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Retailer Energy Productivity Scheme: Reporting Requirements

Consultation

June 2021

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Request for submissions

The Essential Services Commission (**Commission**) invites written submissions from members of the community on this consultation paper. Written comments should be provided by **16 July 2021**.

It is the Commission's policy to make all submissions publicly available via its website (www.escosa.sa.gov.au), except where a submission either wholly or partly contains confidential or commercially sensitive information provided on a confidential basis and appropriate prior notice has been given.

The Commission may also exercise its discretion not to publish any submission based on length or content (for example containing material that is defamatory, offensive or in breach of any law).

Responses to this paper should be directed to:

Retailer Energy Productivity Scheme: Reporting Requirements

It is preferred that submissions are sent electronically to: reps@escosa.sa.gov.au

Alternatively, submissions can be sent to:

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Glossary of terms

AGN	Australian Gas Networks
AEMO	Australian Energy Market Operator
Code	Retailer Energy Productivity Scheme Code
Commission	Essential Services Commission, established under the <i>Essential Services Commission Act 2002</i>
Electricity Act	<i>Electricity Act 1996</i>
energy productivity activity	has the meaning given to that term in Parts 4 of the <i>Electricity (General) Regulations 2012</i> and <i>Gas Regulations 2012</i>
ESC Act	<i>Essential Services Commission Act 2002</i>
Minister	The Minister for Energy and Mining, responsible for the administration of the <i>Electricity Act 1996</i> and/or the <i>Gas Act 1997</i>
obliged retailer	is an energy retailer with an obligation to meet one or more targets in a year
Regulations	The <i>Electricity (General) Regulations 2012</i> and the <i>Gas Regulations 2012</i>
REPS	Retailer Energy Productivity Scheme
SAPN	Sou Australian Power Networks

1 Executive summary

The Essential Services Commission of South Australia (**Commission**) is established under the *Essential Services Commission Act 2002 (ESC Act)* as a regulator of certain essential services in South Australia, with the primary objective of protecting the long-term interests of South Australian consumers with respect to the price, quality and reliability of those essential services.

One of the Commission's functions within both the electricity and gas industries is to administer the Retailer Energy Productivity Scheme (**REPS**). The scheme was established by the Government of South Australia and commenced on 1 January 2021. It requires energy retailers with sales and customer numbers above certain thresholds (**obliged retailers**) to provide energy productivity activities to South Australian households and businesses to meet annual Ministerial targets. REPS is the successor scheme to the Retailer Energy Efficiency Scheme (**REES**), which operated from 1 January 2009 to 31 December 2020.

The Minister for Energy and Mining (**Minister**) has set REPS obligation thresholds and targets, as well as the methodology by which REPS annual targets are apportioned amongst obliged retailers. The Commission is responsible for determining which retailers are 'obliged' under REPS and for the apportionment of targets in accordance with the prescribed methodology. The Commission is also responsible for producing an annual REPS report in accordance with *Regulation 29 of the Electricity (General) Regulations 2012* and *Regulation 23 of the Gas Regulations 2012 (Regulations)*. Under those Regulations the Minister may prescribe specific content requirements for that report.

Reporting requirements for determining REPS obligations

Given the changed operating arrangements for REPS, the Commission is proposing to reduce reporting requirements on retailers that existed under REES, by not requiring energy retailers to report on energy sales and customer numbers for the purpose of determining REPS obligations.

To determine retailers' REPS obligations, the Commission proposes using:

- ▶ data on customer numbers as reported by SA Power Networks and Australian Gas Networks, and
- ▶ data on energy purchases as reported by the Australian Energy Market Operator (**AEMO**).

To apportion targets, the Commission proposes using:

- ▶ data on energy purchases reported by AEMO.

Reporting requirements for the REPS Annual Report

The Commission proposes that the following information will be collected from each obliged retailer for a minimum of 15 energy productivity activities in total (delivered and not delivered) for:

- ▶ all activities delivered: average direct, overhead and total delivery costs (excluding GST) by activity, provider and customer type, and
- ▶ activities not delivered: estimates of average direct, overhead and total delivery costs (excluding GST) by activity, source of estimate, provider (if applicable), and customer type.

The Minister also requires the Annual Report to cover, where possible, competition in activity delivery and any identified barriers to competition and the delivery of eligible activities.

