



**ENERGY SECURITY BOARD
INTERIM RELIABILITY MEASURES -
RRO TRIGGER**

Recommendation for
National Electricity Amendment (Retailer
Reliability Obligation trigger) Rule 2020
Decision Paper October 2020

Energy Security Board

Recommendation under section 90F of the National Electricity Law for the making of the *National Electricity Amendment (Retailer Reliability Obligation trigger)* Rule 2020

Pursuant to section 90F of the *National Electricity Law*, the Energy Security Board unanimously recommends the making of the *National Electricity Amendment (Retailer Reliability Obligation trigger) Rule 2020* to the Energy Ministers, sitting as the Ministerial Council on Energy (MCE).

As required by section 90F(4) of the *National Electricity Law*, the Energy Security Board makes the recommendation, being satisfied that:

- a) the recommended Interim Retailer Reliability Obligation (RRO) Trigger Rules are in connection with energy security and reliability of the NEM or long-term planning for the NEM; and
- b) the recommended Interim RRO Trigger Rules are consistent with the National Electricity Objective (see Chapter 4 of the Decision Paper); and
- c) consultation has been undertaken by the Board in accordance with the requirements determined by the MCE in the “MCE Approved Rule Recommendation Process Guide”.

Agreed

Dr Kerry Schott, Chair

David Swift, Deputy Chair

Merryn York, Acting Chair, AEMC

Clare Savage, Chair, AER

Audrey Zibelman, CEO & Managing Director, AEMO

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1. Introduction

1.1 Purpose

The purpose of this document is to describe amendments to the National Electricity Rules (Rules) to amend the triggering of the Retailer Reliability Obligation (RRO). These amendments will align the declaration of Forecast Reliability Gap with the new Interim Reliability Measure (0.0006% USE) that commenced in August 2020. The Interim Reliability Measures were agreed by Energy Ministers at the March 2020 meeting of the former COAG Energy Council and modified in August 2020 to defer proposed rule and law changes that would decouple the T-3 instrument from the T-1 instrument of the RRO. Further consideration of longer term resource adequacy is being considered as a part of the broader Post 2025 Work Program.

The ESB recommends to Energy Ministers the making of the *National Electricity Amendment (Retailer Reliability Obligation trigger) Rule 2020* (hereafter “Interim RRO Trigger Rules”). If Energy Ministers approve the making of the recommended Interim RRO Trigger Rules, the scheduled commencement date is 26 November 2020.

1.2 Context

At the March 2020 meeting of the former COAG Energy Council, the ESB presented the findings and recommendations from its Review of the Reliability Standard¹. The analysis undertaken by the ESB found that:

- Regions that were forecast to just meet the current standard of 0.002% expected unserved energy (USE) should expect that some involuntary load shedding would occur, on average, once out of every three years (absent interventions such as the Reliability and Emergency Reserve Trader (RERT)).
- A tighter standard in the range of 0.0010%-0.0005% expected USE was found by ACIL Allen to have net positive benefits overall across a range of scenarios.²
- Moving to a standard of 0.0006% expected USE would best meet the expectation that electricity supply remain reliable during a 1 in 10-year summer that was referred to in the Terms of Reference for the review.
- Estimates of the net benefits are sensitive to the value of customer reliability used in the analysis and the availability and price of demand response.

The ESB recommended that, if Energy Ministers agreed that a higher standard was necessary to meet community expectations (as set out in the former COAG Energy Council Terms of Reference for the review), a combination of amended and existing mechanisms were required, including:

- Amending the Retailer Reliability Obligation (RRO) trigger to align with a higher standard.
- Delinking the requirement for a T-3 trigger to enable a T-1 trigger.
- Establish an additional out of market capacity reserve to replace long notice RERT on a temporary basis.
- Continue to use short and medium notice RERT to manage unexpected contingencies under the current RERT framework.

¹ <http://www.coagenergycouncil.gov.au/reliability-and-security-measures/review-reliability-standard>

² <http://www.coagenergycouncil.gov.au/sites/prod.energycouncil/files/publications/documents/ESB%20Consultation%20-%20ACIL%20Allen%20Report%20to%20ESB%20on%20Reliability.pdf>

- Leave the market price settings unchanged.

