Marinus Link

Decision to amend Commencement and Process Paper

November 2024



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Summary

Marinus Link is a proposed 1500 MW transmission link between Tasmania and Victoria. The project comprises two undersea High Voltage Direct Current cables running across the Bass Strait and converter stations in Tasmania and Victoria. Marinus Link will connect to the existing transmission networks in both states. Upgrades to the Tasmanian transmission network will be required to accommodate the new link.

On 1 June 2023 we published our decision¹ to:

- commence a transmission determination process for Marinus Link pursuant to clause 6A.9.2(f) of the National Electricity Rules (NER), and
- publish the Commencement and Process Paper for Marinus Link, in which we specified modifications to the normal transmission determination process set out in Chapter 6A of the NER such that the process is divided into two stages for Marinus Link, namely:
 - Stage 1: an early works revenue determination for development and tendering work, and a construction cost determination, in which we would determine the cost of constructing the Marinus Link project, and
 - Stage 2: a full revenue determination, which, on the basis of the construction cost determination, we would determine all of the matters we are required to under rule 6A.14 of the NER, including determining an opening Regulatory Asset Base, and incorporate other elements of our building block methodology, such as operating expenditures and a rate of return allowance, to determine revenues and tariffs.

On 19 December 2023, we published our revenue determination for Stage 1, Part A (Early works).²

On 16 February 2024, Marinus Link wrote to the AER to request a change to the Commencement and Process Paper, in order to allow Marinus Link to delay submission of the Stage 1, Part B (construction cost) revenue proposal, extend the first regulatory control period from 3 to 5 years, and allow for consideration of contingent project applications.³ We published an updated Commencement and Process Paper on 15 March 2024.⁴

On 30 October 2024, Marinus Link wrote to the AER seeking additional amendments to the Commencement and Process Paper to further delay submission of the Stage 1, Part B (construction cost) revenue proposal, and to commensurately delay the AER's timelines for assessing and consulting on the proposal. Marinus Link now seeks to submit its construction cost proposal in November 2024 (previously July 2024) and proposes a final decision on the construction costs in October 2025 (previously April 2025).

Our decision is to amend the Commencement and Process Paper to accommodate the revised submission date proposed by Marinus Link. However, we have modified Marinus

¹ AER, Marinus Link Decision: Transmission Determination Commencement and Process Paper, June 2023

² AER, AER Determination: Marinus Link Stage 1, Part A (Early works), December 2023

Marinus Link, Letter to AER: Commencement and Process Paper, February 2024

⁴ AER, Marinus Link: Update Commencement and Process Paper, March 2024.

Link's proposed timelines to allow for a more extensive consultation process with interested stakeholders. The approved major milestones are:

- November 2024: Marinus Link proposal.
- March 2025: AER issues paper.
- May 2025: AER initial draft decision.
- July 2025: Marinus Link revised proposal following completion of AEMO feedback loop and an updated regulatory investment test for transmission (RIT-T), including revised costings.
- October 2025: AER supplementary draft decision.
- December 2025: AER final decision.

Table 1 in section 3 below shows the timelines compared to Marinus Link's proposal.

Marinus Link has a deadline of 31 May 2025 to make a final investment recommendation to shareholders, and between December 2025 and March 2026 to secure concessional finance from the Clean Energy Finance Corporation. The timelines in this Commencement and Process paper provide draft and final decisions ahead of those deadlines, allowing Marinus Link to take our decisions into account in making its investment and financing decisions.

Our modifications provide an appropriate balance between consultation with stakeholders and the interests of Marinus Link and its investors. They provide the necessary time for stakeholders to respond to both the initial proposal and the project costing updates in July 2025.

1 Background

1.1 About Marinus Link

Marinus Link is a proposed 1500 MW transmission link between Tasmania and Victoria. The project comprises two undersea High Voltage Direct Current cables running across the Bass Strait and converter stations in Tasmania and Victoria. Marinus Link will connect to the existing transmission networks in both states. Upgrades to the Tasmanian transmission network will be required to accommodate the new link.

Marinus Link will be owned and operated by Marinus Link Pty Ltd, a joint venture between the Tasmanian, Victorian and Australian Governments.

