

# National Gas Market Development Plan

## Draft Bulletin Board Law and Rules

### Explanatory Note

#### Purpose of this Explanatory Note

Following a public consultation process in June/July 2007, which involved the release of a consultation paper, presentations in each of the mainland State capital cities, and the consideration of 16 written submissions, the Gas Market Leaders Group (GMLG) released its final "Bulletin Board Business and Data Requirements" report in September 2007 (available from the Ministerial Council on Energy (MCE) website - [www.mce.gov.au](http://www.mce.gov.au)) (**Final BB Report**).

Since then, the GMLG's Bulletin Board Working Group (BBWG) has been working on converting these Business and Data Requirements into a set of Rules, which will be empowered under the National Gas Law (NGL) and form part of the National Gas Rules (NGR) prior to commencement of the Bulletin Board operation in July 2008.

In converting the concepts set out in the GMLG's final Bulletin Board Business and Data Requirements report into Rules, the BBWG has considered in far greater detail how those concepts are able to be implemented most efficiently and effectively, and the responsibilities and obligations that will need to be met by various parties to deliver the desired Bulletin Board objectives. As such, there have been minor changes proposed in terms of the information to be provided to the Bulletin Board operator (**BB operator**).

Therefore, the MCE's Standing Committee of Officials (SCO) has agreed to release the BBWG's current draft of the Bulletin Board Rules (**BB Rules**), along with this Explanatory Note prepared by the BBWG, to provide further opportunity for consultation and input, prior to their finalisation as part of the NGR and enactment of the enabling legislation in the NGL.

The BBWG and MCE SCO have worked together to draft provisions for inclusion in the NGL to empower the BB Rules. MCE SCO has also agreed to release these draft provisions for consultation with the BB Rules, to allow stakeholders to consider the full package of draft Law and Rules provisions together.

It should be noted that there may be some minor change to the format, style and language of the Rules as they are absorbed into and made consistent with the NGL and the NGR. Thus, the main purpose of releasing the draft in its current form is to provide a clear indication of what parties will be bound by the Rules; the proposed roles, responsibilities and obligations that will be imposed on various parties; and the proposed content of the Bulletin Board.

Presentations on the draft Law and Rules will be provided by the BBWG in Melbourne, Adelaide, Sydney, Brisbane and Perth, commencing on Monday 11 February. Further details on these presentations can also be found on the MCE website – [www.mce.gov.au](http://www.mce.gov.au).

**Written submissions are invited on the draft Rules and should be sent by e-mail to:**

**[john.savage@vencorp.vic.gov.au](mailto:john.savage@vencorp.vic.gov.au) to be received no later than Friday 29 February 2008.**

**Written submissions on the draft Law should be addressed to the Manager, MCE Secretariat, at the Department of Resources, Energy and Tourism, at GPO Box 1564, Canberra ACT 2601, or by e-mail to: [MCEMarketReform@ret.gov.au](mailto:MCEMarketReform@ret.gov.au) to be received no later than Wednesday 20 February 2008.**

## Format of this Explanatory Note

This note is in three Parts.

Part A (Draft Bulletin Board Rules) seeks to:

- Outline the way in which the decisions of the GMLG described in the Final BB Report have been implemented in the draft BB Rules; and
- Highlight areas where the BBWG has had some difficulty in reaching resolution of the way in which to best implement the intent and/or objectives set out in the Final BB Report and is seeking feedback or suggested alternatives that may offer improvements to the approaches set out in the draft BB Rules.

Part B sets out the provisions concerning the BB which will be placed in the National Gas Law and have been released for consultation with this paper.

Part C sets out for information the legal advice on the application of the Trade Practices Act to the BB Rules.

Part A follows the proposed Divisions of the Rules, i.e.:

- Division 1 - Interpretation and Application
- Division 2 - Bulletin Board
- Division 3 - Registration
- Division 4 - Bulletin Board Procedures
- Division 5 - Obligations of BB facility operators to provide information
- Division 6 - Publication of annual projections of gas demand
- Division 7 - Emergency Information
- Division 8 - Access to the Bulletin Board
- Division 9 - Cost recovery by the BB Operator
- Division 10 - Cost recovery by Pipeline Operators
- Division 11 - General

## **PART A – Draft Bulletin Board Rules**

### **Division 1 – Interpretation and Application**

This Division of the draft Rules includes definitions and interpretation of defined terms, and provisions regarding commencement of the rules and operation of the Bulletin Board.

#### ***Interpretation***

As indicated in the introduction to this note, the BB Rules will (when finalised) be incorporated into the NGR.

The BB Rules have where appropriate used defined terms in the second exposure draft of the NGL<sup>1</sup>. Where necessary, different terminology has been adopted where the meaning in the BB Rules differed from similar definitions in the NGL.

For example, the draft BB Rules impose obligations on *operators* of pipelines rather than on owners and controllers of pipelines ('service providers' as defined in the draft NGL), and the BB will contain information on a set of pipelines wider than the definition of "transmission pipelines" under the NGL (including unclassified pipelines that, if classified, would be likely to be classified as a transmission pipeline under the NGL).

#### ***Commencement***

The Minister will specify in the South Australian Government Gazette the dates on which the different provisions come into effect, and the BB Operator will publish these dates on the BB.

It is intended that there will be a staged commencement of the Rules to enable a smooth transition from implementation to operation of the Bulletin Board. It is proposed that the staged enactment occur in the following sequence:

- Divisions 1&2 - Rules dealing with interpretations and application of Bulletin Board operation, and the purpose of the Bulletin Board, to commence upon gazettal
- Division 3 - Rules dealing with registration to commence prior to and in preparation for commencement of Bulletin Board operation; and
- Divisions 4-11 - Rules dealing with operational and administrative matters once the Bulletin Board is operational (e.g. information provision requirements) to commence within an agreed timeframe after the commencement of Divisions 1, 2 and 3, when the Bulletin Board goes live.

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<sup>1</sup><http://www.mce.gov.au/assets/documents/mceinternet/NationalGasLawSecondExposureDraft20070719094404%20Epdf>

## ***Application***

### ***Where will the Bulletin Board apply?***

It is intended that the Bulletin Board will initially cover all major natural gas transmission pipeline systems, production and storage facilities and demand centres in South Australia, Victoria, Tasmania, ACT, NSW and southern Queensland.

Rule 4 exempts pipelines, facilities and operators of those facilities in WA and NT from the provisions of these Rules until such time as the designated Minister declares that the Rules should apply, and gazettes that decision.

It is noted that the Moranbah to Townsville Pipeline, which is not interconnected to the SE Qld systems will not be included in the initial list of the BB pipelines (see Appendix 1a, 1b and 1c).

It is hoped, however, that the draft Rules and this document may provide a useful vehicle for further consultation with jurisdictional representatives and other interested parties in WA, NT and northern Queensland, over their future inclusion in the Bulletin Board.

### ***What/Who will the Bulletin Board apply to?***

Division 3 of the Rules, "registration", sets out which facilities will be included by the Bulletin Board and what parties will be required to provide information and/or register with the Bulletin Board Operator.

