



NOTICE OF VARIATION OF EXEMPTION

PURSUANT TO SECTION 80(3) OF THE ELECTRICITY ACT 1996

1. On 24 November 2021, the Essential Services Commission (**Commission**), with the approval of the Minister for Energy and Mining, granted virtual power plant operators an exemption from the requirement to hold an electricity generation licence, as required by Part 3 of the Electricity Act 1996, for the purposes of undertaking electricity generation operations associated with the operation of virtual power plants. This exemption is subject to conditions and was originally granted for a fixed term, expiring on 30 November 2023.
2. Pursuant to section 80(3) of the Electricity Act 1996, the Commission has determined to vary the exemption by extending the term of the exemption such that it now expires on 30 November 2025.
3. All other existing conditions imposed by the original exemption remain in effect (unless revoked or varied in accordance with the requirements of the Electricity Act 1996).

.....
Adam Wilson
Chief Executive Officer and Commission authorised signatory

18 October 2023

Date



EXEMPTION

PURSUANT TO SECTION 80(1) OF THE ELECTRICITY ACT 1996

1. Throughout this exemption the term virtual power plant has the following meaning:

A virtual power plant is a network of distributed energy resources, under centralised control by an operator, all working together as a single power plant. For example, this includes homes with solar and battery systems.

2. Pursuant to section 80(1) of the Electricity Act 1996, the Essential Services Commission (**Commission**), with the approval of the Minister for Energy and Mining, grants virtual power plant operators an exemption from the requirement to hold an electricity generation licence, as required by Part 3 of the Electricity Act 1996 for the purposes of undertaking electricity generation operations associated with the operation of virtual power plants.
3. The exemption will remain in effect until 30 November 2023, unless the Commission revokes or varies the exemption, or the Minister revokes the approval given under section 80(1) of the Electricity Act, on an earlier date.
4. The grant of this exemption from the requirement to hold an electricity generation licence, under the Electricity Act 1996, is subject to the following conditions:
 - (a) A virtual power plant operator must provide to the Commission in a specified time and format any information regarding the operation of its virtual power plant(s) as requested by the Commission in writing.
 - (b) A virtual power plant operator must comply with all applicable laws of this State of South Australia and the Commonwealth of Australia, regarding the operation of virtual power plants.
 - (c) A virtual power plant operator must obtain and maintain adequate and appropriate insurance given the nature of the operations carried out under this exemption and the risks associated with those operations, and must provide the Commission with a certificate of the insurer or insurance broker by whom the insurance was arranged, certifying that the insurance is adequate and appropriate, if requested by the Commission in writing.

(d) A virtual power plant operator must comply with any safety, reliability, maintenance and technical management requirements imposed by the Office of the Technical Regulator under the *Electricity Act 1996* from time to time.

5. Notwithstanding the above, if any conditions of the exemption are breached by a virtual power plant operator, the Commission may revoke the application of the exemption to that virtual power plant operator by advising the operator in writing.

This exemption was granted by the Commission on the date specified below.



Adam Wilson Chief Executive Officer and Commission authorised signatory

12 November 2021

Date

The COMMON SEAL of the)
MINISTER FOR ENERGY)
AND MINING was hereunto)
affixed by authority of the)
MINISTER FOR ENERGY)
AND MINING in the)
presence of:)



24/11/21



Witness Enza Pullino

24/11/21

Date