

# Draft Annual Order - Electricity distributors

**December 2023**

This work is copyright. In addition to any use permitted under the *Copyright Act 1968* all material contained within this work is provided under a Creative Commons Attributions 3.0 Australia licence with the exception of:

- the Commonwealth Coat of Arms
- the ACCC and AER logos
- any illustration diagram, photograph or graphic over which the Australian Competition and Consumer Commission does not hold copyright but which may be part of or contained within this publication.

The details of the relevant licence conditions are available on the Creative Commons website as is the full legal code for the CC BY 3.0 AU licence.

Inquiries about this publication should be addressed to:

Australian Energy Regulator  
GPO Box 3131  
Canberra ACT 2601  
Tel: 1300 585 165

Email: [networksinformation@aer.gov.au](mailto:networksinformation@aer.gov.au)

AER reference: AER213511

**Amendment record**

Version	Date	Pages
Preliminary	25 January 2023	30
Draft	7 December 2023	31

# Contents

<b>1</b>	<b>Regulatory Information Order framework</b>	<b>5</b>
1.1	Addressee of this Order	5
1.2	Specified class of persons to which this Order applies	5
1.3	Reasons for issuing this Order	5
1.4	Responding to this Order	6
1.5	Annual response date	6
1.6	Annual information to be provided to the AER	7
1.7	Structure of this Order	7
<b>2</b>	<b>General requirements</b>	<b>8</b>
2.1	Preparation of information provided to the AER	8
2.2	Maintaining information provided under the Order	8
2.3	Security of critical infrastructure	8
2.4	Confidentiality claims	8
2.5	Resubmission of information provided under this Order	9
<b>3</b>	<b>Data requirements</b>	<b>10</b>
3.1	Requirement to provide information specified in data workbooks	10
<b>4</b>	<b>Supporting information requirements</b>	<b>11</b>
4.1	Requirement to provide supporting information under this Order	11
4.2	Policies and procedures	11
4.3	Regulatory adjustments	11
4.4	Discretionary row descriptors	12
4.5	Allocation of revenues and expenditures to distribution services	12
4.6	Allocation of revenues and expenditures to service segments	12
4.7	Material differences	13
4.8	Compliance	13
4.9	Demand management incentive scheme	13
4.10	Demand management innovation allowance mechanism	14
4.11	Tax standard asset lives	14
4.12	Tax reporting – immediate expensing	14
4.13	Regulatory investment test expenditure	15
4.14	Related party information	15
4.15	Reporting of fines and penalties	15
4.16	Tariff variations	16
4.17	Vegetation management	16
4.18	Reconciliation of expenditure	16
4.19	Benchmarking asset base	17
4.20	Taxable income adjustments	17
4.21	Interest expenditure	17
4.22	Small scale incentive schemes	18

4.23	Safety.....	18
4.24	Large projects.....	19
<b>5</b>	<b>Basis of preparation .....</b>	<b>20</b>
5.1	Overview .....	20
5.2	General instructions.....	20
<b>6</b>	<b>Assurance requirements .....</b>	<b>21</b>
6.1	Audit and/or assurance reports.....	21
6.2	Provision of audit and assurance reports.....	21
6.3	General requirement to audit or review.....	21
6.4	Exceptions to audit or review requirements .....	21
6.5	Class of person to conduct audits or reviews.....	22
6.6	Audit of actual financial information .....	23
6.7	Review of estimated financial information.....	23
6.8	Review of non-financial information .....	23
6.9	Statutory declaration.....	24
<b>7</b>	<b>Definitions .....</b>	<b>26</b>
7.1	Interpretation .....	26
7.2	Terms used in this Order and data workbooks.....	26
	<b>Appendix A – data workbooks and instruction.....</b>	<b>27</b>
	<b>Appendix B – Definitions.....</b>	<b>28</b>
	<b>Appendix C – Basis of preparation template .....</b>	<b>31</b>

# 1 Regulatory Information Order framework

## 1.1 Addressee of this Order

- 1.1.1 This *Regulatory Information Order (Order)* requires a specific class of *regulated network service providers* to provide the *Australian Energy Regulator (AER)* with information annually.
- 1.1.2 The *AER* requires this information to perform or exercise its functions and powers under the *National Electricity Law (NEL)* and the *National Electricity Rules (NER)*.
- 1.1.3 The *Order* is issued under Part 3, Division 4 of the *NEL*.

## 1.2 Specified class of persons to which this Order applies

- 1.2.1 This *Order* applies to the following specified class of *regulated network service providers*:
- *regulated distribution system operators* that own, control or operate a *distribution system* located in the Australian Capital Territory, New South Wales, Queensland, South Australia, Tasmania or Victoria (*electricity distributors*).
- 1.2.2 Throughout this *Order* we refer to the specified class as '*electricity distributors*'.

## 1.3 Reasons for issuing this Order

- 1.3.1 In accordance with our powers to issue a regulatory information order, as set out in section 28F of the *NEL*, the *AER* considers it is reasonably necessary for the performance or exercise of its functions and powers under the *NEL* for *electricity distributors* to provide, prepare and maintain information in the manner and form specified in this *Order*.
- 1.3.2 The functions and powers of the *AER* are specified under section 15 of the *NEL*. The functions and powers relevant to this *Order* include but are not limited to:
- monitoring *electricity distributors*' compliance with network revenue or pricing determinations
  - preparing and publishing reports on *electricity distributors*' financial and operational performance
  - economic regulatory functions or powers including the making of a distribution determination
  - any other functions and powers conferred on it under the *NEL* and the *NER* (including the functions conferred outlined in paragraph 1.3.3 below).
- 1.3.3 Under rule 6.27 of the *NER*, the *AER* must prepare and publish an *annual benchmarking report* to describe the relative efficiency of each *electricity distributor* in providing *direct control services* over a 12-month period. Further, under rules 6.5.6 and 6.5.7 of the *NER*, the *AER* must have regard to benchmark operating expenditure and benchmark capital expenditure when assessing these types of expenditure.
- 1.3.4 In addition, section 16 of the *NEL* requires the *AER* to perform its functions in a manner that will or is likely to contribute to the achievement of the *national electricity objective*. Section 16 of the *NEL* also requires the *AER* to take into account the revenue and

pricing principles set out in section 7A of the *NEL* when exercising a discretion in making those parts of a distribution determination relating to *direct control services*.