## Division 3 – Registration

This Division of the Rules includes provisions relating to requirements and procedures for registration as a Bulletin Board participant.

### *Persons required to register*

Rule 8 sets out those parties who *must* register with the Bulletin Board operator as a *BB participant*.

Subject to exemption criteria set out in Rules 10-12, the parties who *must* register are:

- parties required to provide information to the Bulletin Board operator – being operators of gas transmission pipelines that are covered by the BB Rules<sup>2</sup>, gas production or storage facility operators; and
- shippers on BB transmission pipelines (shippers that have a contract with the operator of a BB transmission pipeline for the provision of, or a right under an access determination to be provided with, a pipeline service (as defined in the NGL)).

A pipeline operator, production or storage facility operator will not be required to register if all of the pipeline(s) or facilities they operate are exempted under Rules 10-12 of the draft BB Rules (although they may choose to do so).

### *Persons wishing to view general information on the Bulletin Board*

There will be no requirement for parties who simply wish to view information on the Bulletin Board (other than emergency information (see below)) to register. Such general access will be available, free of charge, via a web page and subject only to agreeing to the terms and conditions specified in a “click wrap” agreement upon entry to the site.

### *Persons wishing to access emergency information on the Bulletin Board*

Rule 8(3) also provides that certain persons who are not *obliged* to register (under Rule 8(2)), but who meet specified eligibility criteria, *may* register voluntarily if they wish to access updated information published on the Bulletin Board in the event of gas supply emergencies (**emergency information**). The persons eligible to register for access to emergency information are defined as “eligible BB participants” and include:

- large users of gas (gas fired generators who are scheduled in the National Electricity Market, or parties who can demonstrate a usage of greater than 500TJ/year);
- gas retailers and producers;
- operators of exempt BB pipeline, BB storage facility or BB production facility
- Various government entities that are involved in the monitoring or resolution of emergencies (e.g. members of NGERAC, responsible Ministers).

### *Registration requirements*

Rule 9 describes the registration procedures, information requirements and timelines. Where an application for registration is received from a Minister, regulator or government department from a participating jurisdiction, the AER, the ERA (WA) or the AEMC, the BB Operator has a positive obligation to register such parties.

### *Classification of facilities as “BB Facilities”*

If a pipeline or storage or production facility is defined as a “BB facility” under the BB Rules then the operator of that BB facility will be required to provide information in relation to that facility under Division 5 of the BB Rules.

A pipeline or storage or production facility will be defined as a “BB facility” if it:

- Appears on the register of BB facilities prepared by the BB operator and listed in a schedule to the initial National Gas Rules (see Appendix 1a,1b and 1c);
- Commences operating after commencement of the BB Rules, unless the operator of the facility has applied for or been granted exemption for that facility under rule 10, 11 or 12 (as relevant) and that exemption has not been cancelled under rule 13; or
- A facility (through market circumstances or expansion) no longer satisfies the exemption criteria in the Rules and this is notified by the BB operator in accordance with Rule 14.

### *Initial list of BB Facilities*

Initial tables of BB pipelines and BB production and storage facilities will be provided in the schedule to the BB Rules and draft tables are provided in Appendix 1 to this explanatory note.

The initial lists are based on an assessment of whether pipelines and storage and production facilities are “BB facilities” having regard to the exemption criteria set out in Rules 10 to 12.

An initial table of BB facilities will be provided in the schedule to the BB Rules (see Appendix 1a, 1b and 1c).

#### *Initial BB Facilities*

Comments are sought on the draft tables of BB facilities, including comments on proposed inclusions and any perceived inappropriate exclusions.

Further advice is sought on the inclusion of Queensland CSM production facilities and the operators of these sites.

### *Initial list of BB Demand and Production Zones*

A table of BB Demand and Production Zones will be provided under the BB procedures and published on the BB. A draft table is included in Appendix 2.

#### *Demand and Production zones*

Comments are sought on the appropriateness of these zones to provide a reasonably useful understanding of daily supply-demand balance around the systems, gas flows and available pipeline or production capacity.

### *Exemptions from classification as BB Facility*

If a pipeline or storage or production facility is included on the list of BB facilities at commencement of BB Rules or if it commences, or is intended to commence, operating after commencement of the BB Rules then the operator may apply to the BB operator to have the BB operator declare that the facility is not a BB facility. To be declared exempt the facility must meet the exemption criteria set out in Rules 10 to 12 (as relevant).

#### *Criteria for exemption of a pipeline (rule 10)*

The criteria for exemption of a pipeline are:

- the nameplate rating of the pipeline is less than 20TJ/day; or
- the pipeline is a dedicated lateral or spur; or
- the pipeline is a gathering line.

The concept of a "lateral" or "spur" is generally understood in the industry to mean a transmission pipeline that is connected to a main "trunk" pipeline to either supply a number of distributed customers or to connect gas production or storage facilities. The intent is that where the gas supply or demand on a lateral or spur can be adequately represented as a simple withdrawal or injection point on the main "trunk" pipeline, with there being little additional value in providing details of the daily capacity or linepack on the lateral or spur, then such pipelines should be exempted. This was agreed by all interested parties during the consultation period in June/July 2007. Defining or adequately expressing the concept of a lateral or spur pipeline in the Rules has, however, proven problematic. The wording adopted in the draft Rules (rule 10(5)) has been on the basis of a pipeline that does not transport gas between production and/or demand zones, between production zones or between demand zones, with these zones to be more fully defined in a set of published Bulletin Board procedures .

#### *Criteria for exemption of a storage facility (rule 11)*

The criteria for exemption of a storage facility are:

- the nameplate rating of the storage facility is less than 20TJ/day; or
- the storage facility is used solely as part of a production facility at the sole discretion of the production facility operator (i.e. there is no ability for shippers to pay to store gas, or decide when to put gas into or take gas out of storage eg Moomba); or
- the storage facility is not connected to a Bulletin Board pipeline.

### *Criteria for exemption of a production facility (rule 12)*

The criteria for exemption of a production facility are:

- the nameplate rating of the production facility is less than 20TJ/day; or
- the gas from a production facility does not flow to a Bulletin Board pipeline

In addition to the <20TJ/day criterion for exemption of production facilities, the BBWG has deliberated over the application of this to smaller production facilities, where there may be a number of such facilities in the same production zone. An example of this arises with some coal seam methane production facilities. There is a need to strike a balance between imposing unnecessarily onerous information requirements on small production facilities, while at the same time providing sufficient information to allow users of the Bulletin Board to be adequately informed on regional gas supply/demand balances. Hence, if all facilities with a capacity of less than 20TJ were exempted, and there were a number of such facilities in the same production zone, this would result in a significant gap in the supply data provided via the Bulletin Board.

Consideration was given to allowing aggregation of data in respect of such facilities, but this was discounted on the basis that parties would still need to ascertain and/or provide data on each individual facility in order to derive the aggregate figure. It was hence felt that this would likely be no less onerous.