Consumers across the National Electricity Market (NEM) will benefit from Marinus Link. As coal plants are retired and replaced by intermittent wind and solar sources, firming up the supply of electricity generation will be required. Marinus Link will allow Tasmania to export electricity generated by its hydroelectricity plants into Victoria. Cost benefit assessments provide an estimate of the net benefits to consumers – that is the benefits from the project less the additional transmission costs.

1.2 Commencement and Process Paper

In December 2022, the Australian Energy Market Commission (AEMC) implemented a rule change which provided for the AER to make a transmission determination for what is referred to as an "Intending TNSP".⁵ Marinus Link is an example of an intending TNSP.

On 31 March 2023, Marinus Link lodged an application requesting us to commence, and determine, the process for us to make a transmission determination. In so doing, Marinus Link proposed a three-stage revenue determination process with:

- early works (commencing July 2023)
- construction costs (commencing February 2024)
- final revenues (commencing January 2027).

On 1 June 2023, we published our decision to commence the process for making a transmission determination for Marinus Link (Commencement Decision). The Rule requirements and our reasons for commencing the transmission determination are set out in the Commencement Decision.

Further amendments were made in March 2024, following a request from Marinus Link to delay submission of the Stage 1, Part B (Construction cost) revenue proposal; extend the first regulatory control period from 3 to 5 years; and allow consideration of contingent project applications.⁷

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Establishing Revenue Determinations for Intending TNSPs, AEMC, 22 December 2022

⁶ AER, Marinus Link Decision: Transmission Determination Commencement and Process Paper, June 2023

⁷ AER, Marinus Link: Updated Commencement and Process Paper, March 2023

2 Request to amend Commencement and Process Paper

On 30 October 2024, Marinus Link requested further amendments to the Commencement and Process Paper. The request was made in accordance with clause 6A.9.3(f) of the NER, which provides that the AER may, on application of the relevant intending TNSP, amend a Commencement and Process Paper if the AER is satisfied that the circumstances have arisen such that the amendment is reasonably necessary. Marinus Link's letter is available on our website.

2.1 Circumstances that warrant amendments

In its letter to the AER, Marinus Link state the following as grounds requiring amendments to the Commencement and Process Paper:

 Given market feedback, Marinus Link has revised the tender process for the remaining Balance of Works (BoW) for Part B (Construction costs), which includes land cable civil works and converter stations design and construction. Given the revised approach, Marinus Link opted to defer the submission of the Part B (Construction costs) revenue proposal, originally scheduled for 15 July 2024.

The AER is satisfied that the circumstances reasonably require amendments to the Stage 1, Part B (Construction cost) timeline set out in the Commencement and Process Paper.

2.2 Marinus Link's proposed revised timeline

Table 1 below sets out the revised timeline as proposed by Marinus Link. In proposing the updated timeline, Marinus Link noted key considerations including:

- delays to Marinus Link's tendering process
- allowing sufficient time for the AER and stakeholders to review forecast expenditure for Part B (Construction cost) works
- ensuring adherence to regulatory frameworks, including revenue determinations and contingent project applications, while maintaining procedural fairness and meaningful stakeholder input
- ensuring confidence in the determination process and keeping the project timeline intact by minimising further changes to the Commencement and Process Paper.

Further, Marinus Link requested the AER consider the timing of the Final Investment Decision (FID), expected in May 2025, and the timing of Financial Close (FC), expected between December 2025 and March 2026, given the AER's draft and final decisions will be important considerations for FID and FC respectively.

In proposing the revised timeline, Marinus Link notes that approximately 46% of construction costs, being the undersea cable and installation and converter station equipment costs, will

be at a level of Association for the Advancement of Cost Engineering (AACE) Class 2⁸ at the time of submitting the Stage 1, Part B (Construction cost) proposal in November 2024. The remaining cost elements will mostly be at the AACE Class 3 level or untendered, including balance of works, supporting costs, and insurance. Marinus Link proposes to provide all the cost estimates in November 2024 and to provide updated costings for the balance of works component as part of its revised revenue proposal in July 2025. Marinus Link plans to formally commit to the approach of revisiting the Regulatory Investment Test for Transmission (RIT-T) and completing the AEMO feedback loop process prior to submitting the revised revenue proposal in July 2025.