In analysing competition issues, the Commission will consider various forms of existing data including indicators of market share sourced from the REPS and REPS-R IT systems.¹

To gather further evidence on competition in activity delivery and any identified barriers to competition and the delivery of eligible activities, the Commission is proposing that each obliged retailer should report on the process by which energy productivity activity providers are selected.

Reporting will be by calendar year and it is proposed that returns be provided no later than 31 January following the relevant calendar year.

Next steps

The Commission welcomes written submissions on this consultation by **Friday, 16 July 2021**. It is preferred that submissions are sent electronically to reps@escosa.sa.gov.au.

The Commission also invites discussions with stakeholders on any of the matters raised in this consultation paper or on any related matters.

Following consideration of the issues raised in submissions, the Commission is planning to notify stakeholders of the outcome of the consultation in August 2021. The new reporting requirements will take effect at that time.

¹ The IT systems used to administer REPS and to assess if obliged retailers have fulfilled REPS target obligations.

2 Introduction

2.1 The Commission's role in REPS

The Essential Services Commission of South Australia (**Commission**) is established under the *Essential Services Commission Act 2002 (ESC Act)* as a regulator of certain essential services in South Australia, with the primary objective of protecting the long-term interests of South Australian consumers with respect to the price, quality and reliability of those essential services.

One of the Commission's functions within both the electricity and gas industries is to administer the Retailer Energy Productivity Scheme (**REPS**). The scheme was established by the Government of South Australia and commenced on 1 January 2021. REPS is the successor scheme to the Retailer Energy Efficiency Scheme (**REES**), which operated from 1 January 2009 to 31 December 2020.

REPS is given statutory effect through Parts 4 of the *Electricity (General) Regulations 2012* and *Gas Regulations 2012 (Regulations)*. These establish the Commission as the administrator of REPS and provide that REPS will run until 31 December 2030.

The Minister for Energy and Mining (**Minister**) has set REPS obligation thresholds and overall targets for the years 2021 to 2025, as well as the methodology by which REPS targets are apportioned amongst obliged retailers. The Commission is responsible for determining which retailers are 'obliged' under REPS and for the apportionment of targets in accordance with the prescribed methodology.

REPS requires energy retailers with sales and customer numbers above certain thresholds (**obliged retailers**) to provide energy productivity activities to South Australian households and businesses to meet annual Ministerial targets.

The Commission is also responsible for producing an annual REPS report in accordance with *Regulation 29 of the Electricity (General) Regulations 2012* and *Regulation 23 of the Gas Regulations 2012 (Regulations)*. Under those Regulations, the Minister may prescribe specific content requirements for that report.

2.2 Scope of consultation

The Commission is publicly consulting on the reporting requirements that will apply to energy retailers to enable the Commission to:

- ▶ determine REPS obliged retailers and apportion REPS targets, and
- ▶ fulfil the requirements the Minister has specified for the annual REPS report.

The Commission is seeking evidence-informed submissions to assist it in finalising REPS reporting requirements.

3 Reporting requirements

3.1 Reporting requirements to determine REPS obligations

Under Part 6A of the *Electricity Act 1996* and Part 5A of the *Gas Act 1997*, obliged retailers are required to provide energy productivity activities to South Australian residential and business customers.

These energy productivity activities must be performed in sufficient quantities so as to meet Ministerial targets allocated by the Commission (pursuant to Parts 4 of the Regulations). This requires the Commission to identify which electricity and gas retailers will be bound by REPS in that year and to allocate energy productivity activity targets to those retailers.

The Minister has fixed the following obligation thresholds for REPS for 2021, 2022, 2023, 2024 and 2025²:

- ▶ Energy retailers with 5,000 or more South Australian residential electricity or gas customers are considered primary obliged retailers and are given an energy productivity target, a priority group energy productivity target and a household energy productivity target.
- ▶ Other retailers that do not meet the primary obligation threshold, but sell 20,000 MWh or more of electricity or 133,000 GJ or more of gas in a year to South Australian households and businesses, are considered secondary obliged retailers and are given an energy productivity target.

The Minister has set the methodology to be used by the Commission to apportion REPS annual targets to obliged retailers. The apportionment methodology is detailed in Annexure A.

