APPENDIX D – AUTOMATIC FINANCIAL PENALTY SCHEME FOR DEVIATION BY GENERATION REGISTERED FACILITY

D.1 PURPOSE

D.1.1 This Appendix describes the automatic financial penalty scheme applicable to deviating generation registered facilities.

D.1.2 This Appendix describes the procedures that shall be used to calculate and collect the financial penalty to be imposed on market participants of deviating generation registered facilities, and to return the financial penalty collected through the MEUC. Unless otherwise indicated, the procedures described in this Appendix shall be applied for each dispatch period.

D.2 DEFINITIONS & INTERPRETATION

D.2.1 In this Appendix:

D.2.1.1 “automatic financial penalty scheme” means the financial penalty scheme which is described in and provided for under section 3.7.3 of Chapter 5 and this Appendix 5D;

D.2.1.2 “financial penalty” means the financial penalty which is or is to be imposed under the automatic financial penalty scheme;

D.2.1.3 “deviating generation registered facility” means the generation registered facility which is deemed as such under section 3.7.3 of Chapter 5;

D.2.1.4 “notice of error” means the notice of error submitted by a market participant to the EMC pursuant to section D.4.3;

D.2.1.5 “preliminary financial penalty statement” or “PFPS” in respect of a market participant means the EMC’s preliminary statement of the financial penalties to be paid by the market participant in respect of all its deviating generation registered facilities;

D.2.1.6 “final financial penalty statement” or “FFPS” in respect of a market participant means the EMC’s final statement of the financial penalties to be paid by the market participant in respect of all its deviating generation registered facilities;
D.2.1.7 “T” refers to a given trading day;

D.2.1.8 “T+X” refers to the Xth business day after a given trading day T;

D.2.1.9 “EndGeneration” refers to a generation registered facility’s gross generation output (in MW) at the end of a dispatch period, as recorded by the PSO’s Energy Management System for that dispatch period;

D.2.1.10 “EndScheduledQty” refers to a generation registered facility’s scheduled energy output (in MW) for a dispatch period, as scheduled in the real-time dispatch schedule that is deemed to be dispatch instructions for that dispatch period, if such real-time dispatch schedule is released to the dispatch coordinator of the generation registered facility on time, in accordance with the market operations timetable, or, if such real-time dispatch schedule is not released on time as aforesaid, as scheduled in the short-term schedule that is issued as dispatch instructions for that dispatch period;

D.2.1.11 “HEUC” refers to the hourly energy uplift charge which is to be determined as provided in section 3.5.2A of Chapter 7;

D.2.1.12 “MEUC” refers to the monthly energy uplift charge which is to be estimated as provided in section 3.5.3 of Chapter 7;

D.2.1.13 the use of superscript “m(a)” in respect of any value is a reference to the value for the generation registered facility located at market network node m and associated with settlement account a; and

D.2.1.14 the use of subscript “h” in respect of any value is a reference to the value for a given settlement interval h or its corresponding dispatch period h, as the case may be.

D.3 Deviations & Calculation of Financial Penalty

D.3.1 For the purposes of section 3.7.3 of Chapter 5, a generation registered facility shall have deviated from its real-time dispatch schedule or its short-term schedule (as the case may be) that is deemed to be or issued as dispatch instructions for a given dispatch period, if its deviation is more than 10 MW, as determined in accordance with the following formula:

\[
\frac{1}{2} \times \left| \text{EndScheduledQty}_{h}^{m(a)} - \text{EndGeneration}_{h}^{m(a)} \right| \times \frac{1}{2} \text{ hour} > 2.5 \text{MWh}
\]
D.3.2 The EMC shall calculate the financial penalty to be imposed on a market participant in respect of each of its deviating generation registered facilities for a given dispatch period as follows:

\[
\text{financial penalty}_{h}^{m(a)} = \text{Max} \left\{ 2 \times (USEP_{h} + HEUC_{h}) \times \frac{1}{2} \times \left| \text{EndScheduledQty}_{h}^{m(a)} - \text{EndGeneration}_{h}^{m(a)} \right| \times \frac{1}{2} \text{ hour} - 2.5 \text{ MWh}, 5000 \right\}
\]