Table 1 Marinus Link – Proposed Revised Milestones

Milestone	Current Timing	Marinus Link proposed timing
Marinus Link to submit Stage 1, Part B (Construction cost) revenue proposal	15 July 2024	by 29 November 2024
AER issues paper and stakeholder consultation	August 2024	February 2025
AER public forum	August 2024	February 2025
AER draft decision	November 2024	March 2025
Marinus Link to submit revised revenue proposal	January 2025	15 July 2025
AER final decision on Part B (Construction cost) revenue proposal	15 April 2025	31 October 2025
First Regulatory Period commences	1 July 2025	Unchanged
Marinus Link to submit Stage 2 (Revenue proposal)	30 January 2029	Unchanged
AER final decision Stage 2 (Revenue proposal)	30 April 2030	Unchanged
First Regulatory Period ends	30 June 2030	Unchanged

Class 2 refers to a cost estimate classification provided under The Association for the Advancement of Cost Engineering (AACE) International practice guideline 17R-97. These cost estimate classifications ranges from Class 1 to Class 5 in descending expected accuracy levels.

3 Decision to amend Commencement and Process Paper

We have considered the grounds on which Marinus Link has requested amendments to the Commencement and Process Paper. While we are satisfied circumstances have arisen such that amendments to the Stage 1, Part B (Construction cost) timelines are reasonably necessary, some of the timeframes proposed by Marinus Link will not allow reasonable consultation with stakeholders or appropriate regulatory consideration. Our decision includes an alternative timeline to that proposed by Marinus Link, set out in Table 2 below. We consider our alternative timeline is reasonably necessary.

Table 2 Marinus Link – Updated Milestones

Milestone	Current Timing	Marinus Link proposed timing	AER Decision – updated timing
Marinus Link to submit Stage 1, Part B (Construction cost) revenue proposal	15 July 2024	by 29 November 2024	29 November 2024
AER issues paper and stakeholder consultation	August 2024	February 2025	No later than 7 March 2025
AER initial draft decision	November 2024	March 2025	No later than 16 May 2025
Marinus Link to submit revised revenue proposal	January 2025	15 July 2025	15 July 2025
AER supplementary draft decision	Not applicable	Not proposed	10 October 2025
AER final decision on Part B (Construction cost) revenue proposal	15 April 2025	31 October 2025	19 December 2025 or 6 February 2026*
First Regulatory Period commences	1 July 2025	Unchanged	Unchanged
Marinus Link to submit Stage 2 (Revenue proposal)	30 January 2029	Unchanged	Unchanged
AER final decision Stage 2 (Revenue proposal)	30 April 2030	Unchanged	Unchanged
First Regulatory Period ends	30 June 2030	Unchanged	Unchanged

^{*} Note: The later date of 6 February 2026 would apply under the following conditions:

The main reason for our revised timelines is that the majority of Marinus Link's costings are not yet fully market tested and are subject to significant change.

Marinus Link has tendered for the undersea cable and installation and converter station equipment. The costs are classified as AACE Class 2 and account for 46% of proposed

⁽a) An uplift of 15% or greater between the initial and revised proposal for the undersea cable and installation and converter station equipment costs, which will be based on Class 2 cost estimates at the initial draft, or

⁽b) A delay for two weeks or more in the submission of the revised proposal from 15 July 2025.

construction costs. Class 2 costs are defined as having a cost range of up to 15% lower than estimated, and up to 20% higher.

The remaining cost elements are at the AACE Class 3 level or are untendered. Class 3 costs are defined as having a cost range of up to 20% lower than estimated and up to 30% higher. Marinus Link proposes to provide all of the cost estimates (both Class 2 and Class 3 estimates) in November 2024 and to provide updated (market tested) costings for the balance of works as part of its revised revenue proposal in July 2025.

The level of cost uncertainty lacks a level of precision compared to similar large transmission projects. Table 3 provides a breakdown of the costs for Marinus Link in Class 2, compared to Project Energy Connect and HumeLink, noting Project Energy Connect and HumeLink progressed as contingent projects.

