVA in total:
 - (f) **Process 5**, which is set out in Appendix 5, applies to applications for **load** at 500 kVA and above in total:
- (3) If an **applicant** wishes to connect both **distributed generation** and **load** at the same **ICP** the **applicant** ~~must only needs to~~ make an application for the connection of the higher capacity of either **distributed generation** or **load**.
- (4) Where subclause (3) applies—
- (a) an **applicant** must provide the required information for both **distributed generation** and **load**; and

Commented [R35]: To clarify that it is a mandatory obligation.

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.1

(b) ~~the distributor must publish the information for both distributed generation and load in its network connections pipeline in accordance with clause 6.3; and~~

(e)(b) the distributor and the applicant may enter into a combined connection contract; and

(d)(c) If a combined connection contract cannot be agreed within the period set out in this Part, the regulated terms for the connection of distributed generation apply for the distributed generation connection, ~~unless the connection is an energy storage system.~~

Commented [RMcv36]: We have suggested moving this into clause 6.3, where it logically fits.

Commented [R37]: Consistent with comments above, our understanding of the EA's intent is that energy storage systems with load connections should be treated as load first.

4 When application may be made under Process 1A

- (1) A distributed generator may elect to apply to a distributor under Process 1A instead of Process 1 if the distributed generation to which the application relates—
 - (a) is designed and installed in accordance with AS/NZS 4777.1:2016; and
 - (b) incorporates an inverter that—
 - (i) has been tested and issued a Declaration of Conformity with AS/NZS 4777.2:2020 by a laboratory with accreditation issued or recognised by International Accreditation New Zealand; and
 - (ii) has settings that meet the distributor's connection and operation standards.
- (2) Until 1 September 2026, a distributed generator may only elect to apply to a distributor under Process 1A instead of Process 1, if the distributed generation to which the application relates has, in addition to the requirements in subclause (1)—
 - (a) a volt-watt response mode;
 - (b) a volt-var response mode;
 - (c) control settings and volt response mode settings that meet the distributor's connection and operation standards; and
 - (d) a maximum export power limit at the ICP of the distributed generator that does not exceed the maximum export power threshold, if any, specified by the distributor in its connection and operation standards.

Formatted: French (France)

Confidentiality

5 Confidentiality of information provided

- (1) A distributor must comply with clause 6.3(1A) and clause 6.3(1B) as soon as it is provided with information by an applicant for the purposes of an application under this Schedule;
- (2) A distributor may require an applicant to keep ~~confidential~~ information ~~confidential~~ that—
 - (a) is given to the applicant by the distributor for the purpose of an application under this Schedule; and
 - (b) the distributor reasonably identifies as being confidential.
- (3) A distributor may decline to process an application made by an applicant under this Schedule if the applicant does not agree to comply with a requirement to keep information confidential imposed under subclause (2).
- (4) Despite subclause (1), the distributor—
 - (a) may, in response to an application under this Schedule, disclose to the applicant that another applicant has made an application under this Schedule (without identifying who the other applicant is); and
 - (b) may, in the case of an application under Processes 1, 2, 3, 4 and 5 of this Schedule, generally indicate the location or proposed location of the other application; and

Commented [R38]: See our comments on clauses 6.1(1A) and 6.3(1B) above.

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.1

- (c) may, in the case of an application under Processes 2, 3, 4 and 5 of this Schedule, disclose the **maximum export power** and export **load** profile of the other application; and
- (d) where **relevant applicants** ~~under this subclause~~ give written consent, may share the contact details of **those applicants** for applications under **Process 3** and **Process 5** of this Schedule, for the express purpose of encouraging complementary applications.
- (5) The obligation to keep information confidential in clause 6.3(1A) and clause 6.3(1B) includes—
- (a) an obligation not to use the information for any purpose other than considering the application under this Schedule, populating the **network connections pipeline**, enabling the connection or continued connection to a **distribution network**, and meeting the registry requirements under Part 11; and
- ~~(b) an obligation to destroy the information as soon as is reasonably practicable after a request by the relevant applicant, if no longer reasonably needed by the distributor for the purposes in paragraph (a). the later of —~~
- ~~(i) the date on which the information is no longer required for the purposes in paragraph (a); and~~
- ~~(ii)(b) 60 months after receiving the information.~~

Commented [R39]: Suggest making more specific to mean all relevant applicants under (4)(a).

Formatted: RM-S Level 3

Commented [R40]: See comment below re timeframe for destruction of confidential information.

Record keeping

6 Distributors must keep records

A **distributor** must maintain records of each application and notice received under this Schedule and the resulting outcomes, for ~~a minimum of 60 months~~ after the day on which the **initial applications**, **interim applications** and **final applications** were approved or declined, including records of:

- (a) how long it took to approve or decline **initial applications**, **interim applications** and **final applications**;
- (b) the number of and time duration of each extension sought by the **distributor**;
- (c) the number of and time duration of each extension sought by the **applicant**;
- (d) and justification for these outcomes.

Commented [R41]: There is an inconsistency between this obligation (to keep information for at least 60 months after a decision on application) and the obligation in clause 5.5 above to destroy confidential information 60 months after receipt (at the latest). We have suggested an amendment above so that confidential information need only be destroyed if requested by the applicant and no longer reasonably needed by the distributor.

Costs

7 Responsibility for costs under this Schedule

A **distributor** and an **applicant** must pay their own respective costs (including legal costs) incurred under this Schedule.

Appendix 1

Process 1: Applications for distributed generation
with **maximum export power** of 10 kW or less in total

1 Contents of this Appendix

- (1) This Appendix sets out **Process 1** and applies to applications for **distributed generation** that has a **maximum export power** of 10 kW or less in total, unless the **distributed generator** that owns or operates the **distributed generation** has elected, under clause 4 of Schedule 6.1, to apply under **Process 1A**.

- (2) **Process 1** provides for a one-stage application process.

Application process

2 Application for distributed generation with maximum export power of 10kW or less in total

- (1) A **distributed generator** must apply to a **distributor** by—
- (a) using the application form provided by the **distributor** that is published under clause 6.3(2)(a); and
 - (b) providing any information in respect of the **distributed generation** to which the application relates that is—
 - (i) referred to in subclause (2); and
 - (ii) specified by the **distributor** under clause 6.3(3) as being required to be provided with the application; and
 - (c) paying the application fee (if any) specified by the **distributor** in accordance with clause 6.3(2)(e).
- (2) The information **required by subclause (1)(b)** includes the following:
- (a) the full name and address of the **distributed generator** and the contact details of a person that the **distributor** may contact regarding the **distributed generation**;
 - (b) whether the application is to—
 - (i) connect **distributed generation**; or
 - (ii) continue an existing connection of **distributed generation** that is connected in accordance with a connection contract if the connection contract—
 - (A) is in force and the **distributed generator** wishes to extend the term of the connection contract; or
 - (B) has expired; or
 - (iii) continue an existing connection of **distributed generation** that is connected without a connection contract; or
 - (iv) change the **maximum export power** or fuel type of connected **distributed generation**;
 - (c) evidence of the **maximum export power** that the **distributed generation** will have, or other suitable evidence that the **distributed generation** is or will only be capable of generating **electricity** at a rate of 10 kW or less;
 - (d) if the application is to change the **maximum export power** or fuel type of connected **distributed generation**—
 - (i) the **maximum export power** that the **distributed generation** will have after the change; and
 - (ii) the aggregate **maximum export power** that all **distributed generation** that is connected at the point of connection at which the **distributed generation** is connected will have after the change; and
 - (iii) the fuel type that the **distributed generation** will have after the change;
 - (e) details of the fuel type of the **distributed generation** (for example, solar, wind, or liquid fuel);

- (f) a brief description of the physical location at the address at which the **distributed generation** is or will be connected:
 - (g) if the application is to connect **distributed generation**, when the **distributed generator** expects the **distributed generation** to be connected:
 - (h) technical specifications of the **distributed generation** and associated equipment, including the following:
 - (i) technical specifications of equipment that allows the **distributed generation** to be electrically disconnected from the **distribution network** on loss of mains voltage:
 - (ii) manufacturer's rating of equipment:
 - (iii) number of phases:
 - (iv) proposed or current point of connection to the **distribution network** (for example, the **ICP** identifier and street address):
 - (v) details of either or both of any inverter and battery storage:
 - (vi) details of any **load** at the proposed or current point of connection:
 - (vii) details of the voltage (for example, 400 V or 11 kV) when it is electrically connected:
 - (i) information showing how the **distributed generation** complies with the **distributor's connection and operation standards**:
 - (j) any additional information or documents that are reasonably required by the **distributor**.
- (3) The **distributed generator** must provide the **distributor** with the information required by clause 7(1)(o) of Schedule 11.1.
- (4) The **distributor** must, within five **business days** of receiving an application, give written notice to the **distributed generator** advising whether or not the application is complete.

3 Distributor's decision on application

- (1) A **distributor** must, within 30 **business days** after the date of receipt of a completed application made in accordance with clause 2, give notice in writing to the **applicant** stating whether the application is approved or declined.
- (2) A **distributor** must approve an application if—
- (a) the application has been properly made in accordance with Part 6 of this Code; and
 - (b) the information provided in the application would reasonably support an assessment by the **distributor** that the **distributed generator** meets relevant regulatory requirements.
- ~~(b)(3)~~ A **distributor** may decline a final application if it reasonably considers that —
- (i) the ~~**applicant-distributed generator**~~ will ~~not~~ comply ~~at all times~~ with the requirements of the Health and Safety at Work Act 2015; ~~and/or~~
 - (ii) the **distributed generator** will ~~not~~ ensure that the **distributed generation** complies ~~at all times~~ with the Act, and this Code; ~~and/or~~
 - (iii) the **distributed generation** ~~does not~~ meets the **distributor's connection and operation standards**.
- ~~(3)(4)~~ A notice stating that an application is declined must be accompanied by the following information:
- (a) detailed reasons as to why the application has been declined and the steps that the **applicant** can take to achieve approval if it makes a new application:

Formatted: Font: Bold

Formatted: Font: Bold

Commented [R42]: It is not possible for a distributor to reasonably assess an applicant's compliance, at all times, with these requirements. Instead, a distributor should be able to decline an application where it reasonably considers that compliance cannot be assured.

Formatted: Font: Bold

Formatted: RM-S Level 2

Formatted: Font: Not Bold

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.1

- (b) information about the default process under Schedule 6.3 for the resolution of disputes between **participants** about an alleged breach of ~~the regulated terms or any other~~ provision of Part 6 of this Code;
- (c) that if the **distributed generator** is not a **participant**, the **distributed generator** may report to the Authority under the **Electricity Industry (Enforcement) Regulations 2010** if it considers that the **distributor** has breached any requirement in Part 6 of this Code.

4 Extension of time by mutual agreement for distributor to process application

- (1) A **distributor** may seek an extension of the time specified in clause 3(1) by which the **distributor** must give notice in writing stating whether an application is approved or declined.
- (2) The **distributor** must ~~do this by provide~~ notice in writing to the **distributed generator** specifying the reasons for the extension.
- (3) The **distributed generator** that made the application—
- (a) may grant an extension which must not exceed 20 **business days**; and
- (b) must not unreasonably withhold consent to an extension.

5 Distributed generator must give notice of intention to ~~negotiate~~ proceed

- (1) If a **distributor** advises a **distributed generator** that its application is approved, the **distributed generator** must give written notice to the **distributor** confirming whether the **distributed generator** intends to ~~proceed with the connection and, if so, confirming the details of the distributed generation to which the application relates.~~
- (+)(2) The **distributor** must then give notice within 10 **business days** after it receives notice under subclause(1) of whether it intends to negotiate a connection contract under clause 6. ~~and, if so, confirming the details of the distributed generation to which the application relates.~~
- (2)(3) The **distributed generator** must give the notice ~~under subclause (1)~~ within 10 **business days** after the **distributor** gives notice of final approval, or such later date as is agreed by the **distributor** and the **distributed generator**.
- (3)(4) The **distributor's** duties under Part 6 of this Code arising from the application no longer apply if the **distributed generator** fails to give notice ~~of its intention to proceed with the connection~~ to the **distributor** within the time limit specified in subclause (2).
- (4)(5) Subclause (3) does not prevent the **distributed generator** from making a new application under Part 6 of this Code.

Post-approval process

6 ~~6030~~ business days to negotiate connection contract if distributed generator gives notice of intention to proceed

- (1) If a ~~distributed distributor generator whose application under clause 2 is approved~~ gives notice ~~of its intention to negotiate a connection contract~~ to a ~~distributor distributed generator~~ under clause 5, the **distributor** and the **distributed generator** have ~~6030~~ **business days**, starting on the date on which the **distributor** receives the notice, during which they must, in good faith, attempt to negotiate a connection contract.
- (2) The **distributor** and the **distributed generator** may, by agreement, extend the time specified in subclause (1) for negotiating a connection contract.

7 Testing and inspection

Commented [R43]: Unclear why “regulated terms” are referred to here when the regulated terms apply to connections, not applications to connect.

Commented [R44]: The obligation on the applicant should be to give notice of whether it wants to proceed with the connection. The distributor should then indicate whether it wants to negotiate a contract. Distributors’ duties will only fall away if there is no intention to proceed (if there is no intention to negotiate, the distributor is accepting default terms). This approach also ties in better with clause 6 below.

Formatted: Font: Not Bold

Commented [R45]: The practical experience of distributors negotiating large scale distributed generation is that, in particular, development and negotiation of the Schedules to contracts cannot realistically be concluded in 30 business days for either party. While the timeframe may be more feasible for small connections under this process, we suggest that the timeframe should be consistent across all processes and be extended to 60 business days as a more realistic starting point.

Commented [R46]: See comment above. Per the heading of this clause 6, suggest differentiating between intention to proceed and intention to negotiate. Consequential amendments to amendments to clause 5.

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.1

- (1) Subject to subclause (2), a **distributed generator** whose application under clause 2 is approved by a **distributor** must test and inspect the **distributed generation** to which the application relates within a reasonable time frame specified by the **distributor**.
- (2) The **distributor** may waive the requirement that the **distributed generator** test and inspect if the **distributor** is satisfied that the **distributed generation** complies with the **distributor's connection and operation standards**.
- (3) The **distributed generator** must give adequate notice of the testing and inspection to the **distributor**.
- (4) The **distributor** may send qualified personnel to the site to observe the testing and inspection.
- (5) The **distributed generator** must give the **distributor** ~~with~~ a written test report when testing and inspection is complete, including suitable evidence that the **distributed generation** complies with the **distributor's connection and operation standards**.
- (6) The **distributed generator** must pay any fee specified by the **distributor** in accordance with clause 6.3(2)(e) for observing the testing and inspection.

8 Connection of distributed generation if connection contract negotiated

- (1) This clause applies if a **distributor** and a **distributed generator** whose application under **Process 1** is approved enter into a connection contract before the period for negotiating a connection contract under **Process 1** expires.
- (2) If the application is to connect **distributed generation** under clause 2(1)(a) of Schedule 6.1, the **distributor** must allow the **distributed generator** to connect the **distributed generation** in accordance with the contract as soon as practicable.
- (3) If the application is to continue an existing connection of **distributed generation** under clause 2(1)(b) of Schedule 6.1, the **distributor** must use its best endeavours to ensure that the new terms under which the **distributed generator's** existing connection continues apply—
 - (a) as soon as practicable, if the previous connection contract has expired; or
 - (b) no later than the expiry of the previous connection contract, if the contract is in force.
- (4) If the application is to continue an existing connection for which there is no connection contract under clause 2(1)(c) of Schedule 6.1, the **distributor** must use its best endeavours to ensure that the new terms under which the **distributed generator's** existing connection continues apply as soon as practicable.
- (5) If the application is to change the **maximum export power** or fuel type of connected **distributed generation** under clause 2(1)(da) of Schedule 6.1, the **distributor** must use its best endeavours to ensure that the new terms under which the **distributed generator's** existing connection continues apply as soon as practicable.

9 Connection of distributed generation on regulated terms if connection contract not negotiated

- (1) This clause applies if a **distributor** and a **distributed generator** whose application under **Process 1** is approved do not enter into a connection contract before the period for negotiating a connection contract under this Part of this Schedule ~~expires~~ **or, prior to expiry, a distributed generator gives notice to a distributor that it will not be entering into a connection contract**.
- (2) If the application is to connect **distributed generation** under clause 2(1)(a) of Schedule 6.1, the **distributor** must allow the **distributed generator** to connect the **distributed generation** on the **regulated terms** as soon as practicable after the expiry of the period.

Commented [R47]: This clause could also cover situations where an applicant gives notice that it does not want a connection contract. The rationale for waiting until the expiry of the period for negotiating is unclear.

Formatted: Font: Bold

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.1

- (3) If the application is to continue an existing connection of **distributed generation** under clause 2(1)(b) of Schedule 6.1, the **regulated terms** apply to the **distributed generator's** existing connection as follows:
 - (a) if the previous connection contract has expired, the **regulated terms** apply from the day after the date on which the period for negotiating a connection contract under **Process 1** expires:
 - (b) if the previous connection contract is still in force, the **regulated terms** apply from the day after the date on which the contract expired.
- (4) If the application is to continue an existing connection for which there is no connection contract under clause 2(1)(c) of Schedule 6.1, the **regulated terms** apply from the day after the date that the period for negotiating a connection contract under **Process 1** expires.
- (5) If the application is to change the **maximum export power** or fuel type of connected **distributed generation** under clause 2(1)(da) of Schedule 6.1, the **regulated terms** apply from the day after the date that the period for negotiating a connection contract under this Part of this Schedule expires.

Appendix 1A

Process 1A: Applications for **distributed generation** with **maximum export power** of 10 kW or less in total in specified circumstances

1 Contents of this Appendix

- (1) This Appendix sets out **Process 1A** and applies to applications relating to **distributed generation** that has a **maximum export power** of 10 kW or less in total to a **distribution network** if the **applicant** has elected, under clause 4 of Schedule 6.1, to apply under **Process 1A**.
- (2) **Process 1A** provides for a simplified 1-stage application process.