D.4 **Calculation & Collection of Financial Penalty**

D.4.1 The procedure and timelines for calculation of financial penalties, submission of notices of error, verification and imposition of financial penalties, on the market participants of the deviating generation registered facilities, are set out in the following table:
<table>
<thead>
<tr>
<th>Day</th>
<th>Time of Day</th>
<th>Event</th>
<th>Provided By</th>
<th>Provided To</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>By T+4</td>
<td>By 17:00</td>
<td>The <em>PSO</em> to submit the following data to the <em>EMC</em>:</td>
<td><em>PSO</em></td>
<td><em>EMC</em></td>
<td>Once per business day</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(a) Identification of all deviating <em>generation registered facilities</em> for each <em>dispatch period</em> for trading day T; and</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td>(b) EndScheduledQty and EndGeneration for each such deviating <em>generation registered facility</em> identified in (a) for each <em>dispatch period</em> for trading day T.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>By T+4</td>
<td>By 20:00</td>
<td>The <em>EMC</em> to release the following data (if such data has been received from the <em>PSO</em>) to each <em>market participant</em> with one or more deviating <em>generation registered facilities</em>:</td>
<td><em>EMC</em></td>
<td><em>Market participant with one or more deviating generation registered facilities</em></td>
<td>Once per business day</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(a) Identification of the deviating <em>generation registered facilities</em> for each <em>dispatch period</em> for trading day T; and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) EndScheduledQty and EndGeneration for each such deviating <em>generation registered facility</em> identified in (a) for each <em>dispatch period</em> for trading day T.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Day</td>
<td>Time of Day</td>
<td>Event</td>
<td>Provided By</td>
<td>Provided To</td>
<td>Frequency</td>
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</tr>
<tr>
<td>By T+6</td>
<td>By 20:00</td>
<td>The <em>EMC</em> to calculate the financial penalty to be imposed on each market participant with one or more deviating generation registered facilities for each dispatch period for trading day T, and to issue the PFPS for trading day T to each such market participant.</td>
<td><em>EMC</em></td>
<td>Market participant with one or more deviating generation registered facilities</td>
<td>Once per business day</td>
</tr>
<tr>
<td>By T+7</td>
<td>By 17:00</td>
<td>A market participant to whom a PFPS is issued, to submit a notice of error to the <em>EMC</em> if it is of the view that there is an error with any item and/or calculation in any PFPS issued to it for trading day T.</td>
<td><em>EMC</em></td>
<td>Market participant to which the PFPS is issued</td>
<td>As required</td>
</tr>
<tr>
<td>By T+7</td>
<td>By 20:00</td>
<td>If any data referred to in a duly submitted notice of error had been provided by the <em>PSO</em> for the purposes of the <em>EMC</em> issuing a PFPS, the <em>EMC</em> to request the <em>PSO</em> (and give a copy of such request to the market participant which submitted that notice of error) for confirmation of the accuracy of data.</td>
<td><em>EMC</em></td>
<td><em>PSO</em> (with copy to market participant which submitted the duly submitted notice of error)</td>
<td>As required</td>
</tr>
<tr>
<td>By T+9</td>
<td>By 17:00</td>
<td>In respect of each request by the <em>EMC</em> for confirmation of accuracy of data as aforesaid, the <em>PSO</em> to send confirmation to the <em>EMC</em> as required under section D.4.7.2(a) or D.4.7.2(b) as applicable.</td>
<td><em>PSO</em></td>
<td><em>EMC</em></td>
<td>As required</td>
</tr>
<tr>
<td>Day</td>
<td>Time of Day</td>
<td>Event</td>
<td>Provided By</td>
<td>Provided To</td>
<td>Frequency</td>
</tr>
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<tr>
<td>By T+9</td>
<td>By 20:00</td>
<td>The EMC to notify the market participant which submitted a duly submitted notice of error, of the matters specified in sections D.4.8.1(a), D.4.8.2(a), D.4.9.1(a) and D.4.9.2(a) as applicable.</td>
<td>EMC</td>
<td>Market participant which submitted the duly submitted notice of error (with copy to PSO)</td>
<td>As required</td>
</tr>
<tr>
<td>By T+10</td>
<td>By 20:00</td>
<td>The EMC to issue the FFPS for trading day T.</td>
<td>EMC</td>
<td>Market participant upon whom financial penalties are to be imposed</td>
<td>Once per business day</td>
</tr>
<tr>
<td>By 20th day after trading day T (subject to business day convention)</td>
<td>By 17:00</td>
<td>A market participant to pay financial penalty, specified in its FFPS issued for trading day T.</td>
<td>Market participant upon whom penalties are imposed</td>
<td>EMC</td>
<td>Once per business day</td>
</tr>
</tbody>
</table>
D.4.2  The *EMC* shall issue a preliminary financial penalty statement to each *market participant*, for all its deviating *generation registered facilities* for all relevant *dispatch periods* for a given *trading day*, in accordance with the timeline set forth in section D.4.1.