Energy Ministers agreed³ to two interim measures to improve reliability:

- The establishment of an out of market capacity reserve triggered to keep unserved energy to no more than 0.0006% in any region in any year that would apply for the 2020-2021 summer and beyond.
- Amending the triggering arrangements for the RRO to improve incentives on retailers to contract and support reliability.

Interim Reliability Reserve

The out of market capacity reserve is an interim measure ahead of the post 2025 market design project making more permanent recommendations. The National Electricity Amendment (Interim Reliability Measure) Rule 2020, provides for the following features:

- The volume of reserve capacity to ensure expected USE is no more than 0.0006% in any region in any year (the Interim Reliability Measure) as forecast in the Electricity Statement of Opportunities (ESOO) report or ESOO update⁴.
- AEMO would be responsible for procuring the Interim Reliability Reserve following consultation with, and approval from, the relevant Energy Council Minister of directly impacted states and/or territories.
- AEMO should be encouraged to procure at least part of the reserve through a reverse auction process that would allow for the development of standardised contracting.
- Contract terms of up to 3 years would be allowed depending on:
 - whether an exceedance of the interim reliability measure has been forecast for two out of the three years with an exceedance occurring in the first year of the term; and
 - the option is more cost effective than entering shorter duration contracts covering the same period.
- The volume procured under a multi-year contract, must be no more than AEMO considers is reasonably necessary to ensure the reliability of supply in the region. In addition, for each year of the contract, the volume is to be no more than AEMO considers to be reasonably necessary to address the largest interim reliability exceedance identified for the contract period.
- The reserve would temporarily replace long notice RERT (with the short and medium notice RERT to remain in place).
- Activation and dispatch of RERT would remain unchanged.
- The last date AEMO can enter into a 3-year contract for Interim Reliability Reserve will be in January 2022 for the 2024/25 summer. However, AEMO would be able to continue to enter into shorter term contracts for the 2024/25 summer under the Interim Reliability Reserve.
- The commencement of the rule would enable AEMO to procure interim reliability reserves for the coming 2020-21 summer, should they be required.

³ <http://www.coagenergycouncil.gov.au/sites/prod.energycouncil/files/publications/documents/EC%20-%20communique%20-%2020200320.pdf>

⁴ AEMO is required to update the most recent statement of opportunities if significant new information becomes available to AEMO.

- The Interim Reliability Reserve replaces the need for the Victorian Jurisdictional Derogation final rule for multi-year contracting of RERT, with the deletion of the derogation coinciding with the commencement of this rule, given this rule will have similar effect but apply across the NEM.
- The reporting requirements are drawn from the obligations in the Victorian Jurisdictional Derogation final rule to ensure there is an appropriate level of transparency over AEMO's decisions to procure reserves under the 0.0006% Interim Reliability Measure.

In August 2020 Energy Ministers agreed pursuant to section 90F of the National Electricity Law, to recommend that the South Australian Minister make the National Electricity Amendment (Interim Reliability Measure) Rule 2020 in accordance with the recommendation of the Energy Security Board (ESB). This Rule was gazetted by the South Australian Energy Minister on the 20th of August and commenced on the 21st of August 2020.

Amending the Trigger for the Retailer Reliability Obligation

The contracting requirements for the RRO will be unchanged. However, the following changes were agreed by the former COAG Energy Council in March:

- Align the trigger for the RRO with the new Interim Reliability Measure (0.0006% USE).
- Amend the T-1 instrument so that it will no longer require a T-3 instrument to first be made.
- Amendments to the T-3 and T-1 instruments will require changes to the National Electricity Law, which means the earliest possible date for making the T-1 instrument would be in 2021/22 for the following year.

As mentioned earlier, in August 2020 Energy Ministers agreed to defer rule changes to decouple the T-3 instrument from the T-1 instrument of the RRO whilst broader work on resource adequacy in the Post 2025 Work Program is conducted. As this change no longer requires changes to the National Electricity Law and is a much narrower reform than was originally proposed, it is intended that this rule will come into effect on 26 November 2020. From the commencement of this rule, a T-3 instrument can be requested for any region where a Forecast Reliability Gap is calculated in the ESOO (or updated ESOO) using the Interim Reliability Measure (0.0006% USE).