2 Application for distributed generation with maximum export power of 10 kW or less in total in specified circumstances

- (1) An application to a **distributor** must use the application form provided by the **distributor** that is publicly available under clause 6.3(2)(a), and specify which of the following circumstances applies:
 - (a) the **distributed generator** wishes to connect **distributed generation**:
 - (b) the **distributed generator** wishes to continue an existing connection of **distributed generation** that is connected in accordance with a connection contract that—
 - (i) is in force and the **distributed generator** wishes to extend the term of the connection contract; or
 - (ii) has expired:
 - (c) the **distributed generator** wishes to continue an existing connection of **distributed generation** that is connected without a connection contract:
 - (d) the **distributed generator** wishes to change the **maximum export power** or fuel type of connected **distributed generation**.
- (2) An application **made under this clause** must include the following:
 - (a) the name, contact, and address details of the **distributed generator** and, if applicable, the **contact details of a person that the distributor may contact regarding the distributed distributed generation generator's agent**:
 - (b) a brief description of the physical location at the address at which the **distributed generation** is or will be connected:
 - (c) any application fee specified by the **distributor** in accordance with clause 6.3(2)(e):
 - (d) details of the make and model of the inverter:
 - (e) confirmation as to whether the inverter—
 - (i) is included on the **distributor's** list of approved inverters **published** under clause 6.3(2)(f); or
 - (ii) conforms with the settings specified in the **distributor's connection and operation standards**:
 - (f) if the inverter is not included on the **distributor's** list of approved inverters, a copy of the AS/NZS 4777.2:2020 Declaration of Conformity certificate for the inverter:
 - (g) details of—
 - (i) the **maximum export power** of the **distributed generation**; and

Formatted: Font: Bold

Commented [R48]: For consistency with the other Appendices.

- (ii) the fuel type of the **distributed generation** (for example, solar, wind, or liquid fuel).
 - (h) the information required by clause 7(1)(o) of Schedule 11.1.
- (3) Until 1 September 2026, an application must also include—
 - (a) confirmation as to whether the inverter conforms with the control settings and volt response mode settings specified in the **distributor's connection and operation standards**; and
 - (b) confirmation that the **distributed generation** has a **maximum export power** limit that does not exceed the **maximum export power** threshold, if any, specified by the **distributor** in its **connection and operation standards**; and
 - (c) the **maximum export power** of the **distributed generation**.
- (4) The **distributed generator** must also give the **distributor** the following information as soon as it is available, but no later than 10 **business days** after the approval of the application:
 - (a) a copy of the Certificate of Compliance issued under the **Electricity (Safety) Regulations 2010** that relates to the **distributed generation**;
 - (b) the **ICP** identifier of the **ICP** at which the **distributed generation** is connected or is proposed to be connected, if one exists.
- (5) A **distributor** must, no later than two **business days** after receiving an application from a **distributed generator**, acknowledge receipt of the application.

3 Distributor may inspect distributed generation

- (1) A **distributor** may inspect **distributed generation** that is connected or is proposed to be connected to its **distribution network** for the purpose of—
 - (a) verifying that the **distributed generation** meets, or continues to meet, the requirements specified in clause 4 of Schedule 6.1; or
 - (b) verifying the information contained in an application made under **Process 1A**.
- (2) If a **distributor** wishes to inspect **distributed generation**, the **distributor** must give the **distributed generator** at least two **business days'** notice of the time and date on which the inspection will take place.
- (3) Following receipt of a notice, the **distributed generator** must—
 - (a) pay the fee specified by the **distributor** in accordance with clause 6.3(2)(e) for the inspection (if any); and
 - (b) provide or arrange for the **distributor** to have reasonable access to the **distributed generation**.

4 Export congestion

- (1) This clause applies if a **distributed generator** applies to a **distributor** under **Process 1A** to connect **distributed generation** or continue an existing connection of **distributed generation** to a location on the **distributor's distribution network** that is included in the list published in accordance with clauses 6.3(2)(da) or 6.3(2)(db).
- (2) The **distributor** may advise the **distributed generator** that the **distributed generation** may be subject to **export congestion** as set out in the **distributor's** congestion management policy.
- (3) If a **distributor** has advised a **distributed generator** under subclause (2), the **distributor** must take reasonable steps to work with the **distributed generator** to assess whether solutions exist to mitigate the **export congestion**.

5 Non-compliance or incomplete information

- (1) This clause applies if a **distributor** considers that an application made to it by a **distributed generator** under **Process 1A** has one or more of the following deficiencies:
 - (a) the **distributed generation** to which the application relates does not meet the requirements specified in clause 4 of Schedule 6.1;
 - (b) the **distributed generation** to which the application relates is not as described in the information given under clause 2(2);
 - (c) the **distributed generator** has not complied with clause 2(2).
- (2) If this clause applies, the **distributor** must advise the **distributed generator** of the deficiency or deficiencies.
- (3) If the **distributed generator** is advised of a deficiency or deficiencies, it must remedy each deficiency to the satisfaction of the **distributor** no later than 10 **business days** after being advised of the deficiency.
- (4) If the **distributed generator** is required to remedy a deficiency it must pay the relevant fee specified by the **distributor** in accordance with clause 6.3(2)(e).
- (5) If the **distributed generator** does not remedy each deficiency of which it is advised within the time frame specified in subclause (3)—
 - (a) if the **distributed generation** to which the application relates is electrically connected to the **distributor's distribution network** at the time the **distributor** advises the **distributed generator** under subclause (2), the **distributor** may, by notice to the **distributed generator**, require the **distributed generator** to—
 - (i) electrically disconnect the **distributed generation** within a reasonable time frame specified by the **distributor** (if applicable); and
 - (ii) keep the **distributed generation** electrically disconnected until each deficiency is remedied to the **distributor's** satisfaction; or
 - (b) if the **distributed generation** is not connected to the **distributor's distribution network** at the time of being advised under subclause (2), the **distributor** may, by notice to the **distributed generator**, prohibit the **distributed generator** from connecting the **distributed generation** to the **distributor's distribution network** until each deficiency is remedied to the **distributor's** satisfaction.
- (6) The **distributor** must approve connection of the **distributed generation** as soon as is reasonable in the circumstances if—
 - (a) the **distributed generator** complies with a notice given under subclause (5)(a) (if applicable); and
 - (b) the **distributed generator** remedies each deficiency advised under subclause (2)—
 - (i) to the satisfaction of the **distributor**; and
 - (ii) no later than 12 months after the date of the notice given under subclause (5) or such later date as is agreed by the **distributor** and the **distributed generator**.
- (7) If the **distributor** approves the connection of **distributed generation**, it must give a notice of final approval to the **distributed generator** under clause 6.

6 Notice of final approval

- (1) A **distributor** must give a notice of final approval of **distributed generation** to a **distributed generator** that has made an application to the **distributor** under **Process 1A** if the **distributor** is satisfied that—

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.1

- (a) the **distributed generation** meets the requirements specified in clause 4 of Schedule 6.1; and
 - (b) the information given by the **distributed generator** under clause 2(2) is complete and accurate.
- (2) The **distributor** must give the notice no later than 10 **business days** after the date on which the application was submitted.
- (3) If the **distributed generator** does not receive a notice by the date specified in subclause (2), the **distributor** is deemed to have given notice of final approval.

7 Regulated terms apply

- (1) If a **distributor** gives a notice of final approval to a **distributed generator** under clause 6, the **regulated terms** apply.
- (2) Despite subclause (1), and in accordance with clause 6.6(4), the **distributor** and **distributed generator** may at any time enter into a connection contract on terms that apply instead of the **regulated terms**.

8 When distributed generator may connect to distribution network

- (1) A **distributed generator** that has submitted an application to a **distributor** under clause 4 of Schedule 6.1 may connect the **distributed generation** to which the application relates to the **distributor's distribution network** if the **distributed generator** receives a notice of final approval under clause 6(1), or is deemed to have received a notice of final approval under clause 6(3).
- (2) Despite subclause (1) a **distributor** may prohibit a **distributed generator** from connecting if—
 - (a) the **distributor** has advised the **distributed generator** of a deficiency under clause 5(2) and the deficiency has not been remedied in accordance with clause 5(3); or
 - (b) the **distributor** gave notice that it wished to inspect the **distributed generation** under clause 3(2), but the **distributed generator** has not provided or arranged for the **distributor** to have reasonable access to the **distributed generation** under clause 3(3)(b).

Appendix 2

Process 2: Applications for **distributed generation** with **maximum export power** above 10 kW and below 300 kW in total

1 Contents of this Appendix

- (1) This Appendix sets out **Process 2** and applies to applications for **distributed generation** with **maximum export power** above 10 kW and below 300 kW in total to a **distribution network**.
- (2) **Process 2** provides for a two-stage application process.

Initial application process

2 ~~Distributed generator must make initial application and give information~~ **Initial application for distributed generation with maximum export power above 10 kW and below 300 kW in total**

- (1) A **distributed generator** must make an **initial application** to a **distributor** by—
 - (a) using the application form provided by the **distributor** that is **published** under clause 6.3(2)(a); and
 - (b) providing any information in respect of the **distributed generation** to which the application relates that is—
 - (i) referred to in subclause (2); and
 - (ii) specified by the **distributor** under clause 6.3(3) as being required to be provided with the application; and
 - (c) paying the application fee (if any) specified by the **distributor** in accordance with clause 6.3(2)(e).
- (2) The information **required by subclause (1)(b)** includes the following:
 - (a) the full name and address of the **distributed generator** and the contact details of a person whom the **distributor** may contact regarding the **distributed generation**;
 - (b) whether the application is to—
 - (i) connect **distributed generation**; or
 - (ii) continue an existing connection of **distributed generation** that is connected in accordance with a connection contract if the connection contract—
 - (A) is in force and the **distributed generator** wishes to extend the term of the connection contract; or
 - (B) has expired; or
 - (iii) continue an existing connection of **distributed generation** that is connected without a connection contract; or
 - (iv) change the **maximum export power**, **nameplate capacity**, inverter model, **electricity** producing components within the connected **distributed generation**, or fuel type of connected **distributed generation**;
 - (c) evidence of the **maximum export power** that the **distributed generation** will have;
 - (d) if the application is to change the **maximum export power**, **nameplate capacity**, inverter model, **electricity** producing components within the connected **distributed generation**, or fuel type of connected **distributed generation**—

Commented [R49]: Suggest consistent subheadings for equivalent processes under each Appendix

- (i) the **maximum export power** that the **distributed generation** will have after the change; and
- (ii) the aggregate **maximum export power** that all **distributed generation** that is connected at the point of connection at which the **distributed generation** is connected will have after the change; and, if applicable
- (iii) the model number of the new inverter; and
- (iv) the technical specifications for the new **electricity** producing components; and
- (v) the fuel type that the **distributed generation** will have after the change:
- (e) details of the fuel type of the **distributed generation** (for example, solar, wind, or liquid fuel):
- (f) a brief description of the physical location at the address at which the **distributed generation** is or will be connected:
- (g) if the application is to connect **distributed generation**, when the **distributed generator** expects the **distributed generation** to be connected:
- (h) technical specifications of the **distributed generation** and associated equipment, including the following:
 - (i) technical specifications of equipment that allows the **distributed generation** to be electrically disconnected from the **distribution network** on loss of mains voltage:
 - (ii) manufacturer's rating of equipment:
 - (iii) number of phases:
 - (iv) proposed or current point of connection to the **distribution network** (for example, the **ICP** identifier and street address):
 - (v) details of either or both of any inverter and battery storage:
 - (vi) details of any **load** at the proposed or current point of connection:
 - (vii) details of the voltage (for example, 400 V or 11 kV) when electrically connected:
- (i) information showing how the **distributed generation** complies with the **distributor's connection and operation standards**:
- (j) the maximum active power injected (MW max):
- (k) the reactive power requirements (MVAr) (if any):
- (l) resistance and reactance details of the **distributed generation**:
- (m) fault level contribution (kA):
- (n) method of voltage control:
- (o) single line diagram of proposed connection:
- (p) means of synchronising with, electrically connecting to, and electrically disconnecting from, the **distribution network**, including the type and ratings of the proposed circuit breaker:
- (q) details of compliance with frequency and voltage support requirements as specified in this Code (if applicable):
- (r) proposed periods and amounts of **electricity** injections into, and offtakes from, the **distribution network** (if known):
- (s) any other information that is required by the system operator:
- (t) any additional information or documents that are reasonably required by the **distributor**.

- (3) The **distributed generator** must provide the **distributor** with the information required by clause 7(1)(o) of Schedule 11.1.
- (4) The **distributor** must, within five **business days** of receiving an **initial application**, give written notice to the **applicant** advising whether or not the application is complete and, if not, what information is needed to complete the application.

3 **Distributor must give information to distributed generator**

A **distributor** must give a **distributed generator** that makes an **initial application** the following information within 30 **business days** of receiving the completed **initial application**:

- (a) information about the capacity of the **distribution network**, including both the design capacity (including fault levels) and actual operating levels;
- (b) information about the extent to which connection and operation of the **distributed generation** may result in a breach of the relevant standards for safety, voltage, power quality, and reliability of **electricity** conveyed to **points of connection** on the **distribution network**;
- (c) information about any measures or conditions (including modifications to the design and operation of the **distribution network**, the **grid** or to the operation of the **distributed generation**) that may be necessary to address the matters referred to in paragraphs (a) and (b);
- (d) the approximate costs of any **distribution network** related measures or conditions identified under paragraph (c) and an estimate of time constraints or restrictions that may delay connecting the **distributed generation**;
- (e) information about any further detailed investigative studies, including estimated cost and time to complete those studies, that the **distributor** reasonably considers are necessary to identify any potential adverse effects the **distributed generation** may have on the system, together with an indication of—
 - (i) whether the **distributor** agrees to the **distributed generator**, or a suitably qualified agent of the **distributed generator**, undertaking those studies and, if not, the reasons for the **distributor**'s decision; or
 - (ii) if not, whether the **distributor** could undertake those studies and, if so, the reasonable estimated cost of the studies that the **distributed generator** would be charged;
- (f) information about any obligations to other parties that may be imposed on the **distributor** and that could affect the **distributed generation** (for example, obligations to Transpower, in respect of other networks, or under this Code);
- (g) any additional information or documents that the **distributor** considers would assist the **distributed generator's** application;
- (h) information about the extent to which planned and unplanned outages may adversely affect the operation of the **distributed generation**.

4 **Other matters to assist with decision making**

- (1) A **distributor** must provide, if requested by a **distributed generator** making an **initial application**, further information that is reasonably necessary to enable the **distributed generator** to consider and act on the information given by the **distributor** under clause 3.
- (2) The information that the **distributor** must provide under subclause (1) may include single line diagrams, equipment ratings, normal switch configurations (including fault levels), and

protection system details relevant to the current or proposed point of connection of the **distributed generation** to the **distribution network**.

- (3) The **distributor** must provide the further information under this clause within 10 **business days** of the request being received.

5 Distributor and distributed generator must make reasonable endeavours regarding new information

If a **distributor** or a **distributed generator** has given information to the other party under this Appendix and subsequently becomes aware of new information that is relevant to the application, the party that becomes aware of the new information must use reasonable endeavours to provide the other party with the new information.

6 Distributor's decision on initial application

- (1) A **distributor** must, within 40 **business days** after receiving the completed **initial application**, give notice in writing to the **distributed generator** stating whether the **initial application** is approved or declined.
- (2) A **distributor** must approve an **initial application**, subject to any conditions specified by the **distributor** that are reasonably required, if—
- (a) the **initial application** has been properly made in accordance with Part 6 of this Code; and
 - (b) the information provided in the **initial application** would reasonably support an assessment by the **distributor**.
- (3) A **distributor** may approve an **initial application** that does not comply with their **connection and operation standards**.
- (4) If the **distributor** does not give notice in accordance with subclause (1) before the expiry of the time frame in this clause, the **distributed generator** may refer the failure to comply with subclause (1) to the disputes process set out in Schedule 6.3.
- (5) A notice stating that an **initial application** is approved must be accompanied by information about estimated charges payable by the **distributed generator** to the **distributor** to assess a **final application**.
- (6) A notice stating that an **initial application** is declined must be accompanied by detailed reasons as to why the **initial application** was declined.

Final application process

7 Distributed generator must make final application

- (1) A **distributed generator** that makes an **initial application** to a **distributor** must make a **final application**, no later than 12 months after the date on which the **distributor** approved the **initial application**, if the **distributed generator** wishes to proceed with the application, unless—
- (a) the **distributor** and the **distributed generator** agree that a **final application** is not required; and
 - (b) there are no persons to whom the **distributor** must give written notice under clause 8 at the time that the **distributor** and **distributed generator** agree that a **final application** is not required; or

Formatted: Font: Bold

- (c) the **distributor** agrees to accept a **final application** later than 12 months after the date on which it approved the **initial application**.
- (2) If a **final application** is not required under subclause (1)—
 - (a) subclause (3) does not apply; and
 - (b) the **distributed generator's initial application** must be treated as a **final application** for the purposes of clauses 8 to 16.
- (3) The **distributed generator** must make the **final application** by—
 - (a) using the **final application** form provided by the **distributor** that is **published** under clause 6.3(2)(a); and
 - (b) providing the results of any investigative studies that were identified by the **distributor** under clause 3(e)(i) and to be undertaken by the **distributed generator** or the **distributed generator's agent**; and
 - (c) paying the **final application** fee (if any) specified by the **distributor** in accordance with clause 6.3(2)(e).

8 Notice to third parties

A **distributor** that receives a **final application** must give written notice of the **final application** to the following persons no later than 10 **business days** after receiving the **final application**:

- (a) all persons that have made an **initial application**, **interim application** and **final application** relating to a part of the **distribution network** that the **distributor** considers would be affected by the approval of the **final application**; and
- (b) all **distributed generators** that have **distributed generation** with a **maximum export power** of 10 kW or more in total connected on the **regulated terms** to the part of the **distribution network** that the **distributor** considers would be affected by the approval of the **final application**.

9 Priority of final applications

A **distributor** must prioritise and manage **final applications** in accordance with the **distributor's queuing and management policy for distributors**.

10 Distributor's decision on final application

- (1) A **distributor** must, within the time limit specified in clause 11 but subject to clause 9, give notice in writing to the **distributed generator** stating whether the **final application** is approved or declined.
- (2) A **distributor** must approve a **final application**, subject to any conditions specified by the **distributor** that are reasonably required, if—
 - (a) the application has been properly made in accordance with Part 6 of this Code; and
 - (b) the information provided in the application would reasonably support an assessment by the **distributor** that **the distributed generator meets relevant regulatory requirements**.
- (b)(3) A **distributor** may decline a **final application** if it reasonably considers that—
 - (i) the **distributed generator** will **not** comply **at all times** with the requirements of the Health and Safety at Work Act 2015; **and/or**
 - (ii) the **distributed generator** will **not** ensure that the **distributed generation** complies at all times with the Act and this Code; **and/or**

Formatted: Font: Bold

Commented [R50]: To reflect that the queuing and management policy is adopted by the distributor.

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Commented [R51]: It is not possible for a distributor to reasonably assess an applicant's compliance, at all times, with these requirements. Instead, a distributor should be able to decline an application where it reasonably considers that compliance cannot be assured.