D.4.3  A *market participant* who is issued with a preliminary financial penalty statement shall notify the *EMC*, by way of a notice of error, of any error in such preliminary financial penalty statement within the timeline set forth in section D.4.1. A *market participant* shall not raise any error in such preliminary financial penalty statement on the grounds that one or more of the conditions in section 9.6.3 of Chapter 5 apply to its non-compliance with the relevant *dispatch instruction*.

D.4.4  Each notice of error shall relate to only one preliminary financial penalty statement. Each notice of error shall be submitted together with all relevant supporting material, and shall clearly state at least the following information:

D.4.4.1  the date of issuance of the relevant preliminary financial penalty statement to which the notice of error relates;

D.4.4.2  the *trading day* to which such preliminary financial penalty statement relates;

D.4.4.3  the nature and particulars of the error(s);

D.4.4.4  the reason(s) the *market participant* is of the view that the preliminary financial penalty statement is erroneous; and

D.4.4.5  a proposed correction of the error(s).

(A notice of error submitted to the *EMC* within the timeline set forth in section D.4.1 and in compliance with all the requirements in sections D.4.3 and D.4.4 is referred to in this Appendix as a “duly submitted notice of error”.)

D.4.5  The *EMC* shall acknowledge its receipt of a duly submitted notice of error.

D.4.6  No *market participant* may submit a notice of error, and the *EMC* shall not acknowledge receipt or take any further action in respect of a notice of error, unless the notice of error is a duly submitted notice of error.

D.4.7  In respect of a duly submitted notice of error, and all in accordance with the timeline set forth in section D.4.1:
D.4.7.1 if any data alleged therein to be erroneous was provided by the PSO, the EMC shall send a request for confirmation of the accuracy of such data to the PSO and give a copy of such request to the market participant which submitted that notice of error; and

D.4.7.2 if upon such request,

a. the PSO determines that such data is accurate, the PSO shall send a confirmation to the EMC to that effect and the PSO shall not provide any further data to the EMC which is different or inconsistent with the data to which such request relates; or

b. the PSO determines that such data is inaccurate, the PSO shall send a confirmation to the EMC to that effect and the PSO shall send the corrected data to the EMC.

D.4.8 If any data is alleged to be erroneous in a duly submitted notice of error in relation to a preliminary financial penalty statement, and such data had been provided by the PSO, then

D.4.8.1 if the PSO has confirmed to the EMC that the data is accurate, or if the PSO did not respond to the EMC, in either case within the timeline set forth in section D.4.1, the EMC shall:

a. so notify the market participant of the same and give a copy of such notice to the PSO;

b. not make any correction to such data to be reflected in the corresponding final financial penalty statement; and

c. not make any correction (save for any correction otherwise required under section D.4.9.2) to the financial penalty to be reflected in the corresponding final financial penalty statement; or

D.4.8.2 if the PSO has confirmed to the EMC that the data is inaccurate and has provided the corrected data to the EMC within the timeline set forth in section D.4.1, the EMC shall:

a. so notify the market participant of the same and give a copy of such notice to the PSO;

b. make the appropriate correction to reflect such corrected data in the corresponding final financial penalty statement; and
c. make the appropriate correction to the financial penalty to be reflected in the corresponding final financial penalty statement, taking into account the corrected data and together with any other correction as may be required under section D.4.9.2.

D.4.9 If any data, calculation or other information is alleged to be erroneous in a duly submitted notice of error of a market participant in relation to a preliminary financial penalty statement, and such data, calculation or other information had been produced by the EMC, if the EMC determines that:

D.4.9.1 no such error has occurred, the EMC shall:

a. so notify the market participant of the same; and
b. not make any correction (save for any correction otherwise required under section D.4.8.2) to such data, calculation or other information when issuing the corresponding final financial penalty statement; or

D.4.9.2 an error has occurred, the EMC shall:

a. so notify the market participant of the same; and
b. make the appropriate correction to such error when issuing the corresponding final financial penalty statement, taking into account any corrected data provided by the PSO and together with any other correction as may be required under section D.4.8.2.

