

# Electricity Industry Participation Code 2010

## Part 6 Connection of distributed generation

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**6.1 Contents of this Part**

This Part specifies—

- (a) a framework to enable connection of **distributed generation** where connection is consistent with **connection and operation standards**; and
- (b) in Schedule 6.1, processes (including time frames) under which **distributed generators** may ~~apply to distributors for approval to connect distributed generation~~ (including the information to be exchanged and the criteria for approval)
  - (i) connect distributed generation; or
  - (ii) continue an existing connection of distributed generation if the connection contract for that distributed generation is in force or has expired; or
  - (iii) continue an existing connection of distributed generation that has not previously been connected under a connection contract; or
  - (iv) increase the nameplate capacity or fuel type of an existing connection of distributed generation; and
- (c) in Schedule 6.2, the **regulated terms** that apply to the connection of **distributed generation** in the absence of contractually agreed terms; and
- (d) in Schedule 6.3, a default dispute resolution process for disputes related to this Part; and
- (e) in Schedule 6.4, the pricing principles to be applied for the purposes of this Part; and
- (f) in Schedule 6.5, prescribed maximum fees.

Compare: SR 2007/219 r 4

**6.2 Purpose**

The purpose of this Part is to enable connection of **distributed generation** if connection is consistent with **connection and operation standards**.

Compare: SR 2007/219 r 3

**6.3 Distributors must make information publicly available**

- (1) The purpose of this clause is to require each **distributor** to make certain information publicly available to enable the

- approval of **distributed generation** under Schedule 6.1~~connection of **distributed generation** where consistent with **connection and operation standards**.~~
- (2) Each **distributor** must make publicly available, free of charge, from its office and Internet site,—
- (a) ~~application forms for an application or notice under Schedule 6.1~~connection of **distributed generation**; 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 to connect **distributed generation** is granted under Schedule 6.1;~~ and
    - (ii) the **distributor** and the **distributed generator** do not enter into a connection contract outside the **regulated terms**; and
  - (d) a statement of the policies, ~~rules~~clauses, or conditions under which **distributed generation** is, 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
  - (e) ~~the application a list of any fees specified by that the **distributor** in respect of applications for connection of **distributed generation** is entitled to charge under Schedule 6.1 which must not exceed the relevant maximum fees prescribed in Schedule 6.5;~~and
  - (f) a list of the make and model of each inverter that the **distributor** has approved for connection to the **distributor's network**; and
  - (g) a list of all locations on the **distributor's network** that the **distributor**—
    - (i) knows to be subject to export congestion; or
    - (ii) reasonably expects to become subject to export congestion within the next 12 months; and
  - (h) the **distributor's** contact information for any enquiries relating to the application of this Part.
- (3) The ~~application forms for an application or notice~~ referred to in subclause (2)(a) must specify the information (including any supporting documents) that must be provided under Schedule 6.1~~with an application~~.
- (4) For the purposes of subclause (2)(g) and clause 9E of Schedule 6.1, export congestion occurs when a **network** is unable to accept **electricity** exported from a new **distributed generation** connection because an additional unit of **electricity** injected into the **network** would—

- (a) directly cause a component in the **network** to operate beyond its rated maximum capacity; or
- (b) give rise to an unacceptably high level of voltage at the **point of connection** between the **network** and the **distributed generation**.

Compare: SR 2007/219 r 6

#### **6.4 Process for obtaining approval to connect**

- (1) Schedule 6.1 applies if a **distributed generator** wishes to—
  - (a) apply for approval to connect distributed generation (whether on the **regulated terms** or outside the **regulated terms**); or
  - (b) continue an existing connection of **distributed generation** if the connection contract for the **distributed generation** is in force or has expired; or
  - (c) continue an existing connection of **distributed generation** that has not previously been **connected** under a connection contract; or
  - (d) increase the **nameplate capacity** or fuel type of an existing connection of **distributed generation**.
- ~~(2) If required by Schedule 6.1, A **distributor** must grant approval to—~~
  - ~~(a) **connect distributed generation** if and as required to do so by Schedule 6.1; or~~
  - ~~(b) **continue an existing connection of distributed generation** if the connection contract for the **distributed generation** is in force or has expired; or~~
  - ~~(c) **continue an existing connection of distributed generation** that has not previously been **connected** under a connection contract; or~~
  - ~~(d) **increase the nameplate capacity** of an existing connection of **distributed generation**.~~
- (3) A **distributor** cannot contract out of the provisions of Schedule 6.1.

Compare: SR 2007/219 r 7

#### **6.4A Parties may agree to simplified process for existing connection contract**

Despite clause 6.4(3), a **distributor** and a **distributed generator** may agree a simplified process for continued connection of the **distributed generation** to the **network** when—

- (a) an existing **distributed generation** connection contract expires; or
- (b) an existing connection of **distributed generation** has not previously been **connected** under a connection contract; or

- (c) there is a change in the **nameplate capacity** or fuel type of an existing connection of **distributed generation**.

#### 6.5 Connection contract outside regulated terms

If a **distributor** and a **distributed generator** ~~who wishes to apply for approval to connect distributed generation~~ enter into a connection contract outside the **regulated terms** for the connection of **distributed generation**,—

- (a) their rights and obligations in respect of the connection of the **distributed generation** 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.

Compare: SR 2007/219 r 8

#### 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 a **distributed generator** ~~who wishes to apply for approval to connect distributed generation~~ do not enter into a connection contract outside the **regulated terms** by the expiry of the period for negotiating a connection contract under clauses 9 or 24 of Schedule 6.1-; or
  - (b) in accordance with clause 9C of Schedule 6.1.
- (3) If the **regulated terms** apply,—
  - (a) the parties' rights and obligations in respect of the connection of the **distributed generation** are governed by the **regulated terms**; and
  - (b) a breach of the **regulated terms** is not a breach of contract.
- (4) Despite this clause, ~~the a **distributor** and the a **distributed generator** who wishes to apply for approval to connect distributed generation~~ may at any time, by mutual agreement, enter into a connection contract outside the **regulated terms** that will apply instead of the **regulated terms**.

Compare: SR 2007/219 r 9

#### 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 (**extra terms**) that—

- (a) were made publicly available under clause 6.3(2)(d) in a statement of the terms and conditions that would apply to **distributed generation** if there is congestion on the **distribution network**; or
- (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 as part of a connection contract outside the **regulated terms** or are terms that would be implied by law if the connection was under a contract outside the **regulated terms**; 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 1 or more of the **regulated terms** as part of a binding contract, the resulting contract is, in total, a contract outside the **regulated terms** for the purposes of this Part.

Compare: SR 2007/219 r 10

## 6.8 Dispute resolution

- (1) Schedule 6.3 applies—
  - (a) to disputes between a **distributed generator** and a **distributor** arising from an allegation that a party has breached any of the **regulated terms** that apply under clause 6.6(2); ~~and;~~
  - (aa) to disputes between a **distributor** and a **distributed generator** arising from an allegation that conditions specified by the **distributor** under clause 18 of Schedule 6.1 are not reasonably required;
  - (ab) to disputes between a **distributor** and a **distributed generator** arising from an allegation that a party has not attempted to negotiate in good faith under clause 6 or clause 21 of Schedule 6.1;
  - (b) ~~if there is to~~ any other dispute between a **distributor** and a **distributed generator** about an alleged breach of any of the other provisions of this Part.
- (2) However, Schedule 6.3 does not apply to disputes between a **distributed generator** and a **distributor**—
  - (a) arising from an allegation that a party has breached any of the terms of a connection contract outside the **regulated terms**; 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 **distributed generator** 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**).

Compare: SR 2007/219 r 11

## 6.9 Pricing principles

Schedule 6.4 applies in accordance with—

- (a) clause ~~20~~19 of Schedule 6.2; and  
(b) clause 4 of Schedule 6.3.

Compare: SR 2007/219 r 12

## ~~6.10 Application of this Part to persons other than distributors and distributed generators~~

- ~~(1) This Part applies, in so far as it is applicable, to—~~  
~~(a) a **retailer** with whom a **distributor** or a **distributed generator** has entered into a contract (for example, a use of systems agreement) that provides for the **retailer** to have any of the applicable rights, or carry out any of the obligations, that are regulated by this Part; and~~  
~~(b) a person to whom any of the **distributor's** or the **distributed generator's** obligations under the **regulated terms** are transferred, or a person who assumes any of those obligations.~~  
~~(2) This Part applies to the other persons referred to in subclause (1)(a) and (b) in the same way in which it applies to the **distributor** or the **distributed generator**, as the case may be.~~  
~~(3) This clause does not limit the rights and obligations of the **distributor** and the **distributed generator** under this Part.~~

Compare: SR 2007/219 r 13

## 6.10A Distributor and distributed generator remain responsible

If a **distributor** or a **distributed generator** contract with any other party, the **distributor** or **distributed generator** remains responsible for its obligations under this Part.