1.3 Legislative basis

The ESB is undertaking this Rule change process in accordance with section 90F of the NEL. The ESB may recommend rules to the COAG Energy Council if the following requirements are satisfied:

- the Rules are in connection with energy security and reliability of the NEM or long-term planning for the NEM;
- the Rules are consistent with the national electricity objective; and
- there has been consultation on the Rules in accordance with any requirements determined by the COAG Energy Council.

Any final Rules will be made by the South Australian Minister for Energy on the recommendation of the Energy Ministers. The former COAG Energy Council has provided guidance to the ESB in relation to consultation on the Draft National Electricity Amendment (Retailer Reliability Obligation trigger) Rule 2020 via a "Rule Recommendation Process Guide". The release of the Consultation Paper and the Draft National Electricity Amendment (Retailer Reliability Obligation trigger) Rule 2020 was carried out in accordance with that guidance which includes public consultation and responses to submissions.

If Energy Ministers approve the making of the ESB's recommended amending Rules (the *National Electricity Amendment (Retailer Reliability Obligation trigger) Rule 2020*), the scheduled commencement date is 26 November 2020.

2. Amending the Retailer Reliability Obligation trigger

2.1 Book Build

Location in Rules: Clause 4A.H.3

The Interim RRO Trigger Rules propose that the book-build mechanism under the Retailer Reliability Obligation changes from a mandatory to a voluntary requirement for AEMO. This change is intended to avoid an overlap between the interim reliability reserve and the book build. It also provides flexibility for AEMO when there is limited interest from participants in the conduct of a book build.

2.2 Reliability Standard

Location in Rules: 11.132.2

In March 2020 as a part of the package of Interim Reliability Measures, the former COAG Energy Council requested that the ESB align the trigger for the Retailer Reliability Obligation with the new Interim Reliability Measure (0.0006% USE). This transitional rule provides that linkage by prescribing that the Interim Reliability Measure be prescribed under the rules to be the standard against which the Forecast Reliability Gap is assessed.

2.3 Transitional arrangement for 2020

Location in Rules: 11.132.3

The 2020 ESOO was released on the 27th August 2020. The ESOO identified a Forecast Reliability Gap in 2023-24 in NSW of 154 MW against the Interim Reliability Measure for the period from 1 January 2024 to 29 February 2024. Rule 11.132.3 provides an additional two months for AEMO to finalise the request for a T-3 instrument in 2020. Rules 11.132.7 and 11.132.8 provide AEMO and the AER opportunity to undertake preparatory activities, before the rules commence, to support the request and making of the T-3 instrument as a result of the Forecast Reliability Gap in NSW for the period from 1 January 2024 to 29 February 2024.

2.4 When a decision by the AER must be made during 2020

Location in Rules: 11.132.4

Rule 11.132.4 provides clarity around the timing for the AER to decide whether or not to make the reliability instrument that is requested in 2020. In the event that AEMO requests the T-3 instrument with less than two months before the T-3 cut off date, then the AER will have less than two months to finalise its decision. To assist rules 11.132.6 and 11.132.7 provide AEMO and the AER opportunity to undertake preparatory activities to support the request and making of the T-3 instrument before the rules commence.

2.5 Reliability Forecast Guidelines

Location in Rules: 11.132.5

AEMO is required to update its Reliability Forecast Guidelines to take into account the linkage to the Interim Reliability Measure. The rules specify that AEMO must do this by the 27th December 2020.

2.6 AEMO preparatory activities

Location in Rules: 11.132.6

The Rule is intended to commence on the 26th November 2020. This will allow the RRO to be triggered off a Forecast Reliability Gap against the Interim Reliability Measure that was identified in the 2020 ESOO.

