

Distributor reporting obligations – Electricity Distribution Code of Practice update

Final decision

22 December 2022

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Executive summary

The Essential Services Commission (commission) has updated the Electricity Distribution Code of Practice (code) to streamline reporting obligations for electricity distributors. In particular, the changes remove distributors' reporting obligations from the Compliance and Performance Reporting Guideline (guideline) and puts them into the code as a schedule.

This final decision has made potential breaches of the majority of regulatory requirements that are civil penalty requirements reportable to the commission. Regulatory reporting is essential to ensure we receive accurate and timely information to inform our compliance and enforcement functions. We have classified breach reporting into three types. We have classified type 1 breaches as those that could potentially have a critical impact on customers. Type 2 breaches are those that could potentially have a significant or moderate impact on customers. Finally, there is an overall reporting obligation in respect of material adverse breaches.

These changes take effect from 1 May 2023.

Introduction

The guideline outlines compliance reporting obligations and performance indicators for energy businesses, which must report:

- any prescribed potential or actual breach that has occurred or is reasonably likely to occur
- performance indicators.

We assess any self-reported breaches and actively monitor related activities. This is central to our compliance and enforcement functions.

It is essential that businesses provide timely and accurate information, particularly in relation to issues that may affect customers.

In February 2022, we published the guideline (version 7) to align with the Energy Retail Code of Practice which took effect on 1 March 2022.

In August 2022, we published our final decision 'Making the Electricity Distribution Code of Practice' (EDCoP review). This included specifying many obligations in the code as civil penalty requirements. The code (version 1) took effect on 1 October 2022.

Consultation

In September 2022, we published the draft decision on the ‘Distributor reporting obligations – Electricity Distribution Code of Practice update 2022’ and invited stakeholders to provide feedback by 27 October 2022 (the draft decision).¹

We received submissions from the following stakeholders:

- AusNet Services (AusNet)
- CitiPower/Powercor/United Energy (CitiPower)
- Jemena.

After reviewing the submissions, we wrote to electricity distributors seeking feedback on a small number of additional clauses that were not addressed in the draft decision.²

The final decision

Table 1 summarises the changes made between the draft decision and the final decision.

Table 1 – Summary of changes between draft decision and final decision

Decision	Status	Description
1. Adding a schedule in the code	Unchanged	Electricity distributor reporting obligations are moved into a schedule of the code.
2. Classification of type 1 obligations	Unchanged	Obligations that relate to customer health and safety are designated type 1 breaches, including clauses 16.7.2(a) and 16.7.2(c) of the code.
3. Type 2 breaches that are civil penalty requirements	Unchanged	The majority of obligations that are civil penalty requirements are classified as type 2 breaches, subject to the exceptions outlined below.
4. Clauses requiring best endeavours	Modified	Clauses 7.3.4, 9.4.4, 11.6.1, 13.3.1, 16.4.2, 16.5.2, 20.4.5 and 25.4.3 of the code are classified as type 2 breaches. Clause 19.2.1 is not reportable as a type 2 breach (although a material adverse breach would be reportable).

¹ [Distributor reporting obligations – Electricity Distribution Code of Practice update 2022](#)

² Clause 3.6 of the code and sections 28(1), 40FH(2), 40FJ(1), 46C and 49D(1) of the Electricity Industry Act (EIA).

5. Clauses relating to planned interruptions	Unchanged	Clause 11.5.1(a) of the code is classified as a type 2 breach reportable within 30 calendar days.
6. Inclusion of statutory licence conditions	Modified	Sections 23A(2), 23A(3), 28(1), 40FH(2), 40FJ(1), 46C, 116AA(1) and 116AA(2) of the EIA are classified as type 2 breaches. Section 49D(1) is not reportable as a type 2 breach (although a material adverse breach would be reportable).
7. Voltage reporting	Modified	Clause 20.4.7 of the code is classified as a type 2 breach. Clause 20.4.1 is not reportable as a type 2 breach as the information is captured in quarterly reporting.
8. Type 2 breaches that are not civil penalty requirements	Modified	Clauses 3.2, 3.6, 3.5.2, 11.4.3 and 11.5.2 of the code to be classified as type 2 breaches.
9. Consequential amendments to instruments and templates	Updated	Minor amendments made to instruments and templates.
10. Implementation period	Modified	The Electricity Distribution Code of Practice (Distributor Reporting Obligations) Amendment 2022 and the amended guideline will take effect on 1 May 2023, with transitional arrangements to continue until that time.

