

Re: Application for review of the decision by the Economic Regulation Authority for amendment to the Technical Rules dated 2 March 2016 and titled "Clause 2.9.4 - Weak in-feed fault conditions".

Application by:

STEPHEN DAVIDSON

Applicant

APPLICATION FOR REVIEW

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Prepared by:

Stephen Davidson
33 Henry Street
Shenton Park WA 6008

Tel.: (08) 9388 8646
Email: stephendavidson144@gmail.com

Pursuant to Chapter 10 of the *Electricity Networks Access Code 2004 (the Code)* the Applicant applies for review of the Final Decision (**Decision**) made in November 2016 by the Economic Regulation Authority (**Authority**) and placed on the public register kept by the Code Registrar under the Code on or about 9 November 2016 whereby the Authority approved the proposed revised wording of clause 2.9.4 and defined new term Weak Infeed Fault Conditions in the Glossary submitted by Western Power Corporation on 3 November 2016 under section 12.50 of the Code.

The application seeks the following final orders: -

1. The Decision of the Authority be set aside or varied to give effect to the matters asserted in the grounds for this application.
2. Further or alternatively the Electricity Review Board to draft and approve the original wording of clause 2.9.4 and remove definition of the term Weak Infeed Fault Conditions from the Glossary to give effect to the matters asserted in this application.
3. Further or alternatively the Electricity Review Board to order temporary stay of implementation of sections 6.9 to 6.12 of the Access Code (which allow for the end-of-the Access Arrangement period adjustment of the regulated revenue resulting from any changes to the TR) with respect to Decision to

change clause 2.9.4 until the issues raised in this Application is resolved to give effect to the matters asserted in this application.

4. Such further or other orders as may be appropriate.

The grounds for this application are annexed.

Applicant

S. Davidson

GROUNDS

1. The Authority erred in its finding of facts or the exercise of its discretion was incorrect or was unreasonable having regard to all the circumstances in approving amendment to the Technical Rules dated 2 March 2016 and titled “Weak Infeed Fault Conditions” by substantially relying on the inappropriate, for the purpose of changing the Technical Rules, interpretation of the National Electricity Rules (**NER**) requirements NER Table S5.1a2, clause S5.1a8. Fault Clearance Times, Chapter 5 Network Connection, Planning and Expansion.

- (a) The above is evidenced from the Western Power’s interpretation of NER Table S5.1a2¹:

“NER Table S5.1a.2 sets out the equivalent requirements (for distribution connected PPGs this is with nominal voltage at fault location typically of less than or equal to 100 kV) to be achieved;”

whereas the requirements of NER Chapter 5 only ‘apply’ to parts of the SWIN that are covered by the Wholesale Electricity Market Rules (**Market Rules**) and do not ‘apply’ to parts of the SWIN that are covered under Chapter 5 of the Technical Rules.

2. The Authority erred in its finding of facts or the exercise of its discretion was incorrect or was unreasonable having regard to all the circumstances in approving amendment to the Technical Rules dated 2 March 2016 and titled “Weak Infeed Fault Conditions” by substantially relying on the inappropriate, for the purpose of changing the Technical Rules, interpretation of the stakeholder engagement:²

“In December 2015, Western Power engaged with protection subject matter experts in other electrical utilities in Australia to gain a better understanding of industry practices with regards to the treatment of weak infeed fault condition scenarios.

Findings included:

¹ Western Power, *Submission to the Economic Regulation Authority for Amendments to the Technical Rules – Weak infeed on transmission and distribution protection systems, Submission for the Economic Regulation Authority*, 2 March 2016, 2nd last paragraph, page 8.

² Western Power, *Submission to the Economic Regulation Authority for Amendments to the Technical Rules – Weak infeed on transmission and distribution protection systems, Submission for the Economic Regulation Authority*, 2 March 2016, Section 2, Table, Row 2.7, page 7.

- *Distribution Network Service Providers (DNSP) carry out case by case assessments for connection applications (but no exemption process was found);*
- *Where necessary, additional protection issues are addressed;*
- *The assessment includes determination of an appropriate good electricity industry practice treatment i.e., “as necessary to prevent plant damage and to meet stability requirements.”*

whereas no comparison with respect to the “ (no) exemption process was found” could be made with the National electricity legislation and regulation, because it does not provide for the equivalent exemption process. Namely, it employs the concept of ‘minimum and automatic access standards’ in lieu of the ‘exemption process in the SWIN in WA’.

3. In addition, distribution systems in the National Electricity Market (NEM) are the jurisdiction of the individual states, for which the NER do not apply and over which the Australian Energy Market Operator (AEMO) has no jurisdiction.
4. Western Power’s arguments of Items 1 and 2 here were not in good faith and were misleading because past Technical Rules presentations by Western Power referred to NER Chapter 5 and the ‘Distribution Code’ in each state jurisdiction. For example, in earlier submission(s) to the Authority during the process of creating the Technical Rules (then Technical Code) 2007, and; at the System Restart Forum in Perth on 25 February 2015, titled “Technical Rules”.
5. For the reasons explained in Items 1 to 4 here, the Authority erred in its finding of facts or the exercise of its discretion was incorrect or was unreasonable having regard to all the circumstances in approving amendment to the Technical Rules dated 2 March 2016.
6. The Authority erred in its finding of facts or the exercise of its discretion was incorrect or was unreasonable having regard to all the circumstances in approving for amendment to the Technical Rules dated 2 March 2016 and titled “Weak Infeed Fault Conditions” when this is inconsistent with the objectives and sections 12.1, 12.2 and 12.3 of the Code by considering the previous exemption from compliance with the requirements of clause 2.9.4 of the Technical Rules it granted to Western Power in July 2016 as an argument

that supports the request for amendment, whereas that exemption was not required at all.

As evidence and for brevity, please see the attached *Application for review of the decision by the Economic Regulation Authority for exemption from compliance with the Technical Rules clause 2.9.4 Maximum Total Fault Clearance Times dated 15 July 2015* recently made to the Electricity Review Board.

7. The Application of Item 6 here states (in its Item 42):

“Pursuant to clause 3.1(b) and clause 3.6.10.1(i), the requested non-exporting operation of Item 17 here requires a reverse power protection relay. This relay must be located at the connection point (where the MSG is connected to the public distribution system and its electricity consumption measured). The relay should be set to 0 (zero) export limit and instantaneous trip time, ie with 0 (zero) intentional trip delay time.”
8. The Applicant submits that the example of Item 7 here applies for the zero export limit. For any non-zero export limit the reverse power protection relay could be set to that particular value. The time setting should remain unchanged.