Prior to the commencement of the rule, AEMO will be able to undertake activities that could later be used to request a T-3 instrument on the basis of a Forecast Reliability Gap that was calculated using the Interim Reliability Measure. These could include:

- modelling whether there is a Forecast Reliability Gap
- publishing the Forecast Reliability Gap in the ESOO

This will enable a T-3 Instrument to be requested for 2024 onwards, following the commencement of the rule, and allow a T-3 instrument to be made following the AER's review of the request. Based on the 2020 ESOO, and the presence of a Forecast Reliability Gap in NSW between 1 January 2024 and 29 February 2024, this will require AEMO to request a T-3 instrument for that period unless an ESOO update occurs.

2.7 AER preparatory activities

Location in Rules: 11.132.7

The Rule is intended to commence on the 26th November 2020. This will allow the RRO to be triggered off a Forecast Reliability Gap against the Interim Reliability Measure that was identified in the 2020 ESOO.

Prior to the commencement of the rule, the AER will be able to undertake activities that could later be used to approve a T-3 instrument on the basis of a Forecast Reliability Gap that was calculated using the Interim Reliability Measure.

3. Summary of submissions Draft Interim RRO Trigger Rules

3.1 Feedback from earlier consultation

In May 2020, whilst consulting on the draft rule changes for the Interim Reliability Reserve, the ESB sought feedback on associated changes to the Retailer Reliability Obligation (RRO) that would be required to support the decoupling of the T-3 and T-1 instruments. Feedback from stakeholders:

- a. reported concerns that the changes would increase the likelihood of the RRO being triggered, which could increase the risk and cost to liable entities in the event of an unexpected triggering of the RRO one year out (T-1 instrument).
- b. requested that there should be wide consultation on the associated changes to support decoupling (which includes the contract position day, market liquidity obligation and opt-in timeframes for large customers).
- c. highlighted that the changes would be a significant deviation from the design of the RRO, which was only implemented last year, and that undertaking this change was unnecessary given the timing and work on Post 2025 project.

Following feedback from stakeholders, the ESB resolved to request approval from Energy Ministers to defer decoupling of the T-1 instrument from the T-3 instrument under the RRO rules in light of the work being undertaken under the Post 25 Work Program that could result in further changes to resource adequacy mechanisms within the market.

In August 2020, Energy Ministers agreed with the ESB recommendation to defer further consideration of decoupling into the Post 25 Work Program. Consequently, this consultation paper is solely focused on aligning the triggering of the RRO with the Interim Reliability Measure (0.0006% USE). This change only requires relatively minor changes to the National Electricity Rules rather than the changes to the National Electricity Law that were required to decouple the T-1 instrument from the T-3 instrument.

3.2 Feedback from on the Draft Interim RRO Trigger Rules

Submissions on the Draft Interim RRO Trigger Rules closed on the 6th October and six submissions were received. Stakeholders supported the deferral of decoupling the T-3 from T-1 instrument and did not raise any drafting concerns. Stakeholders raised the following issues for the ESB to consider:

Issue	Respondents	Comments
Concern about using s90F of the National Electricity Law to make rule changes	Australian Energy Council, Flow Power	Concerned that the rule changes will be implemented by the powers contained within Section 90F of the National Electricity Law as there is sufficient time for the rule change to be assessed by the Australian Energy Market Commission.

ESB Response: The *National Electricity Amendment (Retailer Reliability Obligation trigger) Rule 2020* completes the rule changes on interim reliability measures requested by Energy Ministers at the March 2020 meeting of the former COAG Energy Council. It was agreed by Ministers that the ESB would use s90F of the National Electricity Law to fast-track these reliability rule changes.