The complete list of reporting obligations for electricity distributors and the classification of breaches are set out in schedule 6 of Annexure A.

Consequential changes made to the Compliance Performance and Reporting Guideline can be found at Annexure B. The reporting templates are at Annexures C to H which will be published on our website alongside the final decision paper. We have also published and gazetted amendments to the code in the form of 'Electricity Distribution Code of Practice (Distributor Reporting Obligations) Amendment 2022'.

Commencement

The Electricity Distribution Code of Practice (Distributor Reporting Obligations) Amendment 2022 and the amended guideline will commence as of 1 May 2023.

Our approach to classification

Regulatory reporting is essential to ensure the commission receives accurate and timely information to inform our compliance and enforcement functions. These functions include monitoring and reporting on compliance by electricity distributors with their obligations under the regulatory framework.³ We have previously required that distributors report on various performance indicators.

In many instances where an electricity distributor identifies a situation where they have contravened or potentially contravened the energy rules, they will need to report this to the commission. This final decision sets out the extent and type of information that must be reported to us.

In August 2022, we published our final decision in the EDCoP review. As part of that review, we said that we would need to review electricity distributors' reporting obligations which are currently set out in the guideline. Consistent with the objectives of the EDCoP review, the purpose of this review is to streamline reporting obligations by removing them from the guideline and placing them into the main instrument as a schedule to the code.

Breach reporting timeframes and other requirements

Consistent with our approach to updating version 7 of the guideline, we adopted the same methodology in classifying breaches as reportable, namely that the majority of breaches that are civil penalty requirements should be reportable. Typically, these obligations are reportable as type 2. Type 1 is reserved for obligations that could potentially have a critical impact on customers and the impact of that non-compliance potentially increases over time if it is not rectified quickly.

We have maintained the same timeframes for electricity distributors' reporting obligations and adopted the same reporting timeframes for performance indicators as in version 7 of the guideline. We have also made minor amendments to the performance indicators to reflect the new clause numbering in the code.

In addition, failure to comply with reporting obligations and performance indicators in the schedule to the code would continue to attract potential civil penalties (noting compliance with

³ Section 10AA(a), Essential Services Commission Act 2001.

the guideline became a civil penalty requirement on 1 December 2021, when the commission's enforcement framework was amended by the Essential Services Commission (Compliance and Enforcement Powers) Amendment Act 2021.

Classification of reporting obligations

Type 1 obligations

For electricity distributors, type 1 reporting obligations are those where:

- non-compliance may have or could potentially have a critical impact on customers; and
- the impact of that non-compliance potentially increases over time if it is not rectified quickly.

We require that distributors report potential or actual type 1 breaches within two business days of detecting the issue to provide the commission with immediate visibility of the matter, including any remediation actions.

Where an incomplete type 1 report is submitted because the matter is still under investigation, the electricity distributor must submit an updated report within 20 business days of its initial report.

Type 2 obligations

Type 2 reporting obligations are those where:

- non-compliance may have or could potentially have a significant or moderate impact on customers; and
- the impact of that non-compliance potentially increases over time.

Type 2 breaches must be reported within 30 calendar days of the incident being detected. We note that these are maximum reporting timeframes.

Material adverse breaches

Our expectation is that if a breach of an obligation gives rise to a material adverse impact on customers or the Victorian energy market, this information is reported as soon as practicable. We consider that a breach is 'detected' where a licensee has reasonable grounds to believe that a potential breach may have occurred and may have a material adverse impact on customers or the market. That is, a licensee knows of facts or has sufficient information to consider that a breach may have occurred.

Example 1

An example may be if a distributor plans an outage for a large geographical area involving a significant number of customers. The distributor fails to notify the affected customers of the date and details of the planned outage or causes an outage outside of the planned boundary. The breach affects a large number of customers who may experience stress, frustration and potential economic or physical harm. The instance becomes even more significant if life support customers are affected (in which case type 1 reporting also applies).

