

**Schedule 4 – Proposed Article 17  
modifications to Annex 2 of the  
Distribution Licence**

## Annex 2 - Distribution Charge Restriction Conditions

### 1. Definitions

#### 1.1. In this Annex:

<b>“Allowed Related Party Margin”</b>	means the part (if any) of any Related Party Margin that provides for a reasonable and transparently calculated allowance for depreciation and return on capital in relation to assets to the extent that these are employed by the Related Party in the provision of relevant services to the Licensee and not otherwise included in the calculation of the Maximum Regulated Distribution Revenue or recoverable through the Licensee’s connection charges.
<b>“Approved Generation Cluster Infrastructure”</b>	means infrastructure that has been approved by the Authority for the purposes of the arrangements set out in the Connection Charging Statement for funding generation cluster infrastructure partly through the Licensee’s RAB.
<b>“Average Specified Rate”</b>	means the arithmetic mean of the daily base rates of Danske Bank Limited (or such other bank as the Authority shall specify from time to time) current from time to time during the period in respect of which the calculation falls to be made.
<b>“Connection Charging Statement”</b>	means the statement of charges for connection to the Licensee’s distribution system as prepared by the Licensee and approved by the Authority under Condition 32 hereof which is effective for the relevant period.
<b>“Deferred Revenue Expenditure”</b>	means expenditure which is classified as capital expenditure for accounting purposes (because it gives rise to economic benefits over more than one year) but is not capital expenditure for tax purposes (because it does not create a sufficiently identifiable asset). For example, Deferred Revenue

Expenditure may include the replacement of age-expired network components when (for tax purposes) the network as a whole is seen as a single asset.

<b>“Demonstrably Inefficient or Wasteful Expenditure”</b>	means expenditure which the Authority has (in a published decision giving reasons ) determined to be demonstrably inefficient and/or wasteful, given the information reasonably available to the Licensee at the time that the Licensee made the relevant decision about that expenditure. For the avoidance of doubt, no expenditure is Demonstrably Inefficient or Wasteful Expenditure simply by virtue of a statistical or quantitative analysis that compares very aggregated measures of the Licensee’s costs with the costs of other companies.
<b>“Distribution Charge Restriction Conditions”</b>	means the paragraphs set out in this Annex 2 as from time to time modified or replaced in accordance therewith or pursuant to Article 14, 14A, 14E or 18 of the Order, under the Energy Order, under the SEM Order or under the Directive Regulations.
<b>“Distribution Charges”</b>	means all charges for the provision of Distribution Services and for Wheeling, but excluding charges levied under the PSO Agreements (as defined in Condition 24A).
<b>“Distribution Services”</b>	means all services provided as part of the Distribution Business other than Excluded Services.
<b>“Enduring Solution”</b>	means the IT system introduced to support competition in the electricity retail market in Northern Ireland, intended to aid complete separation of the customer billing processes and legacy IT systems previously shared by the Licensee and Power NI (in its capacity as an electricity supplier), and to provide a level playing field for all suppliers, unrestricted switching capability for

customers and support of global aggregation for settlement of the all-island wholesale market.

**“ERDC”**

means early retirement deficit contributions.

**“Excluded Services”**

means those services provided as part of the Distribution Business which in accordance with the principles set out in paragraph 14 fall to be treated as Excluded Services.

**“Final Determination”**

means the report of the Competition Commission (the statutory predecessor to the Competition and Markets Authority) in relation to the Licensee’s Distribution Charge Restriction Conditions, as presented to the Authority on 26 March 2014, taken together with its supporting documentation.

**“Fuel Security Event”**

means a Fuel Security Event as defined in the Northern Ireland Fuel Security Code, published by the Department of Enterprise, Trade and Investment.

**“HMRC”**

means HM Revenues and Customs or, in relation to any function of that body referred to in this Annex, such other person as may (whether in relation to the United Kingdom as a whole or Northern Ireland) be allocated the role of performing that function after the commencement of RP5.

**“Licensee’s Allowed Distribution Related Security Costs”**

means any cost incurred by the Distribution Business and approved by the Authority (in a published decision) as being an allowed security cost in accordance with the Northern Ireland Fuel Security Code (as that term is therein defined), but excluding any cost which forms part of:

- a) the allowed power procurement business related security costs; or
- b) the payments to generators in relation to services provided to the power procurement business during Fuel

## Security Events.

<b>“Maximum Regulated Distribution Revenue”</b>	means the maximum Regulated Distribution Revenue that the Licensee is entitled to recover in the Regulatory Tariff Year and the Regulatory Reporting Year (as the case may be) as calculated in accordance with the provisions of this Annex.
<b>“Permitted One-Year Percentage”</b>	means 4% of the Maximum Regulated Distribution Revenue.
<b>“Permitted Three-Year Percentage”</b>	means 5% of the Maximum Regulated Distribution Revenue in the second of the Regulatory Tariff years.
<b>“Regulatory Asset Base”</b>	means one of the regulatory asset bases identified at paragraph 4.1.
<b>“Regulatory Instructions and Guidance (RIGs)”</b>	means the Regulatory Instructions and Guidance provided by the Authority, including guidance notes, reporting workbooks, commentary templates and assurance templates, as set out by the Authority, to capture various different types of information and data.
<b>“Regulatory Reporting Year”</b>	means a period of twelve months commencing on 1 April in any year and ending on 31 March in the year following its commencement.
<b>“Regulatory Reporting Year t”</b>	means the Regulatory Reporting Year which ends in year t, and is therefore to be read such that: a reference to ‘ <b>Regulatory Reporting year t = 2013</b> ’ is to the Regulatory Reporting Year ending on 31 March 2013; a reference to ‘ <b>Regulatory Reporting Year t-1</b> ’ means the Regulatory Reporting Year immediately preceding Regulatory Reporting Year t;

and similar expressions are to be construed accordingly.

**“Regulatory Tariff Year”**

means a period of twelve months commencing on 1 October in any year and ending on 30 September in the immediately following year.

**“Regulatory Tariff Year t”**

means the Regulatory Tariff Year which ends in year t, and is therefore to be read such that: a reference to ‘**Regulatory Tariff Year t = 2013**’ is to the Regulatory Tariff Year ending on 30 September 2013.

**“Regulated Distribution Revenue”**

means the revenue (measured on an accruals basis) that is derived by the Licensee from Distribution Charges after deduction of value added tax (if any) and any other taxes based directly on the amount of the Distribution Charges.

**“Related Party”**

means both Affiliates and Related Undertakings of the Licensee as defined in Condition 1 of this licence. An Affiliate or Related Undertaking shall remain as a Related Party for the whole of the price control period even if it is no longer part of the group due to restructuring.

**“Related Party Margin”**

The profit or loss recorded on a transaction with an affiliate being the excess or deficit on actual direct costs and indirect costs (excluding financing costs) fairly attributable to the transaction or the charge and the cost of providing that transaction.

For Captive Insurance businesses the margin is to be computed based on the captive’s premium income less reinsurance premiums, claims paid out and movements on technical and IBNR reserves attributable to the Licensee’s business only, i.e. usually reported as the profits/loss on the Technical account. Where a captive insures more than the Licensee, then it’s profit/loss should be computed pro rata to the premiums paid by the Licensee to

total premium income in the captive for the year and the movements on technical and IBNR reserves not attributable to the Licensee's business must first be removed.

<b>“RP4”</b>	means the period commencing on 1 April 2007 and ending on 31 March 2012.
<b>“RP5”</b>	means the period commencing on 1 April 2012 and ending on 30 September 2017.
<b>“RP6”</b>	means the period commencing on 1 October 2017 and ending on 30 September 2022.
<b>“RPI<sub>t</sub>”</b>	means the Retail Prices Index (CHAW: 1987 = 100) published by the Office for National Statistics (or successor body) for the October month in each Regulatory Reporting Year t and is therefore to be read such that: a reference to ‘RPI t = 2010’ is to the RPI figure for October 2009.
<b>“Specified Information”</b>	means information (or a category of information) that is so described or defined at paragraph 13.
<b>“Uncollected Revenue”</b>	means <ul style="list-style-type: none"><li>a) any amount owed to the Licensee in respect of Regulated Distribution Revenue (other than an amount owed to the Licensee by a system operator, such as SONI Limited), which amount remains unpaid for six months after the date it first fell due for payment or which amount the Licensee deems (in accordance with the payment security policy) to be unrecoverable before the expiry of that six months period; plus the reasonable interest attributable to such amount calculated</li></ul>

in accordance with the payment security policy; and

- b) where the Licensee is not an affiliate of the system operator (such as SONI Limited, a body corporate registered in Northern Ireland under company number NI038715), any amount owed to the Licensee by that system operator in respect of Regulated Distribution Revenue which is to be included in the uncollected revenue amount in accordance with the payment security policy; plus the reasonable interest attributable to such amount, calculated in accordance with the payment security policy.

**“Unit”**

means a kilowatt hour.

**“Wheeled Unit”**

means a unit (whether generated inside or outside Northern Ireland) which enters the total system at any point and is delivered to a place outside Northern Ireland.

**“Wheeling”**

means the transportation of Wheeled Units on any part of the total system.



## 2. Introductory Provisions

- 2.1. Where, for the purposes of complying with its obligation at paragraph 3.1 in relation to the setting of Distribution Charges, the Licensee forecasts the Maximum Regulated Distribution Revenue for any Regulatory Tariff Year  $t$  (or any data relevant to its calculation), it shall:
- a) have regard to any information notified to it by the Authority; and
  - b) where directed to do so by the Authority, base its forecast on any such information or make it in accordance with such methodology as the Authority may specify in the direction.
- 2.2. Unless the contrary is expressly stated:
- a) all monetary figures in this Annex are stated in nominal prices; and
  - b) all inputs and calculations for which provision is made in this Annex are to be carried out in nominal prices.
- 2.3. The values marked with an estimation symbol (e) in Table 3, Table 6, Table 7, Table 8, Table 10, Table 12, Table 13 and Appendix 2 are without prejudice to any future licence modifications made or proposed by the Authority to implement a new restriction on the Licensee's Maximum Regulated Distribution Revenue that is effective from 1 October 2017.
- 2.4. For the purposes of this Annex, the provisions of paragraph 3 shall be deemed to apply with effect from the commencement of RP5, so that the Maximum Regulated Distribution Revenue shall be calculated from the commencement of RP5 onwards, notwithstanding paragraph 16.
- 2.5. The Licensee is prohibited, in the period 26 March 2014 to 30 September 2014, from making changes to Distribution Charges.

### 3. The Maximum Regulated Distribution Revenue

3.1. Without prejudice to paragraph 16, the Licensee shall with effect from 1 October 2017 use its best endeavours to set its Distribution Charges so as to ensure that, in each Regulatory Tariff Year  $t$ , the Regulated Distribution Revenue shall be equal to the Maximum Regulated Distribution Revenue for that Regulatory Tariff Year calculated in accordance with paragraph 3.3.