Formatted: Font: Bold

Formatted: RM-S Level 2

- (iii) the **distributed generation** ~~does not~~ meets the **distributor's connection and operation standards** ~~(assuming that the distributed generator meets the conditions (if any) referred to in subclause (3))~~.

Formatted: Font: Not Bold

~~(3)~~(4) A notice stating that a **final application** is approved must be accompanied by the following information:

- (a) a detailed description of any conditions (or other measures) that are conditions of the approval under subclause (2), and what the **distributed generator** must do to comply with them;
- (b) detailed reasons for those conditions (or other measures);
- (c) a detailed description of any charges payable by the **distributed generator** to the **distributor** or by the **distributor** to the **distributed generator**, and an explanation of how the charges have been, or will be, calculated;
- (d) the default process for resolving disputes under Schedule 6.3, if the **distributed generator** disputes all or any of the conditions (or other measures) or charges payable.

~~(4)~~(5) A notice stating that a **final application** is declined must be accompanied by the following information:

- (a) detailed reasons as to why the **final application** was declined and what the **distributed generator** must do to obtain the **distributor's** approval if it makes a new **final application**;
- (b) if the application is one to which clause 9 applies, the criteria used in making a decision under clause 9;
- (c) the default process for resolving disputes between **participants** under Schedule 6.3.

11 Time within which distributor must decide final applications

- (1) A notice required by clause 10~~(1)~~ must be given by a **distributor** to a **distributed generator** no later than 45 **business days** after the date of receipt of the **final application**.
- (2) The **distributor** may, where zone substation work and/or input from Transpower is required to connect a **distributed generator**, seek up to two extensions of the time specified in subclause (1).
- (3) If the **distributor** requires **grid** studies to decide the **final application**, the **distributor** may seek up to two additional extensions of the time specified in subclause (1).
- (4) If a **distributor** seeks an extension of time under subclauses (2) and (3) it must provide the **distributed generator** with a notice in writing specifying the reasons why the extension of time is sought.
- (5) A **distributed generator** that receives a notice seeking an extension of time under subclauses (2) and (3)—
 - (a) may grant an extension which must not exceed 40 **business days**; and
 - (b) must not unreasonably withhold consent to an extension.
- (6) The **distributor** may use the dispute resolution process set out in Schedule 6.3 if it considers the **distributed generator** has unreasonably withheld consent to an extension under subclause 5(b).
- (7) Subclause (8) applies if the **distributor** requests or requires further information from the **distributed generator** that was missing from the **final application** that the **distributor** reasonably needs in order to progress the **final application**.
- (8) The total time frame will pause on the making of the request or requirement and will resume on the **business day** after the **distributor** receives the information.

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.1

- (9) If the **distributor** does not give notice in accordance with subclause (1) before the expiry of the time frames in this clause, including any extensions of time, the **distributed generator** may refer the failure to comply with subclause (1) to the disputes process set out in Schedule 6.3.
- (10) If subclause (9) applies, the **applicant** may choose to defer the **distributor's** decision on its **final application** until a later date of its choosing.

12 Distributed generator must give notice of intention to ~~negotiate~~ proceed

- ~~(1)~~ If a **distributor** ~~advises a distributed generator that its final application is approved~~ ~~approves a final application~~, the **distributed generator** must give written notice to the **distributor** confirming whether ~~or not~~ the **distributed generator** intends to proceed ~~to with the connection~~ and, if so confirming—

(a) the details of the **distributed generation** to which the application relates.

- ~~(1)~~ ~~negotiate a connection contract under clause 13(1) and, if so, confirming—~~

(a) the details of the **distributed generation**; and

(b) that the **distributed generator** accepts all of the conditions (or other measures) that have been specified by the **distributor** under clause 10.

- ~~(2)~~ The **distributor** must then give notice within 10 business days of receiving a notice under subclause (1) of whether it intends to negotiate a connection contract under clause 13(1).

- ~~(2)(3)~~ The **distributed generator** must give the notice under subclause (1) no later than 30 business days after the day on which the **distributor** gives notice of final approval under clause 10, or such later date as is agreed by the **distributor** and the **distributed generator**.

- ~~(3)(4)~~ If the **distributed generator** is a **participant** and does not accept one or more of the conditions specified by the **distributor** under clause 10(2) (if any), but intends to proceed ~~with the connection~~ to negotiate a connection contract under clause 13(1), the **distributed generator** must—

(a) give notice of the dispute in accordance with clause 2 of Schedule 6.3 within 30 business days after the day on which the **distributor** gives notice of final approval under clause 10; and

(b) give a notice under subclause (1) within 30 business days after the dispute is resolved.

- ~~(4)(5)~~ The **distributor's** duties under Part 6 of this Code arising from the application no longer apply if the **distributed generator** fails to give notice ~~of its intention to proceed with the connection~~ to the **distributor** ~~of an intention to proceed to negotiate a connection contract under clause 13(1)~~ within the time limits specified in this clause.

- ~~(5)(6)~~ Subclause (4) does not prevent the **distributed generator** from making a new application under Part 6 of this Code.

Post-approval process

13 ~~30-60~~ business days to negotiate connection contract if distributed generator gives notice of intention to negotiate

- (1) If a **distributed generator** ~~distributor~~ whose ~~final application is approved~~ gives notice ~~of its intention to negotiate a connection contract~~ to a ~~distributor~~ **distributed generator** under clause 12(2), the **distributor** and the **distributed generator** have ~~30-60~~ business days, starting on the date on which the ~~distributor~~ **distributed generator** receives the notice, during which they must, in good faith, attempt to negotiate a connection contract.

Commented [R52]: See comment on page 11 regarding suggested differentiating between intention to proceed and intention to negotiate. This is a consequential amendment.

Formatted: RM-S Level 3

Formatted: RM-S Level 2, Indent: Left: 1 cm

Formatted: Font: Bold

Commented [R53]: Per comment above that 60 business days is a more realistic starting timeframe for negotiations

Commented [R54]: Consequential amendments to amendments made to clause 12.

- (2) The **distributor** and the **distributed generator** may, by agreement, extend the time specified in subclause (1) for negotiating a connection contract.

14 Testing and inspection

- (1) A **distributed generator** whose **final application** is approved by a **distributor** must test and inspect the **distributed generation** to which the **final application** relates within a reasonable time frame specified by the **distributor**.
- (1A) The **distributor** may waive the requirement that the **distributed generator** test and inspect if the **distributor** is satisfied that the **distributed generation** complies with the **distributor's connection and operation standards**.
- (2) The **distributed generator** must give adequate notice of the testing and inspection to the **distributor**.
- (3) The **distributor** may send qualified personnel to the site to observe the testing and inspection.
- (4) The **distributed generator** must give the **distributor** a written test report when testing and inspection is complete, including suitable evidence that the **distributed generation** complies with the **distributor's connection and operation standards**.
- (5) The **distributed generator** must pay any fee specified by the **distributor** in accordance with clause 6.3(2)(e) for observing the testing and inspection.

15 Connection of distributed generation if connection contract negotiated

- (1) This clause applies if a **distributor** and a **distributed generator** whose **final application** is approved enter into a connection contract before the period for negotiating a connection contract under **Process 2** expires.
- (2) If the application is to connect **distributed generation** under clause 2(1)(a) of Schedule 6.1, the **distributor** must allow the **distributed generator** to connect the **distributed generation** in accordance with the contract as soon as practicable.
- (3) If the application is to continue an existing connection of **distributed generation** under clause 2(1)(b) of Schedule 6.1, the **distributor** must use its best endeavours to ensure that the new terms under which the **distributed generator's** existing connection continues apply—
- (a) as soon as practicable, if the previous connection contract has expired; or
- (b) no later than the expiry of the previous connection contract, if the contract is in force.
- (4) If the application is to continue an existing connection for which there is no connection contract under clause 2(1)(c) of Schedule 6.1, the **distributor** must use its best endeavours to ensure that the new terms under which the **distributed generator's** existing connection continues apply as soon as practicable.
- (5) If the application is to change the **maximum export power, nameplate capacity, inverter model, electricity producing components** within the connected **distributed generation**, or fuel type of connected **distributed generation** under clause 2(1)(d) of Schedule 6.1, the **distributor** must use its best endeavours to ensure that the new terms under which the **distributed generator's** existing connection continues apply as soon as practicable.

16 Connection of distributed generation on regulated terms if connection contract not negotiated

- (1) This clause applies if a **distributor** and a **distributed generator** whose **final application** is approved do not enter into a connection contract before the period for negotiating a connection

contract under **Process 2** expires **or, prior to expiry, a distributor gives notice to a distributed generator that it will not be entering into a connection contract.**

Commented [R55]: See comment on page 12 re expiry.

- (2) If the application is to connect **distributed generation** under clause 2(1)(a) of Schedule 6.1, the **distributor** must allow the **distributed generator** to connect the **distributed generation** on the **regulated terms** as soon as practicable after the later of the following:
 - (a) the expiry of the period for negotiating a connection contract under **Process 2**;
 - (b) the date on which the **distributed generator** has fully complied with any conditions (or other measures) that were specified by the **distributor** under clause 10 as conditions of the connection.
- (3) If the application is to continue an existing connection of **distributed generation** under clause 2(1)(b) of Schedule 6.1, the **regulated terms** apply to the **distributed generator's** existing connection from the later of the following:
 - (a) the expiry of the period for negotiating a connection contract under **Process 2**;
 - (b) the expiry of the existing connection contract;
 - (c) the date on which the **distributed generator** has fully complied with any conditions (or other measures) that were specified by the **distributor** under clause 10 as conditions of the connection.
- (4) If the application is to continue an existing connection for which there is no connection contract under clause 2(1)(c) of Schedule 6.1, the **regulated terms** apply from the later of the following:
 - (a) the expiry of the period for negotiating a connection contract under **Process 2**;
 - (b) the date on which the **distributed generator** has fully complied with any conditions (or other measures) that were specified by the **distributor** under clause 10 as conditions of the connection.
- (5) If the application is to change the **maximum export power, nameplate capacity, inverter model, electricity producing components** within the connected **distributed generation**, or fuel type of connected **distributed generation** under clause 2(1)(d) of Schedule 6.1, the **regulated terms** apply from the later of the following:
 - (a) the expiry of the period for negotiating a connection contract under **Process 2**;
 - (b) the date on which the **distributed generator** has fully complied with any conditions (or other measures) that were specified by the **distributor** under clause 10 as conditions of the connection.

17 Approved final applications must connect to retain approval

- (1) A **distributor** may lapse final approval of a **final application** if the **distributed generator** fails to connect to the **distributor's** network within the later of—
 - (a) 2 years from the date of final approval; or
 - (b) the date by which the **distributed generator** has agreed with the **distributor** to connect to the **distributor's** network through fault of the **distributed generator**.
- (2) A **distributed generator** may refer the **distributor's** decision to lapse final approval under subclause (1) to the disputes process in Schedule 6.3.
- (3) If a **distributor** decides to lapse final approval under subclause (1) the **distributed generator** must submit an **initial application** under clause 2 if it wishes to connect **distributed generation** to the **distributor's** network.

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.1

Appendix 3

Process 3: Applications for **distributed generation** with maximum export power of 300 kW or more in total

1 Contents of this Appendix

- (1) This Appendix sets out **Process 3** and applies to applications for **distributed generation** with **maximum export power** of 300 kW or more in total to a **distribution network**.
- (2) **Process 3** provides for a three-stage application process.

Initial application process

2 ~~Distributed generator must make initial application, give information, and pay initial application fee~~ Initial application for distributed generation with maximum export power of 300 kW or more in total

- (1) A **distributed generator** must make an **initial application** to a **distributor** by—
 - (a) using the application form provided by the **distributor** that is **published** under clause 6.3(2)(a); and
 - (b) providing any information in respect of the **distributed generation** to which the application relates that is—
 - (i) referred to in subclause (3); and
 - (ii) specified by the **distributor** under clause 6.3(3) as being required to be provided with the application; and
 - (c) paying the **initial application** fee specified by the **distributor** in accordance with clause 6.3(2)(e).
- (2) The **initial application** fee is non-refundable and non-transferable unless the **distributor** agrees otherwise.
- (3) The information required by subclause (1)(b) includes the following:
 - (a) the full name and address of the **distributed generator** and the contact details of a person whom the **distributor** may contact regarding the **distributed generation**;
 - (b) whether the application is to—
 - (i) connect **distributed generation**; or
 - (ii) continue an existing connection of **distributed generation** that is connected in accordance with a connection contract if the connection contract—
 - (A) is in force and the **distributed generator** wishes to extend the term of the connection contract; or
 - (B) has expired; or
 - (iii) continue an existing connection of **distributed generation** that is connected without a connection contract; or
 - (iv) change the **maximum export power**, **nameplate capacity**, inverter model, **electricity** producing components within the connected **distributed generation**, or fuel type of connected **distributed generation**;
 - (c) evidence of the **maximum export power** that the **distributed generation** will have:

Formatted: Font: Bold

Commented [R56]: As with previous Processes, suggest consistent subheadings for equivalent processes under each Appendix

- (d) if the application is to change the **maximum export power, nameplate capacity, inverter model, electricity** producing components within the connected **distributed generation**, or fuel type of connected **distributed generation**,—
 - (i) the **maximum export power** that the **distributed generation** will have after the change; and
 - (ii) the aggregate **maximum export power** that all **distributed generation** that is connected at the point of connection at which the **distributed generation** is connected will have after the change; and
 - (iii) the model number of the new inverter; and
 - (iv) the technical specifications for the new **electricity** producing components; and
 - (v) the fuel type that the **distributed generation** will have after the change;
- (e) details of the fuel type of the **distributed generation** (for example, solar, wind, or liquid fuel);
- (f) a brief description of the physical location at the address at which the **distributed generation** is or will be connected;
- (g) if the application is to connect **distributed generation**, when the **distributed generator** expects the **distributed generation** to be connected;
- (h) technical specifications of the **distributed generation** and associated equipment, including the following:
 - (i) technical specifications of equipment that allows the **distributed generation** to be electrically disconnected from the **distribution network** on loss of mains voltage;
 - (ii) manufacturer's rating of equipment;
 - (iii) number of phases;
 - (iv) proposed or current point of connection to the **distribution network** (for example, the **ICP** identifier and street address);
 - (v) details of either or both of any inverter and battery storage;
 - (vi) details of any **load** at the proposed or current point of connection;
 - (vii) details of the voltage (for example, 400 V or 11 kV) when electrically connected;
- (i) information showing how the **distributed generation** complies with the **distributor's connection and operation standards**:
- (j) the maximum active power injected (in MW);
- (k) the reactive power requirements (in MVARs) (if any);
- (l) resistance and reactance details of the **distributed generation**;
- (m) fault level contribution (in kA);
- (n) method of voltage control;
- (o) single line diagram of proposed connection;
- (p) means of synchronising with, electrically connecting to, and electrically disconnecting from, the **distribution network**, including the type and ratings of the proposed circuit breaker;
- (q) details of compliance with frequency and voltage support requirements as specified in this Code (if applicable);
- (r) proposed periods and amounts of **electricity** injections into, and offtakes from, the **distribution network** (if known);

- (s) any other information that is required by the system operator;
- (t) any additional information or documents that are reasonably required by the **distributor**.
- (4) The **distributed generator** must provide the **distributor** with the information required by clause 7(1)(o) of Schedule 11.1.
- (5) The **distributor** must, within five **business days** of receiving an **initial application**, give written notice to the **applicant** advising whether or not the application is complete and, if not, what information is needed to complete the application.

3 **Distributor must give information to distributed generator**

A **distributor** must give a **distributed generator** that makes an **initial application** the following within 30 **business days** of receiving the completed **initial application**:

- (a) information about the capacity of the **distribution network**, including both the design capacity (including fault levels) and actual operating levels;
- (b) information about the extent to which connection and operation of the **distributed generation** may result in a breach of the relevant standards for safety, voltage, power quality, and reliability of **electricity** conveyed to **points of connection** on the **distribution network**;
- (c) information about any measures or conditions (including modifications to the design and operation of the **distribution network**, the **grid**, or to the operation of the **distributed generation**) that may be necessary to address the matters referred to in paragraphs (a) and (b);
- (d) the approximate costs of any **distribution network** related measures or conditions identified under paragraph (c) and an estimate of time constraints or restrictions that may delay connecting the **distributed generation**;
- (e) information about any further detailed investigative studies, including estimated cost and time to complete those studies, that the **distributor** reasonably considers are necessary to identify any potential adverse effects the **distributed generation** may have on the system, together with an indication of—
 - (i) whether the **distributor** agrees to the **distributed generator**, or a suitably qualified agent of the **distributed generator**, undertaking those studies and, if not, the reasons for the **distributor**'s decision; or
 - (ii) if not, whether the **distributor** could undertake those studies and, if so, the reasonable estimated cost of the studies that the **distributed generator** would be charged;
- (f) information about any obligations to other parties that may be imposed on the **distributor** and that could affect the **distributed generation** (for example, obligations to Transpower, in respect of other networks, or under this Code);
- (g) any additional information or documents that the **distributor** considers would assist the **distributed generator's** application;
- (h) information about the extent to which planned and unplanned outages may adversely affect the operation of the **distributed generation**.

4 **Other matters to assist with decision making**

- (1) A **distributor** must provide, if requested by a **distributed generator** making an **initial application**, further information that is reasonably necessary to enable the **distributed generator** to consider and act on the information given by the **distributor** under clause 3.

- (2) The information that the **distributor** must provide under subclause (1) may include single line diagrams, equipment ratings, normal switch configurations (including fault levels), and protection system details relevant to the current or proposed point of connection of the **distributed generation** to the **distribution network**.
- (3) The **distributor** must provide the further information under this clause within 10 **business days** of the request being received.

5 Distributor and distributed generator must make reasonable endeavours regarding new information

If a **distributor** or a **distributed generator** has given information under this Appendix and subsequently becomes aware of new information that is relevant to the application, the party that becomes aware of the new information must use reasonable endeavours to provide the other party with the new information.