Example 2

A common example arises from template related issues. Templates are generally used for communicating with large numbers of customers (sometimes a distributor's entire customer base) at the same time. Errors in templates have the potential to impact very large numbers of customers who may be provided incorrect or inadequate information, for example, about planned outages. Errors of this kind may lead to material adverse breaches. A breach described in examples 1 and 2 may be reportable sooner than the 30 calendar days prescribed under type 2 if it would have a material adverse impact.

Annual report

Electricity distributors must submit an annual summary of all type 1 and 2 breaches and any other breaches identified during the period. These annual reports must be signed by the CEO or managing director of the distributor.

Our final decision

Adding a schedule in the code

Draft decision proposal

We proposed to streamline and consolidate reporting obligations and performance indicators for electricity distributors by moving them out of the guideline and into a schedule to the code.

Stakeholders' views

Jemena and CitiPower agreed with our approach to streamline reporting by reducing the number of regulatory instruments which contain electricity distribution obligations and supported moving requirements out of the guideline and into a schedule to the code.⁴ AusNet also stated that it supported the objective of streamlining regulatory instruments, however, the transfer of obligations into a schedule in the code was 'unexpected' and not consistent with the commission's approach for energy retailer's obligations. It noted this may inadvertently focus reporting obligations on the code's obligations only.⁵

Our response and final decision

We adopted our draft decision as our final decision and have added the electricity distributor reporting obligations and performance indicators into a schedule to the code.

Our objective is to consolidate, so far as practicable, reporting obligations on electricity distributors into a single instrument, the code. While we acknowledge that regulatory obligations on distributors may arise from multiple codes, we consider that this is a manageable burden.

Any failure to comply with reporting obligations in the code will continue to be enforceable as a breach of a civil penalty requirement and the enforcement options remain as set out in Part 7 of the Essential Services Commission Act 2001. We intend to move other distributor reporting obligations into relevant codes of practice in due course.

⁴ [Citipower submission](#), page 1, [Jemena submission](#), page 1

⁵ [AusNet submission](#), page 1

Final decision 1:

Electricity distributor reporting obligations are moved into a schedule of the code.

Classification of type 1 breaches

Draft decision proposal

We proposed that electricity distributors' obligations relating to life support customers or that pose a threat to health and safety be classified as type 1 breaches. This classification reflects the need for an immediate response and the potential or actual risk of critical harm to customers.

Stakeholders' views

AusNet noted that our draft decision identified two new obligations, clauses 16.7.2(a) and 16.7.2(c) of the code, as type 1 breaches that had not previously been reportable.⁶

CitiPower and Jemena supported our decision to classify obligations as type 1 on the basis that they relate to the health and safety of customers.⁷ CitiPower specifically supported the inclusion of clauses 16.7.2(a) and 16.7.2(c).

Our response and final decision

We adopted our draft decision as our final decision.

Clauses 16.7.2(a) and 16.7.2(c) of the code outline that a distributor must not disconnect a customer if it would in any way immediately endanger the health or safety of any person or except in the case of an emergency if the customer or the address is registered for life support. Given the potential threat to life, health or safety inherent in both clauses, it is appropriate that type 1 reporting be extended to these clauses.

Final decision 2:

Obligations that relate to customer health and safety are designated type 1 breaches, including clauses 16.7.2(a) and 16.7.2(c) of the code.

⁶ AusNet submission page 2

⁷ CitiPower submission page 1, Jemena submission page 1

Classification of type 2 breaches

Type 2 breaches that are civil penalty requirements

Draft decision proposal

The draft decision proposed that the majority of obligations that are civil penalty requirements should be classified as type 2 breaches.⁸

Stakeholders' views

CitiPower agreed with the majority of proposed classifications as type 2 breaches but objected to 14 clauses being reportable as type 2 breaches on the basis that they would have minimal, if any, impact on customers, are informational in nature, are impractical to report as a breach, or require it to use 'best endeavours'.⁹

AusNet acknowledged the intention to align civil penalty requirements with reporting obligations but suggested the higher number of reportable breaches would increase its administrative burden.¹⁰

Our response and final decision

We adopted our draft decision as our final decision, subject to the exceptions considered in the sections below.