Instead, the BBWG has proposed the following approach in the draft Rules:

If:

- a production facility is one of two or more production facilities operated by the same operator in a single production zone; and
- the aggregate ratings of these facilities is greater than or equal to 20TJ/day,

then the Bulletin Board operator may determine not to grant an exemption if sought by the facility operator (see rule 12(5)).

In addition, even where a production facility meets the criteria for exemption and has been “exempted”, the BBWG proposes (rule 12(6) that the facility operator should still be required to provide the nameplate rating of the facility to the BB operator annually (in accordance with rule 23). The method for such information provision will be set out in the BB procedures but it is expected that an e-mail notification would suffice and would not be particularly onerous. The BBWG believes this is required on the basis that there could still be potential situations where the aggregate capacity of such facilities becomes significant, at least in terms of regional impacts. Therefore, while not warranting imposition of daily information requirements, a once a year update of the nameplate capacity would suffice to meet the BB objectives.

### *Additional observations on exemption criteria*

It is also noted that:

- The term “nameplate rating” has been used and defined in the BB Rules to capture the concept of peak flows referred to in the Final Bulletin Board Data and Information Requirements report;
- Additional or alternative criteria can be developed as a rule change subject to the rule change process.

#### *Exemption criteria for pipelines and storage and production facilities*

Comments are sought on the appropriateness of the exemption criteria for pipeline, storage and production facilities proposed in the draft Rules 9-11 including the treatment of production facilities with a nameplate rating of <20TJ/day. Such comments should address the question of a balanced approach between unnecessarily onerous information requirements and the objectives of the Bulletin Board. Where the current proposals are considered inappropriate in this regard, generally applicable alternative criteria should be proposed.

### *Expert review of classification or exemption decisions*

The draft BB Rules provide a mechanism under rule 16 for a person to seek an independent expert review of a decision of the BB operator to either revoke the registration of a person, declare a facility as a BB facility, decide not to grant an exemption as a BB facility, or revoke an exemption declaration, if that person objects to the decision made by the BB operator. The rule requires the BB operator and the aggrieved person to attempt to resolve the objection between them prior to referral to the independent expert.

### **Division 4 – BB Procedures**

Any matter addressed in the BB Procedures must be contemplated specifically in the Rules.

Rule 6 in Division 2 requires the BB Operator to operate and maintain the Bulletin Board in accordance with the BB Procedures. Rule 5 requires the BB operator to publish procedures on its website which deal with such matters as the Rules contemplate being dealt with by the initial BB procedures or BB procedures

A separate consultation process will provide opportunity for comment on the initial set of BB Procedures.

Division 4 then deals with compliance with BB procedures (rule 17), the subject matter of BB procedures (rule 18) and the process for amendment of the BB procedures (Rules 19-21).

The benefit of using Procedures to deal with the operational or logistical detail contemplated in the Rules, is that it provides greater flexibility for ongoing refinement, based on operating experience, without the need for formal rule changes to achieve this.

If the proposed rule amendment is material, the Rules require a consultation process with BB participants and publication of proposed changes on the BB operator's website. If the BB operator considers that the proposed amendments to the BB procedures are “non-material” (unlikely to have any significant financial or operational

impact on BB participants) then the amendments can be made without consultation with BB participants *provided that* BB participants are notified of the proposed amendments and given an opportunity to object if they believe consultation should be conducted on the proposed amendments. If an objection is made then the process for “material” amendments will apply.

## Division 5 – Obligations on BB Facility Operators to Provide Information

This Division of the Rules contains the main Rules governing the day to day operation of the Bulletin Board including:

- What information needs to be provided;
- Who is obligated to provide the information; and
- When does information need to be provided and updated.

In general, these requirements were set out in Tables 1A to 1D of the Final BB Report. These tables are reproduced as Appendix 3 to this document, with the right hand column having been added to provide a mapping for each requirement to the relevant rule number where the requirement has been specified.

The BBWG notes the following in relation to the data requirements specified in the Final BB Report and how these have been reflected or deviated from in the draft BB Rules:

- As noted above (in relation to Division 3) the BBWG has proposed that a production facility with a nameplate rating of <20TJ/day:
  - may be required under rule 12(6) to provide the nameplate rating of the facility to the BB operator annually (in accordance with rule 23); and
  - may be classified as a BB facility (and be required to provide information under Division 5) notwithstanding that it meets the exemption criteria in rule 11(5) if:
    - the production facility is one of two or more production facilities operated by the same operator in a single production zone; and
    - the aggregate ratings of these facilities is greater than or equal to 20TJ/day.

In proposing these Rules, the BBWG has been cognisant of the need to avoid unnecessarily onerous obligations on small facility operators while, at the same time, needing to ensure that adequate information is available on the Bulletin Board on regional supply and demand. In some cases, a blanket exemption of all <20TJ production facilities would result in a significant gap in information available on the overall availability of gas supplies.

Hence, even if a production facility is less than 20TJ/day in capacity, the BBWG has considered it reasonable that, if requested by the BB Operator, the facility operator should provide details of the facility's nameplate rating. This would require this information to be provided once a year, or updated if there is a material change. There would be no requirement for daily updates on plant capabilities. The BB Operator would be expected to request this information only where there are a number of such facilities in a production zone, such that the absence of the information would result in a materially misleading supply/demand balance indication.

For the case where a production facility operator operates multiple small facilities with an aggregate capacity of >20TJ/day in the same production zone, the BBWG considered whether to allow for information to be provided on an aggregate basis, rather than by individual facility. However, it was considered that the operator would need to gather information on each individual facility to provide aggregate details and that the process of aggregation would tend to be an *additional* task for the facility operator rather than a simplification.

- Rule 25 imposes obligations on production facility operators to provide actual production data. The purpose of this is to provide a record of the overall supply-demand history but without requiring producers to specify, necessarily, how much was injected into any particular pipeline, if two or more pipelines are involved. This will enable BB users to gauge whether there is potentially spare production capacity that may be available (by comparing actual with name plate or forecast production capacity) at different production facilities and at different locations.
- Rule 31 imposes obligations on pipeline operators to provide a linepack/capacity adequacy indicator. The purpose of this is to provide a form of “traffic light” reporting on the ability of a pipeline to meet its shippers’ delivery requirements, or end-use customer demand for gas on each gas-day over the next three days. The criteria for the “traffic light” red, amber or green flags will be specified in the procedures and will align with the concept as set out under section 4.4 of the Final BB Report. It is the clear intent that the green, amber and red flags provide an escalating indication of the projected ability to meet customer demand. Nevertheless, the GMLG’s final report identified that the criteria for these flags may differ from pipeline to pipeline, due to the differing supply, linepack and demand characteristics experienced on each pipeline. Therefore, while not specified in the Rules, it would be expected that pipeline operators would provide a “key” for publication on the Bulletin Board to explain the meaning of the green, amber and red flags as they apply to their pipeline. The process for dealing with LCA flags where information is not updated by the pipeline operator will also be dealt with in the Procedures.
- Rule 32 imposes obligations on pipeline operators to provide aggregated daily delivery nominations for each demand zone for each pipeline, other than the Victorian principal transmission system. Provisions have been made for the treatment of reverse gas flows within the BB Procedures. In the case of the Victorian principal transmission system, the obligation on the pipeline operator (VENCorp) is to provide aggregate scheduled injections (net of withdrawals, if applicable – eg at Iona) for each production zone and for the NSW-Vic interconnect.