3.1.1 Reporting requirements under REES

Under REES energy retailers were required to report the following information to the Commission:

- ▶ total number of South Australian residential customers as at 30 June of the previous financial year
- ▶ sum of sales (MWh) to each South Australian electricity customer in the 12 months to 30 June of the previous financial year where each of those customers consumes 1,000 MWh or more through an individual contract for sale with the energy retailer during that period
- ▶ sum of sales (GJ) to each South Australian gas customer in the 12 months to 30 June of the previous financial year where each of those customers consumes 3,600 GJ or more through an individual contract for sale with the energy retailer during that period
- ▶ total electricity and gas purchases in the wholesale market by the energy retailer for retailing to South Australian customers in the 12 months to 30 June of the previous financial year, and
- ▶ details of sales to electricity customers included in b), to include:
 - electricity consumption relating to each site aggregated under an individual contract for sale;
 - the distribution loss factor applied to each site supplied, and
 - the total energy consumption for each site grossed up by the distribution loss factor.
- ▶ details of sales to gas customers included in c), to include gas consumption, relating to each site aggregated under an individual contract for sale.

² The South Australian Government Gazette, 21 December 2020, No 98, p 6024

3.1.2 Proposed reporting requirements under REPS

The methodology to apportion REPS annual targets has changed compared to what was required under REES and the Commission is proposing to reduce the reporting obligations on energy retailers in line with the changed methodology. The changed methodology under REPS enables the Commission to use data from the Australian Energy Market Operator (**AEMO**), SA Power Networks (**SAPN**) and Australian Gas Networks (**AGN**) to determine all REPS obligations and to apportion targets and subtargets.

To determine the primary obligated retailers in REPS, the Commission must identify energy retailers that meet the 5,000 or more South Australian residential electricity or gas customer threshold. To do so, it proposes using residential customer numbers data from SAPN and AGN to determine whether or not an energy retailer is above the threshold.

Further, to determine the secondary obliged retailers in REPS the Commission must identify retailers that sell 20,000 MWh or more of electricity or 133,000 GJ or more of gas in a year to South Australian households and businesses. To do so, it proposes using energy purchases data from the AEMO, to determine whether or not an energy retailer is above the threshold.

In addition, to apportion REPS targets and subtargets, the Commission only requires overall energy purchase data. This is because, to date, the Minister has not specified designated purchases, so large customer energy purchase data is not required from individual retailers. Therefore, the Commission proposes using energy purchases data from the AEMO to apportion REPS targets and subtargets.

The Commission is of the view that the proposed streamlined data collection process will assist delivery of more timely REPS target information to obliged retailers.

The Commission is confident that the use of these data sources will enable the efficient and accurate administration of REPS. For the last seven years, AEMO has provided retailer electricity and gas purchases data to the Commission. Under REES, that data was used to validate data received from energy retailers and also to determine targets and obligations. The small differences found in the data reported by energy retailers and that received from AEMO were mostly due to market revisions, with AEMO having provided the more up-to-date data. In 2021, the Commission used AEMO data to determine energy retailers' REPS obligations and apportion targets and proposes to continue this approach.

The Commission notes there are differences in the residential customer number data reported by energy retailers and that provided by SAPN³ and AGN.⁴ However, in most cases residential customer numbers are well over or under the scheme participation threshold of 5,000 residential electricity or gas customers and so the differences are inconsequential. Where an energy retailer's customer numbers are close to the participation threshold, the Commission may validate customer number data with an individual retailer directly but will not require data from all retailers.

Consultation question 1:

- ▶ Do you support the streamlined process to determine REPS obligations, whereby energy retailers will no longer be required to report energy sales and customer numbers to the Commission? If not, why not?

³ SA Power Networks uses the number of residential National Meter Identifiers (**NMI**) by retailer as a proxy for residential customer numbers by retailer.

⁴ Australian Gas Networks residential customer numbers by retailer data include all sites that have a gas meter within the distribution network. This includes commissioned but vacant sites where the retailer has not requested decommissioning. The retailer remains responsible for the site until the site is decommissioned (permanent removal of gas supply) or the customer transfers to another retailer.

3.2 Reporting requirements for the REPS Annual Report

The Regulations specify the information that must be included in the REPS Annual Report. The Regulations also provide that the Minister may specify additional content requirements for the report.