## 6.11 Distributors must act at arm's length

A **distributor** must use, in respect of all **distributed generators**, the same reasonable efforts in processing and considering applications and notices under Schedule 6.1 ~~for the connection of **distributed generation**, and in connecting **distributed generation**~~, regardless of whether—

- (a) the **distributor** owns or has a beneficial interest in the **distributed generator**; or



- (aa) the **distributor** has an ownership interest or beneficial interest in the **distributed generator**; or
- (b) the proposed generation is owned by the **distributor's** associate or the **distributed generator** is owned by another **distributed generator**.

Compare: SR 2007/219 r 14

#### **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 a **distributed generator** under any other clause in this Code.

Compare: SR 2007/219 r 15

#### *Transitional provisions*

#### **6.13 ~~Regulations do~~ 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~~ connected under a contract entered into before 30 August 2007, except ~~to the extent that the contract has expired for the purpose of continuing~~ renewing such an existing connection of ~~distributed generation if a connection contract is in force or has expired.~~
- (2) ~~For the purpose of subclause (1), expired does not include cancelled by the **distributor** before the date on which the contract would otherwise have expired.~~

Compare: SR 2007/219 r 17

## Schedule 6.1

### Process for obtaining approval to connect

cl 6.4

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Part 1

~~Applications for connection and operation of~~  
distributed generation 10 kW or less in total

**1 Contents of this Part**

- (1) This Part of this Schedule applies only to **distributed generation** that is ~~only capable of generating electricity at a rate of~~ will have a **nameplate capacity** of 10 kW or less in total after the distributed generator's application is approved.  
(2) This Part of this Schedule provides for a 1-stage application process.

Compare: SR 2007/219 clause 1 Schedule 1

*Application process*

- 2 Distributed generator wishing to connect must apply**
- (1) ~~Subject to clause 2A and clause 6.4A, Aa distributed generator who wishes to connect with distributed generation~~ that is only capable of generating electricity at a rate of 10 kW or less in total after the distributed generator's application is approved, must apply to the distributor if it intends—
- (a) to connect distributed generation; or
  - (b) to continue an existing connection of distributed generation if the connection contract for that distributed generation is in force or has expired; or
  - (c) to continue an existing connection of distributed generation that has not previously been connected under a connection contract; or
  - (d) ~~increase~~ to change the nameplate capacity or fuel type of an existing connection of distributed generation.
- (2) The **distributed generator** must apply by—
- (a) using the application form provided by the **distributor** that is publicly available under clause 6.3(2)(a); and
  - (b) providing any information in respect of the **distributed generation** ~~proposed to be connected~~ 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 application fee (if any) specified by the distributor, which must not exceed the relevant maximum fee prescribed in Schedule 6.5.
- (3) The information may include the following:
- (a) the full name and address of the owner or operator of the **distributed generation** and the contact details of a person that the **distributor** may contact regarding the **distributed generation**:
  - (aa) whether the application is to—
    - (i) connect distributed generation; or
    - (ii) continue an existing connection of distributed generation if the connection contract for that distributed generation is in force or has expired; or

- (iii) continue an existing connection of **distributed generation** that has not previously been connected under a connection contract; or
- (iv) ~~increase~~change the **nameplate capacity** or fuel type of an existing connection of **distributed generation**:
- (b) whether the proposed connection is a new connection or an increase in **capacity** for an existing connection and evidence of the **nameplate capacity** size (nominal **capacity**) of the ~~generating unit~~**generating plant**, including the name plate rating (if known) or other suitable evidence that the ~~generating unit~~**generating plant** is or will be only capable of generating electricity at a rate of 10 kW or less, including, if the application is for an ~~increase~~ change in **nameplate capacity** for an existing connection, both—
  - (i) the **nameplate capacity** of the **distributed generation** after the ~~increase~~ change; and
  - (ii) the aggregate **nameplate capacity** of all **distributed generation** at the **point of connection**:
    - (i) if the proposed connection is a new connection, the size (nominal **capacity**) of the total generation;
    - (ii) if the application is for an increase in **capacity** for an existing connection, both the size (nominal **capacity**) of the additional generation and the aggregate size (nominal **capacity**) of all devices at the **point of connection**:
- (c) type of **distributed generation** (for example, solar photovoltaic);
- (d) ~~proposed location~~ a brief description of the location of the **distributed generation** at the address where it will be located and when the **distributed generation** is likely to be connected:
- (da) if the application is to connect **distributed generation**, when the **distributed generation** is expected to be **connected**:
- (e) technical specifications of the **distributed generation** and **associated equipment**, including—
  - (i) technical specifications of equipment that allows the **distributed generation** to be **disconnected** from the **distribution network** on loss of mains voltage;
  - (ii) manufacturer's rating of equipment;
  - (iii) number of phases;

- (iv) proposed **point of connection** to the **distribution network** (for example, the **ICP number identifier** and street address):
  - (v) details of either or both of any inverter and battery storage:
  - (vi) details of any load at the proposed **point of connection**:
  - (vii) details of the ~~connected~~ voltage (for example, 415 V or 11 kV) when connected:
  - (f) information showing how the **distributed generation** complies with the **distributor's connection and operation standards**:
  - (g) any additional information or documents that are reasonably required.
  - ~~(4) The application must be accompanied by the application fee specified by the **distributor**, which must not exceed the maximum fee prescribed in Schedule 6.5.~~
  - (5) The **distributor** must, within 5 **business days** of receiving an application, give written notice to the applicant advising whether or not the application is complete.
- Compare: SR 2007/219 clause 2 Schedule 1

## **2A Circumstances when application not required under Part**

- 1**
- (1) This Part of this Schedule does not apply to **distributed generation** if—
    - (a) the **distributed generator** in respect of that **distributed generation** ~~is~~ would otherwise be required to apply to the **distributor** under clause 2(1)(a), (b) or (d); and
    - (b) the **distributed generation** is designed and installed in accordance with AS 4777.1; and
    - (c) the **distributed generation** incorporates an inverter that has been tested and issued a Declaration of Conformity with AS 4777.2 by a laboratory with accreditation issued or recognised by International Accreditation New Zealand; and
    - (d) the **distributed generation** has protection settings that meet the **distributor's connection and operation standards**; and
    - (e) the **distributed generation** has been inspected and issued a Certificate of Compliance in accordance with the Electricity (Safety) Regulations 2010.
  - (2) Despite subclause (1), a **distributed generator** may elect to apply to the **distributor** under this Part of this Schedule, in which case the provisions of this Part apply to the **distributed generator's application**.

- (3) ~~If subclause (1) applies and~~ However, a **distributed generator** must apply under Part 1A of this Schedule if—
- (a) ~~subclause (1) provides that this Part of this Schedule does not apply; and~~
  - (b) ~~the distributed generator does not elect to apply to the distributor under subclause (2); the distributed generator must comply with Part 1A of this Schedule.~~

## **2B Revision of AS 4777.2**

- (1) If AS 4777.2 is revised and reissued—
- (a) a **distributed generator with distributed generation** described in clause 2A(1) that has been approved under Part 1A may remain **connected** only if the **distributed generation** continues to comply with the requirements of clause 2A(1) that were in place when it was approved under Part 1A;
  - (b) **distributed generation** that has not been approved under Part 1A continues to meet the requirement in clause 2A(1)(c) if —
    - (i) the **distributed generation** incorporates an inverter that has been tested and issued a Declaration of Conformity with the previous version of AS 4777.2 by a laboratory with accreditation issued or recognised by International Accreditation New Zealand; and
    - (ii) the **distributed generator** applies under Part 1A for **distributed generation** that complies with the previous version of AS 4777.2—
      - (A) within 12 months of the revised version of AS 4777.2 being issued; or
      - (B) within a longer timeframe specified by the **distributor**.
- (2) If a **distributed generator with distributed generation** described in subclause (1)(b) wishes to connect **distributed generation** under Part 1A, but does not apply within the relevant timeframe in subclause (1)(b)(ii), the **distributed generator must ensure that the distributed generation** complies with the revised and reissued version of AS 4777.2

## **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 under clause 2 ~~to connect distributed generation~~ 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—
  - (i) the **distributed generator** will comply at all times with the requirements of the Health and Safety in Employment Act 1992; and
  - (ii) the **distributed generation generator** will ensure that its distributed generation complies ~~comply~~ at all times with the Act, and this Code; and
  - (iii) ~~the connection of the distributed generation would be consistent with~~ will meet the distributor's connection and operation standards.
- (3) A notice stating that an application is declined must be accompanied by the following information:
  - (a) detailed reasons of why the application has been declined and, if the **distributed generator** intends to make a new application, the steps that the applicant can take to ~~ensure connection~~ achieve approval; and
  - (b) the default process under Schedule 6.3 for the resolution of disputes about an alleged breach of the **regulated terms** or any other provision of Part 6 of this Code.