The different approach on the Victorian principal transmission system is due to the fact that, under the Market and System Operations Rules that apply on this system, the pipeline operator (VENCorp) does not receive delivery nomination by demand zone from shippers. Instead, it receives shippers’ daily demand forecast aggregated for the entire system. These forecasts could be provided to the Bulletin Board operator and published on the Bulletin Board, but would not alone provide a useful indication of the anticipated flows on the various main pipeline segments, eg Longford – Melbourne, South-West pipeline. Therefore, the BBWG has agreed that to provide effectively the same information as is to be provided elsewhere on demand by demand zone and pipeline flows by pipeline segment, the Victorian principal transmission system operator will provide aggregated net scheduled injections at each production zone.

This proposed approach for the Victorian principal transmission system does, however, raise another potential issue, dependent upon how the production zones in Victoria are defined. To represent expected pipeline flows between the Longford production zone and the Victorian demand zone, it would arguably be most useful for production zones to be separately identified for Longford, BassGas (at Lang Lang) and the LNG storage facility (at Dandenong). However, whereas there are multiple shippers who submit bids for injections at Longford and the LNG storage facility, Bassgas is operated by OriginEnergy and injections from this facility are made solely on behalf of OriginEnergy as shipper. Therefore, publication of scheduled injections at BassGas would reveal, in advance of a day’s trading, the injections to be made at that point by an individual shipper. While, in the Victorian market, these details are publicly available *after* the event, they are currently considered to be commercially confidential and not published *prior* to the day’s trading.

If the commercial confidentiality issue should prove to be particularly sensitive, an option may be to define a production zone that includes Longford and BassGas and, hence, by publishing the aggregate scheduled injections of these sources combined “hides” the shipper specific content. Dependent upon the number of shippers who contract for LNG storage (i.e. unless it is more than two shippers), it is also arguable that this approach may need to be extended to include LNG injections as well.

#### *Victorian PTS gas flows*

Comments are, therefore, specifically sought on how this information should be provided and published for the Victorian principal transmission system. Such comments should take into account:

- the need for publication on the Bulletin Board of meaningful information on system demand and pipeline flows;
- the need to minimise imposition of additional information gathering and provision requirements on shippers and pipeline operators, over and above those currently required under existing contracts or market Rules; and
- issues of commercial sensitivity and market incentives in the Victorian gas spot market
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- Pipeline operators are subject to an additional requirement to provide the BB operator with information on the time at which the gas day starts for each BB pipeline that it operates (and to update that information if it changes) (rule 34).
- Paragraph 20(iii) of the Final BB Report refers to “*Historical production and/or storage flow data will be provided by production and storage operators and posted on the BB at the individual production facility level as well as aggregated to the supply hub*”. The following Rules implement that requirement:
  - Under rule 25(1) a production facility operator must provide the daily production data for each production facility that it operates”.
  - Under rule 28(1) a storage provider must provide daily production data for each storage facility that it operates, other than an exempt storage facility. Clearly, BB Users can aggregate this material to any production zone if they require that information.

#### **Division 6 – Publication of annual projections of gas demand**

The data requirements tables in the Final BB Report envisaged that each jurisdiction would provide peak demand day information to the BB operator in respect of each demand zone in its jurisdiction. Following discussions with jurisdictional officials this requirement has been amended to impose an obligation on the BB operator to use its reasonable endeavours to estimate peak demand day information (following consultation with the relevant jurisdictions), and publish this information on the Bulletin Board. It is noted that the requirement is for a single peak demand day for each or summer and winter.

It is recognised that actual historical delivery or flow information that has already been published on the BB in previous years will be a key input in providing these indicative peak day demand forecasts.

## **Division 7 – Emergency Information**

Under Division 7:

- a participating jurisdiction may at any time request the BB operator to activate the emergency information page for the purpose of assisting NGERAC or the relevant jurisdiction with managing a gas supply emergency;
- the BB operator must place an emergency use indicator flag on the Bulletin Board if it receives a request to activate the emergency information page; and
- Authorised representatives of participating jurisdictions may request the BB operator to publish emergency status reports on the public section of Bulletin Board.
- Provision of additional information, over and above the “standard” information requirements set out in these Rules, during times of emergencies is intended to be optional and overseen by the NGERAC or relevant jurisdictional emergency management processes. There are no requirements set out in the draft Rules in this regard. The NGERAC Emergency Procedures include a pro-forma setting out the type of information to be provided in the event of an emergency and by whom. Frequency of updates would depend upon the situation and would be advised by NGERAC or the relevant jurisdictional body managing the emergency event

## **Division 8 – Access to Bulletin Board**

Any person including the general public will be able to access the Bulletin Board, subject to agreeing to the terms of use in the “click wrap” agreement.

As indicated under Division 3 above, there will be no requirement for parties who simply wish to view information on the Bulletin Board (other than emergency information) to register. Access will be via a web page and subject only to agreeing to the terms and conditions specified in a “click wrap” agreement upon entry to the site.

Access to the emergency information page will be restricted to BB participants that are registered under Division 3.

While access to the BB will be free of charge the BB operator may charge a fee for the provision of access to archived information.

## **Division 9 – Cost Recovery by BB Operator**

Various options for the recovery of the BB operator’s costs have been discussed by the BBWG and are described below. In considering the various options for cost recovery the BBWG has considered the following considerations:

- The likely quantum of costs. The BB operator expects the annual costs of operating the BB to be in the order of \$150,000 to \$200,000 per annum assuming administrative costs can be kept to a minimum. On a simple volume basis the fee would be of order 0.03 cents/GJ;
- The importance of an effective and efficient model for recovering costs. The BB operator should not be left “out of pocket” and the costs of administering the cost recovery process should not be out of

proportion to the amounts recovered. Accordingly, a simple to administer and efficient fee structure is required but without being a general revenue raising measure or providing any cross-subsidization of any other functions of the BB operator;

- The importance of limiting barriers to entry while still sharing costs in a fair and equitable manner;
- The impact of the cost recovery process on fee paying users with differing volumes/market share.
- The consideration already provided by some parties who access the BB (ie the costs that pipeline operators, storage providers and producers will incur in providing to the BB operator and the upfront implementation costs of the Bulletin Board paid for by jurisdictions).

