

**Guidelines for requests for exemptions from  
compliance with the Technical Rules for the South  
West Interconnected Network**

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**Disclaimer:**

**This document is a guideline only.**

**The reader should read the Technical Rules, the Electricity Networks Access Code 2004, relevant Access Arrangement documents (e.g. Western Power’s Application and Queuing Policy) and the Electricity Industry Act 2004 before seeking an exemption or variation from the Technical Rules.**

**The reader should also obtain their own electrical, technical, engineering, legal, commercial and financial advice as to the impact of seeking or not seeking an exemption or variation. Western Power accepts no responsibility for any reliance upon these Guidelines, to the extent permitted by law.**

# 1. Introduction

## 1.1 About requests for exemptions

The request for an exemption from compliance with the Technical Rules (Rules) (see Technical Rule 1.9) should be a last resort to be considered only after all reasonable steps to comply have been taken and options have been demonstrably exhausted.

Any such request must clearly state what the User wants and why, and what the User did in order to attempt to comply, supported by evidence and reasoning.

All technical and Rules related arguments must be signed by a Chartered Professional Engineer with the NPER standing.

All formal correspondence must be addressed to the Manager Regulation & Pricing.

## 1.2 Who the guidelines apply to

This document is intended to assist Users to prepare written requests for exemption from compliance with the Rules for the Western Power South West Interconnected Network (SWIN) in the south west of Western Australia. It describes the preferred format of the application and its content, together with some useful tips to expedite the process and avoid misunderstandings.

Key considerations of the Western Power's usual procedure for processing the requests are also presented.

This document complements "*Users guide for the connection of generators up to 10 MW to the Western Power SWIN power system*" and "*Detailed customer connection schedules for small generator installations*" and all documents are available from the Western Power internet site:

[http://www.westernpower.com.au/mainContent/workingWithPower/NetworkAccessServices/accessArrangement/Technical\\_Rules.html](http://www.westernpower.com.au/mainContent/workingWithPower/NetworkAccessServices/accessArrangement/Technical_Rules.html)

The Rules are available from the Western Power and Economic Regulation Authority (Authority) internet sites at:

<http://www.westernpower.com.au/documents/AccessArrangement/2007/Technical%20Rules/TECHNICALRULES.pdf>

[http://www.era.wa.gov.au/2/156/48/technical\\_rules.pm](http://www.era.wa.gov.au/2/156/48/technical_rules.pm)

## 1.3 Qualifier

The purpose of these guidelines is to improve efficiency by explaining the relevant considerations and provide transparency by illustrating Western Power's usual procedure for granting an exemption or variation from compliance with the Technical Rules or revising an earlier decision in response to a submission by a 3rd party. However, it should not be construed that the requirements of the Electricity Network

Access Code 2004 (Access Code) are in any way diminished or altered by this document. In the event of any unintended inconsistency or omission, the relevant clause of the Access Code shall prevail. Western Power may vary the usual assessment procedure in certain circumstances.

## **1.4 *Extract from Technical Rules – Variations and Exemptions***

### **1.9 VARIATIONS AND EXEMPTIONS FROM THE RULES**

#### **1.9.1 User Exemptions from these Rules**

- (a) An exemption from compliance with one or more of the requirements of these Rules may be granted to a User by the Network Service Provider in accordance with sections 12.33 to 12.39 of the Access Code.
- (b) For the avoidance of doubt, no exemption is required when the Network Service Provider properly and reasonably exercises a discretion granted to it under these Rules.
- (c) An application for an exemption must include the relevant supporting information and supporting justifications.

#### **1.9.2 Network Service Provider Exemptions from these Rules**

- (a) Exemptions from one or more requirements of these Rules may be granted to the Network Service Provider and all applicants, Users and controllers of the transmission and distribution systems by the Authority as set out in sections 12.40 to 12.49 of the Access Code.
- (b) In processing requests for exemptions from these Rules, the Network Service Provider must assume that the power station with a:
  - (1) synchronous generating unit, induction generating unit, inverter coupled generating unit or converter coupled generating unit will operate 24 hours a day;
  - (2) notwithstanding clause 1.9.2(b)(1), solar generating unit without energy storage will operate during day time hours only;

for 365 days a year, for an indefinite number of years, unless registered otherwise with the Independent Market Operator (IMO).

## **2. Address for Correspondence**

Only the Manager Regulation & Pricing is authorised to formally correspond with Users, on behalf of Western Power, in respect of interpretations of the Rules and exemptions from compliance with the Rules.