6 Distributor's decision on initial application

- (1) A **distributor** must, within 40 **business days** of receiving the completed **initial application**, give notice in writing to the **distributed generator** stating whether the **initial application** is approved or declined.
- (2) A **distributor** must approve an **initial application**, subject to any conditions specified by the **distributor** that are reasonably required, if—
 - (a) the **initial application** has been properly made in accordance with Part 6 of this Code; and
 - (b) the information provided in the application would reasonably support an assessment by the **distributor**.
- (3) A **distributor** may approve an **initial application** that does not comply with their **connection and operation standards**.
- (4) If a **distributor** does not give notice in accordance with subclause (1), the **distributed generator** may refer the failure to comply with subclause (1) to the disputes process set out in Schedule 6.3.
- (5) A notice stating that an **initial application** is approved must be accompanied by the following information:
 - (a) the priority position of the **initial application** in the **distributor's network connections pipeline** at the time the **distributor** approved the **initial application**; and
 - (b) estimated charges payable by the **distributed generator** to the **distributor** to assess an **interim application** and **final application**.
- (6) A notice stating that an **initial application** is declined must be accompanied by detailed reasons as to why the **initial application** was declined and what the **distributed generator** must do to resubmit an **initial application**.
- (7) A **distributed generator** may only resubmit an **initial application** once and must do so within 30 **business days** after they receive a notice under subclause (6), otherwise a new application is required.
- (8) The **distributor** must not charge a **distributed generator** for **initial applications** that are resubmitted in accordance with subclauses (5) and (6), where—
 - (a) there is no increase in either **nameplate capacity** or **maximum export power** of the **distributed generation**; and
 - (b) there is no change to the physical location of the proposed **distributed generation**; and

- (c) there is no change to the **distributed generator** making the application.

Interim application process

7 Distributed generator must make interim application and give information

- (1) A **distributed generator** that makes an **initial application** to a **distributor** must make an **interim application**, no later than 12 months after receiving initial approval from the **distributor**, if the **distributed generator** wishes to proceed with the application, unless—
- (a) the **distributor** and the **distributed generator** agree that an **interim application** is not required; and
 - (b) there are no persons to whom the **distributor** must give written notice under clause 8 at the time that the **distributor** and **distributed generator** agree that an **interim application** is not required; or
 - (c) the **distributor** agrees to accept an **interim application** later than 12 months after the date on which it approved the **initial application**.
- (2) If an **interim application** is not required in accordance with subclause (1)—
- (a) subclause (3) does not apply; and
 - (b) the **distributed generator's initial application** must be treated as an **interim application** for the purposes of clauses 8 to 11; and
 - (c) the **distributed generator** must still pay the **interim application** fee (if any) specified by the **distributor** in accordance with clause 6.3(2)(e).
- (3) The **distributed generator** must make the **interim application** by—
- (a) using the **interim application** form provided by the **distributor** that is **published** under clause 6.3(2)(a); and
 - (b) providing the results of any investigative studies that were identified by the **distributor** under clause 3(e)(i) and to be undertaken by the **distributed generator** or the **distributed generator's** agent; and
 - (c) providing details of any changes the **distributed generator** has made from the **initial application**; and
 - (d) paying the **interim application** fee (if any) specified by the **distributor** in accordance with clause 6.3(2)(e).

8 Notice to third parties

A **distributor** that receives an **interim application** must give written notice of the **interim application** to the following persons no later than 10 **business days** after receiving the **interim application**:

- (a) all persons that have made an **initial application**, **interim application** and **final application** relating to a part of the **distribution network** that the **distributor** considers would be affected by the approval of the **interim application**; and
- (b) all **distributed generators** that have **distributed generation** with **maximum export power** of 10 kW or more in total connected on the **regulated terms** to the part of the **distribution network** that the **distributor** considers would be affected by the approval of the **interim application**.

9 Distributor's decision on interim application

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.1

- (1) A **distributor** must, within the time limit specified in clause 10, give notice in writing to the **distributed generator** stating whether the **interim application** is approved or declined.
- (2) A **distributor** must approve an **interim application**, subject to any conditions specified by the **distributor** that are reasonably required, if—
- (a) the **interim application** has been properly made in accordance with Part 6 of this Code; and
 - (b) the information provided in the **interim application** would reasonably support an assessment by the **distributor** that the distributed generator meets relevant regulatory requirements.
- ~~(b)~~(3) A **distributor** may decline a final application if it reasonably considers that—
- (i) the **distributed generator** will not comply at all times with the requirements of the Health and Safety at Work Act 2015; and/or
 - (ii) the **distributed generator** will not ensure that the **distributed generation** complies at all times with the Act, and this Code; and/or
 - (iii) the **distributed generation** does not meet the **distributor's connection and operation standards** (assuming that the distributed generator meets the conditions (if any) referred to in subclause (3)); and/or
 - (iv) the results of the studies provided do not indicate to the **distributor's** approval that the **distributed generation** can be connected without affecting other customers connected to the **distributor's** network; and/or
 - (v) the **distributor** has not identified, as a result of the initial studies, additional studies required to support the connection.
- ~~(3)~~(4) A notice stating that an **interim application** is approved must be accompanied by the following information:
- (a) a detailed description of any conditions (or other measures) that are conditions of the approval under subclause (2), and what the **distributed generator** must do to comply with them;
 - (b) detailed reasons for those conditions (or other measures);
 - (c) a detailed description of any charges that would be payable by the **distributed generator** to the **distributor** or by the **distributor** to the **distributed generator**, and an explanation of how the charges have been, or will be, calculated;
 - (d) the default process for resolving disputes under Schedule 6.3, if the **distributed generator** disputes all or any of the conditions (or other measures) or charges payable;
 - (e) the priority position of the **interim application** in the **distributor's network connections pipeline** at the time the **distributor** approved the **interim application**;
 - (f) estimated charges payable by the **distributed generator** to the **distributor** to assess a **final application**.
- ~~(4)~~(5) A notice stating that an **interim application** is declined must be accompanied by the following information:
- (a) detailed reasons as to why the application has been declined and what the **distributed generator** must do to obtain the **distributor's** approval if it resubmits its **interim application** under subclause (5);
 - (b) the default process for resolving disputes between **participants** under Schedule 6.3;

Formatted: Font: Bold

Commented [R57]: It is not possible for a distributor to reasonably assess an applicant's compliance, at all times, with these requirements. Instead, a distributor should be able to decline an application where it reasonably considers that compliance cannot be assured.

Formatted: Font: Bold

Formatted: RM-S Level 2

Formatted: Font: Not Bold

- (c) that if the **distributed generator** is not a **participant**, the **distributed generator** may report to the Authority under the **Electricity Industry (Enforcement) Regulations 2010** if it considers that the **distributor** has breached any requirement in Part 6 of this Code.

~~(5)~~(6) A **distributed generator** may only resubmit an **interim application** once and must do so within 60 **business days** after receiving a notice under subclause (4), otherwise the **distributed generator** must submit a new **interim application** to the **distributor**.

~~(6)~~(7) The **distributor** must not charge a **distributed generator** for **interim applications** that are resubmitted in accordance with subclause (5), where—

- (a) there is no increase in either **nameplate capacity** or **maximum export power**; and
(b) there is no change to the **physical** location of the proposed **distributed generation**; and
(c) there is no change to the **applicant distributed generator** making the application.

Commented [R58]: Suggested amendments to align with wording in cl 6(8) above.

10 Time within which distributor must decide interim applications

- (1) A notice required by clause 9(1) must be given by a **distributor** to a **distributed generator** no later than—
- (a) 45 **business days** after the date of receipt of the **interim application**, in the case of **distributed generation** with **maximum export power** of less than 1 MW; or
(b) 60 **business days** after the date of receipt of the **interim application**, in the case of **distributed generation** with **maximum export power** of 1 MW or more but less than 5 MW; or
(c) 80 **business days** after the date of receipt of the **interim application**, in the case of **distributed generation** with **maximum export power** of 5 MW or more.
- (2) The **distributor** may seek up to two extensions of the time specified in subclause (1) for approval of an **interim application** less than 1.5MW, but only where zone substation works or input from Transpower is required, and may seek a further two extensions to decide an **interim application** of 1.5MW or greater where zone substation works or input from Transpower is required.
- (3) If the **distributor** requires **grid** studies to decide the **interim application**, the **distributor** may seek up to two additional extensions of time after subclause (2).
- (4) If a **distributor** seeks an extension of time under subclause (2) and (3) it must provide the **distributed generator** with a notice in writing specifying the reasons why the extension of time is sought.
- (5) A **distributed generator** that receives a notice seeking an extension of time under subclause (2) and (3)—
- (a) may grant an extension which must not exceed 40 **business days**; and
(b) must not unreasonably withhold consent to an extension.
- (6) The **distributor** may use the dispute resolution process set out in Schedule 6.3 if it considers the **distributed generator** has unreasonably withheld consent to an extension under subclause (4)(b).
- (7) Subclause (8) applies if the **distributor** requests or requires further information from the **distributed generator** that was missing from the **interim application**, during the period set out in subclause (1).
- (8) The total time frame will pause on the date the **distributor** makes the request or requirement and will resume on the **business day** after the **distributor** receives the information.

- (9) If the **distributor** does not give notice in accordance with subclause (1) before the expiry of the time frames in this clause, including any extensions of time, the **distributed generator** may refer the failure to meet the time frame to the disputes process set out in Schedule 6.3.
- (10) If subclause (9) applies, the **distributed generator** may choose to defer the **distributor's** decision on its **interim application** until a later date of its choosing.

11 **Distributed generator must give notice of a dispute**

- (1) If the **distributed generator** is a **participant** and does not accept one or more of the conditions specified by the **distributor** under clause 9(3) (if any), the **distributed generator** may give notice of the dispute in accordance with clause 2 of Schedule 6.3 within 30 **business days** after the day on which the **distributor** gives notice of approval under clause 9(1).
- (2) If the **distributed generator** fails to notify the **distributor** of a dispute under subclause (1) within 30 **business days** after the date on which the **distributed generator** receives the conditions specified by the **distributor** under clause 9(3), the **distributed generator** is deemed to have accepted the conditions specified by the **distributor**.
- (3) Subclause (2) does not prevent the **distributed generator** from declining the conditions specified by the **distributor** under clause 9(3) and making a new application under Part 6 of this Code.

Final application process

12 **Distributed generator must make final application**

- (1) A **distributed generator** that makes an **interim application** to a **distributor** must make a **final application** to the **distributor** no later than 90 **business days** after receiving a notice from the **distributor** under clause 9(2) approving the **interim application**, or 90 **business days** after the date on which a dispute was settled under Schedule 6.3, if the **distributed generator** wishes to proceed with the application, unless—
 - (a) the **distributor** and the **distributed generator** agree that a **final application** is not required; and
 - (b) there are no persons to whom the **distributor** must give written notice under clause 13 at the time that the **distributor** and **distributed generator** agree that a **final application** is not required; or
 - (c) the **distributor** agrees to accept a **final application** more than 90 **business days** after interim approval or the date that a dispute was settled under Schedule 6.3.
- (2) If a **final application** is not required in accordance with subclause (1)—
 - (a) subclause (3) does not apply; and
 - (b) the **distributed generator's** **interim application** must be treated as a **final application** for the purposes of clauses 13 to 23; and
 - (c) the **distributed generator** must still pay the **final application** fee (if any) specified by the **distributor** in accordance with clause 6.3(2)(e).
- (3) The **distributed generator** must make the **final application** by—
 - (a) using the **final application** form provided by the **distributor** that is **published** under clause 6.3(2)(a); and
 - (b) accepting the conditions stipulated by the **distributor** under clause 9(3) (if any) and **setting out** how the **final application** responds to these conditions; and

Commented [R59]: Seemed to be words missing.

- (c) paying the **final application** fee (if any) specified by the **distributor** in accordance with clause 6.3(2)(e).
- (4) If the **distributor** considers the **final application** does not adequately respond to the conditions the **distributor** must—
 - (a) notify the **distributed generator** of the inadequacies; and
 - (b) allow the **distributed generator** 10 **business days** to correct the inadequacies in the **final application**; and
 - (c) if the **distributed generator** has not been able to correct the inadequacies in the **final application**, the **distributor** may treat the **final application** as an **interim application** under clause 9.
- (5) If subclause (4) applies, the **distributor** must not charge the **distributed generator** another **interim application** fee.

13 Notice to third parties

A **distributor** that receives a **final application** must give written notice of the **final application** to the following persons no later than 10 **business days** after receiving the **final application**:

- (a) all persons that have made an **initial application**, **interim application** and **final application** relating to a part of the **distribution network** that the **distributor** considers would be affected by the approval of the **final application**; and
- (b) all **distributed generators** that have **distributed generation** with a **maximum export power** of 10 kW or more in total connected on the **regulated terms** to the part of the **distribution network** that the **distributor** considers would be affected by the approval of the **final application**.

14 Priority of final applications

A **distributor** must prioritise and manage **final applications** in accordance with the queueing and management policy for **distributors**.

15 Distributor's decision on final application

- (1) A **distributor** must, within the time limit specified in clause 16, give notice in writing to the **distributed generator** stating whether the **final application** is approved or declined.
- (2) A **distributor** must approve a **final application**, subject to any conditions specified by the **distributor** that are reasonably required, if—

- (a) the **final application** has been properly made in accordance with Part 6 of this Code; and
- (b) the information provided in the application would reasonably support an assessment by the **distributor** that **the distributed generator meets relevant regulatory requirements**.

~~(b)~~(3) A **distributor** may decline a **final application** if it reasonably considers that—

- (i) the **distributed generator** will **not** comply ~~at all times~~ with the requirements of the Health and Safety at Work Act 2015; ~~and/or~~
- (ii) the **distributed generator** will **not** ensure that the **distributed generation** complies ~~at all times~~ with the Act and this Code; ~~and/or~~
- (iii) the **distributed generation** ~~does not~~ meets the **distributor's connection and operation standards** ~~(assuming that the distributed generator meets the conditions (if any) referred to in subclause (3))~~.

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: RM-S Level 2

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Font: Not Bold

Commented [R60]: It is not possible for a distributor to reasonably assess an applicant's compliance, at all times, with these requirements. Instead, a distributor should be able to decline an application where it reasonably considers that compliance cannot be assured.

~~(3)~~(4) A notice stating that a **final application** is approved must be accompanied by the following information:

- (a) a detailed description of any conditions (or other measures) that are conditions of the approval under subclause (2), and what the **distributed generator** must do to comply with them;
- (b) detailed reasons for those conditions (or other measures);
- (c) a detailed description of any charges payable by the **distributed generator** to the **distributor** or by the **distributor** to the **distributed generator**, and an explanation of how the charges have been, or will be, calculated;
- (d) the default process for resolving disputes under Schedule 6.3, if the **distributed generator** disputes all or any of the conditions (or other measures) or charges payable;
- (e) the priority position of the **final application** in the **distributor's network connections pipeline** at the time the **distributor** approved the **final application**:

~~(4)~~(5) A notice stating that an application is declined must be accompanied by the following information:

- (a) detailed reasons as to why the application has been declined and what the **distributed generator** must do to obtain the **distributor's** approval if it resubmits its **final application**;
- (b) if the **final application** is one to which clause 14 applies, the criteria used in making a decision under clause 14;
- (c) the default process for resolving disputes between **participants** under Schedule 6.3:

~~(5)~~(6) A **distributed generator** may only resubmit a **final application** once and must do so within 30 **business days** of receiving a notice under subclause (4), otherwise the **distributed generator** must submit a new **final application**.

~~(6)~~(7) The **distributor** must not charge a **distributed generator** for **final applications** that are resubmitted under subclause (5), where—

- (a) there is no increase in either **nameplate capacity** or **maximum export power**; and
- (b) there is no change to the location of the proposed **distributed generation**; and
- (c) there is no change to the **applicant** making the application.

16 Time within which distributor must decide final applications

(1) A notice required by clause 15(1) must be given by a **distributor** to a **distributed generator** no later than—

- (a) 20 **business days** after the date of receipt of the **final application**, in the case of **distributed generation** with **maximum export power** of less than 1.1MW; or
- (b) 30 **business days** after the date of receipt of the **final application**, in the case of **distributed generation** with **maximum export power** of 1.1MW or more but less than 5.1MW; or
- (c) 40 **business days** after the date of receipt of the **final application**, in the case of **distributed generation** with **maximum export power** of 5.1MW or more.

(2) The **distributor** may seek one extension of the time specified in subclause (1) for approval of a **final application** less than 1.5MW, but only where zone substation works or Transpower's input is required, and may seek a further two extensions of the time specified in subclause (1) to decide a **final application** of 1.5MW or greater where zone substation works or input from Transpower is required.

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.1

- (3) If a **distributor** seeks an extension of time under subclause (2) it must provide the **distributed generator** with a notice in writing specifying the reasons why the extension of time is sought.
- (4) A **distributed generator** that receives a notice seeking an extension—
 - (a) may grant an extension which must not exceed 40 **business days**; and
 - (b) must not unreasonably withhold consent to an extension.
- (5) The **distributor** may use the dispute resolution process set out in Schedule 6.3 if it considers the **distributed generator** has unreasonably withheld consent to an extension under subclause (4)(b).
- (6) Subclause (7) applies if the **distributor** requests or requires further information from the **distributed generator** that was missing from the **final application**.
- (7) The total time frame will pause on the making of the request or requirement and will resume on the **business day** after the **distributor** receives the information.
- (8) If the **distributor** does not give notice in accordance with subclause (1) before the expiry of the time frames in this clause, including an extension of time, the **distributed generator** may refer the failure to comply with subclause (1) to the disputes process set out in Schedule 6.3.
- (9) If subclause (8) applies, the **applicant** may choose to defer the **distributor's** decision on its **final application** until a later date of its choosing.

17 Distributed generator must give notice of intention to negotiate or proceed

- (1) If a **distributor** ~~advises a distributed generator that its approves a final application is approved,~~ the **distributed generator** must give written notice to the **distributor** confirming whether ~~or not~~ the **distributed generator** intends to proceed with the connection and, if so, confirming –
 - (a) the details of the distributed generation to which the application relates;
 - (b) that the distributed generator accepts all of the conditions (or other measures) that have been specified by the distributor under clause 15(2).
- (2) ~~The distributor must then give notice within 10 business days of whether it intends to negotiate a connection contract under clause 18(1), and, if so, confirming—~~
 - (a) ~~the details of the distributed generation; and~~
 - (b) ~~that the distributed generator accepts all of the conditions (or other measures) that have been specified by the distributor under clause 15(2).~~
- (3) ~~The distributed generator must give the notice under subclause (1) no later than 30 business days after the day on which the distributor gives notice of final approval under clause 15(1), or such later date as is agreed by the distributor and the distributed generator.~~
- (4) If the **distributed generator** is a **participant** and does not accept one or more of the conditions specified by the **distributor** under clause 15(2) (if any), but intends to proceed with the connection to negotiate a connection contract under clause 18(1), the **distributed generator** must—
 - (a) give notice of the dispute in accordance with clause 2 of Schedule 6.3 within 30 **business days** after the day on which the **distributor** gives notice of final approval under clause 15(1); and
 - (b) give a notice under subclause (1) within 30 **business days** after the dispute is resolved.
- (5) The **distributor's** duties under Part 6 of this Code arising from the application no longer apply if the **distributed generator** fails to give notice to the **distributor** of an intention to proceed ~~to~~

Commented [R61]: See comment on page 11.