The BBWG considers that, on balance, imposing fees on shippers is the most efficient and fair way to achieve this for the following reasons:

- Shippers are considered to be the main direct industry beneficiaries from the provision of system and market information on the BB and any ensuing facilitation of trade in gas and capacity.
- Shippers are not required to provide information to the BB operator and accordingly do not provide any indirect consideration for the provision of services by the BB operator.
- Other beneficiaries of the BB will be retailers and end users. Shippers can efficiently pass through an appropriate portion of the costs associated with the BB to end-users and retailers as their customers.
- Pipeline operators, producers and storage providers will have limited use for the BB, and have already been required to bear any capital and operational costs incurred by them in posting the required information on the BB. This is seen as sufficient consideration for the services provided to those parties.
- Governments as users of the BB have paid for the establishment costs of the BB.
- Although the fee is to be imposed on shippers by reference to the quantity of gas carried by them during a year and not by reference to their usage of the BB, this is considered to be a reasonable basis for cost allocation as larger users are likely to have a greater need for reference to the BB. In the market as a whole those with the most use of gas have the most potential to gain from the trading opportunities presented by the BB.
- There are 4 major shippers (> 50 PJ/year) and perhaps 10 to 15 minor shippers that fall within the definition of fee paying users and the amount involved is not considered overly significant. Therefore, this would have low administration costs.
- Any other person who accesses the BB, while they may find the information interesting, is unlikely to gain any significant economic value from the information that would warrant the charging of any other fees for access. The provision of public access also adds no additional costs to the system.

### *Cost recovery model in the draft BB Rules*

The proposal in the draft BB Rules is that the annual operating costs for the BB will be recovered from “fee paying users” on the following basis:

- Each year the BB operator will estimate its costs of operating and maintaining the BB plus the difference between its actual costs and estimated costs for the previous invoice period (**estimated BB costs**);

- The BB operator will recover from each fee paying user that percentage of the estimated BB costs that is equal to the total gas deliveries allocated to the fee paying user on all BB pipelines on which it received a pipeline service in the previous invoice period divided by the total gas delivered from all BB pipelines in the previous invoice period.
- At the end of the relevant year, a “true up” to actual costs and actual pipeline services during that year will occur.

This model of cost allocation has been termed the “100% variable” model by the BBWG because fee paying users will pay a share of the estimated BB costs based on their “use” of the BB pipelines (i.e. pro rata to their share of gas deliveries on the BB pipelines).

The key perceived advantage of this approach is that quantum of fee is linked to “use” of the BB pipelines. The key perceived disadvantage is that in order to recover costs the BB operator will be required to collect gas delivery allocation information for each fee paying user.

The BBWG considers that this proposal is the most efficient and equitable, and proposes that it be incorporated in the Rules. It is based upon a rational link between the consideration provided by each of the primary users of the BB and the value of the services provided by the BB operator in making the BB accessible and useful to those parties.

### ***Alternative models for cost recovery discussed by the BBWG***

Alternative models for cost allocation that have been discussed by the BBWG are:

- Split fixed/variable cost recovery model

Under this model, the estimated BB costs are split into amounts for allocation amongst fee paying users based on “fixed” and “variable fees (e.g. 30% of estimated BB costs will be considered “fixed costs” and 70% will be considered “variable costs”). A fee paying user will be required to pay an equal share of the fixed costs. The variable cost component will be shared amongst fee paying users on the basis of “use” of the BB pipelines (as for the “100% variable” model described above).

A variation of this model considered by the BBWG involved a 50/50 split between fixed costs and variable costs and an allocation amongst fee paying users as described above.

The advantage of this approach is that the fixed fee recognises that all fee paying users should gain some advantages from the Bulletin Board not linked to its use of the pipelines.

The disadvantages are the complexity involved in allocating fees on this basis and the relatively large costs that would be imposed on smaller shippers.

Eg A 30 :70% fixed to variable fee split across 15 shippers equates to \$4000 fixed and 0.023 cents /GJ variable charge for a 600 PJ Eastern Australian market and \$200,000 annual BB operating costs.

The annual fee for a 100 PJ shipper would be (\$4000 fixed + \$23,000 variable =\$27,000), whereas the annual fee for 1 PJ shipper would be (\$4000 fixed + \$230 variable =\$4230). The annual charges are about 6:1 whereas the shipper revenue is around 100 to 1.

- Fixed cost recovery model

Under this model, the estimated BB costs will be split equally between fee paying users.

The advantage of this approach is its simplicity in terms of the recovery process – would also better facilitate imposition of fees on large end-users and gas fired generators if they choose to register as BB participants separately (inclusion of a variable component requires separate usage of registered end-users within their shippers' quantities).

The disadvantage is that it may pose a barrier to entry or unfairly impact on shippers or end-users with low volumes/low "use" of the BB pipelines by imposing a relatively high cost. The example shown in the immediate section would translate to a fixed annual of \$13,300 for all shippers, regardless of size and could not easily be justified for smaller shippers.

- Tiered fixed cost recovery model

This model is a variation on the fixed cost recovery model except that fee paying users would be grouped into two or more categories based on gas deliveries so that, for example, shippers that ship less than, say, 20 PJ per annum would pay a lower fixed fee and shippers that ship more than, say, 20 PJ would pay an equal share of the balance of the BB costs.

The advantage of this approach is that it may reduce the unfair impact of the fixed cost recovery model on small shippers while retaining some of the simplicity of that model.

A disadvantage is that the "cut-off" between small and large shippers may be considered arbitrary and the BB operator would be required to collect information on the gas deliveries in order to determine which category to place each fee paying user in.

## **Division 10 – Cost Recovery by Pipeline Operators**

Under Division 5 of the draft BB Rules pipeline operators have obligations to aggregate certain delivery nomination data of shippers and provide that aggregated data to the BB operator. Under Division 10 pipeline operators are entitled to apply to recover their costs of aggregating data from the BB operator (who will then include these costs in the total Bulletin Board costs recovered under Division 9).

The BBWG notes that, while the BB Final Report indicated that the charges made by the pipeline operators would be determined through consultation, the draft BB Rules are drafted on the basis that actual costs may be recovered provided that reasonable evidence is provided that those costs have been incurred and the BB operator is satisfied in light of that evidence that the invoice should be paid.

To assist the BB operator in making an assessment of the evidence presented by the pipeline operator, the BB operator will publish invoices received from pipeline operators for provision of these services. Third parties will have up to ten business days to raise any objection to the BB operator making the payment in question. Such objections may be referred by the BB Operator to the AER for review, and the AER must provide advice to assist the BB operator within 15 business days.

## **Division 11 – General**

Division 11 contains provisions in relation to payment of GST on fees for services provided under the draft BB Rules.

## **PART B – Bulletin Board Law Provisions**

### **Background**

Minor additions to the draft National Gas Law (NGL) are required to support the package of Bulletin Board Rules for inclusion in the National Gas Rules (NGR). The attached NGL provisions are designed to legally empower the Bulletin Board Rules, as well as dealing with issues of liability and confidentiality surrounding the provision of information for the Bulletin Board.

The Law provisions establish the BB operator, define the scope of its functions and powers, and allow Rules to be made supporting the BB. The Law provisions also protect information given to the BB operator (sections 188 and 189) and allow the BB operator to collect fees to fund its operations (section 183).