Table 3 Comparison of Class 2 costs received by the AER at the initial revenue proposal for major transmission projects

Transmission Project	Class 2 (% of total costs)	
Project Energy Connect	78%	
HumeLink	61.1%	
Marinus Link	46%	

We can assess the AACE Class 2 elements once the initial regulatory proposal has been lodged. However, we consider the costings for other elements are subject to too much uncertainty to meaningfully consult on and assess until they are market tested. For this reason, we are adopting a staged approach. We will assess the AACE Class 2 elements and provide an initial draft decision on these. The initial draft decision will include the balance of costs as placeholder figures. However, these costs will not be assessed.

Marinus Link will provide market tested costings on the balance of works in its revised proposal and we will release a supplementary draft decision for stakeholder consultation with our assessment of these costs. In its letter, Marinus Link proposed to complete the AEMO feedback loop process and update its RIT-T assessment prior to submitting the revised proposal. We agree with Marinus Link's approach and our expectation is that Marinus Link completes both the feedback loop process and update its RIT-T assessment prior to the submission of the revised proposal. This will provide stakeholders with confidence that the project remains optimal and will deliver benefits to consumers.

We consider that the additional (supplementary draft decision) step is required to provide stakeholders with an opportunity to comment on the full scope of works and the more accurate costings to be provided in July 2025. To move directly from a revised proposal to a final decision, as proposed by Marinus Link, limits the capacity for consumers and other stakeholders to inform our final decision.

The steps in our process and the reasons for our timing are as follows:

- Issues paper (no later than 7 March 2025). Given the unusual two stage approach, including a draft decision limited to the undersea cable and installation and converter station equipment costs which have been market tested, we consider an issues paper is appropriate to explain the process to stakeholders and explain what feedback is being sought.
- Initial Draft decision (no later than 16 May 2025). The timing of the draft decision is later than the March date proposed by Marinus Link. This will allow us to consider stakeholder submissions in response to our issues paper.
- Revised Proposal (15 July 2025). Marinus Link will provide updated costings with market tested estimates of the balance of works element of the proposal. We note Marinus Link's proposal to complete the AEMO feedback loop process and an updated RIT-T assessment prior to submitting the revised proposal in July 2025. Our expectation is that Marinus Link will undertake these as a prudent and necessary step prior to lodging a revised regulatory proposal.
- Supplementary draft decision (10 October 2025). The supplementary draft decision allows stakeholders to review and comment on the full scope of works and the more accurate costings. An October release is driven by the time we need to meaningfully assess Marinus Link's revised proposal.
- Final decision (19 December 2025). The final decision is two months later than proposed by Marinus Link. As noted, the delay is driven by the additional public consultation step with the revised draft proposal.
 - Alternative Final decision date (6 February 2026). In the event of at least a 15% increase between the initial Class 2 cost estimates for undersea cable and installation and converter station equipment submitted on 29 November 2024 and the final cost estimates submitted in the revised proposal on 15 July 2025, the AER has decided on an alternative Final decision date of 6 February 2026. This date reflects that in order for us to deliver a meaningful assessment of such a large variation in total costs, additional analysis and time beyond the 19 December 2025 will be required to reassess the initial draft decision. We also propose to adopt this alternative Final decision date of 6 February 2026 if the revised proposal from Marinus Link is delayed by more than two weeks from 15 July 2025.

The primary timelines adopted in this paper should still allow Marinus Link to meet its project milestones. Marinus Link aims to make a final investment recommendation to shareholders by 31 May 2025. It states that the AER's draft decision will play an important role in informing this decision. We will release our draft decision no later than 16 May ahead of Marinus Link's recommendation to shareholders.

The Clean Energy Finance Corporation is considering concessional finance for Marinus Link. and requires revenue certainty as a condition of the concession debt financing. Marinus Link has a window between December 2025 and March 2026 to achieving financial close. Subject to there not being 15% variation in the undersea cable and installation costs and converter station equipment costs between the initial and revised proposal, and the revised proposal not being two weeks later than proposed, we will release our final decision in December. This will support the revenue certainty requirement.

Table 4, below, summarises amendments to the previous Commencement and Process Paper decision (from March 2024) made in this decision.