3.2. **The Maximum Regulated Distribution Revenue for the Regulatory Tariff Year -  $RP5T_t$**

3.3. The Maximum Regulated Distribution Revenue for the Regulatory Tariff Year  $t$  shall be calculated as follows:

$$RP5T_t = (RP5R_t + RP5R_{t+1}) * 0.5$$

Where:

“ $RP5T_t$ ” means the Maximum Regulated Distribution Revenue for the Regulatory Tariff Year  $t$ ;

“ $RP5R_t$ ” means the Maximum Regulated Distribution Revenue for the Regulatory Reporting Year  $t$ , calculated in accordance with paragraph 3.4.

3.4. **The Maximum Regulated Distribution Revenue for the Regulatory Reporting Year -  $RP5R_t$**

3.5. For the purposes of paragraph 3.3, the Maximum Regulated Distribution Revenue for the Regulatory Reporting Year  $t$  shall be calculated as follows:

$$RP5R_t = DEP_t + RET_t + BD_t + O_t + P_t + COI_t + TAX_t - RPSI_t + COL_t + K_t$$

Where:

$DEP_t$  means the depreciation amount in Regulatory Reporting Year  $t$ , calculated in accordance with paragraph 4;

$RET_t$  means the return amount in Regulatory Reporting Year  $t$ , calculated in accordance with paragraph 5;

$BD_t$  is the allowed opex amount (if any) in Regulatory Reporting Year  $t$ , for Uncollected Revenue, being the amount appropriate for the Licensee to recover in that Regulatory Reporting Year, in respect of Uncollected Revenue, less any amount or part of an amount treated as Uncollected Revenue in respect of a preceding Regulatory Reporting Year  $t$  that has been paid to the Licensee in Regulatory Reporting Year  $t$ ;

$O_t$  means the opex amount in Regulatory Reporting Year  $t$ , calculated in accordance with paragraph 6;

$P_t$	means the pension deficit amount in Regulatory Reporting Year $t$ , calculated in accordance with paragraph 7;
$COI_t$	means the costs of the investigation amount in Regulatory Reporting Year $t$ , calculated in accordance with paragraph 8;
$TAX_t$	means the tax amount due in Regulatory Reporting Year $t$ , calculated in accordance with paragraph 9;
$RPSI_t$	means the revenue protection services incentive amount, in Regulatory Reporting Year $t$ , calculated in accordance with paragraph 10;
$COL_t$	means the change of law amount in Regulatory Reporting Year $t$ , calculated in accordance with paragraph 11; and
$K_t$	means the correction factor amount (whether a positive or negative number) calculated in accordance with paragraph 12.

#### 4. The Regulatory Asset Bases - $RAB_{X_t}$

- 4.1. For the purposes of this Annex, there shall be, as set out in Table 1 below, the following Regulatory Asset Bases:

Table 1 - The Distribution Business Regulatory Asset Bases

RAB name	RAB_X
Distribution RAB	RAB_DN
Enduring Solution RAB	RAB_ES
Metering RAB	RAB_MTRN
Rathlin RAB	RAB_RT
FEMO RAB	RAB_FE
NI2007 RAB	RAB_NI
5 Year D.RAB	RAB_D5Y

- 4.2. In this Annex, each Regulatory Asset Base is identified as a **RAB**, and **RAB\_X** refers to a Regulatory Asset Base for which X represents the suffix assigned to that RAB at paragraph 4.1.

#### 4.3. The Opening Regulatory Asset Base - $ORAB_{X_t}$

- 4.4. For the purposes of this Annex, in each Regulatory Reporting Year t and for each  $RAB_X$ , the opening Regulatory Asset Base,  $ORAB_{X_t}$ , being the value of that Regulatory Asset Base at the beginning of Regulatory Reporting Year t, shall be defined as:

$$ORAB_{X_t} = OE_{X_t} + OADD_{X_t}$$

Where:

$OE_{X_t}$  being the opening value of existing assets, calculated in accordance with paragraph 4.5; and

$OADD_{X_t}$  being the opening value of additional assets, calculated in accordance with paragraph 4.13.

#### 4.5. The opening value of existing assets - $OE_{X_t}$

- 4.6. For the purposes of this Annex, in respect of Regulatory Reporting Year  $t = 2013$ , for each RAB\_X, the opening value of existing assets ( $OE_{X_{2013}}$ ) shall be calculated as follows:

$$OE_{X_{2013}} = OE_{2010\_X_{2013}} * RPI_{2013} / RPI_{2010}$$

Where:

$OE_{2010\_X_{2013}}$  is the opening value of existing assets, in a 2010 price base, for each RAB\_X and for the Regulatory Reporting Year  $t = 2013$ , and shall be equal to the amounts specified in Table 2 below.

Table 2 - The Distribution Business opening value of existing assets (£ million, 2010 prices)

RAB_X	$OE_{2010\_X_{2013}}$
RAB_DN	782.36
RAB_ES	21.21
RAB_MTRN	14.49
RAB_RT	3.96
RAB_FE	6.12
RAB_NI	19.21
RAB_D5Y	0.00

- 4.7. For the purposes of this Annex, in each Regulatory Reporting Year  $t$  other than  $t = 2013$ , and for each RAB\_X the opening value of existing assets ( $OE_{X_t}$ ) shall be calculated as follows:

$$OE_{X_t} = (CE_{X_{t-1}}) * RPI_t / RPI_{t-1}$$

Where:

$CE_{X_t}$  is the closing value of existing assets, calculated in accordance with paragraph 4.9.

- 4.8. The closing value of existing assets -  $CE_{X_t}$

- 4.9. For the purposes of this Annex, in each Regulatory Reporting Year  $t$  and for each RAB\_X, the closing value of existing assets ( $CE_{X_t}$ ) being the value of the existing assets in that RAB at the end of Regulatory Reporting Year  $t$ , shall be calculated as follows:

$$CE_{X_t} = OE_{X_t} - FDEP_{X_t}$$

Where:

$OE_{X_t}$  is the opening value of existing assets calculated in accordance with paragraph 4.5; and

$FDEP_{X_t}$  is the fixed depreciation amount, calculated in accordance with paragraph 4.11.

4.10. **The fixed depreciation amount -  $FDEP_{X_t}$**

4.11. For the purposes of this Annex, in each Regulatory Reporting Year  $t$ , and for each  $RAB_X$ , the fixed depreciation amount ( $Fdep_{X_t}$ ) means the amount representing depreciation of assets acquired pre 31 March 2012 and shall be calculated as follows:

$$FDEP_{X_t} = FDEP_{2010_{X_t}} * RPI_t / RPI_{2010}$$

Where:

$FDEP_{2010_{X_t}}$  is the fixed depreciation amount, in a 2010 price base, for each  $RAB_X$  and for each Regulatory Reporting Year  $t$ , and shall be equal to the amounts specified in Table 3 below.

Table 3 - The Distribution Business fixed depreciation amount per  $RAB_X$  for each Regulatory Reporting Year  $t$  (£ million, 2010 prices)<sup>1</sup>

Year \ $RAB_X$	t=2013	t=2014	t=2015	t=2016	t=2017	t=2018
$RAB_{DN}$	40.47	39.11	37.64	36.37	34.95	17.02 + 17.02e
$RAB_{ES}$	2.12	2.12	2.12	2.12	2.12	1.06 + 1.06e
$RAB_{MTRN}$	1.63	1.63	1.63	1.63	1.63	0.82 + 0.82e
$RAB_{RT}$	0.14	0.14	0.14	0.14	0.14	0.07 + 0.07e
$RAB_{FE}$	2.72	2.72	0.68	-	-	-
$RAB_{NI}$	6.83	6.83	3.49	2.07	-	-

4.12. **The opening value of additional assets -  $OADD_{X_t}$**

4.13. For the purposes of this Annex, in each Regulatory Reporting Year  $t$  and for each  $RAB_X$ , the opening value of additional assets ( $OADD_{X_t}$ ) shall be:

- 0 (zero) in Regulatory Reporting Year  $t = 2013$ ; and
- in each subsequent Regulatory Reporting Year  $t$ , calculated as follows:

<sup>1</sup> See paragraph 2.3 regarding figures in this table marked with an estimation symbol (e).

$$\text{OADD}_X_t = (\text{CADD}_X_{t-1}) * \text{RPI}_t / \text{RPI}_{t-1}$$

Where:

$\text{CADD}_X_{t-1}$  means the closing value of additional assets in the previous Regulatory Reporting Year, calculated in accordance with paragraph 4.15.

4.14. **The closing value of additional assets -  $\text{CADD}_X_t$**

4.15. For the purposes of this Annex, in each Regulatory Reporting Year  $t$  and for each  $\text{RAB}_X$ , the closing value of additional assets ( $\text{CADD}_X_t$ ) shall be calculated as follows:

$$\text{CADD}_X_t = \text{OADD}_X_t + \text{QCE}_X_t - \text{DIQCE}_X_t + \text{PTCE}_X_t - \text{DIPTCE}_X_t - \text{DEPADD}_X_t - \text{CD}_X_t + \text{CI}_X_t$$

Where:

$\text{OADD}_X_t$  means the opening value of additional assets calculated in accordance with paragraph 4.13;

$\text{QCE}_X_t$  means the qualifying capex expenditure amount, calculated in accordance with paragraph 4.17;

$\text{DIQCE}_X_t$  means the demonstrably inefficient qualifying capex expenditure amount, calculated in accordance with paragraph 4.19;

$\text{PTCE}_X_t$  means the pass through capex expenditure amount, calculated in accordance with paragraph 4.21;

$\text{DIPTCE}_X_t$  means the demonstrably inefficient pass through capex expenditure amount, calculated in accordance with paragraph 4.25;

$\text{DEPADD}_X_t$  means the depreciation amount for additional assets, calculated in accordance with paragraph 4.27;

$\text{CD}_X_t$  means the capex disposal amount, calculated in accordance with paragraph 4.30; and

$\text{CI}_X_t$  means the capex incentive amount, calculated in accordance with paragraph 4.32.

4.16. **The qualifying capex expenditure amount -  $\text{QCE}_X_t$**

4.17. For the purposes of this Annex, in each Regulatory Reporting Year  $t$  and for each  $\text{RAB}_X$ , the qualifying capex expenditure amount ( $\text{QCE}_X_t$ ) shall:

a) be the value of capex incurred by the Licensee (excluding any costs included in the calculation of  $\text{PTCE}_X_t$ ) reasonably allocated or attributed to:

i. the Distribution Business;

- ii. the Regulatory Reporting Year  $t$ ; and
  - iii.  $RAB_X$ ; and
- b) exclude any amounts reasonably allocated or attributed to any of the following:
- i. pension deficit repair contributions;
  - ii. the costs recovered or recoverable as part of the Licensee's connection charges levied in accordance with the Licensee's Connection Charging Statement or the costs of any other service that is treated as Excluded Services for the purposes of this Annex;
  - iii. any costs recharged by the Licensee to associated businesses or related parties;
  - iv. any positive Related Party Margin (but excluding any Allowed Related Party Margin) that is charged to the Licensee by a Related Party;
  - v. any costs incurred by the Licensee as part of the PSO Agreement or otherwise recoverable under the restriction on the Licensee's PSO Charges;
  - vi. costs of external advisers incurred by the Licensee in relation to the Competition Commission inquiry which resulted in the Final Determination;
  - vii. any Uncollected Revenue;
  - viii. any costs incurred by the Licensee and allowed for as part of the calculation or determination of  $COL_t$ ; and
  - ix. other costs of any description which the Authority may determine in a published decision from time to time are manifestly unreasonable to include in the qualifying capex expenditure amount.