1.3.5 Accordingly, the *AER* requires detailed information relating to *electricity distributors* and their regulated electricity *network services*. For example, the *AER* considers that to monitor an *electricity distributor's* capital expenditure, operating expenditure, network reliability performance and customer service, and to inform the next distribution determination, the *AER* requires annually detailed capital expenditure, operating expenditure, network reliability and customer service information. Much of this information is held only by *electricity distributors* and is not publicly available.

1.3.6 The *AER* considers the information it receives in response to this *Order* will enable it to perform its functions and powers under section 15 of the *NEL* and contribute to the achievement of the *national electricity objective*.

## 1.4 Responding to this Order

1.4.1 *Electricity distributors* must comply with all *Order* requirements in preparing, providing and maintaining their annual response to the *AER*.

1.4.2 *Electricity distributors* must submit their annual response to the *AER* using the *AER* file sharing service, *AER* information portal or other method agreed with the *AER*.

1.4.3 *Electricity distributors* should note failure to comply with this *Order* may result in the *AER* issuing an infringement notice or seeking a civil penalty under the *NEL*. Knowingly providing a response that is false or misleading may also be an offence under the *NEL* and a serious offence under the *Criminal Code (Cth)*.

## 1.5 Annual response date

1.5.1 This *Order* applies for four consecutive years (*reporting periods*):

- (a) The first *reporting period* commences on 1 July 2024 and ends on 30 June 2025.
- (b) The second, third and fourth *reporting periods* end on 30 June 2026, 30 June 2027 and 30 June 2028 respectively.

1.5.2 Information provided in response to this *Order* is to be delivered to the *AER* in accordance with table 1.

**Table 1: Schedule of response dates**

Information requirement	Response date
For the first <i>reporting period</i> - All information required under sections 3, 4, 5 and 6	On or before 30 November, 5 months after the end of the <i>reporting period</i> .
For the second, third and fourth <i>reporting periods</i> - All information required under sections 3, 4, 5 and 6	On or before 31 October, 4 months after the end of the <i>reporting period</i>

## 1.6 Annual information to be provided to the AER

1.6.1 Each year *electricity distributors* are required to provide the following information for the *reporting period* to the AER:

- (a) The information specified in section 3 of this *Order*
- (b) The information specified in section 4 of this *Order*
- (c) A *basis of preparation* that meets the requirements set out in section 5 of this *Order*
- (d) *Audit and/or assurance reports* that meet the requirements set out in section 6 of this *Order*
- (e) A statutory declaration that meets the requirements set out in section 6 of this *Order*.

## 1.7 Structure of this Order

This *Order* is structured as follows:

- **Section 2** sets out the general requirements that apply under this *Order*.
- **Section 3** identifies the data required from *electricity distributors*.
- **Section 4** identifies the *supporting information* required from *electricity distributors*.
- **Section 5** identifies the *supporting information* required from *electricity distributors* in the basis of preparation.
- **Section 6** identifies the *supporting information* required from *electricity distributors* to meet the audit and assurance requirements that apply under this *Order*.
- **Section 7** sets out information around the interpretation and definitions that apply to this *Order*.
- **Appendix A** contains the *data workbooks* setting out the data requirements and the *data workbook* instructions relevant to section 3.
- **Appendix B** contains the definitions that apply under this *Order*.
- **Appendix C** contains a template for use in preparing a *basis of preparation* required under section 5.

## 2 General requirements

### 2.1 Preparation of information provided to the AER

2.1.1 Prepare all information required under this *Order* in a manner and form that:

- (a) is in an electronic format;
- (b) if submitted as a standalone file, is not protected, and allows for precedents and dependants to be traced;
- (c) for information provided as a written response, is fully searchable, in text readable format and is capable of text selection and a 'copy and paste' function being applied to it (all document files must be provided in Microsoft Word or PDF); and
- (d) for information required in the *data workbooks*, is provided in a form agreed with the *AER*.

### 2.2 Maintaining information provided under the Order

2.2.1 *Electricity distributors* must maintain all information used to prepare the annual responses required under this *Order* for a period of seven years from the date the information is submitted to the *AER*.

### 2.3 Security of critical infrastructure

2.3.1 If an *electricity distributor* identifies any information provided in response to this *Order* as *protected (SOC) information* (as defined in the *Security of Critical Infrastructure Act 2018*), the "entity" being, the *electricity distributor* must:

- (a) ensure the use and disclosure of the *protected (SOC) information* relates to the actions of an entity prescribed under section 5 of the *SOC Act*.
- (b) Ensure the *protected (SOC) information* is identified by:
  - (i) Naming the file or document in which the *protected (SOC) information* is reported with the suffix 'Protected SOC Act';
  - (ii) Identifying the specific information within the file or document that is *protected (SOC) information* by shading the relevant data or other information (suggested shading colour: blue (hex #25C6FF)).
- (c) Provide the *AER* with a list of files or documents containing *protected (SOC) information*.
- (d) Provide the *AER* with a version of each file or document listed in response to section 2.3.1(c) from which *protected (SOC) information* has been redacted. This version of the file or document must be named in accordance with the instructions at section 4.1.2(b) of this *Order*, and listed in the table provided in response to section 4.1.2(a) of this *Order*.

### 2.4 Confidentiality claims

2.4.1 If an *electricity distributor* makes a claim for confidentiality over any information provided in response to this *Order*, the *electricity distributor* must:



- (a) comply with the requirements of *AER's Confidentiality Guideline (2017)*, as if it extended and applied to responses to this *Order*,
- (b) provide, in addition to a confidential version of any information, a version of the information that may be published by the *AER*, and
- (c) highlight all information that is subject to a confidentiality claim, and if that information is being reported in response to the requirements of section 3 of this *Order*, it must be identified using a methodology agreed by the *AER*.

## **2.5 Resubmission of information provided under this Order**

2.5.1 If an *electricity distributor* is required to, or chooses to resubmit information provided under this *Order* the *electricity distributor* must notify the *AER* and:

- (a) identify the information that is to be resubmitted
- (b) provide the reason for the resubmission, and
- (c) advise whether or not the resubmitted information results in a *material* change in its response to the *Order*.

2.5.2 If the *AER* agrees that information should be resubmitted, the *electricity distributor* must update the relevant information as directed by the *AER*.