These obligations are existing civil penalty requirements (as a consequence to the remaking of the code earlier this year) which electricity distributors must comply with. As such, distributors should already have systems in place to ensure compliance. Further, distributors have existing processes in place for reporting potential breaches to the commission and have updated their systems to reflect the type 1 and type 2 classification as part of implementing changes for version 7 of the guideline.

We acknowledge that there may be an additional resource burden on distributors due to the increase of reportable obligations as type 2 breaches as a consequence of the final decision. However, we consider it unlikely that the increase in administrative burden would be substantial,

⁸ As set out in schedule 6 of Annexure A of the [draft decision](#).

⁹ CitiPower submission page 2. Clauses 1.5.2, 4.3.1, 9.2.3, 20.4.1, 20.4.7, 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 of the code have been grouped into categories and considered below.

¹⁰ AusNet submission page 2

particularly when considered against the benefits of reporting obligations that have been designated as sufficiently serious to be classified as civil penalty requirements.

However, conscious of not wanting to create unnecessary reporting obligations, we have considered the submissions regarding individual clauses under the headings below.

Final decision 3:

The majority of obligations that are civil penalty requirements are classified as type 2 breaches, subject to the exceptions outlined below.

Clauses requiring best endeavours

Draft decision proposal

We proposed a classification approach that is consistent with version 7 of the guideline, namely civil penalty requirements that did not pose a threat to life, health or safety should overall be classified as type 2 breaches. The potential for significant or moderate impact to customers and the potential for that impact to increase over time was also given consideration.

Stakeholders' views

CitiPower identified several clauses requiring best endeavours and stated that since it strives to achieve 'best endeavours' requirements at all times, the classification of these obligations as type 2 is unnecessary.¹¹

Our response and final decision

We reviewed the clauses identified by CitiPower as requiring 'best endeavours'. We agreed that clause 19.2.1 of the code, which requires electricity distributors to use their best endeavours to undertake good asset management, does not need to be reportable (except if there is a material adverse breach).

We considered that clauses 7.3.4, 9.4.4, 13.3.1, 11.6.1, 16.4.2, 16.5.2, 20.4.5, and 25.4.3 of the code should be classified as type 2 breaches. While distributors may strive to achieve best endeavours at all times, the commission requires that it be notified on those occasions where this standard may not be met. This classification acknowledges the potential for moderate or significant impact on customers should a distributor fail to comply with these obligations and

¹¹ CitiPower submission page 2

provides the commission with appropriate visibility and capability of effective enforcement over these obligations. More detailed reasons are provided in the table below.

Table 2 – Clauses requiring best endeavours to be categorised as type 2

Clause	Description	Reasons
Clause 7.3.4	In cases other than emergencies, a distributor must use best endeavours to access a customer's premises at a time which is reasonably convenient to both the customer and the distributor.	Improper access of a customer's property is a significant intrusion.
Clause 9.4.4	A distributor or a customer claiming a force majeure event must use its best endeavours to remove, overcome or minimise the effects of the force majeure event as quickly as possible.	Given the essential nature of electricity supply, in a force majeure event notification to the commission is required if attempts were not made to return to normal contractual arrangements as quickly as possible.
Clause 11.6.1	The distributor must use best endeavours to restore the customer's supply as soon as possible after a planned interruption.	Reliability of supply is a key measure for essential services. The commission requires that it be notified if best endeavours may not be met to restore supply.
Clause 13.3.1	A distributor must use best endeavours to meet targets determined by the Australian Energy Regulator in the current distribution determination and targets published under clause 13.2.1 and otherwise meet	Reliability of supply is a key measure for essential services. The commission requires that it be notified if best endeavours may not be met to restore supply.

	reasonable customer expectations of reliability of supply.	
Clause 16.4.2 (retailer's request) and clause 16.5.2 (customer's request)	Upon the receipt of a valid request by the customer or customer's retailer, where the distributor is able to disconnect supply to the customer's supply address by de-energising the customer's supply address remotely and reasonably believes that it can do so safely then, subject to clause 16.7, the distributor must use its best endeavours to disconnect supply to the customer's supply address within two hours.	Failure to carry out a disconnection request may have moderate impact for customers and/or retailers.
Clause 20.4.5	A distributor must use best endeavours to minimise the frequency of voltage variations allowed under clause 20.4.2 for periods of less than 1 minute (other than in respect of AS 61000.3.100, where the time period of less than one minute does not apply).	Quality of supply is also a key measure for essential services. The commission actively monitors compliance with voltage standards and requires that it be notified of potential breaches within 30 days.
Clause 25.4.3	If requested by a small customer, the distributor must use its best endeavours to provide the information [about small embedded generators] in a language other than English requested by the customer.	In an inclusive society, provision of information in an appropriate language is important to transparency and accessibility of essential services.