All written requests for Western Power's interpretation of the Rules and those for exemption from compliance with the Rules should be addressed to:

Peter Mattner  
Manager Regulation & Pricing  
Western Power  
GPO Box L921  
Perth WA 6842

Preliminary requests for interpretation of the Rules and how they apply to a particular situation or project should be addressed to:

Dr Zoran Bozic  
Access Development Engineer  
Western Power  
GPO Box L921  
Perth WA 6842  
Tel. (08) 9326 6201  
Email: [zoran.bozic@westernpower.com.au](mailto:zoran.bozic@westernpower.com.au).

### **3. User's Obligation to Comply**

Obligations of Users are defined in the Access Code in Chapter 12, in particular section 12.4:

*"Subject to any exemptions granted under sections 12.34 and 12.41, the Service Provider and Users of the network must comply with the Technical Rules."*

Compliance with the Rules is seen as fundamental and Users are obliged to pursue Rules compliant solutions before considering the possibility of an exemption.

Consequently, it is recommended that "Compliance with the Technical Rules" should be included in any contract or scope of work for any study/design/project management work undertaken by any User's technical/advisory team. Failure to do so may result in non-compliance with the Rules without any guarantee that an exemption or variation can be obtained.

Similarly, it is considered unwise to make input data assumptions inconsistent with the Rules, as that may result in a breach of the Rules (and invalidate the results of any such a work) without any guarantee that an exemption or variation can be obtained.

The User is ultimately responsible for the results of work of all consultants and other parties engaged by the User for work related to the User's access application project, including engagement of any Western Power resources in a consultancy-type capacity (as distinct from a regulatory/compliance capacity).

In conclusion, full compliance with the Technical Rules should be treated as the default position, in accordance with section 12.4 of the Access Code, and the User will need to demonstrate to Western Power that all reasonable efforts to comply have been made as part of any application for exemption.

## **4. Administration**

### **4.1 Economic Regulation Authority**

The Authority administers the Access Code and has approved the Western Power SWIN Access Arrangement including the Rules, as required by the Access Code.

Clause 12.38 of the Access Code requires Western Power to notify the Authority of the details of any grant, revocation or variation of an exemption to the Rules and the Authority must place the notice on the public register. This provides transparency of the process.

Consequently, exemptions are now open for public scrutiny, whereas, in the past, they were invariably a confidential contractual matter between the parties.

### **4.2 Western Power**

#### *Interpretation of Rules*

The responsibility for the administration and application of the Rules in Western Power and provision of formal advice on Western Power's interpretation of the Rules lies within the role of the Manager Regulation & Pricing. Refer to Section 2 for the contact details.

Western Power may, from time to time, produce further guidelines explaining how particular clauses of the Rules are correctly implemented in practice.

### **4.3 Disputes**

As set out in the Access Code, the User can at any time utilise the dispute procedure administered by the Authority in relation to Western Power's decisions on Rules interpretation.

## **5. User's Request for Exemption**

A User's request for exemption from compliance with the Rules must state:

- (a) the outcome the User is seeking;
- (b) the reasons for the exemption being sought;
- (c) what steps the User has taken in order to attempt to comply with the Rules

The request should be complete and self sufficient, including supporting/reference documentation, in which each statement/argument is backed by clear evidence to enable serious consideration by Western Power.

The request must be based on the data provided in the access application.

The request should follow the following format and include the following information.

## **5.1 Format and content**

(a) Addressee

The request must be addressed to the Manager Regulation & Pricing.

(b) Identify the plant

Identify the plant for which the exemption is sought: the stage of the project (if applicable); the type, number and size of the generating units (if applicable), and; the expected commissioning date.

(c) Access application

Attach a copy of the User's access application for the plant for which the exemption is sought, preferably as an appendix.

(d) Project background

- (i) Explain briefly the project background, future development stages, including key relevant milestones (if applicable – for example, when the project began, when the relevant plant/design was specified/scoped, installed, etc); time or otherwise limited intended operation of the plant, etc.
- (ii) Explain briefly the ultimate development stage and the expected completion date (if applicable).

(f) Identify the exemption sought

- (i) Identify the particular clause of the Rules, or part thereof, from which exemption is sought.
- (ii) Propose preferred alternative wording of the whole clause, or part thereof – for inclusion in the access contract if the exemption is granted.
- (iii) Explain fully the intended impact of the exemption and the proposed alternative wording.

(g) Identify a Rules compliant solution/plant performance, as advised by Western Power or the User's technical consultant.

(h) Identify other compliant / non-compliant alternatives considered.

(i) Identify the User's preferred alternative non-compliant solution, for which the exemption is sought.