2.5.3 If an *electricity distributor* resubmits information that results in a *material change* to its response to this *Order*, the *AER* may request that the *electricity distributor* provide assurance over this information by:

- (a) verifying the resubmitted information by way of a statutory declaration in accordance with section 6 of this *Order*, and / or
- (b) providing the necessary *audit report* and/or the *assurance report* as applicable for the resubmitted information, prepared in accordance with the requirements set out in section 6 of this *Order*.

## 3 Data requirements

### 3.1 Requirement to provide information specified in data workbooks

3.1.1 *Electricity distributors* must prepare and provide the *AER* with the information specified in the *data workbooks* attached in Appendix A titled:

- Annual order – electricity distributors – Data category 02 Operational outputs.xlsx (**Workbook 02 – Operational outputs**)
- Annual order – electricity distributors – Data category 03 Network metrics.xlsx (**Workbook 03 – Network metrics**)
- Annual order – electricity distributors – Data category 04 Customer numbers.xlsx (**Workbook 04 – Customer numbers**)
- Annual order – electricity distributors – Data category 05 Service performance.xlsx (**Workbook 05 – Service performance**)
- Annual order – electricity distributors – Data category 06 Operating expenditure.xlsx (**Workbook 06 – Operating expenditure**)
- Annual order – electricity distributors – Data category 07 Capital expenditure.xlsx (**Workbook 07 – Capital expenditure**)
- Annual order – electricity distributors – Data category 08 Asset base values.xlsx (**Workbook 08 – Asset base values**)
- Annual order – electricity distributors – Data category 09 Revenue and financial statements.xlsx (**Workbook 09 – Revenue and financial statements**)
- Annual order – electricity distributors – Data category 10 Prices.xlsx (**Workbook 10 – Prices**)
- Annual order – electricity distributors – Data category 11 SCS legacy meter services.xlsx (**Workbook 11 – SCS legacy meters**)

3.1.2 *Electricity distributors* must prepare the information specified in the *data workbooks* in accordance with the instructions set out:

- (a) in each *data workbook*, and
- (b) in the document attached at Appendix A titled ‘Annual Order – Electricity distributors – Appendix A – Data Workbook instructions (**Data workbook instructions**)’.

3.1.3 *Electricity distributors* must provide the information specified in the *data workbooks* in a manner agreed with the *AER*.

## 4 Supporting information requirements

### 4.1 Requirement to provide supporting information under this Order

4.1.1 *Electricity distributors* must prepare and provide the *AER* with the information set out in sections 4, 5 and 6 of this *Order*.

4.1.2 *Electricity distributors* must provide the following information to assist the *AER* in identifying the information:

- (a) a table that identifies each response to this section 4 and where it is provided in the annual information submission;
- (b) a table that references each file (workbook, document or other) provided, where each file listed in the table must be given a name in the form:

[*Electricity distributor* name] – Annual Order – [reporting period] – [title] – [public/confidential]

where:

- (i) [Title] provides a meaningful description of the content of document, with limited reliance on acronyms or cross references, for example “Appendix 1A” is not meaningful, but “Appendix 1A – Cost allocation method” is;
- (ii) [Public/confidential] identifies if the file in its entirety can be published (public); or if it contains any information that is the subject of a claim for confidentiality in accordance with this *Order* (confidential).

### 4.2 Policies and procedures

4.2.1 The *electricity distributor* must provide its:

- (a) regulatory accounting principles and policies,
- (b) capitalisation policy,
- (c) policy/procedures for the allocation of overheads, in accordance with the approved *cost allocation method*.
- (d)

4.2.2 The *electricity distributor* must identify any changes to the policies and procedures listed at 4.2.1(a) that have occurred in the *reporting period*, and describe:

- (a) the reason for the change
- (b) the impact of the change on the information being reported.

### 4.3 Regulatory adjustments

4.3.1 For *regulatory adjustments* recorded in the *data workbooks* (*Workbook 06 – Operating expenditure, Workbook 09 – Revenue and financial statements*) the *electricity distributor* must provide a regulatory adjustments journal that identifies:

- (a) each adjustment included in the *regulatory adjustments* reported in the *data workbooks*
- (b) how each adjustment maps to the *regulatory adjustments* reported in the *data workbooks*
- (c) for each adjustment

- (i) the accounts credited and the amounts credited
- (ii) the accounts debited and the amounts debited.

4.3.2 For *regulatory adjustments* recorded in the regulatory adjustments journal the *electricity distributor* must provide:

- (a) a detailed explanation for the underlying reason for the *regulatory adjustment*
- (b) methodology and assumptions used to quantify the *regulatory adjustment*.

## 4.4 Discretionary row descriptors

4.4.1 *Electricity distributors* should keep discretionary row descriptors (inputs) used to meet the information requirements in the *data workbooks* at Appendix A the same in each *reporting period*.

4.4.2 If an electricity distributor has varied the row descriptors (input) compared to those used in the previous *reporting period* or *regulatory year*, the *electricity distributor* must provide:

- (a) an explanation of the relationship between the current row descriptors, and those used previously
- (b) an explanation of why the change was made
- (c) supporting material (or references to supporting material) driving the change (including for example policies, guidelines, or accounting standards).

## 4.5 Allocation of revenues and expenditures to distribution services

4.5.1 For each item of revenue or expenditure reported on a causal allocation basis to *distribution services* provide:

- (a) a description of the causal basis of allocation
- (b) the numeric quantity of the allocator
- (c) an explanation of why the allocator was selected

4.5.2 For each item of revenue or expenditure reported on a non-causal allocation basis to *distribution services* provide:

- (a) a description of the non-causal basis of allocation
- (b) the numeric quantity of the allocator
- (c) an explanation of why the allocator was preferred over other possible allocators
- (d) an explanation of why no causal basis of allocation could be established
- (e) documents showing any approval previously granted by the AER to use the allocator.

## 4.6 Allocation of revenues and expenditures to service segments

**Note:** Service segment refers to *direct control services* (either *standard control services* or *alternative control services*), *negotiated distribution services*, *unregulated distribution services* and non-distribution services.