Compare: SR 2007/219 clause 3 Schedule 1

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

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

Compare: SR 2007/219 clause 4 Schedule 1

#### **5 Distributed generator must give notice of intention to proceed**

- (1) If the **distributor** advises that the **distributed generator's** application to ~~connect distributed generation~~ under clause



2 is approved, the **distributed generator** must provide written notice to the **distributor** confirming whether or not the **distributed generator** intends to proceed to negotiate a connection contract under clause 6~~with the connection and~~, if so, confirming the details of the **distributed generation**~~generation to be connected~~.

- (2) The **distributed generator** must give the notice within 10 **business days** after the **distributor** gives notice of approval under clause 3(1)~~to connect distributed generation~~, or within a longer period of time mutually agreed between the **distributor** and the **distributed generator**.
- (3) The **distributor's** duties under Part 6 of this Code arising from the application under clause 2~~for connection of distributed generation~~ no longer apply if the **distributed generator** fails to give notice to the **distributor** within the time limit specified in subclause (2).
- (4) Subclause (3) does not prevent the **distributed generator** from making a new application for connection of distributed generation under Part 6 of this Code.

Compare: SR 2007/219 clause 5 Schedule 1

#### ~~Connection~~Post-approval process

### **6 30 business days to negotiate connection contract if distributed generator notifies intention to proceed**

- (1) If a **distributed generator** whose application under clause 2~~to connect distributed generation~~ is approved gives notice under clause 5, the **distributor** and the **distributed generator** have 30 **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 mutual agreement, extend the time specified in subclause (1) for negotiating a connection contract.

Compare: SR 2007/219 clause 6 Schedule 1

### **7 Testing and inspection**

- (1) Subject to subclause (1A), a~~A~~ **distributed generator** whose application under clause 2~~to connect distributed generation~~ is approved must test and inspect its **distributed generation** within a reasonable timeframe specified by the distributor.
- (1A) The **distributor** may waive a **distributed generator's** requirement to test and inspect under subclause (1) 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 provide the **distributor** with a written test report when testing and inspection is complete, including suitable evidence that the ~~metering installation~~ **distributed generation** complies with the ~~metering standards in this Code~~ **distributor's connection and operation standards**.
- (5) The **distributed generator** must pay any fee specified by the **distributor** for observing the testing and inspection, ~~up to which must not exceed~~ the maximum fee prescribed in Schedule 6.5.

Compare: SR 2007/219 clause 7 Schedule 1

## **8 Connection of distributed generation outside regulated terms if contract negotiated**

- ~~(1)~~ If the **distributor** and the **distributed generator** whose application under clause 2 to ~~connect distributed generation~~ is approved enter into a connection contract before the period for negotiating a connection contract under this Part of this Schedule expires,—
- (a) in the case of an application under clause 2(1)(a), the **distributor** must connect the **distributed generation** in accordance with that contract as soon as practicable; and/or
  - ~~(b) the **distributed generator** must complete the testing and inspection under clause 7.~~
  - (c) in the case of an application under clause 2(1)(b), the **distributor** must continue the **distributed generator's** existing connection in accordance with that contract—
    - (i) as soon as practicable if a connection contract has expired; or
    - (ii) from the expiry of the connection contract that is in force; or
  - (d) in the case of an application under clause 2(1)(c), the **distributor** must continue the **distributed generator's** existing connection in accordance with that contract as soon as practicable; or
  - (e) in the case of an application under clause 2(1)(d), the **distributor** must continue the **distributed generator's** existing connection with the ~~increased change in nameplate capacity~~ or fuel type in accordance with that contract as soon as practicable.

Compare: SR 2007/219 clause 8 Schedule 1

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

- (1) If the **distributor** and the **distributed generator** whose application under clause 2 to ~~connect distributed generation~~ is approved do not enter into a connection contract before the period for negotiating a connection contract under this Part of this Schedule expires,—
- (a) in the case of an application under clause 2(1)(a), the **distributor** must **connect the distributed generation** on the **regulated terms** as soon as practicable after the expiry of that period; and/or
  - (b) ~~the **distributed generator** must complete the testing and inspection under clause 7.~~
  - (c) in the case of an application under clause 2(1)(b), the **distributor** must continue the **distributed generator's** existing connection in accordance with the **regulated terms**—
    - (i) as soon as practicable after the expiry of that period if a connection contract has expired; or
    - (ii) from the expiry of the connection contract that is in force; or
  - (d) in the case of an application under clause 2(1)(c), the **distributor** must continue the **distributed generator's** existing connection in accordance with the **regulated terms** from the expiry of that period; or
  - (e) in the case of an application under clause 2(1)(d), the **distributor** must continue the **distributed generator's** existing connection with the ~~increased change in~~ **nameplate capacity** or fuel type in accordance with the **regulated terms** from the expiry of that period.

Compare: SR 2007/219 clause 9 Schedule 1

**Part 1A**

**Notice Applications for distributed generation of 10 kW or less in total in specified circumstances**

**9A Contents of this Part**

- (1) This Part of this Schedule applies to **distributed generation** described in clause 2A(1) if the **distributed generator** ~~that~~ has not elected to apply to a **distributor** under clause 2A(2).
- (2) This Part of this Schedule specifies the process by which a **distributed generator**, that has not elected to apply to a **distributor** under clause 2A(2), ~~provides notice to a distributor instead of applying under Part 1 of this Schedule for approving~~ applies for approval of **distributed**

generation described in clause 2A(1) where the **distributed generator** has not elected to apply to a **distributor** under clause 2A(2).

**9B ~~Notice if application not required~~ Application for distributed generation of 10 kW or less in total in specified circumstances**

- (1) ~~If clause 2A(1) applies, and a **distributed generator** decides not to apply under clause 2A(2) to a **distributed generator** under Part 1 of this Schedule, the **distributed generator** must provide the **distributor** with notice of its decision. A **distributed generator** must apply to the relevant **distributor** under this Part if it:~~
- ~~(a) has **distributed generation** described in clause 2A(1);~~
  - ~~and~~
  - ~~(b) has not elected to apply under clause 2A(2) to a **distributor**.~~
- (2) ~~The **distributed generator** must provide notice to the **distributor** under subclause (1) no later than 5 **business days** after~~An application under subclause (1) must specify which of the following circumstances applies:
- ~~(a) the connection of the inverter to the **consumer installation** or **distribution network** in the case of a connection of **distributed generation** connection to the **distribution network** is sought for a new **distributed generation** installation that meets the requirements of clause 2A(1); or~~
  - ~~(b) the expiry of the connection contract in the case of an existing connection of **distributed generation** if a connection contract is in force or has expired~~continued connection is sought for an existing connection that meets the requirements of clause 2A(1) and the connection contract is in force or has expired; or
  - ~~(c) the increase in the **nameplate capacity** if the **distributed generator** has increased the **nameplate capacity** of an existing connection of **distributed generation**~~continued connection is sought for an existing connection that has not previously been **connected** under a connection contract; or
  - ~~(d) a change in **nameplate capacity** or fuel type is sought for an existing connection that meets the requirements of clause 2A(1).~~
- (3) ~~The~~An ~~notice~~application under subclause (1) must be completed by the **distributed generator**.
- ~~(a) —~~
- ~~(b) —~~

- (4) ~~An application under subclause (1) must be accompanied by~~ include the following information:—
- (a) ~~an electrical single line diagram of the distributed generation and associated equipment clearly demonstrating conformance with AS 4777.1~~ the name and contact details of the **distributed generator** and, if applicable, the **distributed generator's** agent; and
  - (b) ~~a copy of the AS 4777.2 Declaration of Conformity certificate in respect of the inverter~~ the **ICP identifier** that applies to the **distributed generation**, if one exists; and
  - (c) ~~a table that shows the distributed generation's conformance with the protection settings specified in the distributor's connection and operation standards for distributed generation capable of generating electricity at a rate of 10 kW or less~~ the physical location of the **distributed generation** on the relevant premises; and
  - (d) when available, a copy of the Certificate of Compliance issued under the Electricity (Safety) Regulations 2010 that relates to the **distributed generation**; and
  - (e) ~~the~~ any fee specified by the **distributor**, which must not exceed the relevant maximum fee prescribed in Schedule 6.5; and
  - (f) the make and model of the inverter to be installed; and
  - (g) confirmation as to whether the inverter—
    - (i) is included on the **distributor's** published register of approved inverters; or
    - (ii) conforms with the protection settings specified in the **distributor's connection and operation standards**; and
  - (h) if the inverter is not included on the **distributor's** published register of approved inverters, a copy of the AS 4777.2 Declaration of Conformity certificate in respect of the inverter; and
  - (i) the fuel type of the **distributed generation**, for example, solar, wind, or liquid fuel.