Final decision 4:

Clauses 7.3.4, 9.4.4, 11.6.1, 13.3.1, 16.4.2, 16.5.2, 20.4.5 and 25.4.3 of the code are classified as type 2 breaches. Clause 19.2.1 is not reportable as a type 2 breach (although a material adverse breach would be reportable).

Clauses relating to planned interruptions

Draft decision proposal

We proposed removing the monthly reporting requirement for planned interruptions for non-life support customers under clause 11.5.1(a) of the code and instead make this a type 2 breach that must be reportable within 30 calendar days of the incident being detected.

Stakeholders' views

Jemena and CitiPower agreed with our approach of removing the requirement of monthly reporting for planned interruptions for non-life support customers.¹²

AusNet did not support this approach as it stated this would introduce an inefficient and burdensome process that would reduce its capacity for improving outcomes for customers and/or increase costs. AusNet also sought clarification on whether it would be able to prepare a consolidated breach report containing multiple breach incidents as long as it was submitted within 30 calendar days.¹³

Our response and final decision

We adopted our draft decision as our final decision.

Since the introduction of type 2 reporting within 30 calendar days, we consider there to be utility in classifying breaches of clause 11.5.1(a) of the code as a type 2 breach. This is consistent with other type 2 breaches and enables removal of the requirement for a monthly report. We consider it unlikely that the removal of a monthly reporting requirement under this obligation would cause a substantial impact to time spent on compliance reporting for electricity distributors. We note that the majority of distributors did not consider this would create additional burden.

¹² CitiPower submission page 1, Jemena submission page 1

¹³ AusNet submission page 2

Actual or potential type 2 breaches must be reported to the commission within 30 calendar days of detection. These are maximum timeframes, which means that distributors can submit a consolidated breach report containing more than one breach within 30 days.

Final decision 5:

Clause 11.5.1(a) of the code is classified as a type 2 breach reportable within 30 calendar days.

Inclusion of statutory licence conditions

Draft decision proposal

We proposed to include certain statutory licence conditions contained in sections 23A(2), 23A(3), 116AA(1) and 116AA(2) of the EIA as type 2 breaches.

Stakeholders' views

AusNet noted that sections 28(1), 40FH(2), 40FJ(1), 46C and 49D(1) of the EIA (which are also statutory licence conditions and civil penalty requirements) were not included in the draft decision and suggested that they would be reportable as material adverse breaches.¹⁴

In response to AusNet's submissions on the draft decision, we drew this submission to the attention of the other Victorian electricity distributors. We proposed to make these type 2 breaches (except section 40FJ(1) where we initially proposed to make reportable only as a material adverse breach). We received the following feedback:

- AusNet made no further submissions.
- Jemena and CitiPower had 'no issues' with this proposal.

Our response and final decision

We adopted our draft decision to specify sections 23A(2), 23A(3), 116AA(1) and 116AA(2) of the EIA as type 2 breaches.

We consider that sections 28(1), 40FJ(1), 40FH(2) and 46C of the EIA should be classified as type 2 breaches. Classifying these licence conditions as type 2 reportable breaches is

¹⁴ AusNet submission page 4

consistent with our approach to classification as they are all civil penalty requirements. More detailed reasons are contained in the table below.

We have excluded section 49D(1) as there is no present licence condition for distributors requiring them to act as a supplier of last resort. We note that material adverse breaches of these provisions will still need to be reported.