D.4.10 The EMC shall issue the final financial penalty statement to each market participant, for all its deviating generation registered facilities for all relevant dispatch periods for a given trading day and where applicable, incorporating all appropriate corrections referred to in sections D.4.8 and D.4.9, in accordance with the timeline set forth in section D.4.1. If the corrections referred to in sections D.4.8 and D.4.9 result in no financial penalty to be applied to any dispatch period in a given trading day for a market participant who was previously issued a preliminary financial penalty statement for that given trading day, then notwithstanding any provision to the contrary in this Appendix 5D, the EMC may issue to that market participant a final financial penalty statement with a zero penalty amount for that given trading day.

D.4.11 Each market participant that receives a final financial penalty statement shall pay the financial penalty as stated therein, in accordance with the timeline set forth in section D.4.1, whether or not any notice of error had been submitted in respect of the corresponding preliminary financial
penalty statement, whether or not any notice of arbitration had been submitted in respect of the final financial penalty statement and whether or not the market participant has made any appeal to the market surveillance and compliance panel pursuant to section D.5.1.

D.4.12 If a market participant, after submitting a duly submitted notice of error with respect to its preliminary financial penalty statement, disagrees with the financial penalty stated in its corresponding final financial penalty statement and still wishes to continue to dispute the matter, it shall refer the matter to the dispute resolution counsellor by filing a notice of arbitration pursuant to section 3.9.2 of Chapter 3. A market participant shall not dispute the matter under this section D.4.12 on the grounds that one or more of the conditions in section 9.6.3 of Chapter 5 apply to its non-compliance with the relevant dispatch instruction.

D.4.13 Subject to section D.4.14, no market participant may submit, and the dispute resolution counsellor shall not accept or take any action with respect to, a notice of arbitration filed pursuant to section 3.9.2 of Chapter 3 if more than twenty business days has elapsed since the date on which the final financial penalty statement to which the notice of arbitration relates was issued.

D.4.14 A market participant may submit the notice of arbitration referred to in section D.4.12 after the time limit specified in section D.4.13 only if:

D.4.14.1 such market participant has received the notification referred to in section D.5.4 in respect of one or more dispatch periods and it does not wish to appeal to court pursuant to section D.5.6 in respect of one or more of those dispatch periods, but it still wishes to dispute the final financial penalty statement in respect of one or more of those dispatch periods. In such case, the market participant shall submit such notice of arbitration in respect of one or more of those dispatch periods to the dispute resolution counsellor within twenty business days from the issuance of the notification referred to in section D.5.4. Such notice of arbitration shall be submitted by the market participant together with a copy of the notification referred to in section D.5.4; or

D.4.14.2 such market participant has received the notification referred to in section D.5.4 in respect of one or more dispatch periods and has made an appeal to court pursuant to section D.5.6 in respect of those dispatch periods, but it still wishes to dispute the final financial penalty statement in respect of one or more of those dispatch periods. In such case, the market participant shall submit such notice of arbitration to the dispute resolution counsellor within twenty business days from the date that a
court order or judgment which is final and conclusive as between the parties is issued by a court of competent jurisdiction in Singapore. Such notice of arbitration shall be submitted together with a copy of such court order or judgment.

D.4.15 The dispute resolution counsellor shall dismiss a notice of arbitration filed under section 3.9.2 of Chapter 3 and shall not take any further action with respect to the notice of arbitration if the element of the final financial penalty statement that is the subject-matter of the notice of arbitration is identical to the same element in the corresponding preliminary financial penalty statement for which element there is no duly submitted notice of error, unless the market participant demonstrates to the satisfaction of the dispute resolution counsellor that the market participant could not, with the exercise of due diligence, have submitted a duly submitted notice of error in respect of that element in the preliminary financial penalty statement.

Explanatory Note: A market participant is expected to file a notice of error in a timely manner if there is an error in the PFPS. If the market participant fails to file a notice of error in time, which it could have done if it had exercised due diligence, the market participant is not permitted to dispute that same error through the dispute resolution counsellor after the FFPS is issued.

D.5 APPEAL TO THE MARKET SURVEILLANCE AND COMPLIANCE PANEL

D.5.1 The market participant of a deviating generation registered facility may appeal to the market surveillance and compliance panel for a refund of any financial penalties paid or required to be paid by it under the automatic financial penalty scheme detailed in this Appendix 5D if it can demonstrate to the satisfaction of the market surveillance and compliance panel that compliance with a dispatch instruction was not required pursuant to one or more of the conditions in section 9.6.3 of Chapter 5. Such appeal shall be made in writing in such form and manner as may be prescribed by the market surveillance and compliance panel and shall:

D.5.1.1 contain the name and address of the market participant submitting the appeal;

D.5.1.2 contain the particulars of the appeal;

D.5.1.3 contain all information, facts and evidence supporting the appeal; and
D.5.1.4 be accompanied by a copy of the final financial penalty statement setting out the financial penalty which is the subject of the appeal.