#### **9C Regulated terms apply**

- (1) When a **distributor** provides a notice of final approval under clause 9G, the **regulated terms** for the connection of **distributed generation** apply.
- (2) Despite subclause (1), the parties may agree to substitute negotiated terms in place of the **regulated terms**. ~~If clause 2A(1) applies, and a distributed generator decides not to apply under clause 2A(2) to a distributed generator under Part 1 of this Schedule~~

- ~~(a) if the **distributed generator** has connected **distributed generation**, the **regulated terms** will apply to the **distributed generation** from the date that the **distributed generator** connected the **distributed generation**; or~~
- ~~(b) if the **distributed generator** has continued an existing connection where the connection contract for that **distributed generation** has expired, the **regulated terms** will apply from the expiry of the previous connection contract; or~~
- ~~(c) if the **distributed generator** has increased the **nameplate capacity** of an existing connection of **distributed generation**, the **regulated terms** will apply from the date on which the **nameplate capacity** was increased.~~
- ~~(2) Subclause (1) applies subject to clause 6.6(4).~~

**9D Distributor may inspect distributed generation**

- ~~(1) A **distributor** may inspect **distributed generation** on the **distributor's network** for the purpose of—~~
- ~~(a) verifying that the **distributed generation** meets, or continues to meet, the requirements of clause 2A(1); and~~
- ~~(b) verifying the information contained in ~~an~~the documents application made~~provided~~ under clause 9B(34).~~
- ~~(2) If a **distributor** wishes to inspect **distributed generation** under subclause (1), the **distributor** must give the **distributed generator** at least 2 business days' notice of the time and date that the inspection will take place.~~
- ~~(2) A **distributor** must complete an inspection under subclause (1) no later than 10 business days after receiving notice under clause 9B.~~
- ~~(3) The **distributed generator** must pay any fee specified by the **distributor** for ~~the~~an inspection under subclause (1), ~~up to~~ which must not exceed the relevant maximum fee prescribed in Schedule 6.5.~~

**9E Export congestion**

- ~~(1) The **distributor** may advise the **distributed generator** that **distributed generation** that is the subject of an application under clause 9B may be subject to constraints set out in the **distributor's congestion management policy**.~~
- ~~(2) Subclause (1) only applies if the **distributed generation** is in part of the **network** identified in the register published in accordance with clause 6.3(2).~~
- ~~(3) When a **distributor** has advised a **distributed generator** under subclause (1), the **distributor** must take reasonable~~

steps to work with the **distributed generator** to assess whether solutions exist to mitigate the export congestion.

**9FF Non-compliance or incomplete documentation**

- (1) Subclause (2) applies if ~~the~~ a **distributor** reasonably considers that ~~the notice~~ an application under clause 9B has 1 or more of the following deficiencies:

  - (a) the **distributed generation** ~~is non-compliant~~ does not comply with clause 2A(1):
  - (b) the **distributed generation** differs from the information contained in the documentation provided under clause 9B(34):
  - (c) the documentation provided by the **distributed generator** under clause 9B(34) is incomplete.
- (2) ~~If the~~ **distributor** reasonably considers that a deficiency under subclause (1) exists, the **distributor** ~~may~~ must advise the **distributed generator** ~~of a deficiency specified in subclause (1).~~
- (3) ~~If a~~ **distributed generator** that is advised of a deficiency under subclause (2) ~~it~~ must remedy ~~all~~ the deficiencies to the reasonable satisfaction of the **distributor** no later than 10 **business days** after being advised of the deficiencies.
- (4) If the **distributed generator** does not remedy all deficiencies of which it is advised under subclause (2) within the timeframe specified in subclause (3) ~~it~~—

  - (a) the **distributor** may require the **distributed generator** to disconnect the **distributed generation** to which the ~~notice~~ application under clause 9B relates within a reasonable timeframe specified by the **distributor**; or
  - (b) if the **distributed generation** to which the application under clause 9B relates is not connected to the **distributor's network** at the time of being advised under subclause (2), the **distributor** may prohibit the **distributed generator** from connecting the **distributed generation** to the **distributor's network** until the deficiency is remedied to the **distributor's** reasonable satisfaction.
- (5) The **distributor** must approve the reconnection of the **distributed generation** as soon as is reasonable in the circumstances if—

  - (a) the **distributed generator** disconnects its **distributed generation** under subclause (4); and
  - (b) the **distributed generator** remedies the deficiencies advised under subclause (2)—

    - (i) to the reasonable satisfaction of the **distributor**; and

- (ii) ~~within 4 years~~ 12 months of the date on which the **distributed generation** was disconnected or a longer period of time ~~mutually~~ agreed between the **distributor** and the **distributed generator**.
- (6) ~~The~~ If the **distributor** approves the reconnection of the **distributed generation** under subclause (5), it must provide a notice of final approval under clause 9G ~~must provide approval under subclause (65) within 10 business days of the date that the distributor is reasonably satisfied that the distributed generator has remedied the deficiencies.~~
- (7) A **distributed generator** ~~that who~~ is required to remedy a deficiency under subclause (3) must pay any fee specified by the **distributor**, ~~up to which~~ must not exceed the relevant maximum fee prescribed in Schedule 6.5.
- (8) This clause does not affect the **distributor's** or **distributed generator's** obligations under the Electricity Industry (Enforcement) Regulations 2010.

**9FG Notice of final approval**

- (1) A **distributor** must provide a notice of final approval of the **distributed generation** if it is reasonably satisfied that—
- (a) the **distributed generation** ~~meets the requirements of~~ **distributed generation** described in clause 2A(1); and
- (b) the information provided by the **distributed generator** under clause 9B(34) is complete and accurate.
- (2) The **distributor** must provide the notice under subclause (1)—
- (a) to the **distributed generator**; and
- (b) within 10 **business days** of the date on which it is reasonably satisfied of the matters in subclause (1).
- ~~(3) If a distributed generator receives a notice of approval under subclause (1), the distributed generation remains will be connected in accordance with—~~
- ~~(a) the regulated terms that apply under clause 9C(1); or~~
- ~~(b) a connection contract agreed under clause 6.6(4).~~

**9H When distributed generator may connect to network**

- (1) When the **distributed generator** has submitted an application under clause 9B, the **distributed generator** may **connect to the network** if—
- (a) the **distributed generator** receives a notice under clause 9G(1); or
- (b) the **distributed generator** does not receive a notice under clause 9G(1) within 10 **business days** from the date on which the application was submitted, in which case the **distributor's** approval is implied.



- (2) Subclause (1) does not apply if the **distributor** has advised the **distributed generator** of a deficiency under clause 9F(2).

## Part 2

### Applications for ~~connection and operation of~~ distributed generation above 10 kW in total

#### 10 Contents of this Part

- (1) This Part of this Schedule applies only to **distributed generation** that is ~~capable of generating electricity at a rate above~~ will have a **nameplate capacity** of more than 10 kW in total if the **distributed generator's** application is approved.
- (2) This Part of this Schedule provides for a 2-stage application process.

Compare: SR 2007/219 clause 10 Schedule 1

#### *Initial application process*

#### 11 **Distributed generator ~~wishing to connect~~ must make initial application and provide information**

- (1) A **distributed generator** ~~who wishes to connect with~~ **distributed generation** that is capable of generating **electricity** at a rate above 10 kW in total must first make an **initial application** to the **distributor** to—
- (a) **connect distributed generation**; or
  - (b) continue an existing connection of **distributed generation** if the connection contract for that **distributed generation** is in force or has expired; or
  - (c) continue an existing connection of **distributed generation** that has not previously been **connected** under a connection contract; or
  - (d) ~~increase~~ change the **nameplate capacity** or fuel type of an existing connection of **distributed generation**.
- (2) The **distributed generator** must make the **initial application** by—
- (a) using the application form provided by the **distributor** that is publicly available under clause 6.3(2)(a); and
  - (b) providing any information in respect of the **distributed generation** ~~proposed to be connected~~ 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 application fee specified by the **distributor**, which must not exceed the relevant maximum fee prescribed in Schedule 6.5.
- (3) The information may include the following:
  - (a) the full name and address of the owner or operator of the **distributed generation** and the contact details of a person whom the **distributor** may contact regarding the **distributed generation**:
  - (aa) whether the proposed connection is to—
    - (i) **connect distributed generation**; or
    - (ii) continue an existing connection of **distributed generation** if the connection contract for that **distributed generation** is in force or has expired; or
    - (iii) continue an existing connection of **distributed generation** that has not previously been connected under a connection contract; or
    - (iv) ~~increase~~ **change the nameplate capacity or fuel type of an existing connection of distributed generation**;
  - (b) whether the proposed connection is a new connection or an increase in **capacity** for an existing connection and evidence of the **nameplate capacity** size (nominal **capacity**) of the **distributed generation generating unit**, including the name plate rating (if known), including, —if the application is for an ~~increase~~ change in **nameplate capacity** or fuel type for an existing connection, ~~both~~—
    - (i) the **nameplate capacity** of the **distributed generation** after the ~~increase~~ change; and
    - (ii) the aggregate **nameplate capacity** of all **distributed generation** at the **point of connection** to the **distribution network**, after the ~~increase~~ change;
    - (i) if the proposed connection is a new connection, the size (nominal **capacity**) of the total generation;
    - (ii) if the application is for an increase in **capacity** for an existing connection, both the size (nominal **capacity**) of the additional generation and the aggregate size (nominal **capacity**) of all devices at the **point of connection**;
  - (c) type of **distributed generation** (for example, solar photovoltaic):