Table 4 Summary of modifications to decisions from previous Commencement and Process Paper

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Matter	Decision	
Date by which Marinus Link must submit	Previously: 15 July 2024	
its Stage 1, Part B (construction cost) revenue proposal	Revised date: 29 November 2024	
Date by which the AER must release an	Previously: August 2024	
issues paper	Revised Date: No later than 7 March 2025	
Date by which the AER must release an	Previously: November 2024	
initial draft decision	Revised Date: No later than 16 May 2025 for first draft decision	
Date by which the AER must submit its revised Stage 1, Part B (construction cost) revenue proposal	Previously: January 2025	
	Revised Date: 15 July 2025	
Date by which the AER must release a	Previously: Not included	
supplementary draft decision	Revised Date: 10 October 2025	
Date by which the AER must release a	Previously: 15 April 2025	
final decision	Revised Date: 19 December 2025 (or Alternative 6 February 2026) ⁹	
Commencement of a transmission	Previously: Yes	
determination process for Marinus Link	Revised: Unchanged	
Commencement date for Marinus Link's	Previously: 1 July 2025 to 30 June 2030	
transmission determination	Revised Dates: Unchanged	

⁹ The later date of 6 February 2026 would apply under the following conditions:

⁽a) An uplift of 15% or greater between the initial and revised proposal for the undersea cable and installation and converter station equipment costs, which will be based on Class 2 cost estimates at the initial draft, or (b) A delay for two weeks or more in the submission of the revised proposal from 15 July 2025.

Matter	Decision			
Date by when Marinus Link must submit	Previously:			
its revenue proposal and proposed pricing methodology	Stage 1, Part A (Early Works) – 31 July 2023			
	Stage 1, Part B (Construction costs) – 15 July 2024			
	Stage 2 (including Pricing Methodology) – 30 January 2029			
	Revised Dates:			
	Stage 1, Part (Early Works) – Unchanged			
	Stage 1, Part B (Construction costs) – 29 November 2024			
	Stage 2 (including Pricing Methodology) – Unchanged			
Whether the process for a transmission determination is to be completed in more than one stage, and if so, what matters are to be determined in each stage.	Previously: Yes Stage 1:			
	 An early works revenue determination, which we understand would cover development and tendering work A construction cost determination, in which we would determine the cost of constructing the first cable, with the construction costs for the second cable to be included as a contingent project application 			
	Stage 2			
	A full revenue determination, which, on the basis of the construction cost determination, we would determine all of the matters we are required to under rule 6A.14 of the NER, including determining an opening Regulatory Asset Base, and incorporate other elements of our building block methodology, such as operating expenditures and a rate of			

Matter	Decision
	return allowance, to determine revenues and tariffs. Revised: Unchanged
The modifications to the process we may determine in making Marinus Link's transmission determination	Previously: • The expenditure forecasting and pricing methodologies • The framework and approach paper (though relevant matters will be addressed in the Issues Paper) • The overview paper Information obligations of Marinus Link for the Part A and Part B regulatory proposals are modified as follows: • Information relating to revenue setting, forecasting and pricing where these matters are not relevant to Marinus Link's expected circumstances during Stage 1; • Information relating to the regulatory asset base, other than information required to determine the capitalisation of return of capital • In relation to incentive mechanisms other than information required to determine the possible application of the capital expenditure sharing scheme (CESS) Modifications for Stage 2: There are no modifications applying to Stage 2. A full revenue determination is required using the standard 15-month process under Chapter 6A of the NER, commencing in January 2027. Revised: Unchanged
The methodology to determine how the return on capital, earned in regulatory years prior to the provision of prescribed transmission services, is to be	Previously: The AER reviewed Marinus Link's regulatory proposal for Stage 1, Part A

Matter	Decision
capitalised into the RAB for a proposed transmission system.	(Early Works) and determined the methodology in our determination.
	Revised: Unchanged

Attachment A – Table of decisions to be made under rule 6A.14 of the NER by Stage/Part