3.2.1 New reporting on costs of REPS activities

The Minister has specified additional requirements (refer Annexure B), including that the report must include information on:

- ▶ the costs of each type of activity being delivered under REPS, and
- ▶ individual costs for a majority of eligible REPS activities must be reported - whether or not a majority of eligible REPS activities are being delivered by the obliged retailers.

In that context, the Minister requires that obliged retailers annually provide information to the Commission on costs and energy productivity activity offers for the majority of eligible REPS activities (refer Annexure B). In analysing and reporting that data in the REPS Annual Report, the Commission is required to ensure that no commercially confidential information is disclosed.

The Commission proposes that the following information be collected from each obliged retailer for a minimum of 15 energy productivity activities in total (delivered and not delivered) for:

- ▶ all energy productivity activities delivered: average direct, overhead and total delivery costs (excluding GST) by activity, provider and customer type, and
- ▶ energy productivity activities not delivered: estimates of average direct, overhead and total delivery costs (excluding GST) by activity, source of estimate, provider (if applicable), and customer type.

Consultation question 2:

- ▶ Should the information requested from obliged retailers to inform reporting on the costs of each type of activity being delivered under REPS be changed? If so, how?

3.2.2 New reporting on competition in activity delivery

The Minister also requires the REPS Annual Report to cover, where possible, competition in activity delivery and any identified barriers to competition and the delivery of eligible energy productivity activities.

Some providers and contractors have reported that it is difficult to access obliged retailers' procurement processes, and that obliged retailers repeatedly use the same providers. Available REES data⁵ indicate that three providers delivered approximately 80 percent of the submitted activity in 2020 (measured in GJ). Concentration in the number of providers could be a sign of barriers to entry. On the other hand, it could indicate that obliged retailers place substantial weight on a particular provider's reputation and credibility for engaging in the activity.

Entry and exit costs, such as skill, licencing requirements (some activities require installation by a licenced electrician), regulatory or contractual requirements, can create barriers to competition. For example, contractual arrangements could shift risk onto activity providers, or disadvantage new entrants in other ways. Skills and licencing could likewise create a barrier, if there were skills that were not transferrable to other markets or licencing requirements that were more onerous than those in comparable, competitive markets. REES data show that, between 2015 and 2020, eight new providers

⁵ From the IT systems used to administer REPS and to assess if obliged retailers have fulfilled REPS target obligations.

were contracted to deliver REES activities, and six providers ceased engaging in these activities. Participation data of this type can be an indicator of the nature and extent of barriers to entry and exit.

The Commission will report on competition in activity delivery and any identified barriers to competition and the delivery of eligible activities. To facilitate reporting, the Commission is proposing that each obliged retailer must report on the process by which energy productivity activity providers are selected.

Reporting will be by calendar year (as explained in Annexure C). The Commission will commence the reporting process by writing to obliged retailers each October, with returns be submitted by no later than 31 January following the calendar year.

Consultation question 3:

- ▶ Is there any additional evidence that would inform reporting on competition in activity delivery and any identified barriers to competition and the delivery of eligible activities?

3.3 Next steps

The Commission welcomes written submissions on this consultation paper by **Friday, 16 July 2021**. It is preferred that submissions are sent electronically to reps@escosa.sa.gov.au.

The Commission also invites discussions with stakeholders on any of the matters raised in this consultation paper or on any related matters.

Following consideration of the issues raised in submissions, the Commission is planning to notify stakeholders of the outcome of the consultation in August 2021. The new reporting requirements will take effect at that time.

Annexure A – Minister’s energy productivity target apportionment methodology

ELECTRICITY ACT 1996
GAS ACT 1997
RETAILER ENERGY PRODUCTIVITY SCHEME

*Revocation
Apportioning of Targets*

Pursuant to Regulation 24(3) and 25(4)(a), of the *Electricity (General) Regulations 2012* under the *Electricity Act 1996*, and Regulation 18(3) and 19(4)(a) of the *Gas Regulations 2012* under the *Gas Act 1997*, I revoke the Ministerial Notice – Apportioning of Targets in the *South Australian Government Gazette* No. 98 dated 21 December 2020 on pages 6025-6026.