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Not Bold

Formatted: RM-S Level 3

Formatted: Indent: Left: 2 cm, No bullets or numbering

~~negotiate a connection contract~~with the connection under clause 178(1) within the time limits specified in this clause.

(5)(6) Subclause (4) does not prevent the **distributed generator** from making a new application under Part 6 of this Code.

Post-approval process

18 ~~30-60~~ business days to negotiate connection contract if distributed generator gives notice of intention to negotiate

- (1) If a ~~distributed distributor generator whose final application is approved~~ gives notice to a ~~distributor distributed generator~~ under clause 17(24), the **distributor** and the **distributed generator** have ~~30-60 business days~~, starting on the date on which the **distributor** receives the notice, during which they must, in good faith, attempt to negotiate a connection contract.
- (2) The **distributor** and the **distributed generator** may, by agreement, extend the time specified in subclause (1) for negotiating a connection contract.

19 Connection of distributed generation if connection contract negotiated

- (1) This clause applies if a **distributor** and a **distributed generator** whose **final application** is approved enter into a connection contract before the period for negotiating a connection contract under this Part of this Schedule expires.
- (2) If the application is to connect **distributed generation** under clause 2(1)(a) of Schedule 6.1, the **distributor** must allow the **distributed generator** to connect the **distributed generation** in accordance with the contract as soon as practicable.
- (3) If the application is to continue an existing connection of **distributed generation** under clause 2(1)(b) of Schedule 6.1, the **distributor** must use its best endeavours to ensure that the new terms under which the **distributed generator's** existing connection continues apply—
- (a) as soon as practicable, if the previous connection contract has expired; or
- (b) no later than the expiry of the previous connection contract, if the contract is in force.
- (4) If the application is to continue an existing connection for which there is no connection contract under clause 2(1)(c) of Schedule 6.1, the **distributor** must use its best endeavours to ensure that the new terms under which the **distributed generator's** existing connection continues apply as soon as practicable.
- (5) If the application is to change the **maximum export power, nameplate capacity, inverter model, electricity** producing components within the connected **distributed generation**, or fuel type of connected **distributed generation** under clause 2(1)(d) of Schedule 6.1, the **distributor** must use its best endeavours to ensure that the new terms under which the **distributed generator's** existing connection continues apply as soon as practicable.

20 Connection of distributed generation on regulated terms if connection contract not negotiated

- (1) This clause applies if a **distributor** and a **distributed generator** whose **final application** is approved do not enter into a connection contract before the period for negotiating a connection contract under this Part of this Schedule expires ~~or, prior to expiry, a distributed generator gives notice to a distributor that it will not be entering into a connection contract.~~
- (2) If the application is to connect **distributed generation** under clause 2(1)(a) of Schedule 6.1, the **distributor** must allow the **distributed generator** to connect the **distributed generation** on the **regulated terms** as soon as practicable after the later of the following:

Commented [R62]: Per comment above that 60 business days is a more realistic starting timeframe for negotiations.

Commented [R63]: Consequential amendments to amendments made to clause 17 above.

Commented [R64]: See comment on page 12 re expiry.

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.1

- (a) the expiry of the period for negotiating a connection contract under this Part of this Schedule:
 - (b) the date on which the **distributed generator** has fully complied with any conditions (or other measures) that were specified by the **distributor** under clause 15 as conditions of the connection.
 - (3) If the application is to continue an existing connection of **distributed generation** under clause 2(1)(b) of Schedule 6.1, the **regulated terms** apply to the **distributed generator's** existing connection from the later of the following:
 - (a) the expiry of the period for negotiating a connection contract under this Part of this Schedule:
 - (b) the expiry of the existing connection contract:
 - (c) the date on which the **distributed generator** has fully complied with any conditions (or other measures) that were specified by the **distributor** under clause 15 as conditions of the connection.
 - (4) If the application is to continue an existing connection for which there is no connection contract under clause 2(1)(c) of Schedule 6.1, the **regulated terms** apply from the later of the following:
 - (a) the expiry of the period for negotiating a connection contract under this Part of this Schedule:
 - (b) the date on which the **distributed generator** has fully complied with any conditions (or other measures) that were specified by the **distributor** under clause 15 as conditions of the connection.
 - (5) If the application is to change the **maximum export power, nameplate capacity, inverter model, electricity producing components** within the connected **distributed generation**, or fuel type of connected **distributed generation** under clause 2(1)(d) of Schedule 6.1, the **regulated terms** apply from the later of the following:
 - (a) the expiry of the period for negotiating a connection contract under this Part of this Schedule:
 - (b) the date on which the **distributed generator** has fully complied with any conditions (or other measures) that were specified by the **distributor** under clause 15 as conditions of the connection.
- 21 Approved applications must meet milestones to retain priority position in distributor's network connections pipeline**
- (1) A **distributor** must queue and manage approved **final applications** in accordance with the **queueing and management policy for distributors** including setting delivery milestones that the **distributed generator** must meet to maintain its priority position in the **distributor's network connections pipeline**.
 - (2) A **distributor** and a **participant** must act reasonably when negotiating milestones.
 - (3) These milestones may relate to:
 - (a) securing environmental approvals:
 - (b) obtaining property rights and easements:
 - (c) obtaining Overseas Investment Office approval:
 - (d) confirming final **grid** connection requirements:
 - (e) signing delivery services agreement:

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.1

- (f) signing construction contract;
- (g) completing works construction;
- (h) other issues that are reasonably required by the **queueing and management policy for distributors**.

Formatted: Font: Bold

- (4) The **distributor** must apply ~~stated tolerances in~~ the **queueing and management policy for distributors** with regards to milestones, recognising that there could be delays that lead to milestones not being achieved on time.

Commented [R65]: Amendments reflect that the entire queueing and management policy for distributors must be applied and not only stated tolerances.

22 Approved final applications must meet milestones to retain approval

- (1) A **distributor** may remove a **final application** that has not met ~~its the requirements in the~~ **queueing and management policy with regard to** milestones ~~referred to in clause 21~~ by applying the framework set out in the **queueing and management policy for distributors**.
- (2) A **distributor** may lapse final approval of a **final application** if the **distributed generator**—
 - (a) consistently misses its milestones; or
 - (b) fails to renegotiate its missed milestones; or
 - (c) fails to connect to the **distributor's** network within the later of –
 - (i) 2 years from the date of final approval; or
 - (ii) by the date agreed with the **distributor**, through fault of the **distributed generator**.
- (3) The **distributed generator** may—
 - (a) provide an **initial application** if it wishes to proceed; and
 - (b) dispute the lapsing of the final approval through the disputes process in Schedule 6.3.

Formatted: Font: Bold

Formatted: Font: Bold

23 Treatment of approved applications at the same network location

A **distributor** must adhere to the **queueing and management policy for distributors** when making decisions on the priority positions of projects at the same network location.

24 Testing and inspection

- (1) A **distributed generator** whose **final application** is approved by a **distributor** must test and inspect the **distributed generation** to which the **final application** relates within a reasonable time frame specified by the **distributor**.
- (2) The **distributor** may waive the requirement that the **distributed generator** test and inspect if the **distributor** is satisfied that the **distributed generation** complies with the **distributor's connection and operation standards**.
- (3) The **distributed generator** must give adequate notice of the testing and inspection to the **distributor**.
- (4) The **distributor** may send qualified personnel to the site to observe the testing and inspection.
- (5) The **distributed generator** must give the **distributor** with a written test report when testing and inspection is complete, including suitable evidence that the **distributed generation** complies with the **distributor's connection and operation standards**.
- (6) The **distributed generator** must pay any fee specified by the **distributor** in accordance with clause 6.3(2)(e) for observing the testing and inspection.

Appendix 4

Process 4: Applications for **load** above 69 kVA and below 500 kVA in total

1 Contents of this Appendix

- (1) This Appendix sets out **Process 4** and applies to applications for **load** above 69 kVA and below 500 kVA in total to a **distribution network**.
- (2) **Process 4** provides for a two-stage application process.

Initial application process

~~2 Distributor must receive information to process an initial application~~**Initial application for load above 69kVA and below 500kVA in total**

2

- (1) To process an **initial application** from an **applicant**, a **distributor** must receive—
 - (a) a completed **initial application** from the **applicant** using the form **published** by the **distributor** under clause 6.3(2)(a); and
 - (b) information in respect of the connection to which the application relates that is—
 - (i) referred to in subclause (2); and
 - (ii) specified by the **distributor** under clause 6.3(3) as being required to be provided with the **initial application**; and
 - (c) the **initial application** fee (if any) specified by the **distributor** in accordance with clause 6.3(2)(e).
- (2) The information includes the following:
 - (a) the full name and address of the **applicant** and the contact details of a person whom the **distributor** may contact regarding the connection;
 - (b) whether the application is to—
 - (i) connect new **load**; or
 - (ii) continue an existing **load** connection that is connected in accordance with a connection contract if the connection contract—
 - (A) is in force and the **applicant** wishes to extend the term of the connection contract; or
 - (B) has expired; or
 - (iii) continue an existing **load** connection that is connected without a connection contract; or
 - (iv) change the capacity of an existing **load** connection:
 - (c) proposed or current point of connection to the **distribution network** (for example, the **ICP** identifier and street address);
 - (d) when the **applicant** would like the **load** connection or increased capacity to be available;
 - (e) details of the required voltage (for example, 400V or 11kV) for the **load** connection;
 - (f) information showing how the **load** installation complies with the **distributor's connection and operation standards**;

Commented [R66]: Amended to reflect where obligation lies and for consistency with other Appendices

- (g) evidence that the **applicant** has undertaken a capacity assessment that considers maximum demand and, if known, time of use demand from the **distribution network**;
 - (h) any other information that is required by the system operator;
 - (i) any additional information or documents that are reasonably required by the **distributor**.
- (3) The **distributor** must, within five **business days** of receiving an **initial application**, give written notice to the **applicant** advising whether or not the application is complete and, if not, what information is needed to complete the application.

3 Distributor must give information to applicant

- (1) **To the extent reasonably possible at this stage of the application process, a distributor must give an applicant that makes an initial application the following information within 30 business days of receiving the completed initial application:**
- (a) information about the capacity of the **distribution network**, including both the design capacity (including fault levels) and actual operating levels;
 - (b) information about the extent to which the connection and operation of the **load** connection may result in a breach of the **relevant standards** for safety, voltage, power quality, and reliability of **electricity** conveyed to **points of connection** on the **distribution network**;
 - (c) information about any measures or conditions (including modifications to the design and operation of the **distribution network** or **grid**) to the operation of the **load** connection that may be necessary to address the matters referred to in paragraphs (a) and (b).
 - (d) the approximate costs of any **distribution network** related measures or conditions identified under paragraph (c) and an estimate of time constraints or restrictions that may delay connecting to the network;
 - (e) information about any further detailed investigative studies that the **distributor** reasonably considers are necessary to identify any potential adverse effects the connection may have on the system, together with an indication of—
 - (i) whether the **distributor** agrees to the **applicant**, or a suitably qualified agent of the **applicant**, undertaking those studies and, if not, the reasons for the **distributor**'s decision; or
 - (ii) if not, whether the **distributor** could undertake those studies and, if so, the reasonable estimated cost of the studies that the **applicant** would be charged;
 - (f) information about any obligations to other parties that may be imposed on the **distributor** and that could affect the connection;
 - (g) information about the extent to which planned and unplanned outages may adversely affect the operation of the **load** connection.
 - (h) any additional information or documents that the **distributor** considers would assist the **applicant**'s application:

4 Other matters to assist with decision making

- (1) A **distributor** must provide, if requested by an **applicant** making an **initial application**, further information that is reasonably necessary to enable the **applicant** to consider and act on the information given by the **distributor** under clause 3.
- (2) The information that the **distributor** must provide under subclause (1) may include single line diagrams, equipment ratings, normal switch configurations (including fault levels), and

Commented [R67]: To recognise that, at this early stage it is difficult for the distributor to know much of this information.

Formatted: Not Highlight

Commented [R68]: Unclear what the “relevant standards” are (as mentioned in this clause and several others in this Proposed Code amendment). It should be clarified whether this refers to the distributor’s connection and operation standards, or something else.

protection system details relevant to the current or proposed point of connection of the **load** connection.

- (3) The **distributor** must provide the further information under this clause within 10 **business days** of the request being received.
- (4) **Distributors** must treat all connection applications in a fair, consistent, and non-discriminatory manner, without giving preference to any **applicant** or class of **applicant**.

5 Distributor must make reasonable endeavours regarding new information

If a **distributor** receives information under **Process 4** from an **applicant** who is not a **participant**, and subsequently becomes aware of new information that is relevant to the application, the **distributor** must use reasonable endeavours to obtain the new information from the **applicant**.

6 Distributor's decision on initial application

- (1) A **distributor** must, within 40 **business days** of receiving the completed **initial application**, give notice in writing to the **applicant** stating whether the **initial application** is approved or declined.
- (2) A **distributor** must approve an **initial application**, subject to any conditions specified by the **distributor** that are reasonably required, if—
 - (a) the **initial application** has been properly made in accordance with Part 6 of this Code; and
 - (b) the information provided in the application would reasonably support an assessment by the **distributor**.
- (3) A **distributor** may approve an **initial application** that does not comply with their **connection and operation standards**.
- (4) If the **distributor** does not give notice in accordance with subclause (1) before the expiry of the time frame in this clause, the **applicant** that is not a **participant** may notify the **distributor** of a complaint under clause 6.8A.
- (5) A notice stating that an **initial application** is approved must be accompanied by information about estimated charges payable by the **applicant** to the **distributor** to assess a **final application**.
- (6) A notice stating that an **initial application** is declined must be accompanied by detailed reasons as to why the **initial application** was declined and what the **applicant** must do to obtain the **distributor's** approval if it makes another **initial application**.

Final application process

7 Distributor must receive final application

- (1) To process a **final application**, a **distributor** must, ~~unless the **distributor** and the **applicant** agree that a **final application** is not required,~~ receive—
 - (a) a completed **final application** from an **applicant** using the form published by the **distributor** under clause 6.3(2)(a); and
 - (b) the **final application** fee (if any) specified by the **distributor** in accordance with clause 6.3(2)(e); and
 - (c) the results of any investigative studies that were identified by the **distributor** under clause 3(e)(i) and to be undertaken by the **applicant** or the **applicant's** agent; and

Formatted: Font: Bold

Formatted: Font: Bold

~~(d)~~—a **final application** within 12 months after the date on which it approved an **initial application**, unless—

~~(i)~~—the **distributor** and the **applicant** agree that a **final application** is not required; and

~~(ii)~~~~(d)~~ the **distributor** agrees to receive a **final application** later than 12 months after approving a **final application**.

(2) If a **final application** is not required, the **distributor** must—

- (a) treat the **applicant's initial application** as a **final application** for the purposes of clauses 8 to 14; and
- (b) receive, from the **applicant**, the **final application** fee (if any) specified by the **distributor** in accordance with clause 6.3(2)(e).

8 Priority of final applications

A **distributor** must prioritise and manage **final applications** in accordance with the **queueing and management policy for distributors**.

9 Distributor's decision on final application

- (1) A **distributor** must, within the time limit specified in clause 10, give notice in writing to the **applicant** stating whether the **final application** is approved or declined.
- (2) A **distributor** may make a notice approving a **final application** subject to conditions that the **applicant** must meet in order to address any significant risks to network stability, safety or operational viability that the connection would cause.
- (3) A notice stating that a **final application** is approved must be accompanied by the following information:
 - (a) a detailed description of any conditions (or other measures) that are conditions of the approval, and what the **applicant** must do to comply with them;
 - (b) detailed reasons for those conditions (or other measures);
 - (c) a detailed description of any charges payable by the **applicant** to the **distributor** or by the **distributor** to the **applicant**, and an explanation of how the charges have been, or will be, calculated;
 - (d) the default process for resolving disputes under Schedule 6.3, if the **applicant** is a **participant** and disputes all or any of the conditions (or other measures) or charges payable.
- (4) A notice stating that a **final application** is declined must be accompanied by the following information:
 - (a) detailed reasons as to why the **final application** has been declined and what the **applicant** must do to obtain the **distributor's** approval if it makes a new **final application**;
 - (b) if the **final application** is one to which clause 9 applies, the criteria used in making a decision under clause 9;
 - (c) that an **applicant** that is not a **participant** may notify the **distributor** of a complaint under clause 6.8A;
 - (d) that if the **applicant** is not a **participant**, the **applicant** may report to the Authority under the **Electricity Industry (Enforcement) Regulations 2010** if it considers that the **distributor** has breached any requirement in Part 6 of this Code.

Commented [R69]: Cl d(i) should ideally be moved for ease of use. If stays here, there should be an "or" rather than "and" between (i) and (ii). This approach could be carried over to other sections that provide for where a "final application is not required".

Formatted: RM-S Level 3

Formatted: Font: Bold

- (5) The resubmission of a **final application** resets the timeframe for the **distributor**'s approval of the **final application**.

10 Time within which distributor must decide final applications

- (1) A notice required by clause 9 must be given by a **distributor** to an **applicant** no later than 30 **business days** after the date the **distributor** receives the **final application**.
- (2) The **distributor** may seek up to two extensions of the time specified in subclause (1) but only where zone substation works or Transpower input is required.
- (3) If the **distributor** requires **grid** studies to decide the **final application**, the **distributor** may seek up to two additional extensions of the time specified in subclause (1).
- (4) If a **distributor** seeks an extension of time under subclauses (2) and (3) it must provide the **applicant** with a notice in writing specifying the reasons why the extension of time is sought.
- (5) Each extension of time sought under subclauses (2) and (3) must not exceed 40 **business days**; and
- (6) Subclause (7) applies if the **distributor** requests or requires further information from the **applicant** after receiving the **final application**.
- (7) The total time frame will pause on the making of a request or requirement and will resume on the **business day** after the **distributor** receives the information.
- (8) If the **distributor** does not give notice in accordance with subclause (1) before the expiry of the time frames in this clause, including any extensions of time, the **applicant** may notify the **distributor** of a complaint under clause 6.
- (9) If subclause (8) applies, the **applicant** may choose to defer the **distributor**'s decision on its **final application** until a later date of its choosing.