**4.18. Demonstrably inefficient qualifying capex expenditure -  $DIQCE_X_t$**

4.19. For the purposes of this Annex, in each Regulatory Reporting Year  $t$  and for each  $RAB_X$ , demonstrably inefficient qualifying capex expenditure ( $DIQCE_X_t$ ) shall be the part (if any) of  $QCE_X_t$  that is Demonstrably Inefficient or Wasteful Expenditure.

**4.20. The pass through capex expenditure amount -  $PTCE_X_t$**

4.21. For the purposes of this Annex, in each Regulatory Reporting Year  $t$  and for each  $RAB_X$ , the pass through capex expenditure amount ( $PTCE_X_t$ ), shall be calculated as follows:

$$PTCE_X_t = CLD_X_t + CSB_X_t + HOU_X_t + GCI_X_t$$

Where:

$CLD_X_t$  means the capex legacy  $D_t$  amount reasonably allocated or attributed to  $RAB_X$  in Regulatory Reporting Year  $t$  and calculated in accordance with paragraph 4.23;



- CSB<sub>X<sub>t</sub></sub>** means an amount calculated as the costs incurred by the Licensee in the period before 1 October 2015 which are reasonably allocated or attributed to Regulatory Reporting Year t, to RAB<sub>X<sub>t</sub></sub> and to the 40% subsidy which applied to the connection of eligible new domestic and smaller businesses and which are not recovered or recoverable as part of the Licensee's connection charges levied in accordance with its Connection Charging Statement;
- HOU<sub>X<sub>t</sub></sub>** means an amount calculated as the costs incurred by the Licensee in the period before 1 October 2015 which are reasonably allocated or attributed to Regulatory Reporting Year t, to RAB<sub>X<sub>t</sub></sub> and to the connection to the Licensee's system of housing sites with 12 or more domestic premises, minus the revenue recovered in Regulatory Reporting Year t from the Licensee's connection charges in respect of such costs; and
- GCI<sub>X<sub>t</sub></sub>** means an amount for each RAB<sub>X<sub>t</sub></sub> calculated as the costs incurred by the Licensee in Regulatory Reporting Year t which are reasonably allocated or attributed to Approved Generation Cluster Infrastructure and not recoverable as part of the capex legacy D<sub>t</sub> amount calculated in accordance with paragraph 4.23, minus the revenue recovered in Regulatory Reporting Year t from the connection charges paid in respect of Approved Generation Cluster Infrastructure.

4.22. **The capex legacy D<sub>t</sub> amount - CLD<sub>X<sub>t</sub></sub>**

- 4.23. For the purposes of this Annex, in each Regulatory Reporting Year t and for each RAB<sub>X<sub>t</sub></sub>, CLD<sub>X<sub>t</sub></sub> is the capex legacy D<sub>t</sub> amount incurred by the Licensee that the Authority determines in a published decision, insofar as the Licensee has incurred these costs in line with the original approval terms, for each of the items referenced in Table 4 below:

Table 4 - The Distribution Business capex legacy D<sub>t</sub> items (£ million, 2010 prices)

<b>Legacy D<sub>t</sub> items</b>	<b>Approval reference date</b>	<b>Total maximum RP5 spend</b>
33kV reinforcement	21 October 2013	1.9
Enduring Solution project	18 June 2013	5.9

4.24. **Demonstrably inefficient pass through capex expenditure - DIPTCE<sub>X<sub>t</sub></sub>**

4.25. For the purposes this Annex, in each Regulatory Reporting Year t and for each RAB<sub>X</sub>, demonstrably inefficient pass through capex expenditure (DIPTCE<sub>X<sub>t</sub></sub>) shall be the part (if any) of PTCE<sub>X<sub>t</sub></sub> that is Demonstrably Inefficient or Wasteful Expenditure.

4.26. **The depreciation amount for additional assets - DEPADD<sub>X<sub>t</sub></sub>**

4.27. For the purposes of paragraph 4.15, in each Regulatory Reporting Year t and for each RAB<sub>X</sub>, the depreciation amount for additional assets (DEPADD<sub>X<sub>t</sub></sub>) shall be calculated as follows:

a) in Regulatory Reporting Year t=2013:

$$\text{DEPADD}_{X_t} = 0.5 * \text{DEPN}_{X_t}$$

b) in each other Regulatory Reporting Year t :

$$\text{DEPADD}_{X_t} = 0.5 * \text{DEPN}_{X_t} + (\text{DEPADD}_{X_{t-1}} + 0.5 * \text{DEPN}_{X_{t-1}}) * \text{RPI}_t / \text{RPI}_{t-1}$$

subject to a limitation on the value of DEPADD<sub>X<sub>t</sub></sub> to ensure that the cumulative depreciation (up to and including Regulatory Reporting Year t) in respect of any past value of DEPN<sub>X</sub> does not represent excessive depreciation given the depreciation and RAB policies reflected in this Annex, including the RPI indexation of the RAB.

4.28. For the purposes of paragraph 4.27, DEPN<sub>X<sub>t</sub></sub> is the full year depreciation for net assets added to RAB<sub>X</sub> in Regulatory Reporting Year t and shall be calculated as follows:

$$\text{DEPN}_{X_t} = (\text{QCE}_{X_t} - \text{DIQCE}_{X_t} + \text{PTCE}_{X_t} - \text{DIPTCE}_{X_t} - \text{CD}_{X_t} + \text{CI}_{X_t}) * \text{DEPR}_X$$

Where:

**QCE<sub>X<sub>t</sub></sub>** means the qualifying capex expenditure amount, calculated in accordance with paragraph 4.17;

**DIQCE<sub>X<sub>t</sub></sub>** means the demonstrably inefficient qualifying capex expenditure amount, calculated in accordance with paragraph 4.19;

**PTCE<sub>X<sub>t</sub></sub>** means the pass through capex expenditure amount, calculated in accordance with paragraph 4.21;

**DIPTCE<sub>X<sub>t</sub></sub>** means the demonstrably inefficient pass through capex expenditure amount, calculated in accordance with paragraph 4.25;

**CD<sub>X<sub>t</sub></sub>** means the capex disposal amount, calculated in accordance with paragraph 4.30;

**CI<sub>X<sub>t</sub></sub>** means the capex incentive amount, calculated in accordance with paragraph 4.32; and

**DEPR\_X** is the depreciation rate for each RAB\_X as set out in Table 5 below:

Table 5 - The Distribution Business depreciation rate for each RAB\_X

RAB_X	Depreciation rate
RAB_DN	3%
RAB_ES	10%
RAB_MTRN	6.66667%
RAB_RT	3%
RAB_FE	20%
RAB_NI	20%
RAB_D5Y	20%

4.29. **The capex disposal amount -  $CD_{X_t}$**

4.30. For the purposes of this Annex, in each Regulatory Reporting Year  $t$  and for each RAB\_X, the capex disposal amount ( $CD_{X_t}$ ) shall be calculated as follows:

$$CD_{X_t} = OCD_{X_{t-5}} * RPI_t / RPI_{t-5}$$

Where:

**$OCD_{X_t}$**  means the outturn capex disposal amount, during Regulatory Reporting Year  $t$ , the value of which constituted part of RAB\_X, being the proceeds of the disposal of any relevant asset/s (including Land, Buildings, Plant, Equipment, but not comprising Land Bank premises or scrap) minus any costs of such disposal that were reasonably incurred by the Licensee.

4.31. **The capex incentive amount -  $CI_{X_t}$**

4.32. For the purposes of this Annex, in each Regulatory Reporting Year  $t$  and for each RAB\_X, the capex incentive amount ( $CI_{X_t}$ ) is a sum designed to share equally between the Licensee and customers the value of any outperformance or underperformance of the Licensee against its capex allowances and shall be calculated as follows:

$$CI_{X_t} = ( AC_{X_t} + ACIA_{X_t} + ACES_{X_t} - ( QCE_{X_t} - DIQCE_{X_t} ) ) * 50\%$$

Where:

- AC<sub>X</sub><sub>t</sub>** is the allowed capex as set out at paragraph 4.34 (and paragraph 4.36 in the case of **AC<sub>MTRN</sub><sub>t</sub>**);
- ACIA<sub>X</sub><sub>t</sub>** is the allowed capex (if any) in respect of Regulatory Reporting Year t, for injurious affectation claims, that the Authority determines in a published decision to be appropriate for the Licensee to recover, where X corresponds to the suffix which is assigned to RAB<sub>X</sub> at paragraph 4.1;
- ACES<sub>X</sub><sub>t</sub>** is the allowed capex (if any) in respect of Regulatory Reporting Year t, for the Enduring Solution system, being the additional amount that the Authority determines in a published decision to be appropriate for the Licensee to recover in respect of significant changes in the specification of the service that the Licensee is required to provide in relation to the Enduring Solution market opening system, where X corresponds to the suffix which is assigned to RAB<sub>X</sub> at paragraph 4.1;
- QCE<sub>X</sub><sub>t</sub>** is the qualifying capex expenditure amount determined in accordance with paragraph 4.16; and
- DIQCE<sub>X</sub><sub>t</sub>** means the demonstrably inefficient qualifying capex expenditure amount calculated in accordance with paragraph 4.19.

4.33. **Allowed capex - AC<sub>X</sub><sub>t</sub>**

- 4.34. For the purposes of this Annex, in each Regulatory Reporting Year t, and for each RAB<sub>X</sub> other than RAB<sub>MTRN</sub>, the allowed capex (**AC<sub>X</sub><sub>t</sub>**) amounts shall be calculated as follows:

$$AC_{X_t} = AC_{2010_X_t} * RPI_t / RPI_{2010}$$

Where:

- AC<sub>2010\_X</sub><sub>t</sub>** is the allowed capex amount, in a 2010 price base, for each RAB<sub>X</sub> and for each Regulatory Reporting Year t, and shall be equal to the amounts specified in Table 6 below.

Table 6 - The Distribution Business allowed capex per RAB<sub>X</sub> for each Regulatory Reporting Year t (£ million, 2010 prices) <sup>2</sup>

Year \ RAB <sub>X</sub>	t=2013	t=2014	t=2015	t=2016	t=2017	t=2018
RAB <sub>DN</sub>	41.62	44.10	58.01	57.48	57.13	28.32 + 28.32 <sup>e</sup>

<sup>2</sup> See paragraph 2.3 regarding figures in this table marked with an estimation symbol (e).