Issue	Respondents	Comments
<p>The Interim Reliability Measure rule changes (including those already made) are inconsistent with the National Electricity Objective and do not support the move to a higher standard.</p>	<p>Australian Energy Council, CS Energy, ERM, Flow Power, PIAC</p>	<p>As a package, the interim reliability measure rule changes do not support efficient investment and is not in the long term interest of consumers. There is no justification to the change the reliability standard.</p>
<p>ESB Response: At the March meeting of the former COAG Energy Council the ESB recommended that a new Interim Reliability Measure (0.0006% USE) be established and that this measure be used to forecast the gap in reliability to trigger the Retailer Reliability Obligation, and in the event that gap remained, to procure out of market reserves to ensure that this measure was forecast to be met.</p> <p>The ESB commissioned ACIL Allen to undertake the analysis that underpinned the ESB’s recommendations to the former COAG Energy Council in March 2020⁵.</p> <p>ACIL Allen’s analysis found that the current reliability standard (0.002 USE) may not represent the most economically efficient trade-off between the cost incurred during load shedding and the cost of resources that would prevent load shedding (where Reliability and Reserve Emergency Trader (RERT) offers were used as the best available indicator of the cost of demand response and certain assumptions about the Value of Customer Reliability).</p> <p>The analysis provides support for an interim standard under some scenarios, including when there is sufficient demand response at a cost that is lower than the cost of load shedding.</p> <p>The Interim Reliability Measure was implemented following the agreement of Energy Ministers in August 2020.</p>		
<p>AEMO should be provided with additional time to reassess the reliability forecast given the announcements by the NSW Government under its emerging energy program.</p>	<p>AGL</p>	<p>In light of the 2020 NSW ESOO forecasts, the transitional rules must ensure AEMO is provided with additional time to reassess the reliability forecast given the material change in committed generation availability in NSW as a result of the New South Wales Government’s commitment to provide capital projects funding to 170 MW of dispatchable capacity under its Emerging Energy Program.</p>
<p>ESB Response: The ESOO and Reliability Forecast Methodology Document⁶ provides information about the market modelling approach used in the development of the ESOO to evaluate expected unserved energy against the reliability standard and the methodology used to determine the reliability forecast to meet the requirements NER 4A.B.4(b) alongside the published Interim Reliability Forecast Guidelines.</p> <p>As of August 2020, the ESOO methodology for new commitments includes only existing and new generation and battery storage projects that meet AEMO’s commitment criteria. Generation projects can be at different stages of development (i.e. Project Commitment Status), which are assessed using AEMO’s five commitment criteria, covering site acquisition, contracts for major components, planning and other approvals, financing, and date. To be classified as committed a project is required to have satisfied all five commitment criteria.</p> <p>While the 2020 ESOO indicates that the funding that will be provided to 170 MW of dispatchable capacity under the NSW Government’s Emerging Energy Program is expected to reduce expected USE to below the Interim Reliability Measure in 2023-24, these projects do not currently meet AEMO’s definition of a committed project.</p> <p>The Interim RRO Trigger Rules have shortened the window for AEMO to make a T-3 reliability instrument request to one month out from T-3 cutoff day. This provides the AER with one month to formally assess a T-3 reliability</p>		

⁵ <http://www.coagenergycouncil.gov.au/sites/prod.energycouncil/files/publications/documents/ESB%20Consultation%20-%20ACIL%20Allen%20Report%20to%20ESB%20on%20Reliability.pdf>

⁶ https://www.aemo.com.au/-/media/files/electricity/nem/planning_and_forecasting/nem_esoo/2020/esoo-and-reliability-forecast-methodology-document.pdf?la=en

Issue	Respondents	Comments
instrument request, however transitional arrangements have been put in place to allow AEMO and the AER to undertake activities in preparation of a request.		

3.3 Changes since the publication of the Consultation on the Draft Interim RRO Trigger Rules

As a result of the feedback from consultation on the Draft Interim RRO Trigger Rules, the ESB has not proposed any changes to the Final Interim RRO Trigger Rules.

4. Assessment framework

This section describes the ESB's assessment of the recommended Interim Retailer Reliability Obligation trigger Rules.

4.1 Explanation of the issues & rationale for proposed solution

In August 2020 Energy Ministers approved the making of rules to implement the Interim Reliability Reserve.

The Interim Reliability Reserve will address concerns about the increased reliability risk following the retirement of a number of baseload generators (including the Hazelwood, Northern, Munmorah, Wallerawang and Anglesea power stations) and the subsequent increased use of the Reliability and Emergency Reserve Trader mechanism in some regions of the NEM.