Clause 6A.14.1 - Content of decisions	Stage 1 Part A	Stage 1 Part B	Stage 2
(1) on the Transmission Network Service Provider's current Revenue Proposal in which the AER either approves or refuses to approve			
(i) the total revenue cap for the provider for the regulatory control period;	Not Included	Not Included	Included
(ii) the maximum allowed revenue for the provider for each regulatory year of the regulatory control period;	Not Included	Not Included	Included
(iii) the values that are to be attributed to the performance incentive scheme parameters for any service target performance incentive scheme that is to apply to the provider in respect of the regulatory control period;	Not Included	Not Included	Included
(iv) the values that are to be attributed to the efficiency benefit sharing scheme parameters for any efficiency benefit sharing scheme that is to apply to the provider in respect of the regulatory control period; and	Not Included	Not Included	Included
(v) the commencement and length of the regulatory control period that has been proposed by the provider,	Included	Included	Included
(2) in which the AER either:			
 (i) acting in accordance with clause 6A.6.7(c), accepts the total of the forecast capital expenditure for the regulatory control period that is included in the current Revenue Proposal; or 	Included	Included	Included
(ii) acting in accordance with clause 6A.6.7(d), does not accept the total of the forecast capital expenditure for the regulatory control period that is included in the current Revenue Proposal, in which case the AER must set out its reasons for that decision and an estimate of the total of the Transmission Network Service Provider's required capital expenditure for the regulatory control period that the AER is satisfied reasonably reflects the capital expenditure criteria, taking into account the capital expenditure factors;	Included	Included	Included
(3) in which the AER either:			
 (i) acting in accordance with clause 6A.6.6(c) or clause 6A.6.6(c1), accepts the total of the forecast operating expenditure for the regulatory control period that is included in the current Revenue Proposal; or 	Not Included	Not Included	Included

(ii)	acting in accordance with clause 6A.6.6(d), does not accept the total of the forecast operating expenditure for the regulatory control period that is included in the current Revenue Proposal, in which case the AER must set out its reasons for that decision and an estimate of the total of the Transmission Network Service Provider's required operating expenditure for the regulatory control period that the AER is satisfied reasonably reflects the operating expenditure criteria, taking into account the operating expenditure factors;	Not Included	Not Included	Included
(4) in	which the AER determines:			
(i)	whether each of the proposed contingent projects (if any) described in the current Revenue Proposal are contingent projects for the purposes of the revenue determination in which case the decision must clearly identify each of those contingent projects;	Not Included	Included under revised process	Included
(ii)	the capital expenditure that it is satisfied reasonably reflects the capital expenditure criteria, taking into account the capital expenditure factors, in the context of each contingent project as described in the current Revenue Proposal;	Not Included	Included under revised process	Included
(iii)	the trigger events in relation to each contingent project (in which case the decision must clearly specify those trigger events); and	Not Included	Included under revised process	Included
(iv)	if the AER determines that such a proposed contingent project is not a contingent project for the purposes of the revenue determination, its reasons for that conclusion, having regard to the requirements of clause 6A.8.1(b);	Not Included	Included under revised process	Included
ex de	which the AER determines how any applicable capital penditure sharing scheme, small-scale incentive scheme or mand management innovation allowance mechanism is to ply to the Transmission Network Service Provider;	Included	Included	Included
	the allowed rate of return for each regulatory year of the gulatory control period;	Included	Included	Included
	the allowed imputation credits for each regulatory year of the gulatory control period;	Included	Included	Included
re	the regulatory asset base as at the commencement of the gulatory control period in accordance with clause 6A.6.1 and shedule 6A.2;	Included	Included	Included
ba co	whether depreciation for establishing the regulatory asset se as at the commencement of the following regulatory ntrol period is to be based on actual or forecast capital penditure;	Not Included	Not Included	Included
Note:				

Note:

See clause S6A.2.2B.

(8)	on the Transmission Network Service Provider's current proposed pricing methodology, in which the AER either approves or refuses to approve that methodology and sets out reasons for its decision; and	Not Included	Not Included	Included	
(9)	on the additional pass through events that are to apply for the regulatory control period in accordance with clause 6A.6.9.	Included	Included	Included	

Glossary

Term	Definition
AACE	Association for the Advancement of Cost Engineering
AEMC	Australian Energy Market Commission
AEMO	Australian Energy Market Operator
AER	Australian Energy Regulator
CESS	Capital expenditure sharing scheme
DNSP	Distribution Network Service Provider
MW	Megawatt
NEM	National Electricity Market
NER	National Electricity Rule
RIT-T	Regulatory investment test for transmission
TNSP	Transmission Network Service Provider