RAB_D5Y	7.03	8.70	6.94	6.87	6.83	3.39 + 3.39e
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4.35. Allowed capex for Metering RAB -  $AC\_MTRN_t$

4.36. For the purposes of this Annex, in each Regulatory Reporting Year  $t$  and for  $RAB\_MTRN$ , the allowed capex ( $AC\_MTRN_t$ ) shall be calculated as follows:

$$AC\_X_t = FMFA_t + (SMFA_t + MVA_t) * RPEPF_t$$

Where:

$FMFA_t$  means the first metering fixed allowance, in Regulatory Reporting Year  $t$ , and shall be calculated in accordance with paragraph 4.38;

$SMFA_t$  means the second metering fixed allowance, in Regulatory Reporting Year  $t$ , and shall be calculated in accordance with paragraph 4.40;

$MVA_t$  means the metering volume driven allowance, in Regulatory Reporting Year  $t$ , and shall be calculated in accordance with paragraph 4.41; and

$RPEPF_t$  is the real price effect & productivity factor for each Regulatory Reporting Year  $t$ , and shall be calculated in accordance with paragraph 4.44.

4.37. First metering fixed allowance ( $FMFA_t$ )

4.38. For the purposes of paragraph 4.36, the first metering fixed allowance ( $FMFA_t$ ) shall be calculated as follows:

$$FMFA_t = FMFA_{2010_t} * RPI_t / RPI_{2010}$$

Where:

$FMFA_{2010_t}$  means the first metering fixed allowance amount, in a 2010 price base, for each Regulatory Reporting Year  $t$ , and shall be equal to the amounts specified in specified in Table 7 below.

Table 7 - The Distribution Business first metering fixed allowance for each Regulatory Reporting Year  $t$  (£ million, 2010 prices)<sup>3</sup>

Year \ Term	t=2013	t=2014	t=2015	t=2016	t=2017	t=2018
First metering fixed allowance ( $FMFA_{2010_t}$ )	0.623	0.617	0.611	0.606	0.602	0.298 + 0.298e

<sup>3</sup> See paragraph 2.3 regarding figures in this table marked with an estimation symbol (e).

4.39. **Second metering fixed allowance (SMFA<sub>t</sub>)**

4.40. For the purposes of paragraph 4.36, the second metering fixed allowance (SMFA<sub>t</sub>) shall be calculated as follows:

$$SMFA_t = SMFA_{2010_t} * RPI_t / RPI_{2010}$$

Where:

**SMFA<sub>2010<sub>t</sub></sub>** means the second metering fixed allowance amount, in a 2010 price base, for each Regulatory Reporting Year t, and shall be equal to the amounts specified in specified in Table 8 below.

Table 8 - The Distribution Business second metering fixed allowance for each Regulatory Reporting Year t (£ million, 2010 prices) <sup>4</sup>

Year \ Term	t=2013	t=2014	t=2015	t=2016	t=2017	t=2018
Second metering fixed allowance (SMFA <sub>2010<sub>t</sub></sub> )	0.250	0.250	0.680	0.330	0.330	0.165 + 0.165e

4.41. **Metering volume driven allowance (MVA<sub>t</sub>)**

4.42. For the purposes of paragraph 4.36, the metering volume driven allowance (MVA<sub>t</sub>) shall be calculated as follows:

$$MVA_t = \sum_{All\_C} ( MV_{C_t} * MAU_{2010\_C_t} ) * RPI_t / RPI_{2010}$$

Where:

$\sum_{All\_C}$  means the summation of each metering category C listed in Table 9 below;

**MV<sub>C<sub>t</sub></sub>** means the volume of Metering units installed, certified or recertified in respect of Regulatory Reporting Year t, for each category C listed in Table 9 below; and

**MAU<sub>2010<sub>C<sub>t</sub></sub></sub>** is the metering allowance unit cost, in a 2010 price base, in respect of Regulatory Reporting Year t, for each metering category C listed in Table 9 below:

<sup>4</sup> See paragraph 2.3 regarding figures in this table marked with an estimation symbol (e).

Table 9 - The Distribution Business metering allowance unit cost for each metering category C (2010 prices)

Metering category C	Metering allowance unit cost ( MAU_2010_C <sub>t</sub> ) <sup>5</sup>
Certification	£0 (zero) in Regulatory Reporting Years t = 2013 and t = 2014; £23.72 in each other Regulatory Reporting Year t.
Recertification	£0 (zero) in Regulatory Reporting Years t = 2013 and t = 2014; £23.72 in each other Regulatory Reporting Year t.
Commercial recertification	£0 (zero) in Regulatory Reporting Years t = 2013 and t = 2014;  £242.00 in each other Regulatory Reporting Year t.
Keypad recertification	£0 (zero) in Regulatory Reporting Years t = 2013 and t = 2014; £76.51 in each other Regulatory Reporting Year t.
Keypad other	£72.00
SOSA	£27.80
Commercial	£205.00

4.43. The real price effect & productivity factor (RPEPF<sub>t</sub>)

4.44. For the purposes of paragraph 4.36, the real price effect & productivity factor (RPEPF<sub>t</sub>) shall, for each Regulatory Reporting Year t shall be equal to the values set out in Table 10 below.

Table 10 - The Distribution Business real price effect & productivity factor for each Regulatory Reporting Year t<sup>6</sup>

Year	Real price effect & productivity factor (RPEPF <sub>t</sub> )
t=2013	0.978000
t=2014	0.968220
t=2015	0.959506
t=2016	0.950870

<sup>5</sup> For the avoidance of doubt the reference to 'each other Regulatory Reporting Year t' in this table is without prejudice to any future licence modifications made or proposed by the Authority to implement a new restriction on the Licensee's Maximum Regulated Distribution Revenue that is effective from 1 October 2017.

<sup>6</sup> See paragraph 2.3 regarding figures in this table marked with an estimation symbol (e).

t=2017	0.945165
t=2018	0.936659 or 0.936659e

4.45. The depreciation amount -  $DEP_t$

4.46. For the purposes of this Annex, in each Regulatory Reporting Year  $t$ , the depreciation amount ( $DEP_t$ ) shall be calculated as follows:

$$DEP_t = \sum_{AllRAB\_X} (DEPADD\_X_t + FDEP\_X_t)$$

Where:

$\sum_{AllRAB\_X}$  means the summation of the values for all Regulatory Asset Bases;

$DEPADD\_X_t$  means the depreciation amount for additional assets for each  $RAB\_X$ , calculated in accordance with paragraph 4.26; and

$FDEP\_X_t$  means the fixed depreciation amount for each  $RAB\_X$ , calculated in accordance with paragraph 4.11.



## 5. The return amount - $RET_t$

5.1. For the purposes of this Annex, in Regulatory Reporting Year  $t$ , the return amount ( $RET_t$ ) is calculated as follows:

$$RET_t = \left( \sum_{AllRAB\_X} (ORAB_{X_t} + CRAB_{X_t}) / 2 \right) * AVWACC_t$$

Where:

$\sum_{AllRAB\_X}$  means the summation of the values for every Regulatory Asset Base,  $RAB_X$ ;

$ORAB_{X_t}$  means the opening Regulatory Asset Base in respect of each  $RAB_X$  in Regulatory Reporting Year  $t$ , has the value established in accordance with paragraph 4.4;

$CRAB_{X_t}$  means the closing Regulatory Asset Base in respect of each  $RAB_X$  in Regulatory Reporting Year  $t$ , and is equal to:

$$CE_{X_t} + CADD_{X_t}$$

Where:

$CE_{X_t}$  is the closing value of existing assets, and has the value calculated in accordance with paragraph 4.9; and

$CADD_{X_t}$  is the closing value of additional assets, and has the value calculated in accordance with paragraph 4.15.

$AVWACC_t$  means the adjusted vanilla weighted average cost of capital in Regulatory Reporting Year  $t$ , and shall be calculated as follows:

$$AVWACC_t = \frac{VWACC_t}{\sqrt{(1+VWACC_t)}}$$

Where:

$VWACC_t$  means the vanilla weighted average cost of capital in Regulatory Reporting Year  $t$  and has a value equal to 4.10%.

## 6. The opex amount - $O_t$

6.1. For the purposes of paragraph 3.5, in each Regulatory Reporting Year  $t$ , the opex amount ( $O_t$ ) shall be calculated as follows:

$$O_t = QOE_t - DIQOE_t + PTOE_t - DIPTOE_t + OI_t$$

Where:

- QOE<sub>t</sub>** means the qualifying opex expenditure amount, calculated in accordance with paragraph 6.3;
- DIQOE<sub>t</sub>** means the demonstrably inefficient qualifying opex expenditure amount, calculated in accordance with paragraph 6.5;
- PTOE<sub>t</sub>** means the pass through opex expenditure amount, calculated in accordance with paragraph 6.7;
- DIPTOE<sub>t</sub>** means the demonstrably inefficient pass through opex expenditure amount, calculated in accordance with paragraph 6.11; and
- OI<sub>t</sub>** means the opex incentive amount in Regulatory Reporting Year  $t$ , calculated in accordance with paragraph 6.13.

## 6.2. The qualifying opex expenditure amount - $QOE_t$

6.3. For the purposes of this Annex, in each Regulatory Reporting Year  $t$ , the qualifying opex expenditure amount ( $QOE_t$ ), shall:

- a) be the value of opex incurred by the Licensee (excluding  $PTOE_t$ ) reasonably allocated or attributed to:
  - i. the Distribution Business; and
  - ii. the Regulatory Reporting Year  $t$ ; and
- b) exclude any amounts reasonably allocated or attributed to any of the following:
  - i. pension deficit repair contributions;
  - ii. the costs recovered or recoverable as part of the Licensee's connection charges levied in accordance with the Licensee's Connection Charging Statement or the costs of any other service that is treated as Excluded Services for the purpose of this Annex;
  - iii. any costs recharged by the Licensee to associated businesses or related parties;
  - iv. any positive Related Party Margin (but excluding any Allowed Related Party Margin) that is charged to the Licensee by a Related Party;
  - v. any costs incurred by the Licensee as part of the PSO Agreement or otherwise recoverable under the restriction on the Licensee's PSO Charges;

- vi. costs of external advisers incurred by the Licensee in relation to the Competition Commission inquiry which resulted in the Final Determination;
- vii. any Uncollected Revenue;
- viii. any costs incurred by the Licensee and allowed for as part of the calculation or determination of  $COL_t$ ; and
- ix. other costs of any description which the Authority may determine in a published decision from time to time are manifestly unreasonable to include in the qualifying opex expenditure amount.

**6.4. Demonstrably inefficient qualifying opex expenditure -  $DIQOE_t$**

6.5. For the purposes this Annex, in each Regulatory Reporting Year  $t$ ,  $DIQOE_t$  shall be the part (if any) of  $QOE_t$  that is Demonstrably Inefficient or Wasteful Expenditure.