11 Distributor must negotiate if notified by applicant

- (1) A **distributor** must negotiate with an **applicant** if, after providing the **applicant** with notice of final approval, it receives written notice from the **applicant** confirming the **applicant** intends to proceed to negotiate a connection contract under clause 12(1) and—
- (a) the **applicant** provides details of the **load** connection; and
- (b) the **applicant** confirms it accepts all of the conditions (or other measures) that have been specified by the **distributor** under clause 9.
- (2) The **distributor** is not required to negotiate if it receives the written notice later than 30 **business days** after the day on which it gives notice of final approval under clause 9, or such later date as previously agreed by the **distributor** and the **applicant**.
- (3) If the **applicant** is a **participant** and does not accept one or more of the conditions specified by the **distributor** under clause 9(2) (if any), but intends to proceed to negotiate a connection contract under clause 13(1), the **applicant** must—
- (a) give notice of the dispute in accordance with clause 2 of Schedule 6.3 within 30 **business days** after the day on which the **distributor** gives notice of final approval under clause 9; and
- (b) give a notice under subclause (1) within 30 **business days** after the dispute is resolved.
- (4) The **distributor's** duties under Part 6 of this Code arising from the application no longer apply if the **applicant** fails to give notice to the **distributor** of an intention to proceed to negotiate a connection contract under clause 12(1) within the time limits specified in this clause.

Commented [R70]: Contrary to our comments above re equivalent clauses for distributed generation, this approach works for load because there are no regulated terms. So the applicant must give notice that it wants to negotiate a connection contract (compared with distributed generation, where parties can go straight to regulated terms).

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.1

- (5) Subclause (4) does not prevent the **applicant** from making a new application under Part 6 of this Code.

Post-approval process

12 Distributor has 40-60 business days to negotiate connection contract if applicant gives notice of intention to negotiate

- (1) If an **applicant** whose **final application** is approved gives notice to a **distributor** under clause 11(1), the **distributor** has **40-60 business days**, starting on the date on which the **distributor** receives the notice, during which they must, in good faith, attempt to negotiate a connection contract.
- (2) The **distributor** and the **applicant** may, by agreement, extend the time specified in subclause (1) for negotiating a connection contract.

13 Connection of load if connection contract negotiated

- (1) This clause applies if a **distributor** and an **applicant** whose **final application** is approved enter into a connection contract before the period for negotiating a connection contract under **Process 4** expires.
- (2) If the application is to continue an existing connection under clause 2(1)(b) of Schedule 6.1, the **distributor** must use its best endeavours to ensure that the new terms under which the **applicant's** existing connection continues apply—
- (a) as soon as practicable, if the previous connection contract has expired; or
 - (b) no later than the expiry of the previous connection contract, if the contract is in force.
- (3) If the application is to continue an existing connection for which there is no connection contract under clause 2(1)(c) of Schedule 6.1, the **distributor** must use its best endeavours to ensure that the new terms under which the **applicant's** existing connection continues apply as soon as practicable.
- (4) If the application is to change the capacity of an existing **load** connection under clause 2(1)(e) of Schedule 6.1, the **distributor** must use its best endeavours to ensure that the new terms under which the **applicant's** existing connection continues apply as soon as practicable.

14 Approved final applications must connect to retain approval

- (1) A **distributor** may lapse final approval of a **final application** if the **applicant** fails to connect to the **distributors** network within the later of—
- (a) 2 years from the date of final approval; or
 - (b) by the date agreed with the **distributor** through fault of the **applicant**.
- (2) The **applicant** may—
- (a) provide an **initial application** to the **distributor** if it wishes to connect **load** to the **distributor's** network after the **distributor** has lapsed final approval under subclause (1); and
 - (b) notify the **distributor** of a complaint under clause 6.8A, if the **applicant** is not a **participant**.

Commented [R71]: Per comment above that 60 business days is a more realistic starting timeframe for negotiations

Commented [R72]: Consider whether this would also need to cover the scenario of no connection contract being agreed to after 60 business days and no agreed extension?

Appendix 5

Process 5: Applications for **load** at 500 kVA or more in total

1 Contents of this Appendix

- (1) This Appendix sets out **Process 5** and applies to applications for **load** at 500 kVA or more in total to a **distribution network**.
- (2) **Process 5** provides for a three-stage application process.

Initial application process

2 ~~Distributor must receive information to process an initial application Initial application for load at 500kVA or more in total~~

- (1) To process an **initial application** from an **applicant**, a **distributor** must receive—
 - (a) a completed **initial application** from the **applicant** using the form **published** by the **distributor** under clause 6.3(2)(a); and
 - (b) information in respect of the connection to which the **initial application** relates that is—
 - (i) referred to in subclause (2); and
 - (ii) specified by the **distributor** under clause 6.3(3) as being required to be provided with the **initial application**; and
 - (c) the **initial application** fee (if any) specified by the **distributor** in accordance with clause 6.3(2)(e).
- (2) The information includes the following:
 - (a) the full name and address of the **applicant** and the contact details of a person whom the **distributor** may contact regarding the connection;
 - (b) whether the application is to—
 - (i) connect new **load**; or
 - (ii) continue an existing **load** connection that is connected in accordance with a connection contract if the connection contract—
 - (A) is in force and the **applicant** wishes to extend the term of the connection contract; or
 - (B) has expired; or
 - (iii) continue an existing **load** connection that is connected without a connection contract; or
 - (iv) change the capacity of an existing **load** connection;
 - (c) proposed or current point of connection to the **distribution network** (for example, the **ICP** identifier and street address);
 - (d) when the **applicant** would like the **load** connection or increased capacity to be available;
 - (e) details of the required voltage (for example, 400V or 11kV) for the **load** connection;
 - (f) information showing how the **load** installation complies with the **distributor's connection and operation standards**;
 - (g) evidence that the **applicant** has undertaken a capacity assessment that considers maximum demand and, if known, time of use demand from the **distribution network**;
 - (h) any other information that is required by the system operator;

Commented [R73]: Amended to reflect where obligation lies and for consistency with other Appendices.

- (i) any additional information or documents that are reasonably required by the **distributor**.
- (3) The **distributor** must, within five **business days** of receiving an **initial application**, give written notice to the **applicant** advising whether or not the application is complete and, if not, what information is needed to complete the application.

3 **Distributor must give information to applicant**

A **distributor** must give an **applicant** that makes an **initial application** the following within 30 **business days** of receiving the completed **initial application**:

- (a) information about the capacity of the **distribution network**, including both the design capacity (including fault levels) and actual operating levels;
- (b) information about the extent to which the connection and operation of the **load** connection may result in a breach of the relevant standards for safety, voltage, power quality, and reliability of **electricity** conveyed to **points of connection** on the **distribution network**;
- (c) information about any measures or conditions (including modifications to the design and operation of the **distribution network** or **grid**) to the operation of the **load** connection that may be necessary to address the matters referred to in paragraphs (a) and (b).
- (d) the approximate costs of any **distribution network** related measures or conditions identified under paragraph (c) and an estimate of time constraints or restrictions that may delay connecting to the network;
- (e) information about any further detailed investigative studies that the **distributor** reasonably considers are necessary to identify any potential adverse effects the connection may have on the system, together with an indication of—
 - (i) whether the **distributor** agrees to the **applicant**, or a suitably qualified agent of the **applicant**, undertaking those studies and, if not, the reasons for the **distributor**'s decision; or
 - (ii) if not, whether the **distributor** could undertake those studies and, if so, the reasonable estimated cost of the studies that the **applicant** would be charged;
- (f) information about any obligations to other parties that may be imposed on the **distributor** and that could affect the connection;
- (g) information about the extent to which planned and unplanned outages may adversely affect the operation of the **load** connection;
- (h) any additional information or documents that the **distributor** considers would assist the **applicant**'s application.

4 **Other matters to assist with decision making**

- (1) A **distributor** must provide, if requested by an **applicant** making an **initial application**, further information that is reasonably necessary to enable the **applicant** to consider and act on the information given by the **distributor** under clause 3.
- (2) The information that the **distributor** must provide under subclause (1) may include single line diagrams, equipment ratings, normal switch configurations (including fault levels), and protection system details relevant to the current or proposed point of connection of the **load**.
- (3) The **distributor** must provide the further information under this clause within 10 **business days** of the request being received.

- (4) A **distributor** must treat all connection applications in a fair, consistent, and non-discriminatory manner, without giving preference to any **applicant** or class of **applicant**.

5 Distributor must make reasonable endeavours regarding new information

If a **distributor** receives information under **Process 5** from an **applicant** who is not a **participant**, and subsequently becomes aware of new information that is relevant to the application, the **distributor** must use reasonable endeavours to obtain the new information from the **applicant**.

6 Distributor's decision on initial application

- (1) A **distributor** must, within 40 **business days** of receiving the completed **initial application**, give notice in writing to the **applicant** stating whether the **initial application** is approved or declined.
- (2) A **distributor** must approve an **initial application**, subject to any conditions specified by the **distributor** that are reasonably required, if—
- (a) the **initial application** has been properly made in accordance with Part 6 of this Code; and
 - (b) the information provided in the **initial application** would reasonably support an assessment by the **distributor**.
- (3) A **distributor** may approve an **initial application** that does not comply with their **connection and operation standards**.
- (4) If the **distributor** does not give notice in accordance with subclause (1) before the time frame in this clause expires, an **applicant** that is not a **participant** may notify the **distributor** of a complaint under clause 6.
- (5) A notice stating that an **initial application** is approved must be accompanied by the following information:
- (a) the priority position of the **initial application** in the **distributor's network connections pipeline** at the time the **distributor** approved the **initial application**; and
 - (b) estimated charges payable by the **applicant** to the **distributor** to assess an **interim application** and **final application**.
- (6) A notice stating that an **initial application** is declined must be accompanied by detailed reasons as to why the **initial application** was declined and what the **applicant** must do to obtain the **distributor's** approval if the **applicant** resubmits an **initial application** under subclause (7).
- (7) An **applicant** may only resubmit an **initial application** once and must do so within 30 **business days** after receiving a notice under subclause (4), otherwise a new application is required.
- (8) The **distributor** must not charge an **initial application** fee for **initial applications** that are resubmitted under subclause (7) where —
- (a) there is no increase in **load** capacity; and
 - (b) there is no change to the physical location of the proposed **load**; and
 - (c) there is no change to the **applicant** making the application.

Interim application process

7 Distributor must receive interim application

- (1) To process an **interim application**, a **distributor** must—

- (a) receive a completed **interim application** from the **applicant** using the form published by the **distributor** under clause 6.3(2)(a); and
 - (b) the **interim application** fee (if any) specified by the **distributor** in accordance with clause 6.3(2)(e); and
 - (c) receive the results of any investigative studies that were identified by the **distributor** under clause 3(e)(i) and to be undertaken by the **applicant** or the **applicant's** agent; and
 - (d) receive the **interim application** within 12 months after the date on which it approved the **initial application**, unless—
 - (i) the **distributor** and the **applicant** agree that an **interim application** is not required; and
 - (ii) there are no persons to whom the **distributor** must give written notice under clause 8 at the time that the **distributor** and **applicant** agree that an **interim application** is not required; or
 - (iii) the **distributor** agrees to accept an **interim application** later than 12 months after the date on which it approved the **initial application**.
- (2) If the **distributor** and **applicant** agree an **interim application** is not needed, the **distributor** must—
- (a) treat the **applicant's** **initial application** as an **interim application** for the purposes of clauses 8 to 10; and
 - (b) receive, from the **applicant**, the **interim application** fee (if any) specified by the **distributor** in accordance with clause 6.3(2)(e).

8 Notice to third parties

A **distributor** that receives an **interim application** must, within 10 **business days** after receiving the **interim application**, give written notice of the **interim application** to all persons that have made an **initial application**, **interim application** and **final application** relating to a particular part of the **distribution network** that the **distributor** considers would be affected by the approval of the **interim application**.

9 Distributor's decision on interim application

- (1) A **distributor** must, within the time limit specified in clause 10, give notice in writing to the **applicant** stating whether the **interim application** is approved or declined.
- (2) A **distributor** must approve an **interim application**, subject to any conditions specified by the **distributor** that are reasonably required, if—
 - (a) the **interim application** has been properly made in accordance with Part 6 of this Code; and
 - (b) the information provided in the application would reasonably support an assessment by the **distributor** that the connected **load** will meet the **distributor's connection and operation standards** (assuming that the **applicant** meets the conditions (if any) referred to in subclause (3)).
- (3) A notice stating that an **interim application** is approved must be accompanied by the following information:
 - (a) a detailed description of any conditions (or other measures) that are conditions of the approval under subclause (2), and what the **applicant** must do to comply with them;
 - (b) detailed reasons for those conditions (or other measures):

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.1

- (c) a detailed description of any charges that would be payable by the **applicant** to the **distributor** or by the **distributor** to the **applicant**, and an explanation of how the charges have been, or will be, calculated;
 - (d) the default process for resolving disputes under Schedule 6.3, if the **applicant** disputes all or any of the conditions (or other measures) or charges payable;
 - (e) the priority position of the **interim application** in the **distributor's network connections pipeline** at the time the **distributor** approved the **interim application**; and
 - (f) estimated charges payable by the **applicant** to the **distributor** to assess a **final application**.
- (4) A notice stating that an **interim application** is declined must be accompanied by the following information:
- (a) detailed reasons as to why the **interim application** has been declined and what the **applicant** must do to obtain the **distributor's** approval if it resubmits its **interim application** under subclause (5);
 - (b) the default process for resolving disputes between **participants** under Schedule 6.3;
 - (c) that if the **applicant** is not a **participant**, the **applicant** may report to the Authority under the **Electricity Industry (Enforcement) Regulations 2010** if it considers that the **distributor** has breached any requirement in Part 6 of this Code.
- (5) An **applicant** may only resubmit an **interim application** once and must do so within 60 **business days** after receiving a notice under subclause (4), otherwise the **applicant** must submit a new **interim application** to the **distributor**.
- (6) The **distributor** must not charge an **interim application** fee for **interim applications** that are resubmitted under subclause (5) where —
- (a) there is no increase in **load** capacity; and
 - (b) there is no change to the physical location of the proposed **load**; and
 - (c) there is no change to the **applicant** making the application.
- (7) The resubmission of an **interim application** resets the time frame for the **distributor's** approval of the **interim application**.

10 Time within which distributor must decide interim applications

- (1) A notice required by clause 9 must be given by a **distributor** to an **applicant** no later than—
- (a) 45 **business days** after the date of receipt of the **interim application**, in the case of **load** with a maximum demand of less than 1 MVA; or
 - (b) 60 **business days** after the date of receipt of the **interim application**, in the case of **load** with a maximum demand of 1 MVA or more but less than 5 MW; or
 - (c) 80 **business days** after the date of receipt of the **interim application**, in the case of **load** with a maximum demand of 5 MVA or more.
- (2) The **distributor** may seek up to two extensions of time specified in subclause (1), for approval of an application less than 1.5 MW, but only where zone substation works or input from Transpower is required, and may seek a further two extensions to decide an **interim application** of 1.5 MW or greater where zone substation works or input from Transpower is required.
- (3) If the **distributor** requires **grid** studies to decide the **interim application**, the **distributor** may seek up to two additional extensions of the time specified in subclause (1).

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.1

- (4) If a **distributor** seeks an extension of time under subclauses (2) and (3) it must provide the **applicant** with a notice in writing specifying the reasons why the extension of time is sought.
- (5) Each extension of time sought under subclauses (2) and (3) must not exceed 40 **business days**; and
- (6) Subclause (7) applies if the **distributor** requests or requires further information from the **applicant** that was missing from the **interim application**, during the period set out in subclause (1).
- (7) The total time frame will pause on the making of a request or requirement and will resume on the **business day** after the **distributor** receives the information.
- (8) If the **distributor** does not give notice in accordance with subclause (1) before the expiry of the time frames in this clause, including any extensions of time, the **applicant** may refer the failure to meet the time frame to the disputes process set out in clause 6.8A, or Schedule 6.3 if the **applicant** is a **participant**.
- (9) If subclause (8) applies, the **applicant** may choose to defer the **distributor's** decision on its **interim application** until a later date of its choosing.

11 Applicant may complain under section 95 of the Act

- (1) An **applicant** who is not a **participant** can make a complaint about the reasonableness of a **distributor's** conditions to the dispute resolution scheme under section 6 of the Act.
- (2) Subclause (1) does not prevent the **applicant** from declining the conditions specified by the **distributor** under clause 9(3) and making a new application under Part 6 of this Code.

Final application process

12 Distributor must receive final application

- (1) To process a **final application**, a **distributor** must receive—
 - (a) a completed **final application** from the **applicant** using the form published by the **distributor** under clause 6.3(2)(a); and
 - (b) the **final application** fee (if any) specified by the **distributor** in accordance with clause 6.3(2)(e); and
 - (c) written acceptance from the **applicant** of the conditions stipulated by the **distributor** under 9(3)(a) (if any) and how the **final application** responds to these conditions. If the **distributor** considers the **final application** does not adequately respond to the conditions, and the **distributor** and **applicant** cannot agree on a resolution, then the **distributor** may treat the **final application** as an **interim application**. In this instance, the **distributor** can request further investigative studies to be undertaken by the **applicant** or the **applicant's** agent, and the **distributor** must not require the **applicant** to pay another **interim application** fee (if any); and
 - (d) the **final application** within 90 **business days** after approving the **interim application**, unless—
 - (i) the **distributor** and the **applicant** agree that a **final application** is not required; and
 - (ii) the **distributor** agrees to accept a **final application** received more than 90 **business days** after the approval of the **interim application** or the date on which a dispute was resolved under Schedule 6.3, under section 95 of the Act.

- (2) If the **distributor** and **applicant** agree a **final application** is not needed, the **distributor** must—
- (a) treat the **applicant's interim application** as a **final application** for the purposes of clauses 13 to 22; and
 - (b) receive, from the **applicant**, the **final application** fee (if any) specified by the **distributor** in accordance with clause 6.3(2)(e).

13 Priority of final applications

A **distributor** must prioritise and manage **final applications** in accordance with the **queuing and management policy for distributors**.