A market participant shall not submit, and the market surveillance and compliance panel may dismiss, an appeal to the market surveillance and compliance panel if more than twenty business days have elapsed since the date of the issuance of such final financial penalty statement.

D.5.2 The market surveillance and compliance panel may request from

D.5.2.1 the market participant which submitted an appeal under section D.5.1;

D.5.2.2 the EMC; and/or

D.5.2.2 the PSO,

further information, facts and evidence relating to the market participant’s appeal, to be provided in writing in such form and manner and within such time as may be specified by the market surveillance and compliance panel. Each recipient of such request shall provide the requested information, facts and evidence in writing in such form and manner and within such time as may be specified by the market surveillance and compliance panel.

D.5.3 For the avoidance of doubt, and notwithstanding section D.5.2, it shall remain the responsibility of the market participant which submitted an appeal under section D.5.1 to ensure that all information, facts and evidence supporting the market participant’s appeal are duly and promptly made available to the market surveillance and compliance panel in accordance with section D.5.1 (and if applicable section D.5.2), and the market surveillance and compliance panel shall not be required to conduct its own investigations to obtain any or further information, facts or evidence in support of such appeal. Nothing in this Appendix 5D shall prevent the market surveillance and compliance panel from exercising its investigative powers under the market rules in an appropriate case.

D.5.4 If the market surveillance and compliance panel determines that the market participant referred to in section D.5.1 was not required to comply with a dispatch instruction for any given dispatch period on the ground that at least one of the conditions in section 9.6.3 of Chapter 5 applies, the market surveillance and compliance panel shall:

D.5.4.1 allow the market participant’s appeal in respect of that dispatch period submitted under section D.5.1; and
D.5.4.2 Direct the EMC to refund such market participant of the relevant financial penalty received by the EMC from such market participant for that dispatch period. Such financial penalty shall be refunded to the market participant without interest.

If the market surveillance and compliance panel determines that none of the conditions in section 9.6.3 of Chapter 5 applies to the non-compliance with a dispatch instruction by a market participant referred to in section D.5.1, the market surveillance and compliance panel shall dismiss the appeal submitted under section D.5.1. The market surveillance and compliance panel shall notify the EMC and such market participant of its determination under this section D.5.4 and give its reasons for such determination. The EMC shall publish such determination of the market surveillance and compliance panel and its reasons for such determination.

D.5.5 The market surveillance and compliance panel may, in the determination of an appeal submitted by a market participant under section D.5.1, allocate the costs associated with the appeal for payment by such market participant as the market surveillance and compliance panel deems just and reasonable.

D.5.6 All decisions, directions and orders of the market surveillance and compliance panel in respect of an appeal submitted under section D.5.1 shall be final and binding on the market participant subjected thereto and shall not be subject to any appeal by the market participant except an appeal to a court of competent jurisdiction in Singapore only on issues of law, jurisdiction or natural justice. For the avoidance of doubt, all findings of fact by the market surveillance and compliance panel shall not be the subject matter of any appeal to any court of competent jurisdiction in Singapore unless such findings were made in breach of law, jurisdiction or natural justice.

D.5.7 A market participant shall not appeal to any court in the circumstances contemplated in section D.5.6 unless it does so within 14 business days after receiving the notification from the market surveillance and compliance panel referred to in section D.5.4.

D.5.8 A market participant shall not appeal to any court in Singapore for a refund of any financial penalties paid or required to be paid by it under the automatic financial penalty scheme detailed in this Appendix 5D on the ground that one or more of the conditions in section 9.6.3 of Chapter 5 apply to its non-compliance with the relevant dispatch instruction, if the market participant had not first submitted an appeal to the market surveillance and compliance panel in accordance with this section D.5.
D.5.9 Neither the market participant referred to in section D.5.1 nor the market surveillance and compliance panel shall use the dispute resolution procedures set forth in section 3 of Chapter 3 in relation to such market participant’s appeal for a refund of any financial penalties paid or required to be paid by it under the automatic financial penalty scheme detailed in this Appendix 5D.