4.6.1 For each item of revenue or expenditure reported on a causal allocation basis from *distribution services* to a service segment provide:

- (a) a description of the causal basis of allocation
  - (b) the numeric quantity of the allocator
  - (c) an explanation of why the allocator was selected
- 4.6.2 For each item of revenue or expenditure reported on a non-causal allocation basis from *distribution services* to a service segment provide:
- (a) a description of the non-causal basis of allocation
  - (b) the numeric quantity of the allocator
  - (c) an explanation of why the allocator was preferred over other possible allocators
  - (d) an explanation why no causal basis of allocation could be established
  - (e) documents showing any approval previously granted by the AER to use the allocator.

## 4.7 Material differences

- 4.7.1 Identify each difference (where the difference is equal to or greater than  $\pm 10$  per cent) between the target performance measure specified in the *service target performance incentive scheme* and actual performance reported in the *data workbooks*.
- 4.7.2 Identify each difference (where the difference is equal to or greater than  $\pm 10$  per cent) between the AER's forecast operating expenditure and actual operating expenditure reported in *Workbook 06 - operating expenditure*.
- 4.7.3 Identify each difference (where the difference is equal to or greater than  $\pm 10$  per cent) between the AER's forecast capital expenditure by purpose and actual capital expenditure by purpose reported in *Workbook 07 - capital expenditure*.
- 4.7.4 Explain the reasons for each difference identified in the response to section 4.7.1, 4.7.2 and 4.7.3.

## 4.8 Compliance

- 4.8.1 Explain the procedures and processes used by the *electricity distributor* to ensure the *distribution services* have been classified in accordance with the *electricity distributor's* current *distribution determination*.
- 4.8.2 Explain the procedures and processes used by the *electricity distributor* to ensure the *negotiated service criteria*, as set out in the *electricity distributor's* current *distribution determination*, have been applied.
- 4.8.3 Describe the process the *electricity distributor* has in place to identify a *negative change event* under clause 6.6.1(f) of the *NER* and the *materiality* threshold applied to these events.

## 4.9 Demand management incentive scheme

- 4.9.1 Identify each *demand management incentive scheme (DMIS)* eligible project and committed project for which the *electricity distributor* seeks approval.
- 4.9.2 For each *DMIS* eligible project identified in the response to section 4.9.1:
- (a) explain how it complies with the *AER's RIT-D* or the minimum project evaluation requirements detailed at section 2.2.1 of the *DMIS*;

- (b) submit a demand management compliance report in accordance with section 2.4 of the *DMIS*.

4.9.3 For each committed project identified in the response to section 4.9.1:

- (a) explain how it complies with committed project requirements as detailed at section 2.2.2 of the *DMIS*;
- (b) calculate the project incentive that each committed project can receive, in accordance with section 2.3 of the *DMIS*;
- (c) calculate total financial incentive that a distributor can accrue across all committed projects for the *reporting period* in accordance with section 2.5 of the *DMIS*;
- (d) submit a demand management compliance report in accordance with section 2.4 of the *DMIS*.

4.9.4 Provide an overview of developments in relation to projects or programs completed in previous years of the current *regulatory control period*, and of any results to date.

4.9.5 Provide any other required information as specified by the *DMIS*.

## **4.10 Demand management innovation allowance mechanism**

4.10.1 Identify each *demand management innovation allowance mechanism (DMIAM)* eligible project for which the *electricity distributor* seeks approval.

4.10.2 For each *DMIAM* eligible project identified in the response to section 4.10.1:

- (a) explain how it complies with project criteria detailed at section 2.2.1 of the *DMIAM*;
- (b) submit a compliance report in accordance with section 2.3 of the *DMIAM*.

4.10.3 Provide an overview of developments in relation to *projects* or programs completed in previous years of the current *regulatory control period*, and of any results to date.

4.10.4 Provide any other required information as specified by the *DMIAM*.

## **4.11 Tax standard asset lives**

4.11.1 Identify all tax standard asset lives applied to asset classes that differ from those contained in the *AER* approved *Post Tax Revenue Model* for the *reporting period*.

4.11.2 Explain the reasons for each difference identified in section 4.11.1 including reasons for any departure from the Australian Tax Office's most recent determination of effective life.

## **4.12 Tax reporting – immediate expensing**

4.12.1 List and explain the types of capital expenditure (such as refurbishment capital expenditure and capitalised overheads) associated with the *immediate expensing capital expenditure* as reported in the *data workbooks*, if any.

4.12.2 State if the *electricity distributor* has, since the last *reporting period*, changed and/or intends to change its tax policy on *immediate expensing capital expenditure* and explain the rationale for the change and impact of the change.

### 4.13 Regulatory investment test expenditure

4.13.1 For each project where the electricity distributor has incurred expenditure during the *reporting period* relating to a project that has undergone a *RIT-D* in accordance with r.5.17 of the NER and the AER's *RIT-D application guidelines* provide the following details:

- (a) the name of the *RIT-D* and the date on which the *RIT-D* process was concluded; and
- (b) whether the expenditure on the project is classified as *augmentation* expenditure or replacement expenditure.

### 4.14 Related party information

4.14.1 For each *related party transaction* reported in *Workbook 09 – Revenue and financial statements*, the *electricity distributor* must confirm that the contract or arrangement with the *related party* requires the *related party* to provide all relevant information to enable the *electricity distributor* to meet its reporting obligations (including allocation or attribution of costs of that *related party* contract) under this Order.

### 4.15 Reporting of fines and penalties

4.15.1 Where any fine or penalty has been incurred by the *electricity distributor* during the *reporting period* as a result of non-compliance with:

- (a) a distribution safety standard; or
- (b) a distribution reliability standard; or
- (c) a distribution service standard; or
- (d) the *NEL* or *NER*; or
- (e) the *National Energy Retail Law* or *National Energy Retail Rules*; or
- (f) any Act or instrument referred to in s.2D(1)(b)(ii) to (v) of the *NEL*,

the *electricity distributor* must identify and itemise each fine or penalty (including a description of the non-compliance, the size of each fine or penalty, and the relevant authority that levied each fine or penalty).

4.15.2 For all such fines or penalties identified in response to section 4.15.1, the *electricity distributor* must provide a statement attesting that:

- (a) The *electricity distributor* has not included any of that expenditure or cost, or any part of that expenditure or cost, in the operating expenditures contained in its response to this *Order*; and
- (b) The *electricity distributor* has not recovered any of that expenditure or cost, or any part of that expenditure or cost, from end users; and



(c) The *electricity distributor* has not sought to pass through any of that expenditure or cost, or any part of that expenditure or cost, to end users.