Pursuant to Regulation 24(3) of the *Electricity (General) Regulations 2012* under the *Electricity Act 1996*, I require that the annual energy productivity target (EPT) for a calendar year for a relevant electricity retailer is to be calculated using the following formula:

$$A \times (B \times N_e) \div ((C \times N_e) + (D \times N_g))$$

Where:

A is the annual energy productivity target for the calendar year set under Regulation 24(1) of the *Electricity (General) Regulations 2012*. This value is expressed in gigajoules of energy.

B is the relevant electricity retailer’s electricity purchases for retailing to customers within South Australia, for the preceding financial year, excluding designated electricity purchases. This value is expressed in gigajoules of energy purchased.

C is the sum of the electricity purchases made by each relevant electricity retailer for retailing to customers within South Australia, for the preceding financial year, excluding designated electricity purchases. This value is expressed in gigajoules of energy purchased.

D is the sum of the gas purchases made by each relevant gas retailer for retailing to customers within South Australia, for the preceding financial year, excluding designated gas purchases. This value is expressed in gigajoules of energy purchased.

N_e is the REPS electricity normalisation factor and has a value of 1.00.

N_g is the REPS gas normalisation factor and has a value of 0.4.

Relevant electricity retailer has the same meaning as in Regulation 23 of the *Electricity (General) Regulations 2012*.

Designated electricity purchases has the same meaning as in Regulation 22(4) of the *Electricity (General) Regulations 2012*.

Relevant gas retailer has the same meaning as in Regulation 17 of the *Gas Regulations 2012*.

Designated gas purchase has the same meaning as in Regulation 16(4) of the *Gas Regulations 2012*.

Pursuant to Regulation 18(3) of the *Gas Regulations 2012* under the *Gas Act 1997*, I require that the annual energy productivity target (EPT) for a calendar year for a relevant gas retailer is to be calculated using the following formula:

$$A \times (B \times N_g) \div ((C \times N_e) + (D \times N_g))$$

Where:

A is the annual energy productivity target for the calendar year set under Regulation 18(1) of the *Gas Regulations 2012*. This value is expressed in gigajoules of energy.

B is the relevant gas retailer’s gas purchases for retailing to customers within South Australia, for the preceding financial year, excluding designated gas purchases. This value is expressed in gigajoules of energy purchased.

C is the sum of the electricity purchases made by each relevant electricity retailer for retailing to customers within South Australia, for the preceding financial year, excluding designated electricity purchases. This value is expressed in gigajoules of energy purchased.

D is the sum of the gas purchases made by each relevant gas retailer for retailing to customers within South Australia, for the preceding financial year, excluding designated gas purchases. This value is expressed in gigajoules of energy purchased.

N_e is the REPS electricity normalisation factor and has a value of 1.00.

N_g is the REPS gas normalisation factor and has a value of 0.4.

Relevant gas retailer has the same meaning as in Regulation 17 of the *Gas Regulations 2012*.

Designated gas purchase has the same meaning as in Regulation 16(4) of the *Gas Regulations 2012*.

Relevant electricity retailer has the same meaning as in Regulation 23 of the *Electricity (General) Regulations 2012*.

Designated electricity purchases has the same meaning as in Regulation 22 (4) of the *Electricity (General) Regulations 2012*.

Pursuant to Regulation 25(4)(a) of the *Electricity (General) Regulations 2012* under the *Electricity Act 1996*, I require that the priority group energy productivity target (PGEPT) for a calendar year for a relevant electricity retailer is to be calculated according to the following principles:

- Each relevant retailer's PGEPT will comprise a portion of the retailer's energy productivity target.
- Each relevant retailer's PGEPT will reflect that retailer's electricity purchases for retailing to customers within South Australia.
- The total of all relevant retailers' PGEPTs will sum to the overall PGEPT set for that calendar year.

Pursuant to Regulation 19(4)(a) of the *Gas Regulations 2012* under the *Gas Act 1997*, I require that the priority group energy productivity target (PGEPT) for a calendar year for a relevant gas retailer is to be calculated according to the following principles:

- Each relevant retailer's PGEPT will comprise a portion of the retailer's energy productivity target.
- Each relevant retailer's PGEPT will reflect that retailer's gas purchases for retailing to customers within South Australia.
- The total of all relevant retailers' PGEPTs will sum to the overall PGEPT set for that calendar year.