**6.6. Pass through opex expenditure amount -  $PTOE_t$**

6.7. For the purposes of this Annex, in each Regulatory Reporting Year  $t$ , the pass through opex expenditure amount ( $PTOE_t$ ) shall:

- a) be the value of opex incurred by the Licensee (excluding  $QOE_t$ ) reasonably allocated or attributed to:
  - i. the Distribution Business; and
  - ii. the Regulatory Reporting Year  $t$ ; and
- b) be calculated as follows:

$$PTOE_t = OLF_t + OLD_t$$

Where:

$OLF_t$  is the opex licence fee amount in Regulatory Reporting Year  $t$ , being the licence fee apportioned or allocated to or required from the Licensee under Condition 7 of this Licence;

$OLD_t$  is the opex legacy  $D_t$  amount, calculated in accordance with paragraph 6.9.

**6.8. The opex legacy  $D_t$  amount -  $OLD_t$**

6.9. For the purposes of this Annex, in each Regulatory Reporting Year  $t$ ,  $OLD_t$  is the opex legacy  $D_t$  amount incurred by the Licensee that the Authority determines in a published decision, insofar as the Licensee has incurred these costs in line with the original approval terms, for each of the items referenced in Table 11 below:

Table 11 - The Distribution Business opex legacy Dt amounts (2010 prices)

Legacy Dt items	Approval reference date(s)	Total maximum RP5 spend
Network Management System	29 May 2012 and 28 Jan 2013	£3.3 million
Smart Grid trial	10 June 2011	£0.1 million
Market opening legacy systems cost	19 June 2012	£0.5 million
Enduring Solution - transitional costs	24 January 2013	£0.7 million
Enduring Solution project	18 June 2013	£0.2 million

6.10. **Demonstrably inefficient pass through opex expenditure - DIPTOE<sub>t</sub>**

6.11. For the purposes this Annex, in each Regulatory Reporting Year *t*, **DIPTOE<sub>t</sub>** shall be the part (if any) of **PTOE<sub>t</sub>** that is Demonstrably Inefficient or Wasteful Expenditure.

6.12. **The opex incentive amount - OI<sub>t</sub>**

6.13. For the purposes of this Annex, in each Regulatory Reporting Year *t*, the opex incentive amount (**OI<sub>t</sub>**) is a sum designed to share equally between the Licensee and customers the value of any outperformance or underperformance of the Licensee against its opex allowances and shall be calculated as follows:

$$OI_t = ( AO_t + AOO_t - ( QOE_t - DIQOE_t ) ) * 50\%$$

Where:

**AO<sub>t</sub>** is the allowed opex amount calculated in accordance with paragraph 6.15;

**AOO<sub>t</sub>** is the allowed opex other amount calculated in accordance with paragraph 6.17;

**QOE<sub>t</sub>** is the qualifying opex expenditure amount calculated in accordance with paragraph 6.3; and

**DIQOE<sub>t</sub>** is the demonstrably inefficient qualifying opex expenditure amount calculated in accordance with paragraph 6.5.

6.14. Allowed opex amount -  $AO_t$ 

6.15. For the purposes of this Annex, in each Regulatory Reporting Year  $t$ , the allowed opex ( $AO_t$ ) amounts shall be calculated as follows:

$$AO_t = AO_{2010_t} * RPI_t / RPI_{2010}$$

Where:

$AO_{2010_t}$  means the allowed opex amount, in a 2010 price base, for each Regulatory Reporting Year  $t$ , and shall be equal to the amounts specified in specified in Table 12 below:

Table 12 - The Distribution Business allowed opex amount for each Regulatory Reporting Year  $t$  (£ million, 2010 prices)<sup>7</sup>

Year	t=2013	t=2014	t=2015	t=2016	t=2017	t=2018
Term						
Allowed opex amount ( $AO_{2010_t}$ )	42.19	42.60	41.04	40.48	40.25	20.02 + 20.02e

6.16. Allowed opex other amount -  $AOO_t$ 

6.17. For the purposes of this Annex, in each Regulatory Reporting Year  $t$ , the allowed opex other amount ( $AOO_t$ ), being the amounts for other opex items listed immediately below, shall be calculated as follows:

$$AOO_t = ES_t + IA_t + RR_t$$

Where:

$ES_t$  is the allowed opex (if any) amount in Regulatory Reporting Year  $t$ , for the Enduring Solution, being the additional amount that the Authority determines in a published decision, to be appropriate for the Licensee to recover in that Regulatory Reporting Year in respect of any significant changes in the specification of the service that the Licensee is required to provide in relation to the Enduring Solution market opening system;

$IA_t$  is the allowed opex (if any) amount in Regulatory Reporting Year  $t$ , for injurious affectation, being the amount that the Authority determines in a published decision to be appropriate for the Licensee to recover in respect of injurious affectation claims in that Regulatory Reporting Year; and

<sup>7</sup> See paragraph 2.3 regarding figures in this table marked with an estimation symbol (e).

**RR<sub>t</sub>** is the allowed opex (if any) amount in Regulatory Reporting Year t, for regulatory reporting, being the additional amount that the Authority determines in a published decision to be appropriate for the Licensee to recover in that Regulatory Reporting Year, in respect of regulatory reporting costs.

## 7. The pension deficit amount - $P_t$

7.1. For the purposes of this Annex, in each Regulatory Reporting Year  $t$ ,  $P_t$  means the pension deficit amount, including the ERDC amount in Regulatory Reporting Year  $t$ , and shall be calculated as follows:

$$P_t = P_{2010_t} * RPI_t / RPI_{2010}$$

Where:

$P_{2010_t}$  means the pension deficit amount, in a 2010 price base, for each Regulatory Reporting Year  $t$ , and shall be equal to the amounts specified in specified in Table 13 below:

Table 13 - The Distribution Business pension deficit amount for each Regulatory Reporting Year  $t$  (£ million, 2010 prices)<sup>8</sup>

Period	t=2013	t=2014	t=2015	t=2016	t=2017	t=2018
<b>Term</b>						
<b>Historic Deficit Repair</b>	12.60	12.60	12.60	12.60	12.60	6.30 + 6.30e
<b>ERDC Disallowance</b>	(3.59)	(3.59)	(3.59)	(3.59)	(3.59)	(1.79) + (1.79)e
<b>Pension deficit amount (<math>P_{2010_t}</math>)</b>	9.02	9.02	9.02	9.02	9.02	4.51 + 4.51e

<sup>8</sup> See paragraph 2.3 regarding figures in this table marked with an estimation symbol (e).

## 8. The costs of the investigation amount ( $COI_t$ )

- 8.1. For the purposes of paragraph 3.5, in each Regulatory Reporting Year  $t$ , the costs of the investigation amount ( $COI_t$ ), shall be calculated as follows:

$$COI_t = COI_{2010_t} * RPI_t / RPI_{2010}$$

Where:

$COI_{2010_t}$  means the costs of the investigation amount, in a 2010 price base, and shall be equal to zero in every Regulatory Reporting Year  $t$  except for Regulatory Reporting Year  $t = 2014$  where it shall be equal to £1.023 million.



## 9. The Tax Amount - $TAX_t$

9.1. For the purposes of paragraph 3.5, in Regulatory Reporting Year  $t$ , the tax amount ( $TAX_t$ ) is calculated as follows in nominal prices:

$$TAX_t = TR_t / (1 - TR_t) * (RET_t + DEP_t - INT_t - CA_t)$$

Where:

- $TR_t$  means the corporation Tax Rate applicable in Northern Ireland in Regulatory Reporting Year  $t$ , as specified from time to time by HMRC;
- $RET_t$  means the return amount in Regulatory Reporting Year  $t$ , calculated in accordance with paragraph 5.1;
- $DEP_t$  means the depreciation amount in Regulatory Reporting Year  $t$ , calculated in accordance with paragraph 4.45;
- $INT_t$  means an amount equal to the Interest on the value of the average of all Regulatory Asset Bases, in Regulatory Reporting Year  $t$  and shall be calculated as follows:

$$INT_t = \frac{\left( \sum_{AllRAB\_X} (ORAB\_X_t + CRAB\_X_t) \right)}{2} * G * NCOD$$

Where:

- $\sum_{AllRAB\_X}$  means the summation of the values for all Regulatory Asset Bases;
- $ORAB\_X_t$  is the value of the opening Regulatory Asset Base for each RAB\_X in Regulatory Reporting Year  $t$ , calculated in accordance with paragraph 4.4;
- $CRAB\_X_t$  is the value of the closing Regulatory Asset Base for each RAB\_X in Regulatory Reporting Year  $t$ , calculated in accordance with paragraph 5.1;
- $G$  means notional gearing and has the value of 45%;
- $NCOD$  means the notional nominal cost of debt and has the value of 6.45%; and
- $CA_t$  means, in each Regulatory Reporting Year  $t$ , an amount equal to the value of regulatory capital allowances in accordance with guidelines published by HMRC for the purposes of calculating Maximum Regulated Distribution Revenue in respect of that Regulatory Reporting Year, calculated on a notional basis, under the hypothetical assumptions that:
- i. the regulatory capital allowances are, while considering ii, iii, and iv immediately below, the capital allowances that would be applicable if the Licensee's opex in

Regulatory Reporting Year t were to be equal to  $O_t$  and the Licensee's capex in Regulatory Reporting Year t were to be equal to:

$$\sum_{AIIRAB\_X} ( QCE\_X_t - DIQCE\_X_t + PTCE\_X_t - DIPTCE\_X_t - CD\_X_t + CI\_X_t )$$

Where:

- $\sum_{AIIRAB\_X}$  means the summation of the values for all Regulatory Asset Bases;
- $QCE\_X_t$  means the qualifying capex expenditure amount, calculated in accordance with paragraph 4.17;
- $DIQCE\_X_t$  means the demonstrably inefficient qualifying capex expenditure amount, calculated in accordance with paragraph 4.19;
- $PTCE\_X_t$  means the pass through capex expenditure amount, calculated in accordance with paragraph 4.21;
- $DIPTCE\_X_t$  means the demonstrably inefficient pass through capex expenditure amount, calculated in accordance with paragraph 4.24;
- $CD\_X_t$  means the capex disposal amount, calculated in accordance with paragraph 4.30; and
- $CI\_X_t$  means the capex incentive amount, calculated in accordance with paragraph 4.32; and
- ii. the regulatory capital allowances are the maximum capital allowance available to the Licensee, irrespective of whether or not the Licensee chooses to utilise such allowances in full;
  - iii. if the Licensee opts to defer capital allowance claims in respect of any capital allowance in any given year, the amount of capital allowance available in any subsequent year excludes any amounts for which claims were so deferred (to avoid double counting any capital allowance);
  - iv. the regulatory capital allowances should include an appropriate allowance in relation to Deferred Revenue Expenditure which is, subject to i, ii, and iii above and vi below, consistent with the Licensee's treatment of such expenditure for the purposes of its tax submissions to HMRC;
  - v. the regulatory capital allowances are, subject to i, ii, iii above and vi below, calculated in a manner that is consistent with the Licensee's tax submissions to HMRC; and
  - vi. the opening written down values are as specified in Table 14 below:

Table 14 - The Distribution Business opening tax capital allowance values (£ million, nominal prices)

Category	Opening RP5 written down value
General Pool	54.42
Long life asset pool	287.42
Deferred revenue	111.61 <sup>9</sup>

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<sup>9</sup> The gross value of capital additions before RP5 was £123.82million

**10. The revenue protection services incentive amount -  $RPSI_t$** 

10.1. In each Regulatory Reporting Year, the revenue protection services incentive amount,  $RPSI_t$ , shall be calculated as follows:

$$RPSI_t = RPSR_t * 50\%$$

Where:

**$RPSR_t$**  means the revenue protection services revenue (being a positive amount or zero (0) ), in Regulatory Reporting Year t, being the sums recovered or earned by the Licensee during that Regulatory Reporting Year from the provision of revenue protection services, which shall together include in particular:

- i. any money recovered by the Licensee from an electricity consumer in the exercise of the Licensee's powers in relation to illegal abstraction of electricity;
- ii. any money recovered by the Licensee from third parties to cover the cost of the network repairs or other repairs associated with illegal abstraction; and
- iii. any income generated by the Licensee from the provision of revenue protection services to third parties.