Formatted: Font: Bold

14 Distributor's decision on final application

- (1) A **distributor** must, within the time limit specified in clause 15, give notice in writing to the **applicant** stating whether the **final application** is approved or declined.
- (2) A **distributor** may make a notice approving a **final application** subject to conditions that the **applicant** must meet in order to address any significant risks to network stability, safety or operational viability that the connection would cause.
- (3) A notice stating that a **final application** is approved must be accompanied by the following information:
 - (a) a detailed description of any conditions (or other measures) that are conditions of the approval, and what the **applicant** must do to comply with them;
 - (b) detailed reasons for those conditions (or other measures);
 - (c) a detailed description of any charges payable by the **applicant** to the **distributor** or by the **distributor** to the **applicant**, and an explanation of how the charges have been, or will be, calculated;
 - (d) the default process for resolving disputes under Schedule 6.3, if an **applicant** who is a **participant** disputes all or any of the conditions (or other measures) or charges payable;
 - (e) the priority position of the **final application** in the **distributor's network connections pipeline** at the time the **distributor** approved the **final application**
- (4) A notice stating that a **final application** is declined must be accompanied by the following information:
 - (a) detailed reasons as to why the **final application** has been declined and what the **applicant** must do to get approval if it resubmits its **final application** under subclause (4);
 - (b) if the application is one to which clause 12 applies, the criteria used to determine the priority of applications;
 - (c) the default process for resolving disputes between **participants** under Schedule 6.3;
 - (d) that if the **applicant** is not a **participant**, the **applicant** may report to the Authority under the **Electricity Industry (Enforcement) Regulations 2010** if it considers that the **distributor** has breached any requirement in Part 6 of this Code.
- (5) An **applicant** may only resubmit a **final application** once and must do so within 30 **business days** of receiving a notice under subclause (4), otherwise a new **final application** is required.
- (6) The **distributor** must not charge a **final application** fee for **final applications** that are resubmitted under subclause (4), where —
 - (a) there is no increase in **load** capacity; and

- (b) there is no change to the physical location of the proposed **load**; and
 - (c) there is no change to the **applicant** making the application.
- (7) The resubmission of a **final application** resets the timeframe for the **distributor**'s approval of the **final application**.

15 Time within which distributor must decide final applications

- (1) A notice required by clause 14 must be given by a **distributor** to an **applicant** no later than—
- (a) 20 **business days** after the date of receipt of the **final application**, in the case of **load** with a maximum demand of less than 1 MVA; or
 - (b) 30 **business days** after the date of receipt of the **final application**, in the case of **load** with a maximum demand of 1 MVA or more but less than 5 MVA; or
 - (c) 40 **business days** after the date of receipt of the **final application**, in the case of **load** with a maximum demand of 5 MVA or more.
- (2) The **distributor** may seek one extension of time specified in subclause (1) for approval of a **final application** of less than 1.5MW, but only where zone substation works or input from Transpower is required, and may seek a further two exemptions of the time specified in subclause (1) to decide a **final application** of 1.5MW or greater where zone substation works or input from Transpower is required.
- (3) If a **distributor** seeks an extension of time under subclause (2) it must provide the **applicant** with a notice in writing specifying the reasons why the extension of time is sought.
- (4) An extension of time sought under subclause (2) must not exceed 40 **business days**.
- (5) Subclause (6) applies if the **distributor** reasonably requests or requires further information from the **applicant** after receiving the **final application**.
- (6) The total time frame will pause when the **distributor** has made a request or requirement and will resume on the **business day** after the **distributor** receives the information.
- (7) If the **distributor** does not give notice in accordance with subclause (1) before the expiry of the time frames in this clause, including an extension of time, the **applicant** may refer the failure to meet the time frame to the disputes process set out in clause 6.8A or Schedule 6.3 if the **applicant** is a **participant**.
- (8) If subclause (7) applies, the **applicant** may choose to defer the **distributor**'s decision on its **final application** until a later date of its choosing.

16 Distributor must negotiate if notified by applicant

- (1) A **distributor** must negotiate with an **applicant** if, after providing the **applicant** with notice of final approval, it receives written notice from the **applicant** confirming the **applicant** intends to proceed to negotiate a connection contract under clause 17(1) and—
- (a) the **applicant** provides details of the **load**; and
 - (b) the **applicant** confirms it accepts all of the conditions (or other measures) that have been specified by the **distributor** under clause 14.
- (2) The **distributor** is not required to negotiate if it receives the written notice later than 30 **business days** after the day on which it gives notice of final approval under clause 14, or such later date as previously agreed by the **distributor** and the **applicant**.
- (3) If the **applicant** is a **participant** and does not accept one or more of the conditions specified by the **distributor** under clause 14(3) (if any), but intends to proceed to negotiate a connection contract under clause 17 (1), the **applicant** must—

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.1

- (a) give notice of the dispute in accordance with clause 2 of Schedule 6.3 within 30 **business days** after the day on which the **distributor** gives notice of final approval under clause 14; and
- (b) give a notice under subclause (1) within 30 **business days** after the dispute is resolved.
- (4) Subclause (4) does not prevent the **applicant** from making a new application under Part 6 of this Code.

Post-approval process

17 Distributor has 40-60 business days to negotiate connection contract if applicant gives notice of intention to negotiate

- (1) If an **applicant** whose **final application** is approved gives notice to a **distributor** under clause 16(1), the **distributor** has 40-60 **business days**, starting on the date on which the **distributor** receives the notice, during which the **distributor** must, in good faith, attempt to negotiate a connection contract.
- (2) The **distributor** and the **applicant** may, by agreement, extend the time specified in subclause (1) for negotiating a connection contract.

18 Connection of load if connection contract negotiated

- (1) This clause applies if a **distributor** and an **applicant** whose **final application** is approved enter into a connection contract before the period for negotiating a connection contract under **Process 5** expires.
- (2) If the application is to continue an existing connection of **load** under clause 2(1)(b) of Schedule 6.1, the **distributor** must use its best endeavours to ensure that the new terms under which the **applicant's** existing connection continues apply—
 - (a) as soon as practicable, if the previous connection contract has expired; or
 - (b) no later than the expiry of the previous connection contract, if the contract is in force.
- (3) If the application is to continue an existing connection for which there is no connection contract under clause 2(1)(c) of Schedule 6.1, the **distributor** must use its best endeavours to ensure that the new terms under which the **applicant's** existing connection continues apply as soon as practicable.
- (4) If the application is to change the capacity of the connected **load** under clause 2(1)(e) of Schedule 6.1, the **distributor** must use its best endeavours to ensure that the new terms under which the **applicant's** existing connection continues apply as soon as practicable.

19 Approved applications must meet milestones to retain priority position in distributor's network connections pipeline

- (1) A **distributor** must queue and manage approved **final applications** in accordance with the **queueing and management policy for distributors**. This includes setting delivery milestones that a project must meet to maintain its priority position in the **distributor's network connections pipeline**.
- (2) A **distributor** and a **participant** must act reasonably when negotiating milestones.
- (3) These milestones may relate to:
 - (a) securing environmental approvals;
 - (b) obtaining property rights & easements;
 - (c) getting Overseas Investment Office approval;

Commented [R74]: Per comment above that 60 business days is a more realistic starting timeframe for negotiations

Formatted: Font: Bold

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.1

- (d) confirming final **grid** connection requirements
- (e) signing delivery services agreement
- (f) signing construction contract
- (g) completing works construction
- (h) other issues that are reasonably required by the **queueing and management policy for distributors**.

Formatted: Font: Bold

- (4) The **distributor** must apply stated tolerances with regards to milestones, recognising that there could be delays that lead to milestones not being achieved on time.

20 Approved applications must meet milestones to retain final approval

- (1) The **distributor** must adhere to the framework for removing approved **final applications** that are not progressing as set out in the **queueing and management policy for distributors**.
- (2) A final approval of a **final application** may be lapsed by a **distributor** if the **applicant**—
 - (a) consistently misses milestones; or
 - (b) fails to renegotiate milestones; or
 - (c) fails to connect to the **distributors** network within the later of—
 - (i) 2 years from the date of final approval; or
 - (ii) the date agreed with the **applicant** has agreed with the **distributor** to connect to the **distributor's** network through fault of the **applicant**.
- (3) The **applicant** may—
 - (a) provide an **initial application** to the **distributor** if it wishes to connect **load** to the **distributor's** network after the **distributor** has lapsed final approval under subclause (2); and
 - (b) notify the **distributor** of a complaint under clause 6.8A, if the **applicant** is not a **participant**.

Formatted: Font: Bold

21 Treatment of approved applications at the same network location

A **distributor** must adhere to the **queueing and management policy for distributors** when making decisions on the priority positions of projects in its **network connections pipeline**.

Schedule 6.2 Regulated terms for distributed generation

cl 6.6

Contents *General*

- 1 Contents of this Schedule
- 2 Interpretation
- 3 General obligations

Meters

- 4 Installation of meters and access to metering information

Access

- 5 Right of **distributor** to access **distributed generator's** premises
- 6 Process if **distributor** wants to access **distributed generator's** premises
- 7 **Distributor** must not interfere with **distributed generator's** equipment
- 8 **Distributed generator** must not interfere with, and must protect, **distributor's** equipment
- 9 Obligation to advise if interference with **distributor's** equipment or theft of **electricity** is discovered

Interruptions and disconnections

- 10 General obligations relating to interruptions
- 11 Circumstances allowing **distributor** to temporarily electrically disconnect **distributed generation**
- 12 Obligations if **distributed generation** temporarily electrically disconnected by **distributor**
- 13 Adverse operating effects
- 14 Interruptions by **distributed generator**
- 15 Disconnecting **distributed generation**

Time frame for construction

- 15A **Distributed generator** must construct **distributed generation** within 18 months of approval

Confidentiality

- 16 General obligations relating to confidentiality
- 17 When confidential information can be disclosed
- 18 Disclosures by employees, agents, etc

Pricing

- 19 Pricing principles

Liability

- 20 General obligations relating to liability
- 21 Exceptions to general obligations relating to liability
- 22 Limits on liability
- 23 Liability clauses do not apply to fraud, wilful breach, and breach of confidentiality
- 24 [Revoked]
- 25 Force majeure

General

1 Contents of this Schedule

This Schedule sets out the **regulated terms** that apply to a **distributor** and a **distributed generator** in respect of **distributed generation** that is connected in accordance with clause 6.6 and Schedule 6.1.

2 Interpretation

These **regulated terms** must be interpreted—

- (a) in light of the purpose of Part 6 of this Code; and
- (b) so as to give business efficacy to the relationship between the **distributor** and the **distributed generator** created by Part 6 of this Code.

2A Application of this schedule

These **regulated terms** apply where—

- (a) a **distributed generator** has applied to connect **distributed generation** to a **distributor's** network and a connection contract is not agreed within the time frame set out in this Part; and
- (b) an **applicant** that is not a **participant** has applied to connect both **load** and **distributed generation** at the same **ICP** and a connection contract is not agreed within the period set out in this Part, in which case these **regulated terms** apply to the **distributed generation** connection.

3 General obligations

- (1) The **distributor** and the **distributed generator** must perform all obligations under these **regulated terms** in accordance with **connection and operation standards** (where applicable).
- (2) The **distributor** and the **distributed generator** must each construct, connect, operate, test, and maintain their respective equipment in accordance with—
 - (a) these **regulated terms**; and
 - (b) **connection and operation standards** (where applicable); and
 - (c) this Code.
- (3) The **distributed generator** must, subject to subclause (2), construct, connect, operate, test, and maintain its **distributed generation** in accordance with—
 - (a) reasonable and prudent operating practice; and
 - (b) the applicable manufacturer's instructions and recommendations.
- (4) The **distributor** and **distributed generator** must each be fully responsible for the respective facilities they own or operate.
- (4A) The **distributed generator** must seek the **distributor's** approval before making any changes to the connection of the **distributed generation**, or changes to the **distributed generation** protection settings.
- (5) The **distributor** and **distributed generator** must each ensure that their respective facilities adequately protect each other's equipment, personnel, and other persons and their property, from damage and injury.
- (6) The **distributed generator** must comply with any conditions specified by the **distributor** under Schedule 6.1 (or, to the extent that those conditions were the subject of a dispute under that

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.2

Schedule, or of negotiation during the period for negotiation of the connection contract, the conditions or other measures as finally resolved or negotiated).

- (7) Where the **distributor's** power quality obligations are breached for any reason due to the operation of the **distributed generation**, the **distributed generator** will resolve the power quality obligations as soon as practicable at its own cost.

Meters

4 Installation of meters and access to metering information

- (1) *[Revoked]*
- (2) The **distributed generator** must give the **distributor**, at the **distributor's** request, the interval data and cumulative data recorded by the metering installations at the point of connection at which the **distributed generation** is connected or is proposed to be connected.
- (2A) The **distributed generator** must—
- (a) provide any data required under subclause (2) to the **distributor** within three **business days** of the request unless agreed otherwise; and
 - (b) deliver the data to the **distributor** in a manner agreed with the **distributor**; and
 - (c) format the data to comply with EIEP3 unless an alternative format is agreed; and
 - (d) manage the data in accordance with Parts 10 and 15 of the Code.
- (3) The **distributed generator** must provide reactive metering if—
- (a) the meter for the **distributed generation** is part of a category 2 metering installation, or a higher category of metering installation; and
 - (b) the **distributed generator** is required to do so by the **distributor**.
- (4) The **distributor's** requirements in respect of metering measurement and accuracy must be the same as those set out in Part 10 of this Code.

Access

5 Right of distributor to access distributed generator's premises

- (1) The **distributed generator** must provide the **distributor**, or a person appointed by the **distributor**, with safe and unobstructed access onto the **distributed generator's** premises at all reasonable times—
- (a) for the purpose of installing, testing, inspecting, maintaining, repairing, replacing, operating, reading, or removing any of the **distributor's** equipment and for any other purpose related to these **regulated terms**; and
 - (b) for the purpose of verifying metering information; and
 - (c) for the purpose of ascertaining the cause of any interference to the quality of delivery services being provided by the **distributor** to the **distributed generator**; and
 - (d) for the purpose of protecting, or preventing danger or damage to, persons or property; and
 - (e) for the purposes of electrically connecting or electrically disconnecting the **distributed generation**; and
 - (f) for any other purpose relevant to either or both of—
 - (i) the **distributor** connecting **distributed generation** in accordance with **connection and operation standards**; and

(ii) maintaining the integrity of the **distribution network**.

- (2) The rights of access conferred by these **regulated terms** are in addition to any right of access the **distributor** may have under a statute or regulation or contract.

6 Process if distributor wants to access distributed generator's premises

- (1) The **distributor** must exercise its right of access under clause 5 by,—
- (a) wherever practicable, giving to the **distributed generator** reasonable notice of its intention and of the purpose for which it will exercise its right of access; and
 - (b) causing as little inconvenience as practicable to the **distributed generator** in carrying out its work; and
 - (c) observing reasonable and prudent operating practice at all times; and
 - (d) observing any reasonable security or site safety requirements that are made known to the **distributor** by the **distributed generator**.
- (2) However, the **distributor** may take all reasonable steps to gain immediate access where it reasonably believes there is immediate danger to persons or property.

7 Distributor must not interfere with distributed generator's equipment

- (1) The **distributor** must not interfere with the **distributed generator's** equipment without the prior written consent of the **distributed generator**.
- (2) However, if emergency action has to be taken to protect the health and safety of persons, or to prevent damage to property, the **distributor**—
- (a) may interfere with the **distributed generator's** equipment without prior written consent; and
 - (b) must, as soon as practicable, inform the **distributed generator** of the occurrence and circumstances involved.

8 Distributed generator must not interfere with, and must protect, distributor's equipment

- (1) The **distributed generator** must not interfere with the **distributor's** equipment without the prior written consent of the **distributor**.
- (2) However, if emergency action has to be taken to protect the health and safety of persons, or to prevent damage to property, the **distributed generator**—
- (a) may interfere with the **distributor's** equipment without prior written consent only if it is safe to do so; and
 - (b) must, as soon as practicable, inform the **distributor** of the occurrence and circumstances involved.
- (3) The **distributed generator** must protect the **distributor's** equipment against interference and damage.

9 Obligation to advise if interference with distributor's equipment or theft of electricity is discovered

- (1) If the **distributor** or the **distributed generator** discovers evidence of interference with the **distributor's** equipment, or evidence of theft of **electricity**, the party discovering the interference or evidence must advise the other party within 24 hours.

- (2) If interference with the **distributor's** equipment at the **distributed generator's** installation is suspected, the **distributor** may itself carry out an investigation and present the findings to the **distributed generator** within a reasonable period.
- (3) The cost of the investigation—
 - (a) must be borne by the **distributed generator** if it is discovered that interference by the **distributed generator**, or by its subcontractors, agents, or invitees, has occurred, or if the interference has been by a third party, and the **distributed generator** has failed to provide reasonable protection against interference to the **distributor's** equipment; and
 - (b) must be borne by the **distributor** in any other case.

Interruptions and disconnections

10 General obligation relating to interruptions

The **distributor** must make reasonable endeavours to ensure that the connection of the **distributed generation** is not interrupted.

11 Circumstances allowing distributor to temporarily electrically disconnect distributed generation

Despite clause 10, the **distributor** may interrupt the connection service, or curtail either the operation or output of the generation, or both, and may temporarily electrically disconnect the **distributed generation** in any of the following cases:

- (a) in accordance with the **distributor's** congestion management policy;
- (b) if reasonably necessary for planned maintenance, construction, and repairs on the **distribution network**;
- (c) for the purpose of protecting, or preventing danger or damage to, persons or property;
- (d) if the **distributed generator** fails to allow the **distributor** access as required by clause 5;
- (e) *[Revoked]*
- (f) in accordance with clause 13 (adverse operating effects);
- (g) if the **distributed generator** fails to comply with the **distributor's**—
 - (i) **connection and operation standards**; or
 - (ii) safety requirements.

12 Obligations if distributed generation temporarily electrically disconnected by distributor

- (1) The **distributor** must make reasonable endeavours to—
 - (a) advise the **distributed generator** before an interruption under clause 11; and
 - (b) co-ordinate with the **distributed generator** to minimise the impact of the interruption.
- (2) The **distributor** and the **distributed generator** must co-operate to restore the **distribution network** and the **distributed generation** to a normal operating state as soon as is reasonably practicable following the **distributed generation** being temporarily electrically disconnected.
- (3) In the case of a forced outage, the **distributor** must, subject to the need to restore the **distribution network**, make reasonable endeavours to—
 - (a) restore service to the **distributed generator**; and
 - (b) advise the **distributed generator** of the expected duration of the outage.

13 Adverse operating effects

- (1) The **distributor** must advise the **distributed generator** as soon as is reasonably practicable if it reasonably considers that operation of the **distributed generation** may—
 - (a) adversely affect the service provided to other **distribution network** customers; or
 - (b) cause damage to the **distribution network** or other facilities; or
 - (c) present a hazard to a person.
- (2) If, after receiving that advice, the **distributed generator** fails to remedy the adverse operating effect within a reasonable time, the **distributor** may electrically disconnect the **distributed generation** by giving reasonable notice (or without notice when reasonably necessary in the event of an emergency or hazardous situation).

14 Interruptions by distributed generator

- (1) This clause applies to any connected **distributed generation** above 10 kW in total.
- (2) The **distributed generator** must advise the **distributor** of any planned outages and must make reasonable endeavours to advise the **distributor** of an event that affects **distribution network** operations.
- (3) The **distributed generator** must make reasonable endeavours to advise the **distributor** of the interruption and to co-ordinate with the **distributor** to minimise the impact of the interruption.