- (d) ~~proposed location~~ a brief description of the location of the **distributed generation** ~~at the address where the distributed generation will be connected and when the distributed generation is likely to be connected:~~
- (da) if the application is to **connect distributed generation**, when the **distributed generation** is likely to be **connected**:
- (e) technical specifications of the **distributed generation** and **associated equipment**, including—
  - (i) technical specifications of equipment that allows the **distributed generation** to be **disconnected** from the **distribution network** on loss of mains voltage:
  - (ii) manufacturer's rating of equipment:
  - (iii) number of phases:
  - (iv) proposed **point of connection** to the **distribution network** (for example, the **ICP number/identifier** and street address):
  - (v) details of either or both of any inverter and battery storage:
  - (vi) details of any load at the proposed **point of connection**:
  - (vii) details of the ~~connected~~ voltage (for example, 415 V or 11 kV) when connected:
- (f) information showing how the **distributed generation** complies with the **distributor's connection and operation standards**:
- (g) the maximum **active power** injected (MW max):
- (h) the **reactive power** requirements (MVAr) (if any):
- (i) resistance and reactance details of the **generating unit**:
- (j) fault level contribution (kA):
- (k) method of voltage control:
- (l) single line diagram of proposed connection:
- (m) means of **synchronisation** and connection and disconnection to the **distribution network**, including the type and ratings of **circuit breaker** proposed:
- (n) details of compliance with frequency and voltage support requirements as specified in this Code (if applicable):
- (o) proposed periods and amounts of **electricity injections** into, and **offtakes** from, the **distribution network** (if known):
- (p) any other information that is required by the **system operator**:
- (q) any additional information or **documents** that are reasonably required by the distributor.

- (4) ~~The application must be accompanied by the application fee specified by the **distributor**, which must not exceed the maximum fee prescribed in Schedule 6.5.~~
- (5) The **distributor** must, within 5 **business days** of receiving an **initial application**, give written notice to the applicant advising whether or not the application is complete.

Compare: SR 2007/219 clause 11 Schedule 1

## 12 **Distributor must provide information to distributed generator**

The **distributor** must provide ~~the~~ **distributed generator** who makes an **initial application** ~~wishes to connect distributed generation~~ with a copy of the following within 30 **business days** of receiving ~~the~~ completed **initial application**:

- (a) information about the **distribution network capacity** of the ~~distribution network~~, including both the design **distribution network 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 ~~supply~~ **electricity conveyed to other connected parties** **points of connection on the distributor's network**:
- (c) information about any measures or conditions (including modifications to the design and operation of the **distribution network** 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 the connecting of the **distributed generation**:
- (e) information about any further detailed investigative studies that the **distributor** reasonably considers are necessary to identify any potential adverse effects the **distributed generation** may have on the system resulting from the proposed connection, 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; 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**.

Compare: SR 2007/219 clause 12 Schedule 1

### **13 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 12.
- (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.

Compare: SR 2007/219 clause 13 Schedule 1

### **14 Distributor and distributed generator must make reasonable endeavours regarding new information**

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

Compare: SR 2007/219 clause 14 Schedule 1

*Final application process*

**15 Distributed generator must make final application**

- (1) A **distributed generator** who ~~makes an initial application~~ wishes to ~~connect distributed generation~~ must make a **final application**, within 12 months after receiving the information under clauses 12 and 13, if the **distributed generator** ~~wishes to proceed with the application~~ intends to proceed to ~~connect to the distribution network~~ unless—
- (a) the **distributor** and **distributed generator** agree that a **final application** is not required; and
  - (b) there are no persons to whom notification is required under clause 16 at the time that the **distributor** and **distributed generator** agree that a **final application** is not required under paragraph (a).
- (1A) If a **final application** is not required under subclause (1)—
- (a) subclause (2) does not apply; and
  - (b) the **distributed generator's initial application** must be treated as a **final application** for the purposes of clauses ~~17~~ 6 to 24.
- (2) The **distributed generator** must make the **final application** by—
- (a) using the **final application** form provided by the **distributor** that is publicly available under clause 6.3(2)(a); and
  - (b) providing the results of any investigative studies that were identified by the **distributor** under clause 12 (e)(i) as to be undertaken by the **distributed generator** or the **distributed generator's** agent.

Compare: SR 2007/219 clause 15 Schedule 1

**16 ~~Application for connection~~ Notice to third parties**

- A **distributor** who receives a **final application** must ~~use reasonable endeavours to notify~~ provide written notice to the following persons ~~in writing~~ within 10 **business days** of receiving the **final application**:—
- (a) ~~all persons who have made an initial application for connection of distributed generation relating to the~~ particular part of the **distribution network** that the **distributor** considers would be affected by the ~~connection of the distributed generation~~ approval of the **final application** ~~that is the subject of the final application~~; and
  - (b) all **distributed generators** who have **distributed generation** above 10 kW in total ~~connected~~ **connected** on the **regulated terms** to the particular part of the **distribution network** that the **distributor** considers

would be affected by the approval of the final application~~connection of the distributed generation.~~

Compare: SR 2007/219 clause 16 Schedule 1

## **17 Priority of final applications**

- (1) ~~This clause~~Subclause 2 applies if—
- (a) a **distributor** receives a **final application**~~for connection to a distribution network~~ (the **first application**); and
  - (b) the **distributor** receives another **final application**, within ~~40~~20 **business days** after receiving the ~~first application~~first application, ~~for connection relating to a particular part of the distribution network that the distributor considers would be affected by the approval~~the connection of the distributed generation that is the subject of the first application.
- (2) ~~When this subclause applies, the distributor—~~
- (a) may consider the 2 or more **final applications** together as if they were competitive bids to use the same part of the **distribution network**; and
  - (b) must consider the **final applications** in light of the purpose of Part 6 of this Code; and
  - (c) in giving reasons under clause 18 in the case of a **final application** that is declined, must set out the criteria used in making a decision that relates to paragraph (a) or (b).
- (3) In any other case in which a **distributor** receives more than 1 **final application** ~~for connection relating to a similar part of the distribution network~~, the **distributor** must consider an earlier **final application** in priority to other **final applications**.
- (4) Subclause (3) does not limit clause 19.

Compare: SR 2007/219 clause 17 Schedule 1

## **18 Distributor's decision on application**

- (1) A **distributor** must, within the time limit specified in clause 19, give notice in writing to the applicant stating whether the **final application** is approved or declined.
- (2) A **distributor** must approve a **final application** ~~to connect distributed generation~~, 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—

- (i) the **distributed generator** will comply at all times with the requirements of the Health and Safety in Employment Act 1992; and
  - (ii) the **distributed generation generator** will ensure that its distributed generation complies ~~comply~~ at all times with the **Act**, and this Code; and
  - (iii) ~~the connection of the~~ **distributed generation** ~~would will~~ meet ~~be consistent with the~~ **distributor's connection and operation standards** (assuming that the **distributed generator** performs the conditions (if any) referred to in subclause (3)).
- (3) A notice stating that an application is approved ~~subject to conditions~~ must be accompanied by the following information:
  - (a) a detailed description of ~~the any~~ conditions (or other measures) that are conditions of the approval under subclause (2) connection, and what the **distributed generator** ~~who wishes to connect distributed generation~~ must do to comply with them:
  - (b) detailed reasons for those conditions (or other measures):
  - (c) a detailed description of ~~the any~~ charges payable by either party ~~the distributed generator who wishes to connect distributed generation~~ and an explanation of how the charges have been, or will be, calculated:
  - (d) the default process for resolution of disputes under Schedule 6.3, if the **distributed generator** ~~who wishes to connect distributed generation~~ disputes all or any of the conditions (or other measures) or charges payable.
- (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, if the **distributed generator** ~~who wishes to connect distributed generation~~ whose application has been declined makes a new application, the steps that the applicant can take to ensure ~~connection~~ the application is approved:
  - (aa) the criteria used in making a decision that relates to under clause 17(2)(a) or (b):
  - (b) the default process for resolution of disputes under Schedule 6.3.