**11. The change of law amount - COL<sub>t</sub>**

11.1. Where it appears to the Licensee that there has been, or is likely to be, a relevant change of law which has had or is likely to have a material effect on the financial position and performance of the Distribution Business, the Licensee may require the Authority to determine in a published decision whether the relevant change of law has had or is likely to have such an effect, and if so what amounts, if any, should be treated as allowed change of law revenues in calculating COL<sub>t</sub> for Regulatory Reporting Year t and each succeeding Regulatory Reporting Year to ensure that the financial position and performance of the Distribution Business is likely, so far as reasonably practicable, to be the same as if the relevant change of law had not taken place. In determining the matters provided for in the paragraph above, the Authority shall have regard, where relevant, to:

- a) the period over which the Licensee shall incur costs by reason of the relevant change of law;
- b) the incremental costs (including financing costs) which the Licensee has been or will be required to incur as a consequence of the relevant change of law; and
- c) the other circumstances of the case.

11.2. A notice given to the Authority by the Licensee pursuant to paragraph 11.1 shall contain or be accompanied by all relevant details of the relevant change of law and such other information as the Authority shall require and, unless the Authority shall otherwise consent, shall be given not later than the first day of October immediately preceding the first of the Regulatory Reporting Years in respect of which the Licensee wishes any change in such elements to take effect.

11.3. In this paragraph 11:

**“legal requirement”** means, in relation to the Licensee, any of the following:

- (a) any enactment to the extent that it applies to the Distribution Business;
- (b) any regulation made by the Council or the Commission of the European Communities to the extent that it applies to the Licensee and impacts on its Distribution Business or a decision taken by the said Commission which is binding on the Licensee and impacts on the Distribution Business to the extent that it is so binding;

- (c) any interpretation of law, or finding, contained in any judgment given by a court or tribunal of competent jurisdiction in respect of which the period for making an appeal has expired which requires any legal requirement falling within (a) or (b) above to have effect in a way different to that in which it previously had effect;
- (d) any direction of a competent authority other than, insofar as it applies to the Distribution Business, the Authority (except in the exercise of its powers under paragraph 4 of Condition 27) or the Department; and

**“relevant change of law”** means the application to the Licensee of any legal requirement which did not previously so apply or the change of any legal requirement relating to the Licensee (including any such legal requirement ceasing to apply, being withdrawn or not being renewed), in each case as applicable in respect of the Distribution Business.

## 12. The correction factor amount - $K_t$

12.1. For the purposes of paragraph 3.5 and for the closure of the RP5 period, the correction factor amount ( $K_t$ ) shall be calculated as follows:

- a) in Regulatory Reporting Year  $t = 2013$ :

$$K_t = KRP4$$

Where:

**KRP4** means the closing K factor for the RP4 price control at 31<sup>st</sup> March 2012 and has the value of -£10.611 million.

- b) in Regulatory Reporting Years  $t = 2014$ ,  $t = 2015$ ,  $t = 2016$ ,  $t = 2017$  and  $t = 2018$ :

$$K_t = ( RP5R_{t-1} - ARP5_{t-1} ) * ( 1 + I_t ) + RP4CI_t$$

Where:

**RP5R<sub>t-1</sub>** means the Maximum Regulated Distribution Revenue, in Regulatory Reporting Year  $t-1$ ;

**ARP5<sub>t-1</sub>** means the actual Regulated Distribution Revenue recovered through Distribution Charges in Regulatory Reporting Year  $t-1$ , save that for each Regulatory Reporting Year  $t=2013$  &  $t=2014$  actual Regulated Distribution Revenue will be increased by £12 million (nominal prices); and

**I<sub>t</sub>** means the Average Specified Rate; and

**RP4CI<sub>t</sub>** means the amounts due to the Licensee under the capex efficiency incentive that applied under the RP4 price control.

### **13. Information to be provided to the Authority in connection with the Distribution Charge Restriction Conditions**

#### **13.1. Introduction**

13.2. In addition to, and without prejudice to, the provisions of Condition 8 of the Licence, the Licensee shall, in relation to the Distribution Charge Restriction Conditions, furnish the Authority with Specified Information as set out in this paragraph 13.

#### **13.3. Specified Information**

13.4. The Licensee shall, subject to other provisions set out in the Licence and in this paragraph 13, provide to the Authority the following Specified Information:

- a) forecasts and/or estimates in accordance with paragraph 13.6, with regards to the setting of Distribution Charges;
- b) any explanation and/or statement as to whether or not the provisions at paragraph 13.11 are likely to be applicable, with regards to the restriction of Distribution Charges;
- c) information to comply with the Authority's Regulatory Instructions and Guidance (RIGs) in accordance with paragraph 13.15;
- d) information which provides a reconciliation of the values published in the accounting statements (referred to at Condition 2 of the Licence) for opex and capex with:
  - i. the qualifying opex expenditure amount ( $QOE_t$ ) and the pass through opex expenditure amount ( $PTOE_t$ );
  - ii. the qualifying capex expenditure amount ( $QCE_{X_t}$ ) for each RAB\_X and the pass through capex expenditure amount ( $PTCE_{X_t}$ ) for each RAB\_X; and
  - iii. the cost information provided to comply with the Authority's RIGs in accordance with paragraph 13.15;
- e) information regarding pension deficits, in accordance with paragraph 13.20;
- f) information on historical revenues, including:
  - i. all data used in the calculation of the Licensee's Maximum Regulated Distribution Revenue, in accordance with paragraph 13.21;
  - ii. the revenue derived from Excluded Services (showing separately the revenue from each category of excluded service) in accordance with paragraph 14.6;
- g) information on network investment projects and volumes, including:
  - i. a forecast of the network investment for the RP6 price control period, in accordance with paragraph 13.25; and
  - ii. information on pre-funded costs, in accordance with paragraph 13.26;



- iii. information on outturn RP5 projects and volumes, and planned RP5 projects and volumes in accordance with paragraph 13.29; and
  - h) information on the Licensee's ESQCR compliance, in accordance with paragraph 13.32;
  - i) information on tax, in accordance with paragraph 13.34; and
  - j) the statutory accounts of any Related Party, in accordance with paragraph 13.37.
- 13.5. Unless otherwise specified in this Annex or the Licence, the Specified Information listed at paragraph 13.4 shall be submitted:
- a) for the time period as the Authority may reasonably require and as may be specified in directions issued by the Authority;
  - b) by a date as the Authority may reasonably require and as may be specified in directions issued by the Authority;
  - c) in a format as the Authority may reasonably require and as may be specified in directions issued by the Authority; and
  - d) to the relevant employees of the Authority and to the [electricity\\_network\\_reporting@uregni.gov.uk](mailto:electricity_network_reporting@uregni.gov.uk) mailbox or subsequent equivalent mailbox.
- 13.6. **Forecasts / estimates with regards to setting Distribution Charges**
- 13.7. Where any change is intended to be made in Distribution Charges regulated under paragraph 3, the Licensee shall not later than 14 days prior to the time of publication of such change, provide the Authority with:
- a) a written forecast of the Maximum Regulated Distribution Revenue, together with its components, in respect of each Regulatory Reporting Year t upon which the intended change would affect;
  - b) a written estimate of the Maximum Regulated Distribution Revenue, together with its components, in respect of each Regulatory Reporting Year prior to the first Regulatory Reporting Year t upon which the intended change would affect; and
  - c) a written forecast of the over- or under-recovery in all future Regulatory Tariff Years for which the Licensee forecasts an over- or under- recovery.
- 13.8. If within 3 months of the commencement of any Regulatory Tariff Year t the Licensee has not made any such change in charges as is referred to in paragraph 13.7, the Licensee shall provide the Authority with:
- a) a written forecast of the Maximum Regulated Distribution Revenue, together with its components, in respect of each Regulatory Reporting Year upon which Regulatory Tariff Year t has an effect; and

- b) a written forecast of the over- or under-recovery in all future Regulatory Tariff Years for which the Licensee forecasts an over- or under- recovery.
- 13.9. Any forecast or estimate provided in accordance with paragraph 13.7 or 13.8 shall be accompanied by such information as regards the assumptions underlying the forecast or estimate as may be necessary to enable the Authority to be satisfied that the forecast or estimate has been properly prepared on a consistent basis.
- 13.10. In addition, any forecast or estimate provided in accordance with paragraph 13.7 or 13.8 shall be published by the Licensee on the Licensee's website.
- 13.11. **Restriction of Distribution Charges**
- 13.12. If, in respect of any Regulatory Tariff Year commencing on or after 1 October 2017, the Regulated Distribution Revenue exceeds the Maximum Regulated Distribution Revenue by more than the Permitted One-Year Percentage, the Licensee shall furnish an explanation to the Authority, and in the next following Regulatory Tariff Year, the Licensee shall not effect any increase in Distribution Charges unless it has demonstrated to the reasonable satisfaction of the Authority that the Regulated Distribution Revenue would not be likely to exceed the Maximum Regulated Distribution Revenue in that following Regulatory Tariff Year.
- 13.13. If, in respect of any three successive Regulatory Tariff Years commencing on or after 1 October 2017, the sum of the amounts by which the Regulated Distribution Revenue has exceeded the Maximum Regulated Distribution Revenue, is more than the Permitted Three-Year Percentage, then in the next following Regulatory Tariff Year the Licensee shall, if required by the Authority, adjust its Distribution Charges such that the Regulated Distribution Revenue would not be likely, in the judgement of the Authority, to exceed the Maximum Regulatory Distribution Revenue in that next following Regulatory Tariff Year.
- 13.14. Not later than six weeks after the commencement of each Regulatory Tariff Year, the Licensee shall send to the Authority a statement as to:
- a) whether or not the provisions of:
    - i. paragraph 13.12 are likely to be applicable in consequence of the Regulated Distribution Revenue in the preceding Regulatory Tariff Year; and/ or
    - ii. paragraph 13.13 are likely to be applicable in consequence of the Regulated Distribution Revenue in the preceding 3 Regulatory Tariff Years; and
  - b) the Licensee's best estimate as to the cumulative over- or under- recovery at the last day of the most recently ended Regulatory Tariff Year.