MCE's Standing Committee of Officials intends to include the BB Law provisions as Chapter 6 of the initial NGL, which is due to be introduced into the South Australian Parliament in the first half of 2008. For the purpose of consultation on the BB provisions, stakeholders can assume that the relevant parts of the final NGL will closely resemble the second exposure draft.<sup>3</sup> SCO invites submissions on the Bulletin Board provisions by 20 February 2008.

### **The Provisions**

#### *The Bulletin Board Operator*

Section 178 of the draft Law provisions specifies that the BB operator is the person prescribed by regulation as the BB operator. VENCORP will be prescribed as the initial BB operator, and it is intended that the proposed Australian Energy Market Operator will take over the role of BB operator in the future.

Sections 179, 180 and 181 empower the BB operator to perform the functions and exercise the powers of the BB operator, these being chiefly to establish and maintain the BB and to collect and publish information for the BB. These functions are enumerated generally in the Law, with further detail on the proper performance of these functions provided in the BB Rules. Section 183 allows the BB operator to collect fees specified in the Rules for access to the BB.

#### *Provision of information to the Bulletin Board Operator*

Section 184 allows the Rules to require that certain persons provide particular information to the Bulletin Board. The scope of the information provision obligations on these persons is detailed in the Rules. Section 184 will be prescribed as a civil penalty provision, such that the failure to provide information to the BB operator in accordance with the Rules may be enforced by the AER and incur a civil penalty.

Further, section 186 provides that a person who knowingly provides to the BB operator information that is false or misleading may incur a civil penalty.

Information may also be given to the BB operator voluntarily under the Rules (ie when a shipper advertises gas for sale). This is accommodated within the definition of Bulletin Board information and throughout the head of power when that term is used.

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<sup>3</sup>

### *Immunity and Protection of Information*

The Law also includes provisions giving the BB operator immunity from liability in the performance of its functions (section 182) and similarly protecting parties in instances where they provide information to the BB operator in accordance with the Rules (section 187). These immunities do not extend to circumstances where the liable party has acted in bad faith or negligently. Liability for negligence is also capped by Regulation. These provisions are modelled on the NEMMCO indemnity in section 119 of the National Electricity Law.

Sections 188 and 189 prevent improper use of information by the BB operator or its employees or contractors. The breach of these provisions may incur a civil penalty.

### *Empowerment of the BB Rules*

Importantly the NGL provisions empower making and amending of the BB Rules. This is done by adding a new section 73(1)(a)(iii) which gives a general power to make Rules about "the collection, use, disclosure, copying, recording, management and publication of information in relation to natural gas services" and by adding new items to Schedule 1 of the NGL allowing Rules to be made about specific matters.

As for other Rules made under and in accordance with the NGL, the BB Rules will be able to be amended by the Australian Energy Market Commission in accordance with the relevant NGL provisions (Chapter 8 of the second exposure draft). The BB operator will be able to take advantage of the fast track rule change procedure to initiate an amendment to the Rules.

## PART C – Application of the Trade Practices Act to the BB Rules.

The BBWG obtained advice from Allens Arthur Robinson dated 8 January 2008 regarding competition law issues arising from the Rules. That advice is set out below for information.

### 4. Competition Law issues

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4.1 Broadly speaking, the *Trade Practices Act 1974* (Cth) (**TPA**) prohibits:

- (a) entering into a contract, arrangement or understanding that contains a provision which has the purpose, effect or likely effect of substantially lessening competition (s.45(2)(a)(ii));
- (b) entering into a contract, arrangement or understanding that contains an exclusionary provision (ie. a provision that, as between competitors, has the purpose of preventing, restricting or limiting the supply of goods or services to, or the acquisition of goods or services from, particular persons or classes of persons) (ss.4D, 45(2)(a)(i));
- (c) entering into a contract, arrangement or understanding that contains a provision that, as between competitors, has the purpose, effect or likely effect of fixing, controlling or maintaining the prices of goods or services that are supplied or acquired by those competitors (ss.45(2)(a)(ii), 45A);
- (d) giving effect to a provision of a kind referred to above (s.45(2)(b)); and
- (e) engaging in "exclusive dealing" (s.47(1)), that is:
  - (i) supplying or acquiring goods or services on the condition that the counterparty accepts a restriction of a proscribed kind (eg. that it will not acquire or supply goods or services from or to a competitor of the first-mentioned party) – this kind of conduct is only prohibited if it has the purpose, effect or likely effect of substantially lessening competition (s.47(2), (4), (10));
  - (ii) refusing to supply or acquire goods or services for the reason that the counterparty has not agreed to accept a restriction of a proscribed kind (as described above) – again, this kind of conduct is only prohibited if it has the purpose, effect or likely effect of substantially lessening competition (s.47(3), (5), (10)); or
  - (iii) supplying goods or services on the condition that the counterparty will also acquire goods or services from another person or refusing to supply goods or services for the reason that the counterparty has not agreed to also acquire goods or services from another person – this kind of conduct, which is known as "third line forcing", is prohibited irrespective of its purpose or effect (s.47(6), (7)).

In this letter these prohibitions are referred to as the 'principal TPA prohibitions'.

4.2 As can be seen from the description of the principal TPA prohibitions above, the application of these prohibitions depends upon there being:

- (a) some form of consensual arrangement in the form of a contract, arrangement, understanding or underlying transaction; and
- (b) in most cases (ie. other than third line forcing), a proscribed purpose or effect.

Where obligations are imposed by law (such as is the case with the NGR: see NGL, s.25), there is no contract, arrangement, understanding or transaction (ie. no consensual arrangement) which is capable of attracting the operation of the principal TPA prohibitions. Instead, those who are bound

by those obligations perform them, not because they have agreed to do so, but because they are required by law to do so.

- 4.3 Equally, where the law or other mandatory rules specify the terms on which goods or services are to be supplied, then it is the law or rules, and not any contract, arrangement, understanding or transaction, that has a purpose or effect that may be proscribed by the principal TPA prohibitions. However, the TPA does not in any way invalidate laws or rules that have such a purpose.
- 4.4 These views are supported by an opinion obtained from Senior Counsel in the context of the "conversion" of the National Electricity Code into a set of rules made under the National Electricity Law.<sup>4</sup>
- 4.5 So, for example, to the extent the requirement to register (r.6) may be construed as having the effect of substantially lessening competition because registration is a precondition to being able to have voluntarily provided information included on the Bulletin Board (see rr.32, 33) or to being entitled to access the emergency information page (r.44), the fact that the draft rules require that only registered BB participants can have their information included on the Bulletin Board or can access the emergency information page takes this requirement outside the principal TPA prohibitions (any anti-competitive effect follows from the law not from any contract, arrangement or understanding).
- 4.6 However, the application of the principal TPA prohibitions will only be avoided where the conduct that would otherwise infringe the TPA is undertaken in accordance with (ie. as required by) the obligations that have been imposed by law. So, for example, the fact that the law merely requires or contemplates entry into an agreement between competitors would not eliminate the possibility of that agreement breaching a principal TPA prohibition where the agreement contains an exclusionary provision, an exclusive dealing provision or a provision that substantially lessens competition. This means that care must be taken to ensure that the BB terms of use, which are contemplated (but not prescribed) by the draft rules, do not contain any such provisions.
- 4.7 In order to avoid any implication of a contract, arrangement or understanding arising out of the draft rules, I have also suggested amendments to remove contractual-type language. For example:
- (a) rule 42 (now r.41(2)) has been redrafted to replace the references to acknowledgement, agreement and consent with deemed agreement; and
  - (b) rule 56(3) has been redrafted to remove the reference to warranty.
- 4.8 If the amendments suggested in this letter are made to the draft rules then it is my view that the draft rules will not breach any of the principal TPA prohibitions.
- 4.9 Finally, I note that the Final Report of the Gas Market Leaders Group on Bulletin Board Business and Data Requirements (September 2007) addresses the potential exposure of the BB operator and information providers for misleading or deceptive conduct under section 52 of the TPA (and the corresponding State fair trading legislation equivalents), and the ways in which that exposure can be managed (pp.42-45). I have not given independent consideration to these issues (eg. as to whether the State application legislation could or should seek to exclude or limit the operation of the relevant fair trading legislation to the Bulletin Board), but would be happy to do so should you so require.