Table 3 – Additional statutory licence conditions to be categorised as type 2

Section	Description	Reasons
28(1)	Distributors must enter a consumer dispute resolution scheme.	Customer access to the Energy and Water Ombudsman Victoria is important to functioning of market.
40FJ(1)	Distributors to report annually on connected qualifying solar energy generating facilities to the Minister	Although we initially classified this obligation as material adverse breach reporting, we consider timely reporting on solar energy facilities to be an important requirement during the transition to renewable energy.
40FH(2)	Distribution companies to include condition in agreement with licensees regarding credits for qualifying solar energy generation electricity	Failing to apply correct credits can have significant or moderate impact on functioning of market.
46C	Compliance with orders in relation to advanced metering infrastructure	Non-compliance with the core obligations of the orders must be reported to the commission.

Final decision 6:

Sections 23A(2), 23A(3), 28(1), 40FH(2), 40FJ(1), 46C, 116AA(1) and 116AA(2) of the EIA are classified as type 2 breaches. Section 49D(1) is not reportable as a type 2 breach (although a material adverse breach would be reportable).

Voltage reporting

Draft decision proposal

We proposed to include clauses 20.4.1 and 20.4.7 of the code (both civil penalty requirements) relating to voltage performance reporting as a type 2 breach.

Stakeholders' views

CitiPower noted that reporting is already met via the quarterly voltage performance indicator reporting.¹⁵

Our response and final decision

We agreed with CitiPower's submission and have not made clause 20.4.1 reportable as a type 2 breach. This information is adequately captured in quarterly compliance reporting.¹⁶

We have retained clause 20.4.7 as a type 2 breach. This clause provides the obligation for electricity distributors to monitor and record voltages and voltage variations and is essential to ensuring data is recorded so it can be reported quarterly to the commission.

Final decision 7:

Clause 20.4.7 of the code is classified as a type 2 breach. Clause 20.4.1 is not reportable as a type 2 breach as the information is captured in quarterly reporting.

Type 2 breaches that are not civil penalty requirements

Draft decision proposal

We proposed to classify a small number of obligations (clauses 3.2, 3.5.2, 11.4.3 and 11.5.2 of the code) that were not civil penalty requirements as type 2 breaches on the basis that may have a significant impact on customers and the 30-calendar day reporting would allow the commission to investigate and respond in an appropriate timeframe.

¹⁵ CitiPower submission page 2

¹⁶ Quarterly voltage reported is included under Schedule 6 Part 2 of the Electricity Distribution Code of Practice (Distributor Reporting Obligations) Amendment 2022.

Stakeholders' views

AusNet did not support this approach and noted that any material adverse breaches of these obligations would be reported as soon as practicable.¹⁷

CitiPower did not object to the classification of clauses 3.2 and 3.5.2 (new connections) as type 2.¹⁸ It noted that clauses 11.4.3 and 11.5.2 (notices to customers about planned interruptions) 'remains type 2'.¹⁹

Subsequent to issuing our draft decision, we identified that clause 3.6 of the code relating to new connections for embedded generators should also be classified as a type 2 breach to be consistent with our proposal to make clause 3.2 (new connections for customer or retailer) a type 2 breach. We brought this to the attention of the electricity distributors and received the following feedback:

- AusNet made no further submissions.
- Jemena and CitiPower had 'no issues' with this proposal.

Our response and final decision

We adopted our draft decision as our final decision and have included clause 3.6 of the code as a type 2 breach.²⁰

We note that the equivalent clauses in the Electricity Distribution Code²¹ to clauses 11.4.3 and 11.5.2 in the code were already type 2 breaches, therefore, we have not changed the classification of these clauses.

We consider that the obligations to comply with new connections (clauses 3.2, 3.6 and 3.5.2) and planned interruptions (clauses 11.4.3 and 11.5.2) are significant for customers and should be reportable if breached. The classification of these breaches as material adverse breaches would not allow for an appropriate level of oversight for the commission.

¹⁷ AusNet submission page 4

¹⁸ [CitiPower Attachment A](#) page 1

¹⁹ CitiPower Attachment A page 4

²⁰ Clause 3.6 - when a request for a new connection by an embedded generator, the distributor must respond and carry out the work in line the obligations under the National Electricity Rules.

²¹ Clauses 5.5a 4 and 5.5.2 of the Electricity Distribution Code.