Compare: SR 2007/219 clause 18 Schedule 1



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

- (1) The written notice required by clause 18 must be provided within—
  - (a) 45 **business days** after the date of receipt of the **final application**, in the case of ~~an application for distributed generation that is not capable of generating electricity at a rate that will have a~~ **nameplate capacity** of at least less than 1 MW if the application is approved; or
  - (b) 60 **business days** after the date of receipt of the **final application**, in the case of ~~an application for distributed generation that is capable of generating electricity at a rate that will have a~~ **nameplate capacity** of 1 MW or more but less than 5 MW if the application is approved of at least 1 MW but is not capable of generating electricity at a rate of at least 5 MW; or
  - (c) 80 **business days** after the date of receipt of the **final application**, in the case of ~~an application for distributed generation that is capable of generating electricity at a rate that will have a~~ **nameplate capacity** of at least 5 MW or above if the application is approved.
- (2) The **distributor** may seek 1 or more extensions of the time specified in subclause (1).
- (3) The **distributor** must do this by notice in writing to the **distributed generator** specifying the reasons for the extension.
- (4) The **distributed generator** who receives a notice seeking an extension under subclause (3) ~~who wishes to connect distributed generation~~ may grant an extension ~~of up to which must not exceed~~ 40 business days and must not unreasonably withhold consent to an extension.

Compare: SR 2007/219 clause 19 Schedule 1

**20 Distributed generator must give notice of intention to proceed**

- (1) If the **distributor** advises that the **distributed generator's final application to connect distributed generation** is approved, the **distributed generator** must provide written notice to the **distributor** confirming whether or not the **distributed generator** intends to proceed to negotiate a connection contract under clause 21(1) ~~with the connection~~ and, if so, confirming—
  - (a) the details of the **distributed generation to be connected**; and

- (b) that the **distributed generator** accepts all of the conditions (or other measures) that have been specified by the **distributor** under clause 18—~~as conditions of the connection.~~
- (2) The **distributed generator** must give that notice within 30 **business days** after the day on which the **distributor** gives notice of approval under clause 18 ~~to connect distributed generation~~, or within a longer period of time mutually agreed between the **distributor** and the **distributed generator**.
- (3) If the **distributed generator** does not accept ~~all of those~~ any conditions specified by the distributor under clause 18(2), but ~~does~~ intends to proceed to negotiate a connection contract under clause 21(1) ~~connect distributed generation~~, the **distributed generator** must—
  - (a) give notice of the dispute within 30 **business days** after the day on which the **distributor** gives notice of approval under clause 18 ~~to connect distributed generation~~; 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 ~~for connection of distributed generation~~ no longer apply if the **distributed generator** fails to give notice to the **distributor** of an intention to proceed to negotiate a connection contract under clause 21(1) ~~with the connection~~ within the time limits specified in this clause.
- (5) Subclause (4) does not prevent the **distributed generator** from making a new application ~~for connection of distributed generation~~ under Part 6 of this Code.

Compare: SR 2007/219 clause 20 Schedule 1

*~~Connection~~ Post-approval process*

- 21 30 business days to negotiate connection contract if distributed generator notifies intention to proceed**
- (1) If a **distributed generator** whose **final application** ~~application to connect distributed generation~~ is approved gives notice under clause 20(1), the **distributor** and the **distributed generator** have 30 **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 mutual agreement, extend the time specified in subclause (1) for negotiating a connection contract.

Compare: SR 2007/219 clause 21 Schedule 1

**22 Testing and inspection**

- (1) The **distributed generator** whose **final application**~~application to connect distributed generation~~ is approved must test and inspect its **distributed generation** within a reasonable timeframe specified by the **distributor**.
- (1A) The **distributor** may waive a **distributed generator's** requirement to test and inspect under subclause (1) 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 provide the **distributor** with a written test report when testing and inspection is complete, including suitable evidence that the ~~metering installation~~**distributed generation** complies with the appropriate ~~metering standards in this Code~~**distributor's connection and operation standards**.
- (5) The **distributed generator** must pay any fee specified by the **distributor** for observing the testing and inspection, ~~up to which must not exceed~~ the relevant maximum fee prescribed in Schedule 6.5.

Compare: SR 2007/219 clause 22 Schedule 1

**23 Connection of distributed generation outside regulated terms if contract negotiated**

If the **distributor** and the **distributed generator** whose **final application**~~application to connect distributed generation~~ is approved enter into a connection contract before the period for negotiating a connection contract under this Part of this Schedule expires,—

- (a) in the case of an application under clause 11(1)(a), the **distributor** must connect the **distributed generation** in accordance with that contract as soon as practicable; andor
- (b) ~~the **distributed generator** must complete the testing and inspection under clause 22.~~in the case of an application under clause 11(1)(b), the **distributor** must continue the **distributed generator's** existing connection in accordance with that contract—
- (i) as soon as practicable after the expiry of the period, if a connection contract has expired; or
- (ii) from the expiry of a connection contract that is in force; or
- (c) in the case of an application under clause 11(1)(c), the **distributor** must continue the **distributed**

- generator's existing connection in accordance with that contract as soon as practicable; or
- (d) in the case of an application under clause 11(1)(d), the distributor must continue the distributed generator's existing connection (with the ~~increased~~ changed nameplate capacity or fuel type) in accordance with that contract as soon as practicable.

Compare: SR 2007/219 clause 23 Schedule 1

**24 Connection of distributed generation on regulated terms if contract not negotiated**

- (1) ~~If the distributor and the distributed generator whose final application to connect distributed generation is approved do not enter into a connection contract before the period for negotiating a connection contract under this Part of this Schedule expires,—~~
- (a) in the case of an application under clause 11(1)(a), the distributor must connect the distributed generation on the regulated terms as soon as practicable after the later of—
- (i) the expiry of that period; and
  - (ii) the date on which the distributed generator has fully complied with any conditions (or other measures) that were specified by the distributor under clause 18 as conditions of the connection; and
- (b) ~~the distributed generator must complete the testing and inspection under clause 22~~in the case of an application under clause 11(1)(b), the distributor must continue the existing connection on the regulated terms from the later of—
- (i) the expiry of that period; and
  - (ii) the expiry of an existing connection contract; and
  - (iii) the date on which the distributed generator has fully complied with any conditions (or other measures) that were specified by the distributor under clause 18 as conditions of the connection; and
- (c) in the case of an application under clause 11(1)(c), the distributor must continue the existing connection on the regulated terms from the later of—
- (i) the expiry of that period; and
  - (ii) the date on which the distributed generator has fully complied with any conditions (or other measures) that were specified by the distributor under clause 18 as conditions of the connection; and

- (d) in the case of an application under clause 11(1)(d), the **distributor** must continue the existing connection (with the ~~increased~~ **changed nameplate capacity** or fuel type) on the **regulated terms** from the later of—
- (i) the expiry of that period; and
  - (ii) the date on which the **distributed generator** has fully complied with any conditions (or other measures) that were specified by the **distributor** under clause 18 as conditions of the connection.
- ~~(2) However, to the extent that those conditions (or other measures) were the subject of a dispute under clause 20(3), or of negotiation during the period for negotiation of the connection contract, the **distributor** must **connect** the **distributed generation** on the **regulated terms**, as soon as practicable after the later of—~~
- ~~(a) the dates referred to in subclause (1); and~~
  - ~~(b) the date on which the dispute about the conditions or other measures is finally resolved or negotiated and the **distributed generator** has performed those conditions (or other matters).~~

Compare: SR 2007/219 clause 24 Schedule 1

## Part 3 General provisions

### *Confidentiality*

- 25 Confidentiality of information provided—before connection**
- (1) All information provided with, or relating to, an application made under this Schedule, ~~or otherwise provided by a **distributed generator** who wishes to **connect distributed generation** under this Schedule,~~ must be kept confidential by the **distributor** except as agreed otherwise by the person who provides the information.
- (1A) The **distributed generator** must keep confidential all information that—
- (a) a **distributor** provides for the purpose of an application under this Schedule; and
  - (b) the **distributor** reasonably identifies as being confidential.
- (2) Despite subclause (1), the **distributor**—
- (a) may, in response to an application under this Schedule ~~for connection of **distributed generation**,~~ disclose to the applicant that another **distributed**

- generator** has made an application under this Schedule to connect distributed generation to the distribution network (without identifying who that other **distributed generator** is); and
- (b) may, in the case of an application under Part 1 of this Schedule for connection of distributed generation that is only capable of generating electricity at a rate of 10 kW or less in total, generally indicate the location of the **distributed generation** that is the subject of another application possible connection; and
- (c) may, in the case of an application under Part 2 of this Schedule for connection of distributed generation that is capable of generating electricity at a rate above 10 kW, disclose the size nameplate capacity and location of the proposed distributed generation that is the subject of another application.
- (3) The obligations to keep information confidential in subclauses (1) and (1A) includes—
- (a) an obligation not to use the information for any purpose other than considering the application under this Schedule and enabling the connection of the distributed generation; and
- (b) an obligation to destroy the information as soon as is reasonably practicable after the later of—
- (i) when the information is no longer required for the purposes in paragraph (a) of the connection of the distributed generation; and
- (ii) 5 years ~~60 months~~ after receiving the information.