**13.15. Information to comply with Authority's Regulatory Instructions and Guidance (RIGs)**

13.16. The Licensee shall, furnish the Authority with any information required to comply with the Authority's RIGs, as may change from time to time.

13.17. The Licensee shall ensure that the RIGs information referred to at paragraph 13.16 includes estimations of the Licensee's confidence in that information and is certified by a relevant director.

13.18. The Licensee shall, publish on the Licensee's website, the information supplied in accordance with paragraph 13.16, subject to the minimum redactions considered necessary by the Authority to protect commercially sensitive information.

**13.19. Pension deficits**

13.20. The Licensee shall, furnish the Authority with relevant information regarding any pension deficits, splitting accordingly the historic deficit (assuming a cut-off date of 31 March 2012) and incremental deficit.

**13.21. Historical data used in the calculation of the Licensee's Maximum Regulated Distribution Revenue**

13.22. The Licensee shall, furnish the Authority with all historical data used to calculate the Maximum Regulated Distribution Revenue as set out in the formulas in this Annex.

13.23. The Licensee shall, for the period from 1 April 2012, publish, on the Licensee's website and in the Licensee's accounting statements referred to in Condition 2 of the Licence, the data referred to at 13.22.

**13.24. Forecast network investment in the RP6 price control period**

13.25. The Licensee shall, on an annual basis submit to the Authority the Licensee's estimate of the expected investments, volumes and projects for the RP6 price control period.

**13.26. Information on pre-funded costs**

13.27. The Licensee shall, on an annual basis submit to the Authority an estimate of the pre-funded costs, being the network investments, volumes and projects required in periods after RP5 which can be attributed to the cancellation, reduction or deferral of any investments, volumes or projects that the Competition Commission assumed as part of the cost assessment underpinning its Final Determination (the planned investments, volumes and projects).

- 13.28. The Licensee shall submit to the Authority, on an annual basis, to supplement the information referred to at paragraph 13.27, reconciliations of the information referred to at paragraph 13.27 to the planned investments, volumes and projects specified at Appendix 1 and Appendix 2 below.
- 13.29. **Information on the outturn RP5 investments, projects and volumes, and planned RP5 investments, projects and volumes**
- 13.30. The Licensee shall, on an annual basis, for the RP5 period, submit to the Authority:
- a) information on outturn investments, volumes and projects; and
  - b) information on planned investments, volumes and projects.
- 13.31. The Licensee shall submit to the Authority, on an annual basis, to supplement the information referred to at paragraph 13.30, reconciliations of the information referred to at paragraph 13.30 to the planned investments, volumes and projects, specified at Appendix 1 and Appendix 2 below.
- 13.32. **Reporting on the Licensee's ESQCR compliance**
- 13.33. The Licensee shall, report on the Licensee's ESQCR compliance, with additional details on the Licensee's patrolling activity, including a split of low voltage work into low voltage undereaves and low voltage overhead lines.
- 13.34. **Information on tax**
- 13.35. The Licensee shall, no later than 12 months after the end of each Regulatory Reporting Year, prepare and submit to the Authority an annual report, in a form to be approved by the Authority, setting out:
- a) audited tax reports that enable a full reconciliation between:
    - i. information submitted to HMRC on the Licensee's tax affairs; and
    - ii. information used for the calculation of the tax element of the Licensee's Maximum Regulated Distribution Revenue, as calculated at paragraph 9 of this Annex;
  - b) information submitted to HMRC on the Licensee's tax affairs;
  - c) information used for the calculation of the tax element of the Licensee's Maximum Regulated Distribution Revenue, as calculated at paragraph 9 of this Annex; and
  - d) any retrospective adjustments in respect of previous years together with any restatement of 13.35.a), 13.35.b) and 13.35.c).

13.36. The Licensee shall, on an annual basis, publish on the Licensee's website the information supplied under 13.35.a) and, to the extent that it relates to information supplied under 13.35.a), under 13.35.d), subject to the minimum redactions, considered necessary by the Authority, to protect commercially sensitive information.

**13.37. The statutory accounts of any Related Party**

13.38. The Licensee shall, no later than 10 months after the end of each Regulatory Reporting Year, prepare and submit to the Authority the financial statements of any Related Party, for the Regulatory Reporting Year, with whom the Licensee has had a transaction in that Regulatory Reporting Year.

## 14. Excluded Services for purposes of Distribution Business

- 14.1. There may be treated as Excluded Services provided by the Distribution Business such services in respect of which charges are made which:
- a) do not fall within paragraph 14.2; and
  - b) may (subject to paragraph 14.7) be determined by the Licensee as falling under one of the principles set out in paragraphs 14.3 to 14.5.
- 14.2. No service provided as part of the Distribution Business shall be treated as an excluded service insofar as it relates to the provision of services remunerated under use of system charges in accordance with Condition 32 including (without prejudice to the foregoing):
- a) the transport of electricity;
  - b) the carrying out of works for the installation of electric lines or electrical plant (not otherwise payable in the form of connection charges) for the purpose of maintaining or upgrading the Licensee's distribution system;
  - c) the carrying out of works or the provision of maintenance or repair or other services for the purpose of enabling the Licensee to comply with Conditions 19, 26 and 27, the Electricity Supply Regulations (Northern Ireland) 1991 as amended by the Electricity Supply (Amendment) Regulations (Northern Ireland) 1993 or any regulations made under Article 32 of the Order or any other enactment relating to safety or standards applicable in respect of the Distribution Business;
  - d) the provision, installation and maintenance of any meters, switchgear or other electrical plant ancillary to the grant of use of system.
- 14.3. The whole or an appropriate proportion (as the case may be) of the charges of the type described in paragraph 3 of Condition 32 and borne by any person as connection charges in respect of connections made after the grant of this Licence may be treated as Excluded Services.
- 14.4. There may be treated as an excluded service charge for the relocation of electric lines or electrical plant and the carrying out of works associated therewith pursuant to a statutory obligation (other than under Article 12(2) of the Order) imposed on the Licensee.
- 14.5. There may be treated as an excluded service any service of a type not referred to above which:
- a) consists in the provision of services for the specific benefit of a third party requesting the same; and
  - b) is not made available as a normal part of the Distribution Business remunerated by use of system charges, including (without prejudice to the foregoing):

- i. special metering (including “time of day” metering) to facilitate energy saving programmes for the benefit of customers requesting the same;
  - ii. prepayment metering equipment;
  - iii. charges for moving mains, services or meters forming part of the Licensee’s distribution system to accommodate extension, re-design or re-development of any premises on which the same are located or to which they are connected; and
  - iv. the provision of electric lines and electrical plant (a) insofar as the same are required for the specific purpose of enabling the provision of top-up or standby or (b) to provide a higher degree of security than is required for the purposes of complying with Condition 19.
  
- 14.6. The Licensee shall following the end of each Regulatory Reporting Year furnish to the Authority, as being one of the items of Specified Information referred to in paragraph 13.3, details specifying separately the nature of all services provided as part of the Distribution Business and treated as Excluded Services by the Licensee during the course of such year and stating the revenues derived in respect of each such service so treated.
  
- 14.7. Where the Authority is satisfied that it is reasonable in all the circumstances that any service treated by the Licensee as being or not being an excluded service should not be so treated, the Authority shall issue directions to that effect. Any such directions may, where a service is directed to be treated as an excluded service, contain such conditions as the Authority shall see fit in relation to the charges which the Licensee may make for such excluded service and the other terms and conditions upon which the Licensee may provide such excluded service. In accordance with the terms of such directions, such service shall cease to be treated as an excluded service with effect from the date of issue of such directions or such earlier date as may be specified in the directions.

**15. Allowances in respect of security costs**

15.1. At any time during a Fuel Security Event, the Authority may (having regard to its duties under the Energy Order) by means of directions:

- a) suspend or modify for the unexpired term of the Fuel Security Event the Distribution Charge Restriction Conditions or any part or parts thereof; or
- b) introduce for the unexpired term of the Fuel Security Event new Distribution Charge Restriction Conditions,

in either case, so as to make such provision as in the opinion or estimation of the Authority is requisite or appropriate to enable the Licensee to recover by means of appropriate equitable increases in the charges made in the course of the Distribution Business an amount estimated as being equal to the Licensee's allowed distribution related security costs during such event, and the Licensee shall comply with the terms of any directions so issued.

15.2. Subject to paragraphs 15.3 and 15.5, the Licensee shall in any Regulatory Reporting Year be entitled to recover an aggregate amount equal to the Licensee's allowed distribution related security costs in that year or (insofar as not previously recovered) any previous year, by means of appropriate equitable increases in the charges made by the Licensee in the course of the Distribution Business.

15.3. Paragraph 15.2 shall not apply insofar as such Licensee's allowed distribution related security costs:

- a) were otherwise recovered by the Licensee; or
- b) were taken into account by the Authority in setting charge restriction conditions by means of directions issued under paragraph 15.1.

15.4. The Licensee shall following the end of each Regulatory Reporting Year provide to the Authority details in respect of that Regulatory Reporting Year of:

- a) the aggregate amounts charged under paragraph 15.2 on account of the Licensee's allowed distribution related security costs; and
- b) the bases and calculations underlying the increases in charges made by the Licensee in the course of the Distribution Business under paragraph 15.2.

15.5. Where the Authority is satisfied that the Licensee has recovered amounts in excess of the Licensee's allowed distribution related security costs, the Authority may issue directions requiring the Licensee to take such steps as may be specified to reimburse customers of the Distribution Business for the excess amounts charged to them, and the Licensee shall comply with any directions so issued.



- 15.6. No amounts charged by the Licensee under this paragraph 15 (whether or not subsequently required to be reimbursed) shall be taken into account for the purpose of applying the distribution charge restriction provisions of paragraph 3.