4.15.3 Where no such fines or penalties have been identified in response to section 4.15.1, the *electricity distributor* must provide a statement attesting that no such fine or penalty has been incurred.

4.15.4 The fines or penalties identified in section 4.15.1 exclude any payments made in accordance with the *AER's* incentive schemes (including guaranteed service level payments under Chapter 6 of the *AER's service target performance incentive scheme*) or any relevant jurisdictional guaranteed service level scheme.

## 4.16 Tariff variations

4.16.1 The *electricity distributor* must provide an explanation of the timing and nature of any *material changes* in the level and structure of tariffs in the *reporting period*.

4.16.2 The *electricity distributor* must provide an explanation of any *material* tariff re-assignments in the *reporting period*.

## 4.17 Vegetation management

4.17.1 The *electricity distributor* must provide a list of regulations that result in a material cost on performing vegetation management works (including, but not limited to, bushfire mitigation regulations).

4.17.2 The *electricity distributor* must provide a list of self-imposed standards from the *electricity distributor's* vegetation management program.

4.17.3 The *electricity distributor* must provide an explanation of the cost impact of regulations and self-imposed standards on performing vegetation management work in the *reporting period*.

## 4.18 Reconciliation of expenditure

4.18.1 The *electricity distributor* must identify all non-network operating expenditures items that have been reported against more than one operating expenditure category. The report must specify the relevant categories and expenditure amounts, for each non-network expenditure item allocated to multiple categories and enable reconciliation to total non-network operating expenditure reported on a mutually exclusive/collectively exhaustive basis to meet the requirement for *Opex by purpose*.



## 4.19 Benchmarking asset base

4.19.1 If the *electricity distributor* wishes to report benchmarking asset base values in accordance with the Optional additional approach set out in the economic benchmarking RIN<sup>1</sup>, it must:

- a) Submit the economic benchmarking asset base tables prepared using the optional additional approach as a separate data submission
- b) Provide a *basis of preparation* detailing the estimation of the asset base data.

## 4.20 Taxable income adjustments

4.20.1 The *electricity distributor* must provide in its *basis of preparation*, the methodology used to determine the permanent differences due to disallowed interest expenditure, and specify the interest expenditures it has assessed to be non-deductible.

4.20.2 The *electricity distributor* must provide in its *basis of preparation*, details of the prior year tax adjustments, including the reasons for the change (e.g. change in legislation, court judgment or Australian Tax Office correspondence where relevant).

4.20.3 The *electricity distributor* must provide an explanation of the factors that have resulted in the carried forward tax losses.

4.20.4 The *electricity distributor* must report any tax losses that have been used by the *electricity distributor* during the regulatory year. The *electricity distributor* must provide supporting calculations for the tax losses used.

## 4.21 Interest expenditure

4.21.1 The *electricity distributor* must provide in its *basis of preparation*, in relation to its interest expenditure:

- a) a description and explanation of the methodology used to allocate the interest expenditure. This methodology should provide:
  - i. the specific debt that has been allocated to the *electricity distributor's* core regulated services;
  - ii. the general debt that has been allocated to *electricity distributor's* core regulated services;
  - iii. the method used to allocate the specific debt and general debt between the regulated and unregulated assets held at the group level and also to the core regulated services; and

<sup>1</sup> See AER website at:  
<https://www.aer.gov.au/system/files/3.%20AER%20economic%20benchmarking%20RIN%20for%20distribution%20network%20service%20providers%20%E2%80%93%20Instructions%20and%20Definitions%20-%20Sample.pdf>

- iv. the method used to allocate *related party* interest to the *electricity distributor's* core regulated services, to the extent *related party* debt has been included in the specific or general debt allocations; and
- b) if available or applicable to the *electricity distributor*, details of the characteristics of the portfolio of debt being allocated to the *electricity distributor*, including:
  - i. the value of drawn debt allocated to the *electricity distributor's* core regulated services;
  - ii. the portfolio-weighted average term of debt instruments giving rise to interest expense reported; and
  - iii. any additional detail in its basis of preparation, that *electricity distributor* would consider relevant in understanding the allocated interest expenditure

## 4.22 Small scale incentive schemes

### Customer service incentive scheme

- 4.22.1 For every reporting year for which a *customer service incentive scheme* applies to the *electricity distributor*, the *electricity distributor* must report the information specified in the AER's regulatory determination that applied the scheme. The information must be reported in a form consistent with the requirements set out in the applicable regulatory determination, or as otherwise agreed with the AER.
- 4.22.2 Information reported under section 4.22.1 is required to be included in the basis of preparation submitted by the *electricity distributor*.
- 4.22.3 Information reported under 4.22.1 is subject to the assurance requirements set out in section 6.

### Export service incentive scheme

- 4.22.4 For every reporting year for which an *export service incentive scheme* applies to the *electricity distributor*, the *electricity distributor* must report the information specified in the AER's regulatory determination that applied the scheme. The information must be reported in a form consistent with the requirements set out in the applicable regulatory determination, or as otherwise agreed with the AER.
- 4.22.5 Information reported under section 4.22.4 is required to be included in the basis of preparation submitted by the *electricity distributor*.
- 4.22.6 Information reported under 4.22.4 is subject to the assurance requirements set out in section 6.

## 4.23 Safety

- 4.23.1 The *electricity distributor* must provide its definition of significant event, as per its approved Electrical Networks Safety Management System (ENSMS).
- 4.23.2 The *electricity distributor* must provide details of each significant event, including:

- a) the date, time, description of the event and event identifier (if used by the *electricity distributor*)
- b) the impact of the event on network personnel (including specification of the incident type)
- c) the impact of the event on members of the public (including specification of the incident type)
- d) the impact of the event on property
- e) the impact of the event on the operation of the network
- f) the estimated cost of the event where it includes damage to property
- g) information on mandatory reporting or notification of the event under WHS legislation
- h) information on mandatory reporting or notification of the event to the jurisdictional safety regulator
- i) any additional relevant information that will aid the AER's understanding of the event and its impact.

4.23.3 All information on significant events must be reported consistent with the requirements of the *electricity distributor*'s ENSMS.