Compare: SR 2007/219 clause 25 Schedule 1

#### *~~Annual reporting and record keeping~~*

Heading: amended, on 29 August 2013, by clause 4(1) of the Electricity Industry Participation (Additional Registry Fields) Code Amendment 2012

#### **26** ***[Revoked]***

Compare: SR 2007/219 clause 26 Schedule 1

Clause 26: revoked, on 29 August 2013, by clause 4(2) of the Electricity Industry Participation (Additional Registry Fields) Code Amendment 2012

#### **27** ***[Revoked]***

Compare: SR 2007/219 clause 27 Schedule 1

Clause 27: amended, on 21 September 2012, by clause 6 of the Electricity Industry Participation (Minor Amendments) Code Amendment 2012

Clause 27: revoked, on 29 August 2013, by clause 4(2) of the Electricity Industry Participation (Additional Registry Fields) Code Amendment 2012

#### **28** **Distributors must keep records**

A **distributor** must maintain, ~~for 5 years~~, records of all applications and notifications received under this Schedule and the resulting outcomes (including records of how long it took to ~~connect~~ approve or decline an application, and

justification for these outcomes) for a minimum of 60 months from the approval of the application or notification.

Compare: SR 2007/219 clause 28 Schedule 1

Costs

**29 Responsibility for costs under this Schedule**

The **distributor** and **distributed generator** must pay their respective costs (including legal costs) incurred under this Schedule.

## Schedule 6.2 cl 6.6

### Regulated terms for ~~connection of~~ distributed generation

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*General*

**1 Contents of this Schedule**

This Schedule sets out the **regulated terms** ~~for connection of distributed generation~~ that apply to the ~~connection of distributed generation~~ that is ~~connected~~ **connected** in accordance with clause 6.6 and Schedule 6.1.

Compare: SR 2007/219 clause 1 Schedule 2

**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.

Compare: SR 2007/219 clause 2 Schedule 2

**3 General obligations**

- (1) A **distributor** and a **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**, interconnect, 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**, interconnect, 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.
- (5) The **distributor** and **distributed generation** 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 clause 18 of Schedule 6.1

as conditions of the connection (or, to the extent that those conditions were the subject of a dispute under clause 20(3) of that Schedule, or of negotiation during the period for negotiation of the connection contract, the conditions or other measures as finally resolved or negotiated).

Compare: SR 2007/219 clause 3 Schedule 2

### *Meters*

#### **4 Installation of meters and access to metering information**

~~(1) The **distributed generator** must ensure that 1 or more metering installations are installed that—~~

~~(a) separately record any inflows of electricity from the **distribution network** and any electricity injected into the **distribution network**; and~~

~~(b) fully comply with this Code.~~

(2) The **distributed generator** must provide to the **distributor**, at the **distributor's** request, the interval data and cumulative data recorded by ~~those the~~ metering installations at the point of connection at which the distributed generation is connected or proposed to be connected.

(3) ~~If the meter is part of a category 2 metering installation, or a category 3 metering installation, or a category 4 metering installation, or a category 5 metering installation, or a category 6 metering installation, (The distributor may require that reactive metering be installed~~ **distributed generator** must provide reactive metering if—

(a) the meter is part of a category 2 metering installation, or higher category of metering installation; and

(b) it is required to do so by the distributor.

Clause 4(3): substituted, on 1 December 2011, by clause 5 of the Electricity Industry Participation Code (Distributor Use-of-System Agreements and Distributor Tariffs) Amendment 2011.

(4) The **distributor's** requirements in respect of metering measurement and accuracy must be the same as set out in consistent with Part 10 of this Code.

Compare: SR 2007/219 clause 4 Schedule 2

### *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 reconnecting or 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.

Compare: SR 2007/219 clause 5 Schedule 2

## **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.

Compare: SR 2007/219 clause 6 Schedule 2

**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.

Compare: SR 2007/219 clause 7 Schedule 2

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

- (1) A **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; 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.

Compare: SR 2007/219 clause 8 Schedule 2

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

- (1) If the **distributor** or the **distributed generator** discover evidence of interference with the **distributor's** equipment, or evidence of theft of **electricity**, the party discovering the interference or evidence must ~~notify~~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.
- Compare: SR 2007/219 clause 9 Schedule 2

*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.

Compare: SR 2007/219 clause 10 Schedule 2

**11 Circumstances allowing distributor to temporarily disconnect distributed generation**

Despite clause 10, a **distributor** may interrupt the connection service, or curtail either the operation or output of the generation, or both, and may temporarily 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) if the **distributed generator** modifies its **distributed generation**, without prior authorisation from the **distributor**, in such a way that it has a material effect on the **distributed generator's injection** of **electricity** into the **network**;~~
- (f) in accordance with clause 13 (adverse operating effects);
- ~~(g) if at the **distributed generator** fails to comply with the **distributor's**~~
  - (i) **connection and operation standards**; or
  - (ii) **safety requirements**.

Compare: SR 2007/219 clause 11 Schedule 2

**12 Obligations if distributed generation temporarily disconnected by distributor**

- (1) The **distributor** must make reasonable endeavours to—

- (a) ~~notify~~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 temporary disconnection.
- (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) ~~to~~advise the **distributed generator** of the expected duration of the outage.

Compare: SR 2007/219 clause 12 Schedule 2

### 13 Adverse operating effects

- (1) A **distributor** must ~~notify~~advise a **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 ~~notice~~advice, the **distributed generator** fails to remedy the adverse operating effect within a reasonable time, the **distributor** may disconnect the generation by giving reasonable notice (or without notice when reasonably necessary in the event of an emergency or hazardous situation).

Compare: SR 2007/219 clause 13 Schedule 2

### 14 Interruptions by distributed generator

- (1) This clause applies to any ~~connected~~connected **distributed generation** above 10 kW in total.
- (2) The **distributed generator** must ~~notify~~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 ~~notify~~advise the **distributor** of the interruption and to co-ordinate with the **distributor** to minimise the impact of the interruption.

Compare: SR 2007/219 clause 14 Schedule 2

**15 Permanent disconnections**

- (1) Despite clause 10, the **distributor** may permanently disconnect **distributed generation** in the following circumstances:
- (a) on receipt of a request from a **distributed generator**:
  - (b) without notice, if a **distributed generator** has been temporarily disconnected under clause 11(g) and the **distributed generator** has failed to comply with either the connection or safety requirements of the **distributor**—
    - (i) 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, on receipt of the **registry** inactive status with reason “De-energised – ready for decommissioning” if the ~~trader~~**trader** has de-energised the ICP at which the **distributed generation** is connected to the **distribution network** and advised the **registry** that the ICP has a status of “inactive” with the reason of “de-energised – ready for decommissioning” a site, attempted to recover the **meters**, and updated the **registry** to that status:
  - (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 **distributor** has not been advised by the **distributed generator** of 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) If the **point of connection** is to remain as a consumption point, the **distributed generator** must (if applicable) cancel any seller contracts and ensure the **trader** decommissions the embedded generation network service point with the **reconciliation manager**. The site must revert to a standard ICP.~~
- (3) If the **point of connection** is to be disestablished in its entirety, a permanent disconnection must be performed by means of isolation of generation by removal of all electrical connections to **distributor's lines**. The **distributor** must ~~notify~~advise the **distributed generator** within 2 **business days** of the work having been completed. ~~If applicable, the **distributed generator** must cancel any seller contracts, ensure that the **retailer** decommissions the embedded generation network service point with the **reconciliation**~~

~~manager, and that the retailer arranges decommissioning of the ICP.~~

- ~~(4) Once having the status of decommissioned on the registry, the ICP must not be used again. The process for new connections in Part 1 or 2, as the case may be, of Schedule 6.1 must be followed if generation is to be connected again at this point of connection.~~
- ~~(5) Both the distributor and the distributed generator (through notification to a retailer where selling to a retailer) must ensure that the registry is correctly updated throughout this process in accordance with this Code.~~

~~Compare: SR 2007/219 clause 15 Schedule 2~~

### *Timeframe for construction*

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

- ~~(1) The regulated terms will no longer apply if the distributed generator does not construct the approved distributed generation within—~~
- ~~(a) 18 months from the date on which approval was granted under the regulated terms apply;~~
- ~~(i) clause 3 of Schedule 6.1; or~~
- ~~(ii) clause 9G of Schedule 6.1; or~~
- ~~(iii) clause 18 of Schedule 6.1; or~~
- ~~(b) within a longer period of time mutually agreed between the distributor and distributed generator.~~
- ~~(2) If the regulated terms no longer apply in accordance with subclause (1), 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.~~

### *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 subclause (2).
- (2) Each party must only use **confidential information** for the purposes expressly permitted by these **regulated terms**.

