



ICRC

Independent competition and regulatory commission

Email: [REDACTED]

Dear [REDACTED]

Freedom of information request

I refer to your application, under section 30 of the [Freedom of Information Act 2016](#) (the Act), received by the Independent Competition and Regulatory Commission (Commission) on 14 August 2018.

I wish to note that the Commission received, and accepted, a partial referral of your full FOI request received by other directorate/s within the ACT Government (Attachment 1). **Please note the highlighted sections of your request that the Commission is responding to.** To avoid doubt, the Commission is not responsible for responding to the other requested documents or information in your letter. In relation to the Commission, your FOI request asked for:

- b) The average price of electricity in the ACT; and
- c) Names of utility companies operating in the ACT, regulator, all wholesalers and retailers of electricity and how the price of electricity is determined by the regulator.

I sent an email to you on 21 August 2018 notifying you of the Commission's partial acceptance of your FOI request, and sought for you to contact me, or provide me with a contact phone number so I could assist with your request. I received no reply. [REDACTED]

Authority

I am an Information Officer appointed by the CEO of the Commission under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Material considered

In reaching my access decision, I have taken the following into account:

- the FOI Act, particularly sections 45 (a), (b) and (c)
- the content of the information that falls within the scope of your request
- I note that the information is available publicly.

Decision on access

A search of documents was conducted and the Commission has confirmed that the information you have requested is already publicly available.

Noting that the information requested is already publicly available, I have decided to refuse your application under **section 45 of the ACT (Refusing to deal with application – information already available to the applicant)**. The information is:

- (a) is made publicly available by the respondent or by another agency or Minister; or
- (b) is available to the applicant from, or for inspection at, a place the respondent, another agency or Minister operates, free of charge.

Whilst I note that the information is available to you, I have provided a document (Attachment 2) to assist.

Online publishing – disclosure log

Under section 28 of the Act, the Commission maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the Commission's disclosure log no later than 10 days after the decision. Your personal information and contact details will not be published.

You may view the Commission's disclosure log at:

<http://www.icrc.act.gov.au/about-us/access-to-information/>

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the Commission's disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: actfoi@ombudsman.gov.au.

ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

If you have any queries concerning the Commission's processing of your request, or would like further information, please contact me on ian.phillips@act.gov.au .

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Ian Phillips', with a stylized flourish at the end.

Ian Phillips
Information Officer
28 August 2018

16/2/17

THE INFORMATION OFFICER
ACT DEPT of TREASURY

freedom of information

DEAR SIR/MADAM

I MAKE THIS REQUEST UNDER THE ACT INFORMATION ACT.
WOULD IT BE POSSIBLE TO GET ACT GOVERNMENT RECORDS/
INFORMATION RELATING TO:

(b) THE AVERAGE PRICE OF ELECTRICITY IN THE ACT

(c) NAME OF UTILITY COMPANIES OPERATING IN THE ACT
REGULATOR ALL WHOLESALES AND RETAILERS OF ELECTRICITY
AND HOW THE PRICE OF ELECTRICITY IS DETERMINED
BY THE REGULATOR

[REDACTED]

PLEASE NOTE THAT I AM SEEKING A WAIVER OF ALL
PROCESSING AND APPLICATION FEES, [REDACTED]

[REDACTED]

Yours faithfully,
[REDACTED]

Attachment 1 – References to publicly available information

Request (b): *The average price of electricity in the ACT...*¹

Response: The Independent Competition and Regulatory Commission (Commission) does not have a specific figure, or the ability to collect figures that would allow for a calculation of the average price of electricity in the ACT, as there are many market and standing offer contracts with multiple tiers and rates available – some publicly available, some not. However, as part of our responsibility in setting the price for the supply of electricity to small customers of ActewAGL Retail, we have produced some material that may assist with your request.

Please see the following:

- Table ES.1 on page vii of *Report 3 of 2018 - Retail electricity price recalibration 2018-19* ('Report 3' - See link below). Table ES.1 provides information on the dollar per megawatt hour (\$/MWh) cost of supplying electricity to small customers on ActewAGL Retail's regulated tariffs for the 2018–19 financial year.
- Table 4.2 on page 24 of Report 3. Table 4.2 shows estimated annual average bills payable by consumers on ActewAGL Retail's regulated tariffs for 2018–19.
- Table A6.2 on page 97 of *Report 6 of 2017- Final Report standing offer prices 2017-18* (Report 6 – See link below). Table A6.2 shows estimated annual bills for a range of (single rate) offers available to ACT customers in 2017.

Report 3: <http://www.icrc.act.gov.au/wp-content/uploads/2017/03/Report-3-of-2018-Retail-electricity-price-recalibration-2018%E2%80%9319.pdf>

Report 6: <http://www.icrc.act.gov.au/wp-content/uploads/2017/03/Report-6-of-2017-June-2017-1.pdf>

Request (c): *Name of utility companies operating in the ACT...*

- Icon Water (water and sewerage services);
- Evoenergy Electricity (electricity distribution, connection and transmission services);
- Evoenergy Gas (gas distribution and connection services);
- TransGrid (electricity transmission services); and
- EAPL (gas transmission services).

See: <http://www.icrc.act.gov.au/utilities-licensing/current-licences/>

Request (c): *Regulator...*

The Commission licenses and regulates utilities licensed under the *Utilities Act 2000* (ACT).

The Technical Regulator regulates the technical aspects of licensed utilities in the ACT under the *Utilities (Technical Regulation) Act 2014* (ACT)

The Australian Energy Regulator (AER - Commonwealth agency) is the primary regulator of the national energy framework in the ACT. Other national entities also play a role in the framework.

Please see:

¹ Note: The Commission has accepted partial referral of 'request (b)' as it relates to 'the price of electricity in the ACT'. The request [REDACTED] is being responded to by other areas of the ACT Government.

- <https://www.aer.gov.au/>
- <https://www.aemc.gov.au/>
- <https://www.aemo.com.au/>

The Commission is responsible for regulating the standing offer prices for ActewAGL Retail for the supply of electricity to small customers who consume less than 100MWh. See:

- <https://www.legislation.act.gov.au/di/2016-138/>
- Report 3
- Report 6

Request (c): *All wholesalers and retailers of electricity in the ACT...*

Wholesalers:²

Evoenergy

See: <https://www.evoenergy.com.au/>

Retailers:

The Commission (or any other ACT Government entity) does not license or regulate electricity retailers in the ACT. Electricity retailers fall within the regulatory jurisdiction of the AER at the Commonwealth level. As such, the AER is responsible for the list of electricity retailers.

Please see the AER website which sets out electricity retailers authorised to operate in the ACT (note the region column):

- <https://www.aer.gov.au/retail-markets/authorisations/public-register-of-authorised-retailers-authorisation-applications>

You may also wish to see the AER's Energy Made Easy website which advertises and compares mainstream retail energy services available in the ACT.

- <https://www.energymadeeasy.gov.au/>

In addition, you may also wish to refer to the Australian Competition and Consumer Commission's Retail Electricity Pricing Inquiry – Final Report Section 6.1 which provides some detail on electricity retailers operating in the ACT.

- https://www.accc.gov.au/system/files/Retail%20Electricity%20Pricing%20Inquiry%E2%80%944Final%20Report%20June%202018_0.pdf

Request (c): *And how the price of electricity is determined by the regulator.*

Please see Report 3. Report 3 explains the methodology the Commission uses to determine regulated standing offer prices for ActewAGL Retail for the supply of electricity to small customers who consume less than 100MWh.

² It is assumed that 'wholesalers' refers to electricity distributors.