



New South Wales

# Electricity Infrastructure Investment Amendment (Firm Capacity) Regulation 2024

under the

Electricity Infrastructure Investment Act 2020

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following regulation under the *Electricity Infrastructure Investment Act 2020*.

PENNY SHARPE, MLC  
Minister for Energy

## Explanatory note

The object of this regulation is to make further provision in relation to—

- (a) the calculation of firm capacity for the purposes of the energy security target, and
- (b) the publication of revenue determinations.

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### **1 Name of regulation**

This regulation is the *Electricity Infrastructure Investment Amendment (Firm Capacity) Regulation 2024*.

### **2 Commencement**

This regulation commences on the day on which it is published on the NSW legislation website.

## **Schedule 1      Amendment of Electricity Infrastructure Investment Regulation 2021**

**[1]    Clause 14 Calculating firm capacity—the Act, Dictionary, definition of “firm capacity”**

Omit “existing or committed” from clause 14(2)(a).

Insert instead “existing, committed or anticipated”.

**[2]    Clause 15 Additional information for calculating firm capacity—the Act, Dictionary, definition of “firm capacity”**

Insert after clause 15(1)—

(1A) In calculating the firm capacity of scheduled generating units that are storage units for the purposes of clause 14, the energy security target monitor must take into account—

- (a) the amount of electricity likely to be dispatched at times of peak demand in the summer of the financial year, and
- (b) the most recent statement of opportunities.

(1B) Subclause (1A) does not apply to long-duration storage infrastructure as referred to in the Act, section 43(1)(b).

**[3]    Clause 15(5)**

Insert after clause 15(4)—

- (5) This clause does not limit the matters the energy security target monitor may take into account in calculating firm capacity for the purposes of clause 14.

**[4]    Clause 42A Functions of consumer trustee—the Act, s 60(4)**

Omit “request.” from clause 42A(2)(b)(iii). Insert instead “request, and”.

**[5]    Clause 42CA, heading**

Omit “ss 63(4)(d) and 66(5)(a)”. Insert instead “s 63(4)(d)”.

**[6]    Clause 53 Publication of revenue determinations and related information—the Act, s 38(10)(f)**

Insert after clause 53(1)—

(1A) Despite clause 52(2)(b) and (d), the schedule required to be published for a contestable revenue determination and a revenue determination for a contestable augmentation must only set out the amounts required to be paid for the following 5 years.