Final decision 8:

Clauses 3.2, 3.6, 3.5.2, 11.4.3 and 11.5.2 of the code to be classified as type 2 breaches.

Consequential amendments to instruments and templates

Draft decision proposal

The draft decision published an amended version of the code and guideline and associated templates.

Stakeholders' views

AusNet noted some minor amendments to these documents as a consequence of our draft decision.²²

Our response and final decision

Unless otherwise indicated in this final decision, we have accepted AusNet's suggestions in relation to minor amendments to the code, guideline, reporting and performance indicator templates. Table 4 details these changes.

Table 4 – Amendments to the relevant Annexures

Change request	Description
Code (Annexure A)	<ul style="list-style-type: none">Added definitions to glossary in clause 2.1Removed reference to gas distribution businesses and energy retailers in schedule 6
Guideline (Annexure B)	<ul style="list-style-type: none">Included gas type 1 breach obligations in the amended guideline
Compliance breach reporting template – distributors (Annexure D)	<ul style="list-style-type: none">Removed the reference to the AER's Service Target Performance Incentive Scheme (STPIS) from the column referencing guaranteed service levels (GSLs)Changed the heading from 'GSL (if applicable)' to 'Outage duration (if applicable)'Removed the duplication of clause 4.3.1 of the code from the obligation list

²² AusNet, Appendix, page 4-6.

- Added a functionality to distinguish between an ‘initial report’ and ‘update report’
- Added instructions on how to report a material adverse breach
- Note we have purposely retained reference to Electricity Distribution Code clauses in addition to the Electricity Distribution Code of Practice clauses in the obligation list in case distributors need to report historical breaches

Performance indicator reporting template – voltage performance (Annexure H)

- Replaced the reference to Electricity Distribution Code with Electricity Distribution Code of Practice

Final decision 9:

Minor amendments made to instruments and templates.

Implementation period

Draft decision proposal

We proposed that the new reporting obligations outlined at schedule 6 of Annexure A of the draft decision and the amended guideline will take effect three months after our final decision in 2023. As part of the EDCoP review, we required electricity distributors to comply with their current reporting obligations under version 7 of the guideline, with references to clauses of the Electricity Distribution Code being read as a reference to the equivalent clause in the code taking effect on 1 October 2022 (the transitional arrangements).²³ We proposed that the transitional arrangements should continue until our final decision took effect.

We considered that three months would provide distributors ample time to update their systems, given that they have been aware of the changes to the code since 11 August 2022 as part of the EDCoP review²⁴ and that we were proposing to adopt the same methodology to classification that was introduced into distributors’ systems as part of implementing version 7 of the guideline.

²³ Schedule 5, clause 8 (transitional provisions) of the code (version 1). A comparison table from Electricity Distribution Code to Electricity Distribution Code of Practice is available here: <https://www.esc.vic.gov.au/sites/default/files/documents/Annex%20B%20-%20Comparison%20Table%20EDC-EDCOP%20-%20FINAL.pdf>

²⁴ Making the Electricity Distribution Code of Practice: Final Decision, 11 August 2022, [Annex B: Comparison Table EDC-EDCOP](#)

Stakeholders' views

Jemena supported our approach.²⁵ CitiPower made no submissions on this point.

AusNet stated that the new reporting obligations should come into effect from 1 July 2023 to allow time for electricity distributors to review and update processes, controls, monitoring and reporting as well as aligning the new reporting obligations to the start of a new financial year.²⁶

Our response and final decision

In recognition that we have increased the number of reportable provisions, we will allow extra time for distributors to prepare for the new reporting obligations. The Electricity Distribution Code of Practice (Distributor Reporting Obligations) Amendment 2022 and the amended guideline will commence as of 1 May 2023.

The transitional arrangements outlined in Schedule 5, clause 8 (transitional provisions) of the code (version 1) will continue until the Electricity Distribution Code of Practice (Distributor Reporting Obligations) Amendment 2022 commences.

Final decision 10:

The Electricity Distribution Code of Practice (Distributor Reporting Obligations) Amendment 2022 and the amended guideline will take effect on 1 May 2023, with transitional arrangements to continue until that time.

²⁵ Jemena submission – page 1

²⁶ AusNet submission – page 3