## 16. Duration of the charge restriction conditions

- 16.1. Subject to the following paragraphs of this Annex, the Distribution Charge Restriction Conditions shall apply so long as the Licence continues in force.
- 16.2. The Distribution Charge Restriction Conditions outlined in paragraph 3.2 do not apply to tariff years from 1 October 2017 onwards. In the absence of modifications to those provisions, the licensee shall not be able to increase (in nominal terms) any of the tariffs or charges contributing to its Regulated Distribution Revenue above the levels applicable on 1 October 2016.
- 16.3. **Disapplication**
- 16.4. The Distribution Charge Restriction Conditions shall cease to have effect (in whole or in part, as the case may be) if the Licensee delivers to the Authority a request (a “Disapplication Request”) made in accordance with paragraph 16.6 and:
- a) the Authority agrees in writing to the request; or
  - b) the application of this Annex (or any part of it) is terminated by a notice (a “Disapplication Notice”) given by the Licensee in accordance with paragraph 16.6.c) and not withdrawn.
- 16.5. Save where the Authority agrees otherwise, no disapplication following delivery of a Disapplication Request pursuant to paragraphs 16.4 to 16.10 shall have effect earlier than the date (the “Disapplication Date”) which is the later of:
- a) the date occurring 18 months after delivery of the Disapplication Request; and
  - b) 30 September 2017.
- 16.6. A Disapplication Request pursuant to paragraphs 16.4 to 16.10 shall:
- a) be in writing addressed to the Authority;
  - b) specify this Annex or any part of it to which the request relates (excluding in either case paragraphs 16.4 to 16.10); and
  - c) state the date from which the Licensee wishes the Authority to agree that the Annex or specified part of it shall cease to have effect.
- 16.7. A Disapplication Notice pursuant to paragraphs 16.4 to 16.10:
- a) may be given in the circumstances described in either paragraph 16.8 or 16.9;
  - b) may be withdrawn at any time prior to the Disapplication Date; and
  - c) where it is given, shall:
    - i. be in writing addressed to the Authority;

- ii. specify this Annex or any part of it (which shall comprise only such part as was specified in the Disapplication Request) to which the notice relates; and
- iii. state the date from which the Licensee wishes the notice to take effect, which shall not be earlier than the Disapplication Date.

16.8. The circumstances described in this paragraph are that, by the beginning of the period of six months which will end with the Disapplication Date, the Authority has not in response to the Disapplication Request published a decision under Article 14(8) of the Order to modify:

- a) this Annex (or any part of it) to which the request relates; or
- b) paragraphs 16.4 to 16.10, so as to remove the right of the Licensee to give to the Authority a Disapplication Notice in respect of the relevant Disapplication Request.

16.9. The circumstances described in this paragraph are that:

- a) by no later than the beginning of the period of six months which will end with the Disapplication Date, the Authority has in response to the Disapplication Request published a decision of a type referred to in paragraph 16.8 above;
- b) the Licensee has exercised its right to appeal to the CMA against that decision in accordance with Article 14B of the Order;
- c) the CMA has, in respect of the provisions to which the Disapplication Request relates:
  - i. quashed the decision of the Authority under Article 14E(2)(a) of the Order; and
  - ii. neither remitted the matter back to the Authority under Article 14E(2)(b) of the Order nor substituted its own decision for that of the Authority under Article 14E(2)(c) of the Order; and
- d) no more than 30 days has elapsed since the date on which the CMA quashed the decision of the Authority.

16.10. A Disapplication Request or Disapplication Notice served under paragraphs 16.4 to 16.10 may be served in respect of a specified geographic area.

Appendix 1 - The Distribution Business: planned investments, volumes and projects capitalised to RAB (2010 prices)

<i>Project ID</i>	<i>Project name</i>	<i>Asset name / further information</i>	<i>Predefined output</i>	<i>Direct</i>	<i>Indirect</i>	<i>Allowed capex</i>
D06	Distribution Tower Lines	Refurbishment 26km Tower Lines	Specified number of units, as per BPQ	£1.33 million	£0.07 million	£1.40 million
D07	33kV Overhead Lines	Re-engineer Refurbish TAR	Specified number of units, as per BPQ Specified number of units, as per BPQ N/A	£6.11 million	£2.41 million	£8.52 million
D08	11kV Overhead Lines	Re-engineer Refurbish TAR	Specified number of units, as per BPQ Specified number of units, as per BPQ N/A	£34.52 million	£13.64 million	£48.16 million
D09	LV Lines	Refurbishment - Urban and rural TAR Line Undergrounding (Direct Access) Line Undergrounding (Land locked)	Specified number of units, as per BPQ N/A Specified number of units, as per BPQ Specified number of units, as per BPQ	£9.86 million	£3.90 million	£13.76 million
D10	Undereaves	Replace 0.4kV services (undereaves)	Specified number of units, as per BPQ	£8.84 million	£3.50 million	£12.34 million
D11	LV cut-outs	Replace house service cut-outs at 8000 properties	Specified number of units	£1.79 million	£0.09 million	£1.88 million
D13	Primary Plant	Indoor Switchgear (33kV) Outdoor switchgear - Circuit Breaker (33Kv) Outdoor switchgear - replacement of complete Mesh (with indoor switchboard)	Specified number of units Specified number of units Specified number of units	£27.72 million	£1.43 million	£29.14 million

		Outdoor switchgear - replacement of Mesh equipment (33kV)	Specified number of units			
		Primary switchgear (33kV, 11kV & 6.6kV)	Specified number of units			
		Building refurbishment	Specified number of units			
		Civil works to primary substations	N/A			
		Primary substation lease renewal	N/A			
D14	Primary Transformers	Replace 33/11kV Transformer (upto 6.25MVA)	Specified number of units	£8.96 million	£0.46 million	£9.42 million
		Replace 33/11kV Transformer (upto 12.5MVA)	Specified number of units			
		Replace 33/11kV Transformer (upto 18.75MVA)	Specified number of units			
		Replace 33/6.6kV Transformer (upto 18.75MVA)	Specified number of units			
		Replace 33/6.6kV Transformer (upto 20/25MVA)	Specified number of units			
D15	Secondary Substations	Replace RMU	Specified number of units	£35.89 million	£1.85 million	£37.74 million
		Replace complete S/S	Specified number of units			
		Replace complete S/S and temp	Specified number of units			
		Replace switchboard	Specified number of units			
		Replace OH fed GMT	Specified number of units			
		Replace H pole S/S	Specified number of units			
		H pole: TX change only	Specified number of units			
		H pole: replace LV cab	Specified number of units			
		Replace 4 pole structure	Specified number of units			
		Replace 4 pole structure defects	Specified number of units			

		Replace sectionlisers	Specified number of units			
		Replace minipillars	Specified number of units			
		Inspection programme	N/A			
		Replace LV wall mounted fuseboard	Specified number of units			
		Ancillary systems	N/A			
D16	Distribution Cables	Refurbishment of 4 x 33kV fluid filled circuits	Specified number of units	£4.40 million	£0.23 million	£4.63 million
		Refurbishment of hydraulic systems	N/A			
		Sheath renewal	N/A			
		Replacement of oil sections OL147 & 148	Specified improvement at specified location(s)			
		Purchase of hydraulic leak detection equipment	N/A			
		Replacement of L42T connections	Specified number of units			
		Purchase and installation of on-line condition monitoring equipment	Specified improvement at specified location(s)			
		Refurbishment/replacement outdoor terminations	N/A			
		Replace 15km of HV cable	Specified number of units			
		Replace 14.5km of LV cable	Specified number of units			
		Replace 6km of VB main cable	Specified number of units			
D17	Fault & emergency <sup>10</sup>	N/A	N/A	£0.00 million	£12.40 million	£12.40 million
D18	Distribution Reactive <sup>11</sup>	N/A	N/A	£0.00 million	£8.38 million	£8.38 million
D20	Design & Consultancy	N/A	N/A	£0.00 million	£5.97 million	£5.97 million

<sup>10</sup> This category of expenditure shall not be included in the calculation of pre-funded costs for price controls subsequent to RP5.

<sup>11</sup> This category of expenditure shall not be included in the calculation of pre-funded costs for price controls subsequent to RP5.

D39	SCADA	N/A	N/A	£1.16 million	£0.06 million	£1.22 million
D41	Operational Telecoms network	N/A	N/A	£2.13 million	£0.11 million	£2.24 million
D43	ESQCR - Distribution	Full survey and asset register	A full ESQCR asset register and associated reporting	£8.92 million	£0.00 million	£8.92 million
D49	Smart Grid	Condition monitoring	Specified number of units	£2.67 million	£0.14 million	£2.81 million
D50	Substation Flooding Enforcement (D)	Permanent protection several distribution substations	Specified number of units	£0.76 million	£0.04 million	£0.80 million
D51	Public Realms	Replacement / urban regeneration	N/A	£0.76 million	£0.04 million	£0.80 million
D56	Capitalised Tree Cutting	N/A	N/A			£28.54 million
D57	Distribution load related allowance <sup>12</sup>	N/A	N/A	£22.88 million	£2.15 million	£25.02 million
D101	Non-recoverable alterations	N/A	N/A	£13.67 million	£4.43 million	£18.09 million
N/A	Non-network capex: ICT	IT infrastructure, telecoms infrastructure and business applications	As per BPQ but after FD adjustments			£9.54 million
N/A	NIE Powerteam assets used for capex	N/A	N/A			£3.25 million
N/A	NIE Powerteam tools and equipment used for capex, plus non-network capex: premises	N/A	N/A			£0.96 million

<sup>12</sup> This category of expenditure shall not be included in the calculation of pre-funded costs for price controls subsequent to RP5.

N/A	Network investment embedded in managed service charge	N/A	N/A	£5.16 million
N/A	Metering capex	Metering certification, recertification and other work.	Allowed capex subject to volumes of metering work completed (see paragraph 4.35 of Annex 2)	£33.84 million
N/A	Other costs apportioned to Distribution RAB	N/A	N/A	£25.34 million
Total distribution investments capitalised to RAB <sup>13</sup>				£360.24 million

<sup>13</sup> The total of £360.24million equals the allowed capex in Table 6 for the RP5 period (£326.42million) plus metering capex of £33.84million (subject to rounding).



Appendix 2 - The Distribution Business: planned investments allowed as opex for each Regulatory Reporting Year t (2010 prices)<sup>14</sup>

<i>Year</i>	t=2013	t=2014	t=2015	t=2016	t=2017	t=2018
<b>Category</b>						
Benchmarked indirect, Inspections, Maintenance, Faults & Tree cutting costs (excl connections) allocated to opex	£22.33 million	£22.04 million	£21.82 million	£21.65 million	£21.56 million	£10.70 million + £10.70e million
Business Rates	£10.71 million	£10.80 million	£10.80 million	£10.88 million	£10.97 million	£5.48 million + £5.48e million
Enduring Solution	£5.60 million	£5.43 million	£4.98 million	£4.56 million	£4.34 million	£2.16 million + £2.16e million
Meter reading	£3.28 million	£3.24 million	£3.20 million	£3.18 million	£3.17 million	£1.57 million + £1.57e million
Other cost allowances	£1.69 million	£2.52 million	£1.65 million	£1.64 million	£1.63 million	£0.81 million + £0.81e million
Other income allowances	-£1.42 million	-£1.42 million	-£1.42 million	-£1.42 million	-£1.42 million	-£0.71 million - £0.71e million
<b>Total<sup>15</sup></b>	£42.19 million	£42.60 million	£41.04 million	£40.48 million	£40.25 million	£20.02 million + £20.02e million

<sup>14</sup> See paragraph 2.3 regarding figures in this table marked with an estimation symbol (e).

<sup>15</sup> The totals in this row match the allowed opex amounts in Table 12.