The Interim Reliability Reserve is an interim measure that is designed to be a last resort mechanism, which is intended to avoid distortions to the market and minimise the cost of procuring out of market resources.

The framework will allow AEMO to procure reserves if the ESOO (or any update) forecasts that the Interim Reliability Measure will be exceeded. AEMO will be allowed to enter multi year reserve contracts for up to three years if the Interim Reliability Measure is exceeded for at least two years including the first financial year.

The Interim Retailer Reliability Obligation trigger Rules are intended to align the calculation of the Forecast Reliability Gap, that triggers the Retailer Reliability Obligation, with the new Interim Reliability Measure (0.0006% USE). This will provide an opportunity in most cases for a market response to close the Forecast Reliability Gap prior to AEMO needing to use Interim Reliability Reserve.

4.2 Costs and benefits of the recommended Interim Reliability Measure Rules

ACIL Allen undertook analysis that underpinned the ESB's recommendations to the former COAG Energy Council. Their analysis found that the current reliability standard may not represent the most economically efficient trade-off between the cost incurred during load shedding and the cost of resources that would prevent load shedding (where Reliability and Reserve Emergency Trader (RERT) offers were used as the best available indicator of the cost of demand response and certain assumptions about the Value of Customer Reliability). The analysis provided support for a tighter interim standard.

In its analysis, ACIL Allen incorporated RERT contract data provided by AEMO on a confidential basis as the best available evidence of demand side management costs. The volumes of demand side used were limited to the 2019 AEMO RERT contracted quantities except in the expanded RERT analysis where the quantities were doubled. This was an arbitrary limitation for the purpose of undertaking the modelling. There is no evidence to suggest that the 2019-20 levels contracted by AEMO exhaust the potential for all demand side offerings in the NEM (be they contracted via the RERT or provided through market-based arrangements). In fact, the policy initiatives such as Wholesale Demand Response and Two-Sided Markets is predicated on there being far more potential for demand response.

The alignment of the calculation of the Forecast Reliability Gap, that triggers the Retailer Reliability Obligation, with the new Interim Reliability Measure (0.0006% USE) under the Interim Retailer Reliability Obligation trigger Rules will incentivise Liable Entities to contract and close a

Forecast Reliability Gap before AEMO is required to use the Interim Reliability Reserve. This should ensure that the costs of meeting the Interim Reliability Measure are minimised.

4.3 Consistency with the national electricity objective and Strategic Energy Plan

Under the National Electricity Law, the ESB may recommend rules to the COAG Energy Council if the following requirements are satisfied:⁷

- the Rules are in connection with energy security and reliability of the NEM or long-term planning for the NEM.
- the Rules are consistent with the national electricity objective; and
- there has been consultation on the Rules in accordance with any requirements determined by the COAG Energy Council.

The national electricity objective is “to promote efficient investment in, and efficient operation and use of, electricity services for the longer-term interests of consumers of electricity with respect to (a) price, quality, safety, reliability and security of supply of electricity; and (b) the reliability, safety and security of the national electricity system.”⁸

Having considered issues during the development of its advice to the former COAG Energy Council, the ESB’s view is that the Interim Retailer Reliability Obligation trigger Rules are consistent with the NEO for the following reasons:

- COAG Energy Council has advised that community expectations support an electricity system that will remain reliable during a “1 in 10” year summer.
- Modelling indicates that the current reliability standard (unserved energy not to exceed 0.002% within a region over a year) is not consistent with the value that consumers place on reliability.
- the rule change is aimed at aligning the Interim Reliability Measure with the Retailer Reliability Obligation which will provide the opportunity in most cases for a market response to close a Forecast Reliability Gap prior to AEMO needing to use out of market resources.
- the alignment of the Retailer Reliability Obligation with the Interim Reliability Measure should provide stronger market signals for efficient investment in electricity services, which will promote reliability outcomes for consumers and assist in minimising the cost of using out of market resources.

⁷ Section 90F of the National Electricity Law.

⁸ Section 7 of the National Electricity Law.

A *National Electricity Amendment (Retailer Reliability Obligation trigger) Rule 2020*

[See attached document.]

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