Compare: SR 2007/219 clause 17 Schedule 2



**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—
  - (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.

Compare: SR 2007/219 clause 18 Schedule 2

**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.

Compare: SR 2007/219 clause 19 Schedule 2

*Pricing*

**19 Pricing principles**

~~Connection e~~Charges that are payable by either party a ~~distributed generator~~ must be determined in accordance with the pricing principles set out in Schedule 6.4.

Compare: SR 2007/219 clause 20 Schedule 2

*Liability*

**20 General obligations relating to liability**

- (1) If a **distributor** or **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 does not limit the liability of either party—
  - (i) to pay all charges and other amounts due under Part 6 of this Code or the **regulated terms**; or
  - (ii) to the Crown under the **Act** or any regulations made under the **Act**.

Compare: SR 2007/219 clause 21 Schedule 2

**21 Exceptions to obligations relating to liability**

- (1) Neither the **distributor** nor a **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—
    - ~~(A) a failure to convey or a reduction of **injection** or supply of **electricity** into the **distribution network**; or~~
    - ~~(B) an interruption in the conveyance of **electricity** in the **network**, at the request of the **system operator** or under a nationally or regionally co-ordinated response to an **electricity** shortage; or~~
  - (iia) the failure arises from an interruption in the conveyance of **electricity** in the **distribution network**, 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**.

Compare: SR 2007/219 clause 22 Schedule 2

## 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 ~~installed~~ **nameplate capacity** ~~up to which must not exceed~~ a maximum of \$5 million.

Compare: SR 2007/219 clause 23 Schedule 2

**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 a **distributor** or **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.

Compare: SR 2007/219 clause 24 Schedule 2

~~**24 Indemnity**~~

- ~~(1) Each party (the **indemnifying party**) must indemnify the other for damages claimed by third parties to the extent that the loss is caused by a breach of these **regulated terms** by the **indemnifying party**, where the loss is materially caused by an action or omission of the **indemnifying party**.~~
- ~~(2) The indemnity in this clause is subject to the limits on liability specified in clauses 20 to 23.~~

Compare: SR 2007/219 clause 25 Schedule 2

**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 ~~supply or availability~~ 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 ~~notify~~ 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 ~~notify~~ 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.

Compare: SR 2007/219 clause 26 Schedule 2

## 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

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#### 1 Application of this Schedule

- (1) This Schedule applies in accordance with clause 6.8.
- ~~(2) To avoid doubt, this Schedule applies to disputes about either of the following:  
(a) the conditions specified by the **distributor** under clause 18 of Schedule 6.1;  
(b) whether a party is attempting to negotiate in good faith under clauses 6 or 21 of Schedule 6.1.~~

Compare: SR 2007/219 clause 1 Schedule 3

#### 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**.

Compare: SR 2007/219 clause 2 Schedule 3

#### 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.

Compare: SR 2007/219 clause 3 Schedule 3

**4 Application of pricing principles to disputes**

- (1) The **Authority** and the **Rulings Panel** must apply the pricing principles set out in Schedule 6.4 to determine any connection charges payable.
- (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.

Compare: SR 2007/219 clause 4 Schedule 3

**5 Orders that Rulings Panel can make**

If a complaint is referred to it, 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**.

Compare: SR 2007/219 clause 5 Schedule 3

## Schedule 6.4

### Pricing principles

cl 6.9

- 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 ~~20~~19 of Schedule 6.2 and clause 4 of Schedule 6.3).

Compare: SR 2007/219 clause 1 Schedule 4

- 2 The pricing principles are as follows:

*Charges to be based on recovery of reasonable costs incurred by distributor to connect the distributed generator and to comply with connection and operation standards within the 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~~incremental costs of providing connection services to the **distributed generation**. To avoid doubt, ~~incremental cost~~incremental cost is net of transmission and distribution costs that an efficient ~~distributor~~distributor ~~market operation service provider~~ would be able to avoid as a result of the connection of the **distributed generation**:
- (b) costs that cannot be calculated (eg, avoidable costs) 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 ~~connected~~connected to the **distribution network** were, and deducting the costs that would have been incurred had the generation not been ~~connected~~connected. In this case, if the costs differ from the costs charged to the **distributed generator**, the **distributor** must ~~notify~~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~~ **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 expressed in dollars per annum:
- ~~(g) before the connection of **distributed generation**, the **distributor** must notify the **distributed generator** in writing of the connection charges that will be payable, and explain how the connection charges have been calculated;~~
- (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 ~~notify~~ advise the **distributed generator** in writing of any change in the connection charges payable, and the reasons for any change, not less than 3 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 1 **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 ~~5 years~~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 ~~3 years~~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.**

Compare: SR 2007/219 clause 2 Schedule 4

~~3 — In this Schedule, **incremental costs** means the reasonable costs that an efficient **market operation service provider** would incur in providing **electricity** distribution services with connection services to the **distributed generation**, less the costs that the efficient **market operation service provider** would incur if it did not provide those connection services.~~

Compare: SR 2007/219 clause 3 Schedule 4

## Schedule 6.5

cls 2(4), 7(5), 11(4), and 22(5) of Sch 6.1

### Prescribed maximum fees

- 1 In this Schedule, reference to nameplate capacity ~~a kW or MW rate, in relation to distributed generation,~~ is a reference to the nameplate capacity ~~kW or MW rate at which of the distributed generation is capable of generating electricity if the application or notification is approved.~~
- 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:

<b>Fee for application for distributed generation 10 kW or less in total</b>	<b>\$</b>
<b>Distributed generation</b> of 10 kW or less in total	200
<b>Fee for initial application for distributed generation above 10 kW</b>	
<b>Distributed generation</b> of above 10 kW in total but less than 100 kW in total	500
<b>Distributed generation</b> of 100 kW or above in total but less than 1 MW	1,000
<b>Distributed generation</b> of 1 MW and above	5,000
<b>Fee for observation of testing and inspection under clauses 7 and 22 of Schedule 6.1</b>	
<b>Distributed generation</b> of 10 kW or less in total	60
<b>Distributed generation</b> of above 10 kW in total but less than 100 kW in total	120
<b>Distributed generation</b> of 100 kW and above	1,200

Compare: SR-2007/219-Schedule 5

<u><b>Description of fee</b></u>	<u><b>\$</b></u> <u><b>(exclusive of GST)</b></u>
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<b><u>Part 1 of Schedule 6.1 application</u></b>	
<u>Application fee under clause 2(2)(c) of Schedule 6.1</u>	<u>200</u>
<u>Fee for observation of testing and inspection under clause 7(5) of Schedule 6.1</u>	<u>60</u>
<b><u>Part 1A of Schedule 6.1 <del>notice</del> application</u></b>	
<u>Fee for <del>notice</del> application under clause 9B(34)(e) of Schedule 6.1</u>	<u>100</u>
<u>Fee for inspection under clause 9D(3) of Schedule 6.1</u>	<u>60</u>
<u>Deficiency fee under clause 9EF(67) of Schedule 6.1</u>	<u><del>100</del>80</u>
<b><u>Part 2 of Schedule 6.1 application</u></b>	
<u>Application fee for <b>distributed generation</b> with a <b>nameplate capacity</b> of more than 10 kW but less than 100 kW under clause 11(2)(c) of Schedule 6.1</u>	<u>500</u>
<u>Application fee for <b>distributed generation</b> with a <b>nameplate capacity</b> of 100 kW or more in total but less than 1 MW under clause 11(2)(c) of Schedule 6.1</u>	<u>1,000</u>
<u>Application fee for <b>distributed generation</b> with a <b>nameplate capacity</b> of 1 MW or more under clause 11(2)(c) of Schedule 6.1</u>	<u>5,000</u>
<u>Fee for observation of testing and inspection of <b>distributed generation</b> with a <b>nameplate capacity</b> of more than 10 kW but less than 100 kW under clause 22(5) of Schedule 6.1</u>	<u>120</u>
<u>Fee for observation of testing and inspection of <b>distributed generation</b> with a <b>nameplate capacity</b> of 100 kW or more under clause 22(5) of Schedule 6.1</u>	<u>1,200</u>