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<sup>4</sup> Noel Hutley SC and Sarah Pritchard, Memorandum of Advice dated 5 August 2004 (available on <http://www.mce.gov.au>).



**Appendix 1a. – Initial list of BB pipelines (preliminary only – table to go in schedule to BB Rules)**

Pipeline	Operator	Description
Eastern Gas Pipeline	Alinta	Longford to Sydney/ACT/Wollongong
Moomba - Sydney Pipeline System	APA Group	Moomba to Sydney/ACT
Queensland Gas Pipeline	Alinta	Roma to Gladstone
South West Queensland Pipeline	Epic Energy	Ballera to Roma
Roma - Brisbane Pipeline	APA Group	Cooper-Eromanga, Bowen/Surat
Carpentaria Pipeline	APA Group	Ballera to Mt Isa
QNS Link		Ballera to Moomba (proposed for 2009/10)
Moomba - Adelaide Pipeline System	Epic Energy	Moomba to Adelaide
SEA Gas Pipeline	SEA Gas P/L	Port Campbell to Adelaide
Tasmania Gas Pipeline	Alinta	Longford to Bell Bay and Tasmania
Longford to Dandenong/Wollert	VENCorp	Longford to Dandong & Wollert
South West Pipeline	VENCorp	Port Campbell to Geelong/Melbourne
NSW-Victoria Interconnect	VENCorp	Wagga Wagga to Barnawartha (metered at Culcairn)

**Appendix 1b. – Initial list of BB production facilities (preliminary only, Old CSM operators in particular have to be reviewed – table to go in schedule to BB Rules)**

Production Facility	Operator	Description
Minerva	BHPB	Natural Gas
Longford	Esso	Natural Gas
Orbost (Patricia Baleen)	Santos	Natural Gas
Otway GP (Thylacine and Geographe)	Woodside	Natural Gas
Bass Gas (Yolla)	OriginEnergy	Natural Gas, Pakenham Injection Point
Moomba	Santos	Natural Gas
Moura	Anglo Coal	Coal Seam Methane
Mungi	Anglo Coal	Coal Seam Methane
Kogan North	Arrow Energy	Coal Seam Methane
Tipton West	Arrow Energy	Coal Seam Methane
Daandine	Arrow Energy	Coal Seam Methane
Dundee (proposed)	Arrow Energy	Coal Seam Methane
Silver Springs	Mosaic	Coal Seam Methane
Churchie	Santos	Coal Seam Methane
Denison Trough	OriginEnergy	Coal Seam Methane
Spring Gully	OriginEnergy	Coal Seam Methane
Kincora	OriginEnergy	Coal Seam Methane
Peat	OriginEnergy	Coal Seam Methane
Moura – Origin	OriginEnergy	Coal Seam Methane
Newstead	OriginEnergy	Coal Seam Methane
Talinga	OriginEnergy	Coal Seam Methane

Fairview	Santos	Coal Seam Methane
Roma/Wallumbilla	Santos	Coal Seam Methane
Scotia	Santos	Coal Seam Methane
Ballera	Santos	Natural Gas
Berwyndale South	QGC	Coal Seam Methane
Argyle Kenya (proposed)	QGC	Coal Seam Methane
Camden CSM	AGL/SGC	Coal Seam Methane
Hunter CSM (proposed)	AGL/SGC	Coal Seam Methane

**Appendix 1c. – Initial list of BB storage facilities**

**(preliminary only – table to go in schedule to BB Rules, there are other storage facilities in Qld that have to be considered)**

Storage Plant	Operator	Operator
Iona UGS	TRUenergy	Natural Gas
LNG Dandenong	APA GasNet	Liquefied Natural Gas

Appendix 2 Initial list of BB Production and Demand Zones (preliminary, to be published on BB and in BB procedures)

BB Zone Name	BB Zone Code	BB Zone type	Description
Victorian Principal Transmission System	VPTS	Demand	All demand supplied on Vic PTS, excluding net exports via NSW Interconnect, includes flows to Western Transmission system, flows to Wimmera pipeline, flows to NSW on laterals
Tasmanian Gas Pipeline	TGP	Demand	All demand supplied through TGP excl net flows via VicHub to Vic PTS
Eastern Gas Pipeline	EGP	Demand	All demand supplied through TGP
Moomba to Adelaide Pipeline System	MAP	Demand	All demand supplied through MAP
Moomba to Sydney Pipeline system	MSP	Demand	All demand supplied through MSP excluding export to VPTS vis Interconnect
SEA Gas	SEAG	Demand	All demand supplied through SEA Gas excludes net flows into Iona UGS, flows on Minerva to Port Campbell pipeline
Adelaide	ADEL	Demand	All demand supplied through SEA Gas Cavan CG and MAP Gepps Cross CG, Torrens Island and Pelican Point gas fired generator loads
Australian Capital Territory	ACT	Demand	Demand supplied through Hoskinstown City Gate and
Sydney	SYD	Demand	Demand downstream of MSP Wilton CG, EGP Horsley Park CG and EGP Wollongong CG excluding Smithfield and Port Kembla loads with contracted supply from EGP
Roma to Brisbane Pipeline	RBP	Demand	Demand supplied via RBP downstream of Wallumbilla includes Braemar pipeline loads and demand on other linked pipelines or laterals
Queensland Gas Pipeline	QGP	Demand	Demand supplied via QGP downstream of Wallumbilla includes Rockhampton to Marlborough loads
South West Queensland Pipeline	SWQP	Demand	Ballera to Roma includes demand on Cheepie to Barcardine line
Carpentaria Pipeline	CP	Demand	Ballera to Mt Isa include demand on Cannington line
Gippsland/Bass Basins	GB	Production	Production with gas sourced from the Otway Basin and Iona UGS injected and with drawn in SWP or SEA Gas pipelines in the Port Campbell locale
Otway Basin	OTW	Production	Production with gas sourced from the Gippsland and Bass Basins includes gas injected at Longford, Orbost and Pakenham (BassGas)
Cooper Basin	COOP	Production	Gas sourced from Cooper Basin or processed in Moomba locale
Eromanga Basin	ERO	Production	Gas sourced from Cooper Basin or processed in Ballera locale