(j) Justify the exemption sought

- (i) Explain / justify why the requestor (User or its consultant) believes that the plant does not or should not comply.

- (ii) Provide supporting evidence for the stated reasons, including (if applicable) reference to relevant details in any document referred to (preferably in an electronic form).
  - (iii) State when the User first became aware that exemption may be needed.
- (k) User's efforts to comply
- Explain, in chronological order, steps undertaken in order to attempt to comply. For example, was compliance with the Rules included in the relevant contracts, specifications, etc.
- (l) Certification by a NPER CPA Engineer
- Any technical and Rules related argument must be certified by a Chartered Professional Engineer with National Professional Engineers' Register standing qualified in the relevant discipline, unless otherwise agreed.

## 6. Western Power's Assessment

Under clause 12.34 of the Access Code, Western Power may provide an exemption from compliance with the Rules provided that:

- a) The safety of Western Power operational personnel, customers, contractors and the general public is not put at risk;
- b) The integrity of other customers' plant and equipment is not put at risk;
- c) Reliability and quality of supply to other customers is not adversely affected;
- d) The User has, in the opinion of the Manager Regulation & Pricing (on behalf of Western Power), taken all reasonable steps to comply. This includes mandating compliance with the Technical Rules in any scope of work or contract for plant, equipment, design or performance specification.
- e) The User has informed in writing the Manager Regulation & Pricing at the earliest opportunity of a possibility that the plant may not be compliant and consulted Western Power regarding remedial measures.
- f) Western Power's assessment will be based on the information provided in the written application. The applicant may request a meeting with Western Power to explain the request for exemption.
- g) Western Power will only be able to seriously consider proposals and arguments that are supported with clear evidence and information.
- h) Western Power may consult the IMO and must consult System Management in respect of any issue that may impact the power system security or dispatch of the User's plant.
- i) Western Power may consult Energy Safety in respect of any safety issue.

- j) The User may request a temporary connection. However, compliance with the Rules is required regardless whether the connection is temporary or permanent.

Ultimately, Western Power will rely on its own interpretation of the Rules in reaching a decision on an exemption request. If this decision is to not approve the requested exemption, the requesting party can resort to the dispute procedure referred to in section 4.3 above.

## **6.1 Supporting arguments not considered**

Western Power's assessment will not usually take into consideration non-technical arguments such as the following:

- a) Incidental correspondence with the User if the information provided differs from, or is inconsistent with, the data provided in the original Access Application and the relevant data sheets. Any changes to this data need to be formalised and re-submitted as a revised application to Western Power.
- b) 'Higher social benefit' / 'Higher interest of the state of WA' / 'Economic reasons of importance to the State of WA'. Users are encouraged to discuss these issues with the Authority and IMO prior to submitting the request to Western Power. Western Power will consider opinions of the Authority and IMO if they are included in the request.

## **7. Independent Advice**

The User should not rely on Western Power for correct interpretation of the Rules and should seek independent legal and technical advice on how to comply with the Access Code and Rules.

No person in Western Power or its agents is authorised to give any promise undertaking or representation or otherwise advise Users, directly or indirectly, or agree in respect of any matter or issue that may impact the ability of the User's plant to comply with the Rules. It is the sole responsibility of the User to assess the impact of any Rule and/or exemption on the performance of its own plant and compliance obligations.

### **7.1 Incidental correspondence**

No User or applicant shall rely on incidental correspondence (including minutes of meetings) with Western Power in interpretation of the Rules.

Only a specific written letter (not an email) providing Western Power's interpretation of the Rules for a specific situation, signed by the Manager Regulation & Pricing, will be deemed binding on behalf of Western Power. Refer to Section 2 for contact details.

## **8. Responsibility of User**

### **8.1 Compliance**

Users should include a generic statement about "Compliance with the Western Power's Technical Rules" in any scope of work for power system studies, design, tender, purchase, installation, commissioning or specification for equipment or plant performance.

The User is ultimately responsible for the outcome of the work of technical and other consultants engaged for the access application related work in respect of compliance with the Rules.

### **8.2 Non-Compliant Solution**

The User / applicant should fully inform its consultant that any reference to a potentially non-compliant solution (or element of a solution) by a consultant should be qualified with a clear warning that its feasibility is conditional upon the User successfully obtaining all necessary exemptions from compliance with the Rules.

## **9. Suggested approach to exemption requests**

- a) Applications for exemption should be submitted as early as possible (any delays are the User's own discretion and risk).
- b) Ideally, no detailed design or equipment specification would commence before the requested exemption is obtained in writing.