## 4.24 Large projects

4.24.1 For each large project reported in *Workbook 07 – Capital expenditure* the *electricity distributor* must report:

- a) the date the large project was approved; or a regulatory investment test for the project was concluded; or a contingent project was triggered and approved by the AER
- b) whether the project is a contingent project
- c) the expenditure forecast for the reporting year; the difference between forecast and actual expenditure; and drivers of the difference.

## 5 Basis of preparation

### 5.1 Overview

5.1.1 *Electricity distributors* must prepare and submit a *basis of preparation* with each annual response to this *Order*. The *basis of preparation* must:

- (a) enable auditors, assurance practitioners and the AER to clearly understand how the *electricity distributor* has compiled the information required under this *Order*
- (b) identify any policy or operating instructions that are used to direct the compilation and preparation of information required to respond to the *Order*.

### 5.2 General instructions

5.2.1 For each table and sub-table in the *data workbooks* the *basis of preparation* must:

- (a) describe the source of the information provided
- (b) document the methodology (if any) used to transform the source data to meet the requirements of the *Order*
- (c) list the assumptions used in applying the methodology noted under (b)
- (d) classify the information as *actual information* or *estimated information* or as a *NULL response*
- (e) where *estimated information* is provided:
  - (i) explain why *actual information* cannot be provided
  - (ii) explain why the estimate is the *electricity distributor's* best estimate
- (f) where a *NULL response* is provided explain why the information is not relevant
- (g) explain any changes in the information sources or methodology that occurred in the *reporting period*.

5.2.2 The *basis of preparation* must include information on small scale incentive schemes, as required under section 4.22.

5.2.3 The *basis of preparation* may contain additional material if the *electricity distributor* considers it could assist a user to gain an understanding of the information presented in the *data workbooks*.

5.2.4 Appendix C contains a table that must be used by the *electricity distributor* to meet the requirements of section 5 of this *Order*. The required table may be submitted as an excel, word, text searchable PDF file or in another format as agreed by the AER.

## 6 Assurance requirements

### 6.1 Audit and/or assurance reports

- 6.1.1 Audits and reviews required under this *Order* must be conducted in compliance with Australian Auditing and Assurance Standards, as developed by the Auditing and Assurance Standards Board.
- 6.1.2 When undertaking an audit or review on the information presented by *electricity distributors*, as required under section 3 of this *Order* (and described in the *data workbooks*) and sections 4.22 of this *Order*, an auditor or assurance practitioner must opine or attest by reference to the *electricity distributor's basis of preparation*, prepared in accordance with section 5 of this *Order*.

### 6.2 Provision of audit and assurance reports

- 6.2.1 The *electricity distributor* must provide the *AER* with the *audit reports* and/or *assurance reports* as applicable, prepared in accordance with the requirements set out in this section 6.
- 6.2.2 The *electricity distributor* must provide all reports from the *auditor* to its management arising from the audit or review engagements required under this *Order*.

### 6.3 General requirement to audit or review

- 6.3.1 The independent audit or review requirements set out in this section 6 apply to the following types of historical information to be submitted each *reporting period*, in accordance with section 3 of this *Order* and section 4.22 of this *Order*:
- (a) Actual *financial information*;
  - (b) Estimated *financial information* where the *electricity distributor* certifies that it is not possible to provide actual *financial information*; and
  - (c) Actual and estimated *non-financial information*.

### 6.4 Exceptions to audit or review requirements

- 6.4.1 The general requirement to audit or review does not apply to information that has previously been audited or reviewed according to the standards set out in sections 6.6, 6.7 and 6.8 and submitted to the *AER*.
- 6.4.2 Where reliance is made on the exemption in section 6.4.1, the *electricity distributor* must identify the information the exemption covers in response to this *Order*. However, if this previously audited and supplied data is disaggregated for the purposes of this *Order*, the disaggregated data and reconciliation with the previously audited and supplied data must be audited or reviewed as relevant.
- 6.4.3 Auto populated cells in the *data workbooks* attached at Appendix A are outside of the audit and review requirements.
- 6.4.4 The following data requirements are exempt from audit and review requirements under sections 6.6, 6.7 and 6.8:
- Workbook 02 – Export services – export volumes

- Workbook 03 – Asset metrics - Asset lives – standard control services
- Workbook 03 – Asset metrics - Asset lives – alternative control services
- Workbook 03 – Export services – all tables
- Workbook 04 – Export services – all tables
- Workbook 05 – Export services – all tables
- Workbook 06 – Standard control – Maintenance – routine and non-routine

## 6.5 Class of person to conduct audits or reviews

6.5.1 The audit or review of actual or estimated *financial information* must be conducted by the Auditor General for the state in which the *electricity distributor* operates, or a person who:

- (a) is a registered company auditor who is a member of the Chartered Accountants Australia and New Zealand (CA or FCA) or of CPA Australia (CPA or FCPA) that holds a Certificate of Public Practice;
- (b) is independent from the *electricity distributor* and any *related party* of the *electricity distributor* – that is, not a principal, member, shareholder, *officer*, or employee of the *electricity distributor* or its *related party*;
- (c) is appointed for the purposes of expressing an opinion or conclusion on the audit or review requirements outlined in section 6.1 of this *Order*;
- (d) has experience in conducting financial, performance, operation or quality assurance audits and conducting data sampling in the electricity industry;
- (e) possesses relevant knowledge and experience in the electricity industry, engineering, IT systems, asset management or customer service as relevant to the audit or review;
- (f) understands regulatory accounting methods, including the *electricity distributor's cost allocation method* and the *AER's Distribution Ring-fencing Guidelines*;
- (g) understands the definitions, procedures and methodologies specified in the *NER* and/or this *Order* that have been used in the preparation of the information the subject of the audit or review; and
- (h) is available to discuss issues relating to the audit or review with the *electricity distributor* and the *AER*, including where an *audit report* or *assurance report* is critical of, or highlights deficiencies in, the audited *financial information* and/or *non-financial information*.

6.5.2 The review of *non-financial information* may be conducted by a person who is an assurance practitioner as defined in *ASAE 3000 Assurance engagements other than audits or reviews of historical financial information* and satisfies the requirements set out in (b) to (h) above.

