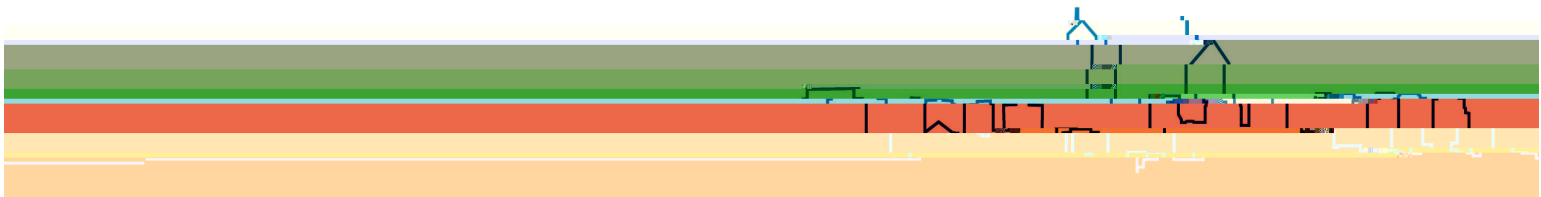
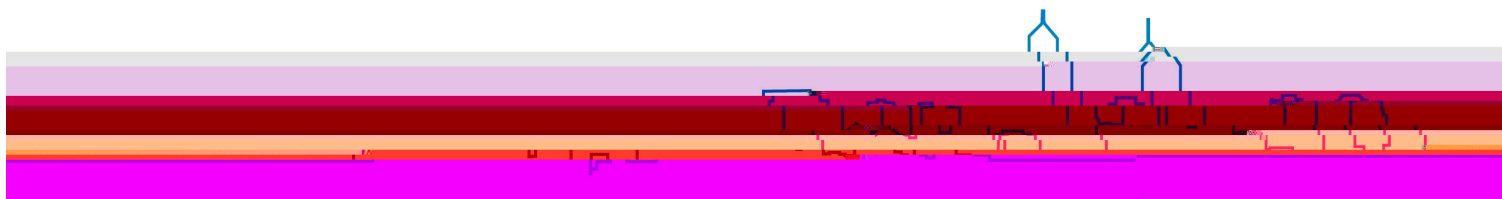




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Wholesale Electricity Market Rule Change Proposal Form

Change Proposal No: RC_2012_10
Received date: 14 June 2012

Change requested by:

Name:	Will Bargmann
Phone:	6212 1051

- (a) The concept of “discrimination” in market objective (c) is not defined.
- (b) Dictionary definitions generally refer to “discriminate” or “discrimination” as distinguishing one thing from another, or expressing a preference for one thing over another.
- (c) The law recognises a distinction between direct and indirect discrimination. By analogy, direct discrimination involves treating a Facility or a technology in a different manner (in a less favourable sense) from the manner in which another Facility or technology would be treated in comparable circumstances. Indirect discrimination occurs where two Facilities or technologies appear to be treated equally, but the impact of such “equal” treatment is that one Facility is in fact treated less favourably than the other.
- (d) The concept of “discrimination” used in market objective (c) is interpreted by reference to, and is generally complimentary with, the other market objectives and, in a broader sense, the operation of the Market Rules.

On the basis of this legal advice, Synergy considers that it is permissible for the Market Rules to treat Scheduled Generators and Non-Scheduled Generators differently from other types of Facilities, where that different treatment is based on fundamental differences in the characteristics of those Facilities. This interpretation is more consistent with the market objectives and the operation of the market rules.

In making this change, the market recognised that conventional generation, as opposed to DSPs, is prone to being unreliable for several months after commissioning as issues not discoverable in the lead up to and during commissioning become evident and are rectified.

Generators commissioned between Energy Market
Commencement and 30 November 2007, inclusive; and

- iii. from the Trading Day commencing on 1 October 2007 for
Interruptible Loads, Curtailable Loads or Dispatchable Loads