Pursuant to Regulation 25(4)(a) of the *Electricity (General) Regulations 2012* under the *Electricity Act 1996*, I require that the household energy productivity target (HEPT) for a calendar year for a relevant electricity retailer is to be calculated according to the following principles:

- Each relevant retailer's HEPT will comprise a portion of the retailer's energy productivity target.
- Each relevant retailer's HEPT will reflect that retailer's electricity purchases for retailing to customers within South Australia.
- The total of all relevant retailers' HEPTs will sum to the overall HEPT set for that calendar year.

Pursuant to Regulation 19(4)(a) of the *Gas Regulations 2012* under the *Gas Act 1997*, I require that the household energy productivity target (HEPT) for a calendar year for a relevant gas retailer is to be calculated according to the following principles:

- Each relevant retailer's HEPT will comprise a portion of the retailer's energy productivity target.
- Each relevant retailer's HEPT will reflect that retailer's gas purchases for retailing to customers within South Australia.
- The total of all relevant retailers' HEPTs will sum to the overall HEPT set for that calendar year.

Dated: 22 March 2021

DAN VAN HOLST PELLEKAAN
Minister for Energy and Mining

Annexure B – Minister’s requirements for annual REPS report⁶

REPS Annual Report

Regulation 29 of the Electricity (General) Regulations 2012 and Regulation 23 of the Gas Regulations 2012 outline the information that must be reported in the annual REPS report. The regulations also allow for me to outline specific requirements that should be included in that report.

I request that the annual report include information on the costs of each type of activity being delivered by the REPS. Cost reporting must provide individual costs for a majority of the eligible REPS activities (whether or not a majority of eligible REPS activities are being delivered by the retailer).

To that end, I ask that obligated retailers annually provide information on costs and activity offers to ESCOSA for the majority of eligible REPS activities. In analysing and reporting this data in the REPS annual report, ESCOSA should ensure no information is disclosed that would be commercially confidential to a retailer or contractor.

I also request that the report cover, where possible, competition in activity delivery and any identified barriers to competition and the delivery of eligible activities.

⁶ Extract from letter to the Commission, from the Minister for Energy and Mining, dated 18 December 2020.

Annexure C – Annual Report Information

In accordance with clause 4.4.2 of the **REPS Code**, **obliged retailers** are required to complete the following Annual Return for the provision of information to the **Commission**, with the appropriate officer completing the responsibility statement below. Information must be provided for a minimum of 15 activities in total (delivered and not delivered).

Proforma 1: **Energy productivity activities** delivered (costs must be included for all **energy productivity activities** delivered in the calendar year)

Energy Productivity Activity code	Provider	Customer type	Average direct cost per GJ (excl GST)	Average overhead cost per GJ (excl GST)	Total cost per GJ (excl GST)	Comment
		priority group/ household/ commercial				

Proforma 2: **Energy productivity activities** not delivered (costs to be provided based on internal calculations or quotes received)

Energy Productivity Activity code	Source	Provider	Customer type	Average direct cost per GJ (excl GST)	Average overhead cost per GJ (excl GST)	Total cost per GJ (excl GST)	Comment
	Quote/internal calculation	If based on quote	priority group/ household/ commercial				

Proforma 3: Additional information

Question	Response
Please provide information about the process used to select energy productivity activity providers.	<p>Please include the following details:</p> <p>How many providers were considered for providing energy productivity activities?</p> <p>How many providers were engaged to provide energy productivity activities?</p> <p>What was the process for selecting providers (e.g. open tender)?</p> <p>What were the key criteria (top three) for selecting providers (e.g. price)?</p>

Responsibility Statement

Having reviewed this Annual Report Information Return of [insert name of **energy retailer**] in my opinion the information provided in this report is true and accurate.

Signed: _____

Name of Chief Executive⁷ _____(please print)_____

Energy retailer: _____(please print name of retailer)_____

Date: _____

When completed, this return should be sent to the **Commission** via email to reps@escosa.sa.gov.au⁸. Please note that this return needs to be received no later than 31 January following the relevant calendar year.

⁷ Or other person as authorised under clause 4.1.2 of the REPS Code.

⁸ Providing the emailed version consists of a Portable Document Format (PDF) of the entire return as a single PDF file, including a signed responsibility statement and a spreadsheet version of the information in the proformas.



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