## 6.6 Audit of actual financial information

6.6.1 The audit of *financial information* that is *actual information* must:

- (a) comply with Auditing Standard ASA 805 Special Considerations — Audits of Single Financial Statements and Specific Elements, Accounts or Items of a Financial Statement;
- (b) include an *audit report* that provides an opinion as to whether or not the actual *financial information* provided is presented fairly in accordance with the requirements of this *Order* and the *electricity distributor's basis of preparation*; and
- (c) list all tables and sub-tables within the scope of the audit engagement.

6.6.2 The following data requirements are exempt from the audit of *financial information* that is *actual information* specified in section 6.6.1:

- Workbook 06 – Standard control - Vegetation management – total vegetation management
- Workbook 06 – Standard control – Input expenditure category
- Workbook 06 – Export services - Opex for provision of export services
- Workbook 07 – Export services - Capex for provision of export services
- Workbook 08 – Standard control – SCS Benchmarking asset base by asset group –  
– EB RIN table 3.3.2
- Workbook 08 – Alternative control – ACS Benchmarking asset base by asset group  
– EB RIN table 3.3.2

NOTE: the assurance requirements at section 6.7 will apply to the data requirements listed in section 6.6.2.

## 6.7 Review of estimated financial information

6.7.1 The review of *financial information* that is *estimated information* must:

- (a) comply with ASRE 2405 Review of Historical Financial Information Other than a Financial Report; and
- (b) include an *assurance report* as to whether or not anything has come to the *auditor's* attention that causes it to suggest that the estimated historical *financial information* does not, in all *material* respects, present fairly in accordance with the requirements of this *Order* and the *electricity distributor's basis of preparation*; and
- (c) list all tables and sub-tables within scope of the assurance engagement.

## 6.8 Review of non-financial information

6.8.1 The review of the *non-financial information* must:



- (a) comply with ASAE 3000 Assurance engagements other than audits or reviews of historical *financial information*;
- (b) include an *assurance report* as to whether or not anything has come to the *auditor's* attention that causes it to suggest that the *non-financial information* does not, in all *material* respects, present fairly in accordance with the requirements of this *Order* and the *electricity distributor's basis of preparation*; and
- (c) list all tables and sub-tables within scope of the assurance engagement.

## 6.9 Statutory declaration

### Statutory declaration requirements

6.9.1 The *Order* requires a company *officer* of the *electricity distributor* to attest to the completeness and quality of the information provided in response to the *Order*, in accordance with the requirements of this section 6.9.

6.9.2 When attesting to the nature of the historical information provided the *officer* of the *electricity distributor* should take into account relevant factors including (but not limited to) whether historical information provided in response to this *Order*:

- (a) meets the requirements of this *Order*
- (b) is based on assumptions, identified in response to section 5.2.1 of this *Order*, and are justified and supported by evidence;
- (c) is consistent with applicable *AER* Guidelines; and
- (d) is consistent, to the extent possible, with historical information previously provided to the *AER*.

### Form of the statutory declaration

6.9.3 An *officer* of the *electricity distributor* is required to complete a statutory declaration form appropriate for the jurisdiction in which the *officer* resides.

6.9.4 In completing the form the *officer* must make a declaration in the following terms:

1. I am an officer, for the purposes of the *National Electricity (New South Wales) Law*, of [insert full name of the *electricity distributor*] [insert ACN/ABN of *electricity distributor*] (insert shortened name of *electricity distributor*) a regulated *network* service provider for the purposes of section 28C of the NEL. I am authorised by (insert shortened name of *electricity distributor*) to make this statutory declaration as part of the response of (insert shortened name of *electricity distributor*) to the Regulatory Information Order (order) issued by the Australian Energy Regulator (AER) on [date] to electricity distributors.
2. I say that the actual information (as defined in the order) provided in (insert shortened name of *electricity distributor*)'s response to the order is, to the best of my information, knowledge and belief:
  - (a) in accordance with the requirements of the order; and
  - (b) true and accurate.



3. Where it is not possible to provide actual information to comply with the order, (insert shortened name of *electricity distributor*) has, to the best of my information, knowledge and belief:
  - (a) provided (insert shortened name of *electricity distributor*) 's best estimate of the information in accordance with the requirements of the order; and
  - (b) provided the basis for each estimate, including assumptions made and reasons why the estimate is the best estimate, given the information sought in the *Order*.

## 7 Definitions

### 7.1 Interpretation

7.1.1 In this *Order* unless the contrary intention appears:

- the singular includes the plural, and the plural includes the singular
- the words “shall” and “must” indicate mandatory requirements
- expressions such as “includes” or “for example”, in any form, are not words of limitation
- a reference to any corporation, whether expressly identified or not, includes a reference to any representatives of that corporation, and
- a reference to any legislation, legislative instrument or other instrument is a reference to that legislation or instrument as in force from time to time.

### 7.2 Terms used in this Order and data workbooks

7.2.1 The terms used in this *Order* and in the *data workbooks* are defined in Appendix B to this *Order*, or have the meaning given in the *NEL* or *NER* if the term is not defined in this *Order*.

## Appendix A – data workbooks and instruction

The following workbooks are attached to this Order:

- Annual order – electricity distributors – Appendix A Data workbook instructions (**Workbook instructions**)
- Annual order – electricity distributors – Data category 02 Operational outputs.xlsx (**Workbook 02 – Operational outputs**)
- Annual order – electricity distributors – Data category 03 Network metrics.xlsx (**Workbook 03 – Network metrics**)
- Annual order – electricity distributors – Data category 04 Customer numbers.xlsx (**Workbook 04 – Customer numbers**)
- Annual order – electricity distributors – Data category 05 Service performance.xlsx (**Workbook 05 – Service performance**)
- Annual order – electricity distributors – Data category 06 Operating expenditure.xlsx (**Workbook 06 – Operating expenditure**)
- Annual order – electricity distributors – Data category 07 Capital expenditure.xlsx (**Workbook 07 – Capital expenditure**)
- Annual order – electricity distributors – Data category 08 Asset base values.xlsx (**Workbook 08 – Asset base values**)
- Annual order – electricity distributors – Data category 09 Revenue and financial statements.xlsx (**Workbook 09 – Revenue and financial statements**)
- Annual order – electricity distributors – Data category 10 Prices.xlsx (**Workbook 10 – Prices**)
- Annual order – electricity distributors – Data category 11 SCS legacy meter services.xlsx (**Workbook 11 – SCS legacy meters**)