Roma	BOWS	Production	Gas sourced from Bowen/Surat Basins including CSM and processed in Roma locale and supplied into the QGP, RBP or SWQP. This is a demand zone from the perspective of the SWQP.
Sydney Basin	SYB	Production	

### Appendix 3 – Data requirements tables

Table 1A. Bulletin Board Data Requirements - Production and Storage							
Item	Data to be published (TJ or TJ/d)	Note	Provider	Provided/updated	Triggers for updating	Units	Draft BB Rule reference
Production Capacity	Production MDQ ("nameplate rating")	NGERAC Standing Data	Production Facility Operator	Once off. Annual confirmation	Longer term change usually due to augmentations, plant retirement, plant mothballing, rating change	TJ	23(1)
Production Capacity	Daily production capacity 3d outlook	also provision for free text comments	Production Facility Operator	As required	Material changes – usually due to shorter term planned/unplanned outages	TJ	24(1)
Storage LNG or UGS	Holding Capacity ("nameplate rating")	NGERAC Standing Data	Storage Facility Operator	Once off. Annual confirmation	Longer term change usually due to augmentations, plant retirement, plant mothballing, rating change	TJ	26(1)
LNG or UGS	Supply MDQ ("nameplate rating")	NGERAC Standing Data	Storage Facility Operator	Once off. Annual confirmation	" "	TJ	26(1)
LNG or UGS	Refill MDQ ("nameplate rating")	NGERAC Standing Data	Storage Facility Operator	Once off. Annual confirmation	" "	TJ	26(1)
LNG or UGS	Daily supply capacity 3d outlook	Excepting nameplate ratings, storage will be treated as production. Provision for free text comments	Storage Facility Operator	As required, 6pm d-1, local time	Material changes – usually due to shorter term planned/unplanned outages	TJ	27(1)
Actual Daily Production	Actual gas production/storage for previous gas days by BB facility	<b>GMLG Decision:</b> Daily metered flows from each individual production/storage facility will be published by individual facility. Storage nets off flows into storage	Production Facility Operator, Storage Facility Operator	One day or two in arrears as required	Daily	TJ	25(1), 28(1)

Appendix 3 – Data requirements tables cont..d

Table 1B. Bulletin Board Data Requirements - Pipeline Capacity and Linepack/Capacity Adequacy							
Item	Data to be published (TJ or TJ/d)	Note	Provider	Provided/updated	Triggers for updating	Units	Draft BB Rule reference
Pipeline Capacity	Pipeline Capacity ("nameplate rating")	NGERAC Standing Data, where bidirectional, for both directions, daily capacity	Pipeline Operator	Once off. Annual confirmation	Longer term change usually due to augmentations, plant retirement, plant mothballing, rating change	TJ	29(1)
Pipeline Capacity	3d Forecast Daily transportation capacity	For each BB pipeline . Provision for free text comments. Assume normal operating conditions	Pipeline Operator	As required, 6pm d-1	Material changes – usually due to shorter term planned/unplanned outages	TJ	30(1)
Linepack/ Capacity Adequacy of BB pipeline	G, A, R indicator/flag for each of next 3 days	G = business as usual, A = Voluntary load shedding likely/happening, R = Involuntary load shedding likely/happening. (Vic PTS: A = LNG scheduled, R = Level 5 emergency status declared).  Provision for free text comments	Pipeline Operator	Changes during events, or as required by 6pm d-1, local time	Change to status Eg Unexpected plant outage or demand that may result in load shedding or recovery after such an event	Flag	31(1)

Appendix 3 – Data requirements tables cont..d

Table 1C. Bulletin Board Data Requirements - Forecast and Actual Gas Demand							
Item	Data to be published (TJ or TJ/d)	Note	Provider	Provided/updated	Triggers for updating	Units	Draft BB Rule reference
Forecast Demand	Forecast Winter and Summer Peak Day	NGERAC Standing Data by Hub/State	Jurisdiction	Annually by 1 Dec	Material Change to 1 Dec forecast	TJ	39
Delivery nominations on BB pipelines	Aggregate delivery nominations from BB pipeline by zone for next gas day. In Vic scheduled injections	Provision for free text comments.	Pipeline Operator	Next gas day delivery noms provided each night by 6pm local time	Daily	TJ	32(1)(a)
Forecast Delivery nominations on BB pipelines	Aggregate forward daily nominations for BB pipeline (up to 7 days) by zone In Vic scheduled net injections	<b>GMLG Decision:</b> Delivery nominations will be aggregated by each pipeline operator to demand hub level and published by individual pipeline	Pipeline Operator	Period specified in contract on set day as per contract/market arr. Typically weekly. By 6pm local time	New nomination due	TJ	32(1)(b)
Actual Pipeline Gas Deliveries on BB pipelines	Actual deliveries for previous gas days by pipeline to zone In Vic, actual net injections.	<b>GMLG Decision:</b> Daily metered deliveries (actual flows) by pipeline to each hub will be published by individual pipeline. It will be indicated that this is operational data only.	Pipeline Operator	One day or two in arrears as required	Daily	TJ	33(1)

Appendix 3 – Data requirements tables cont..d

Table 1D. Bulletin Board Data Requirements - Capacity and Supply Offers, BB Participant Contact Details, Emergency Use								
Item	Data to be published (TJ or TJ/d)	Note	Provider	Provided/updated	Triggers for updating	Units	Draft BB Rule reference	
Capacity Offers	Capacity, invitation to treat	Hub, Pipeline, Posted Date-Time, Start Date, EndDate, MDQ, MHQ, Service Desc, Price, Open/Closed Status, Company & Contact details. Voluntary. Deliv point in Service Desc if req	Shipper, Pipeline Operator	As required	Change to offers. New Offers. Expired offers		35(1)	
Supply Offers	Supply, invitation to treat	Hub, Pipeline, Posted Date-Time, Start Date, EndDate, MDQ, MHQ, Service Desc, Price, Open/Closed Status, Company & Contact details. Voluntary, includes Storage/Production facility, Deliv point in Service Desc if req	Shipper, Production Facility Operator	As required	Change to offers. New Offers. Expired offers		36(1), 36(2)	
Participant Contact details	Company name, title, name, address, phone, fax, email	One company may have several contacts for different purposes	All	Confirm annually or as changes occur	Change		37(1)	
BB Emergency Use	BB Emergency Use Flag	This supersedes the 'NGERAC convened' flag originally proposed.	NGERAC, Jurisdiction	As required	Request from NGERAC chair or Jurisdiction	Flag	42	
Emergency Status Report	Approved statement to public	Use by NGERAC or JU. Subject to NGERAC or JU procedures or JU and appropriate authorisation	NGERAC, Jurisdiction	As required	Material Change to status	Flag	43	