15 Disconnecting distributed generation

- (1) Despite clause 10, the **distributor** may disconnect **distributed generation** in the following circumstances:
 - (a) on receipt of a request from a **distributed generator** or the trader responsible for the **distributed generation**:
 - (aa) on request of the Authority in the event of default by a trader:
 - (ab) in the event that the **distributed generation** interferes with the **distributor's** network as set out in clause 13, and the **distributed generator** fails to correct the problem;
 - (b) without notice, if a **distributed generator** has been temporarily electrically disconnected under clause 11(g) and—
 - (i) the **distributed generator** fails to remedy the non-compliance within a reasonable period of time; and
 - (ii) there is an ongoing risk to persons or property:
 - (c) without notice, if the trader that is recorded in the registry as being responsible for the **ICP** to which the **distributed generation** is connected to the **distribution network** has electrically disconnected the **ICP** and updated the **ICP's** status in the registry to "inactive" with the reason of "electrically disconnected – ready for decommissioning":
 - (d) on at least 10 **business days'** notice of intention to disconnect, if—
 - (i) the **distributed generator** has not injected **electricity** into the **distribution network** at any time in the preceding 12 months; and
 - (ii) the **distributed generator** has not given written notice to the **distributor** of the reasons for the non-injection; and
 - (iii) the **distributor** has reasonable grounds for believing that the **distributed generator** has ceased to operate the **distributed generation**.
- (2) [Revoked]

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.2

- (3) If a **distributor** disconnects **distributed generation** under subclause (1) and the point of connection is to be decommissioned, the **distributor** must—
 - (a) remove all electrical conductors between the **distributed generation** and the **distributor's** lines;
 - (b) advise the **distributed generator** within two **business days** of the completion of the work referred to in paragraph (a).
- (4) *[Revoked]*
- (5) *[Revoked]*

Time frame for construction

15A Distributed generator must construct distributed generation within 18 months of approval

- (1) This clause applies if the **distributor** approves the **distributed generator's** application to connect **distributed generation** under **Process 1** and **Process 1A** of Schedule 6.1.
- (2) The **regulated terms** cease to apply if the **distributed generator** does not construct the **distributed generation** within—
 - (a) 18 months from the date on which approval was granted; or
 - (b) such later date as is agreed by the **distributor** and **distributed generator**.
- (3) The **distributed generator** must reapply under Schedule 6.1 if—
 - (a) the **regulated terms** no longer apply in accordance with subclause (1); and
 - (b) the **distributed generator** wishes to connect **distributed generation** to the **distributor's** **distribution network**.

Confidentiality

16 General obligations relating to confidentiality

- (1) Each party must preserve the confidentiality of confidential information, and must not directly or indirectly reveal, report, **publish**, transfer, or disclose the existence of any confidential information, except as permitted in clause 5 of Schedule 6.1 and subclause (2).
- (1A) The **distributor** may seek a confidentiality agreement between itself and the **distributed generator** that does not contravene the requirements of clause 5 of Schedule 6.1.
- (2) Each party must only use confidential information for the purposes expressly permitted by these **regulated terms**.

17 When confidential information can be disclosed

Either party may disclose confidential information in any of the following circumstances:

- (a) if the **distributed generator** and **distributor** agree in writing to the disclosure of information;
- (b) if disclosure is expressly provided for under these **regulated terms**;
- (c) if, at the time of receipt by the party, the confidential information is in the public domain or if, after the time of receipt by either party, the confidential information enters the public domain (except where it does so as a result of a breach by either party of its obligations under this clause or a breach by any other person of that person's obligation of confidence);
- (d) if either party is required to disclose confidential information by—

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.2

- (i) a statutory or regulatory obligation, body, or authority; or
- (ii) a judicial or arbitration process; or
- (iii) the regulations of a stock exchange upon which the share capital of either party is from time to time listed or dealt in; or
- (iv) this Code:
- (e) if the confidential information is released to the officers, employees, directors, agents, or advisors of the party, provided that—
 - (i) the information is disseminated only on a need-to-know basis; and
 - (ii) recipients of the confidential information have been made fully aware of the party's obligations of confidence in relation to the information; and
 - (iii) any copies of the information clearly identify it as confidential information:
- (f) if the confidential information is released to a bona fide potential purchaser of the business or any part of the business of a party, subject to that bona fide potential purchaser having signed a confidentiality agreement enforceable by the other party in a form approved by that other party, and that approval may not be unreasonably withheld.

18 Disclosures by employees, agents, etc

To avoid doubt, a party is responsible for any unauthorised disclosure of confidential information made by that party's officers, employees, directors, agents, or advisors.

Pricing

19 Pricing principles

Charges that are payable by the **distributed generator** or the **distributor** must be determined in accordance with the pricing principles set out in Schedule 6.4.

Liability

20 General obligations relating to liability

- (1) If the **distributor** or the **distributed generator** breaches any of the **regulated terms** (whether by act or omission), that party is liable to the other.
- (2) The **distributed generator's** and the **distributor's** liability to each other is limited to damages for any direct loss caused by that breach.
- (3) This clause and clauses 21 to 25 do not limit the liability of either party to pay all charges and other amounts due under Part 6 of this Code or the **regulated terms**.

21 Exceptions to obligations relating to liability

- (1) Neither the **distributor** nor the **distributed generator**, nor any of its officers, employees, directors, agents, or advisors, are in any circumstances liable to the other party for—
 - (a) any indirect loss, consequential loss (including, but not limited to, incidental or special damages), loss of profit, loss of revenue (except any liability under clause 20(3)), loss of use, loss of opportunity, loss of contract, or loss of goodwill; or
 - (b) any loss resulting from the liability of the other party to another person; or
 - (c) any loss or damage incurred by the other party if, and to the extent that, this results from any breach of the **regulated terms** or any negligent action.

- (2) The **distributor** is not liable, except to the extent caused or contributed to by the **distributor** in circumstances where the **distributor** was not acting in accordance with Part 6 of this Code (including these **regulated terms**), for—
- (a) any momentary fluctuations in the voltage or frequency of **electricity** conveyed to or from the **distributed generation's** point of connection or nonconformity with harmonic voltage and current levels; or
 - (b) any failure to convey **electricity** to the extent that—
 - (i) the failure arises from any act or omission of the **distributed generator** or other person, excluding the **distributor** and its officers, employees, directors, agents, or advisors; or
 - (ii) the failure arises from a reduced injection of **electricity** into the **distribution network**; or
 - (iia) the failure arises from an interruption in the conveyance of **electricity** in the **distribution network**, if the interruption was at the request of the system operator or under a nationally or regionally co-ordinated response to an **electricity** shortage; or
 - (iii) the failure arises from any defect or abnormal conditions in or about the **distributed generator's** premises; or
 - (iv) the **distributor** was taking any action in accordance with Part 6 of this Code or the **regulated terms**; or
 - (v) the **distributor** was prevented from making necessary repairs (for example, by police at an accident scene).
- (3) The **distributed generator** is not liable for—
- (a) a failure to perform an obligation under these **regulated terms** caused by the **distributor's** failure to comply with the obligation; or
 - (b) a failure to perform an obligation under these **regulated terms** arising from any defect or abnormal conditions in the **distribution network**.

22 Limits on liability

The maximum total liability of each party, as a result of a breach of the **regulated terms**, must not in any circumstances exceed, in respect of a single event or series of events arising from the same event or circumstance, the lesser of—

- (a) the direct damage suffered or the maximum total liability that the party bringing the claim against the other party has at the time that the event (or, in the case of a series of related events, the first of such events) giving rise to the liability occurred; or
- (b) \$1,000 per kW of **maximum export power** up to a maximum of \$5 million.

23 Liability clauses do not apply to fraud, wilful breach, and breach of confidentiality The exceptions in clause 21, and the limits on liability in clause 22, do not apply—

- (a) if the **distributor** or the **distributed generator**, or any of its officers, employees, directors, agents, or advisors, has acted fraudulently or wilfully in breach of these **regulated terms**; or
- (b) to a breach of confidentiality under clause 16 by either party.

24 [Revoked]

25 Force majeure

- (1) A failure by either party to comply with or observe any provisions of these **regulated terms** (other than payment of any amount due) does not give rise to any cause of action or liability based on default of the provision if—
 - (a) the failure is caused by—
 - (i) an event or circumstance occasioned by, or in consequence of, an act of God, being an event or circumstance—
 - (A) due to natural causes, directly or indirectly and exclusively without human intervention; and
 - (B) that could not reasonably have been foreseen or, if foreseen, could not reasonably have been resisted; or
 - (ii) a strike, lockout, other industrial disturbance, act of public enemy, war, blockade, insurrection, riot, epidemic, aircraft, or civil disturbance; or
 - (iii) the binding order or requirement of a Court, government, local authority, the Rulings Panel, or the Authority, and the failure is not within the reasonable control of the affected party; or
 - (iv) the partial or entire failure of the injection of **electricity** into the **distribution network**; or
 - (v) any other event or circumstance beyond the control of the party invoking this clause; and
 - (b) the party could not have prevented such failure by the exercise of the degree of skill, diligence, prudence, and foresight that would reasonably and ordinarily be expected from a skilled and experienced **distributor** or **distributed generator** engaged in the same type of undertaking under the same or similar circumstances in New Zealand at the time.
- (2) If a party becomes aware of a prospect of a forthcoming force majeure event, it must advise the other party as soon as is reasonably practicable of the particulars of which it is aware.
- (3) If a party invokes this clause, it must as soon as is reasonably practicable advise the other party that it is invoking this clause and of the full particulars of the force majeure event relied on.
- (4) The party invoking this clause must—
 - (a) use all reasonable endeavours to overcome or avoid the force majeure event; and
 - (b) use all reasonable endeavours to mitigate the effects or the consequences of the force majeure event; and
 - (c) consult with the other party on the performance of the obligations referred to in paragraphs (a) and (b).
- (5) Nothing in subclause (4) requires a party to settle a strike, lockout, or other industrial disturbance by acceding, against its judgement, to the demands of opposing parties.

Schedule 6.3 Default dispute resolution process

cl 6.8

Contents

- 1 Application of this schedule
- 2 Notice of dispute
- 3 Complaints
- 4 Application of pricing principles to disputes
- 5 Orders that Rulings Panel can make

1 Application of this Schedule

This Schedule applies in accordance with clause 6.8.

2 Notice of dispute

- (1) A party must give written notice to the other party of the dispute.
- (2) The parties must attempt to resolve the dispute with each other in good faith.
- (3) If the parties are unable to resolve the dispute, either party may complain in writing to the Authority.

3 Complaints

- (1) A complaint made under clause 2(3) must be treated as if it were a notification given under regulations made under section 112 of the Act.
- (2) The following provisions apply to the complaint:
 - (a) sections 53-62 of the Act; and
 - (b) the **Electricity** Industry (Enforcement) Regulations 2010 except regulations 5, 6, 7, 9, 17, 51 to 75, and subpart 2 of Part 3.
- (3) Those provisions apply—
 - (a) to the dispute that is the subject of the complaint in the same way as those provisions apply to a notification of an alleged breach of this Code; and
 - (b) as if references to a **participant** in those provisions were references to a party under Part 6 of this Code; and
 - (c) with any further modifications that the Authority or the Rulings Panel, as the case may be, considers necessary or desirable for the purpose of applying those provisions to the complaint.

4 Application of pricing principles to disputes

- (1) Subject to subclause (3), the Authority and the Rulings Panel must apply the **distributed generation** pricing principles set out in Schedule 6.4 to determine any connection charges payable in respect of connections of **distributed generation**.
- (2) Subclause (1) applies if—
 - (a) there is a dispute under Part 6 of this Code; and
 - (b) in the opinion of the Authority or the Rulings Panel it is necessary or desirable to apply subclause (1) in order to resolve the dispute.

Commented [R75]: Amendment is to reinforce that the distributed generation pricing principles do not apply to load.

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.3

~~(b)~~(3) **If a dispute is in relation to a connection of both load and distributed generation at the same ICP, clause 6B.2(3) of Part 6B applies.**

5 Orders that Rulings Panel can make

If a complaint is referred to it **and it is determined that there has been a breach of the Code**, the Rulings Panel may make any order, or take any action, that it is able to make or take in accordance with section 54 of the ~~Act~~.

Formatted: Font: Bold

Formatted: RM-S Level 2

Commented [R76]: This should also include language along the lines "as if it had determined that there has been a breach of the Code", as section 54 only applies to breaches of the Code, whereas here the Rulings Panel is resolving a dispute. This clause has been in force for many years but it is nevertheless worth taking the opportunity now to tidy it up.

Schedule 6.4

cl 6.9

Distributed generation pricing principles

Commented [R77]: There have been no changes to this Schedule so we do not recommend any amendments.

1 This Schedule sets out the pricing principles to be applied for the purposes of Part 6 of this Code in accordance with clause 6.9 (which relates to clause 19 of Schedule 6.2 and clause 4 of Schedule 6.3).

2 The pricing principles are as follows:

Charges to be based on recovery of reasonable costs incurred by **distributor** as a result of connecting the **distributed generator** and to comply with **connection and operation standards** within the **distribution network**, and must include consideration of any identifiable avoided or avoidable costs

- (a) subject to paragraph (i), connection charges in respect of **distributed generation** must not exceed the incremental costs of providing connection services to the **distributed generation**:
- (b) when calculating incremental costs, any costs that cannot be calculated must be estimated with reference to reasonable estimates of how the **distributor's** capital investment decisions and operating costs would differ, in the future, with and without the generation:
- (c) estimated costs may be adjusted ex post. Ex-post adjustment involves calculating, at the end of a period, what the actual costs incurred by the **distributor** as a result of the **distributed generation** being electrically connected to the **distribution network** were and deducting the costs that would have been incurred had the generation not been electrically connected. In this case, if the costs differ from the costs charged to the **distributed generator**, the **distributor** must advise the **distributed generator** and recover or refund those costs after they are incurred (unless the **distributor** and the **distributed generator** agree otherwise):

Capital and operating expenses

- (d) if costs include distinct capital expenditure, such as costs for a significant asset replacement or upgrade, the connection charge attributable to the **distributed generator's** actions or proposals is payable by the **distributed generator** before the **distributor** has committed to incurring those costs. When making reasonable endeavours to facilitate connection, the **distributor** is not obliged to incur those costs until that payment has been received:
- (e) if incremental costs are negative, the **distributed generator** is deemed to be providing network support services to the **distributor**, and may invoice the **distributor** for this service and, in that case, the **distributed generator** must comply with all relevant obligations (for example, obligations under Part 6 of this Code and in respect of tax):
- (f) if costs relate to ongoing or periodic operating expenses, such as costs for routine maintenance, the connection charge attributable to the **distributed generator's** actions or proposals may take the form of a periodic charge:
- (g) *[Revoked]*
- (h) after the connection of the **distributed generation**, the **distributor** may review the connection charges payable by a **distributed generator** not more than once in any 12-month period. Following a review, the **distributor** must advise the **distributed**

generator in writing of any change in the connection charges payable, and the reasons for any change, not less than three months before the date the change is to take effect:

Share of generation-driven costs

- (i) if multiple **distributed generators** are sharing an investment, the portion of costs payable by any one **distributed generator**—
 - (i) must be calculated so that the charges paid or payable by each **distributed generator** take into account the relative expected peak of each **distributed generator's** injected generation; and
 - (ii) may also have regard to the percentage of assets that will be used by each **distributed generator**, the percentage of **distribution network capacity** used by each **distributed generator**, the relative share of expected maximum combined peak output, and whether the combined peak generation is coincident with the peak load on the **distribution network**:
- (j) in order to facilitate the calculation of equitable connection charges under paragraph (i), the **distributor** must make and retain adequate records of investments for a period of 60 months, provide the rationale for the investment in terms of facilitating **distributed generation**, and indicate the extent to which the associated costs have been or are to be recovered through generation connection charges:

Repayment of previously funded investment

- (k) if a **distributed generator** has paid connection charges that include (in part) the cost of an investment that is subsequently shared by other **distributed generators**, the **distributor** must refund to the **distributed generator** all connection charges paid to the **distributor** under paragraph (i) by other **distributed generators** in respect of that investment:
- (l) if there are multiple prior **distributed generators**, a refund to each **distributed generator** referred to in paragraph (k) must be provided in accordance with the expected peak of that **distributed generator's** injected generation over a period of time agreed between the **distributed generator** and the **distributor**. The refund—
 - (i) must take into account the relative expected peak of each **distributed generator's** injected generation; and
 - (ii) may also have regard to the percentage of assets that will be used by each **distributed generator**, the percentage of **distribution network capacity** used by each **distributed generator**, the relative share of expected maximum combined peak output, and whether the combined peak generation is coincident with the peak load on the **distribution network**:
- (m) no refund of previous payments from the **distributed generator** referred to in paragraph (k) is required after a period of 36 months from the initial connection of that **distributed generator**:

Non-firm connection service

- (n) to avoid doubt, nothing in Part 6 of this Code creates any **distribution network capacity** or property rights in any part of the **distribution network** unless these are specifically contracted for. **Distributors** must maintain connection and lines services to **distributed generators** in accordance with their **connection and operation standards**.

Appendix A – Proposed Electricity Industry Participation Code 2010
Schedule 6.4

2A *[Revoked]*

2B *[Revoked]*

2C *[Revoked]*

3 *[Revoked]*

4 *[Revoked]*

Schedule 6.5 cls 2(4), 7(5), 11(4), and 22(5) of Sch 6.1
Prescribed maximum fees

1 [Revoked]

2 A **distributor** may require the payment of fees for any of the following activities prescribed under Part 6 of this Code to the maximum fee specified in the column opposite that activity:

Description of fee	\$ (exclusive of GST)
Process 1 of Schedule 6.1 application	
Application fee under clause 2(1)(c)	310
Fee for observation of testing and inspection under clause 7(5)	90
Process 1A of Schedule 6.1 application	
Application fee under clause 2(2)(c)	140
Fee for inspection under clause 3(3)	80
Deficiency fee under clause 5(4)	110
Process 2 and Process 3 of Schedule 6.1 applications	
Application fee for distributed generation with nameplate capacity of more than 10 kW but less than 100 kW	770
Application fee for distributed generation with nameplate capacity of 100 kW or more in total but less than 1 MW	1,540
Application fee for distributed generation with nameplate capacity of 1 MW or more	7,690
Fee for observation of testing and inspection of distributed generation with nameplate capacity of more than 10 kW but less than 100 kW	180
Fee for observation of testing and inspection of distributed generation with nameplate capacity of 100 kW or more	1,850