## Appendix B – Definitions

actual information	<p>Information whose presentation is materially dependent on information recorded in historical accounting records or other records used in the normal course of business, and whose presentation is not contingent on judgments and assumptions for which there are valid alternatives, that could lead to a materially different presentation.</p> <p>'Accounting records' include trial balances, the general ledger, subsidiary accounting ledgers, journal entries and documentation to support journal entries. Actual financial information may include accounting estimates, such as accruals and provisions, and any adjustments made to the accounting records to populate its regulatory accounts.</p> <p>'Records used in the normal course of business', for the purposes of non-financial information, includes asset registers, geographical information systems, outage analysis systems, and so on.</p> <p>Information presented whose presentation is based on allocation method using judgments or assumptions, can be still reported as actual. The allocation method would be expected to be clearly documented by the <i>Network Service Provider</i> or <i>Service Provider</i> and approved by senior management as either a regulatory statement accounting policy or regulated statement policy, with any judgments or assumptions used in the allocation remaining consistent between reporting years. The judgments or assumptions used are to be determined in accordance with the Order, notice or other purpose governing the preparation of the information.</p>
alternative control services	<p>A distribution service that is a direct control service but not a standard control service (as defined in the NER). By way of context, Alternative Control Services are intended to capture distribution services provided at the request of, or for the benefit of, specific customers with regulatory oversight of prices.</p>
assurance report	<p>A report provided by an assurance practitioner for a review engagement, prepared in accordance with Australian Auditing Standards.</p>
audit report	<p>A report provided by an auditor for an audit engagement, prepared in accordance with Australian Auditing Standards.</p>
basis of preparation	<p>A description of the data quality, sources and methodologies used to meet the data requirements.</p>
cost allocation method	<p>The Network Service Provider's cost allocation method, or Service Provider's cost allocation method, approved by the AER for the reporting period.</p>
data workbooks	<p>The excel workbooks at appendix A to this Order</p>
distribution service	<p>As defined in the NER: A service provided by means of, or in connection with, a <i>distribution system</i>.</p>
estimated information	<p>Information whose presentation is not materially dependent on information recorded in the Network Service Provider's or Service Provider's historical accounting records or other records used in</p>

---

	<p>the normal course of business, and whose presentation is contingent on judgments and assumptions for which there are valid alternatives, that could lead to a materially different presentation. Please refer to explanation of terms “accounting records” and “records used in the normal course of business” in the definition for actual information.</p>
financial information	Information that is measured in monetary terms.
immediate expensing capital expenditure	The value of capital expenditure, that would be added to the regulatory or tax asset base, that has been or would be treated as immediately deductible for income tax purposes (e.g., refurbishments, overheads).
material (material change)	Information is material if its omission, misstatement or non-disclosure has the potential, individually or collectively, to influence the economic decisions of users (including the AER) taken on the basis of the information provided in accordance with the Order. This definition is based on the definition of materiality in the AASB conceptual framework which provides context for the interpretation of this definition of materiality.
materiality (threshold)	A level of materiality that is used to classify an event or information as material.
negotiated distribution service	As defined in section 2C of NEL
non-distribution service	As defined in the AER Distribution Ringfencing guideline
non-financial information	Information that is not measured in monetary terms
NULL response	No input is recorded against the data requirement
officer	As defined in section 9 of the Corporations Act 2001 (Cth)
Post tax revenue model (PTRM)	As defined in Chapter 10 of the NER.
regulatory adjustment	<p>The adjustments made to audited statutory accounts to arrive at the accounts for the Network Service Provider. The adjustments should include:</p> <ul style="list-style-type: none"> <li>(a) non-distribution services;</li> <li>(b) negotiated transmission services;</li> <li>(c) non-regulated transmission services;</li> <li>(d) and any other adjustments.</li> </ul>
Related party	<p>Any entity other than the network service provider that at any time during the regulatory year:</p> <ul style="list-style-type: none"> <li>(a) had, has or is expected to have control or significant influence over the network service provider;</li> <li>(b) was, is or is expected to be subject to control or significant influence from the network service provider;</li> <li>(c) was, is or is expected to be controlled by the same entity that controlled, controls or is expect to control the network service provider —referred to as a situation in which entities are subject to common control;</li> <li>(d) was, is or is expected to be controlled by the same entity that significantly influenced, influences or is expected to influence the network service provider; or</li> </ul>

---

---

(e) was, is or is expected to be significantly influenced by the same entity that controlled, controls or is expected to control the network service provider.

Excludes any other entity that would otherwise be related solely due to normal dealings of: financial institutions; authorised trustee corporations as prescribed in Schedule 9 of the Corporations Act 2001 (Cth); fund managers; trade unions; statutory authorities; government departments; local governments; or where any of the entities identified above have novated or assigned a contract or arrangement to or from another entity (where that contract or arrangement relates to the provision of core regulated services by the network service provider), the entity to whom that contract or arrangement has been novated or assigned.

reporting period	A 12-month period as defined in section 1.5 of this Order.
service target performance incentive scheme (STPIS)	The AER's Service target performance incentive scheme published by the AER in accordance with the NER.
standard control services	As defined in the NER. For clarity, Standard Control Services are intended to capture services available only through an <i>electricity distributor's</i> network typically provided to all customers or a broad class of customers recovered through general network tariffs.
supporting information	Information provided in accordance with section 4, 5 or 6 of this Order
unregulated distribution services	As defined in the AER Distribution Ringfencing guideline

Note: Definitions of terms used in the *data workbooks* are contained in the data workbooks.

## Appendix C – Basis of preparation template

An electricity distributor must use this basis of preparation template to meet the requirements of section 5 of this Order.

The *basis of preparation* must be submitted in table form and cover at a minimum the following information for all data requirements:

Workbook /table reference	Annual submission reference		Data quality	Estimated data		NULL response	Information source	Methodology	Assumptions	Additional information	Changes from previous year basis of preparation
	Section 5.2.1		Section 5.2.1(d)	Section 5.2.1(e)		Section 5.2.1(f)	Section 5.2.1(a)	Including policy references  Section 5.2.1(b)	Including policy references and approvals  Section 5.2.1(c)	Section 5.2.2	Section 5.2.1(g)
	File name	Worksheet / table	Actual/ Estimate/ NULL	Why no actual data	Why best estimate	Why requirement is not able to be met					