



27 October 2022

[REDACTED]  
[REDACTED]  
Essential Services Commission  
Level 8, 570 Bourke Street  
Melbourne VIC 3000

Via: [REDACTED]

Dear [REDACTED]

**Re: Distributor reporting obligations reflecting the Electricity Distribution Code of Practice**

CitiPower, Powercor and United Energy welcome the opportunity to provide feedback to the Essential Services Commission's (ESC) draft decision on the Distributor reporting obligations reflecting the Electricity Distribution Code of Practice (EDCoP).

We commend the ESC for continuing to review and consolidate the regulatory instruments and obligations into the new EDCoP. This will provide an improved and more coherent structure and align the code with national regulatory frameworks.

We provide the following feedback for your consideration:

1. We support moving the electricity distributor reporting obligations and performance indicators out of the Compliance and Performance Reporting Guideline (CPRG) and into a schedule to the EDCoP, with consequential amendments to the EDCoP.
2. We agree with the removal of the monthly reporting requirement for planned interruptions for non-life support customers under clause 11.5.1(a) of the EDCoP, and will report these as a Type 2 obligation i.e. within 30 calendar days of the breach being detected.
3. The voltage performance template "Performance indicator reporting template - voltage performance – distributors" has not been included as an annexure and should be updated as well in line with the other performance reporting templates.
4. We agree the same approach should be adopted to the classification of type 1 and type 2 obligations and the reporting frequency as in version 7 of the CPRG. However in addition to the exceptions prescribed by the ESC, we believe some obligations proposed to be classified as type 2 (and a civil penalty) should not be reportable as they are non-operative provisions or impractical to report as a breach.

**Additional type 1 and 2 obligations**

Type 1 is intended to apply to obligations where compliance may have a critical impact on customers. Distributors currently have 19 type 1 obligations under the current CPRG version 7 and equivalent clauses in EDCoP v1. Where an obligation has been designated as type 1, we generally consider the allocation appropriate, including the addition of two new type 1 obligations relating to the health and safety of customers (including life support).

Type 2 obligations are those considered to pose significant or moderate impact to customers. Distributors currently have 25 type 2 obligations under the current CPRG version 7 and equivalent clauses in EDCoP v1. The

ESC has proposed an additional 91 type 2 obligations, which is a very significant increase on the current number of reportable obligations. We consider 14 of these designations to be inappropriate, as breaches of some of these obligations would have a minimal, if any, impact on customers as they are informational in nature, are impractical to report as a breach, or require us to use best endeavours. For example, we consider the following proposed type 2 obligations should be downgraded to material breaches:

- Clauses 1.5.2, 4.3.1 and 9.2.3 are all informational in nature as it gives instructions relating to related obligations and should be reclassified to a material breach.
- Clauses 20.4.1 and 20.4.7 relate to maintaining, monitoring and recording voltages and is impractical to report as a type 2 breach. These obligations are already met via the quarterly voltage performance indicator reporting.
- Clauses 7.3.4, 9.4.4, 11.6.1, 13.3.1, 16.4.2, 16.5.2, 19.2.1, 20.4.5 and 25.4.3 all require us to use best endeavours. We strive to achieve these requirements at all times, therefore classifying these obligations as type 2 is unnecessary.

Please find attached a list (refer Attachment A) of the nominated obligations and a comment as to why some of these obligations should not be considered as a Type 2 obligation.

Finally, we request the ESC consider including notes below relevant EDCoP clauses that are civil penalty provisions. This could be similar to the National Electricity Rules which provides a note below a clause which indicates, for example, the paragraph is classified as a tier 3 civil penalty provision under the National Electricity (South Australia) Regulations.

Should you have any queries about this submission please do not hesitate to contact [REDACTED] on [REDACTED] or [REDACTED]

Regards

[REDACTED]

[REDACTED]

**CitiPower, Powercor and United Energy**