



Attachment 12

BRC Pass Through Charges

30 September 2024

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1. Introduction

The Dumaresq-Barwon Border Rivers Commission (Commission or BRC) was created by the NSW and Queensland Governments to control and coordinate the water available from the Border Rivers between the two states. The Commission is funded by equal contributions from NSW and Queensland governments. This funding is received by an annual call-up from each state via the issue of an invoice by the Commission following its annual budget meeting in June. This is done in accordance with the NSW-Qld Border Rivers Act 1947. Under legislation, DCCEEW (on behalf of the NSW Government) is required to fund the full call-up amount, regardless of what IPART determines as efficient.

WaterNSW converts the BRC costs provided by DCCEEW into prices that are passed through to Border River customers. A narrative on the operation and performance of the Commission has been provided by DCCEEW and questions from IPART on the costs and performance of the Commission should be directed to DCCEEW in the first instance.

1.1. Background

The Dumaresq-Barwon Border Rivers Commission (the Commission) has a legislated responsibility to provide for the following in relation to Bulk Water:

- Resource assessment
- River operations
- Asset management and operations
- Dam Safety
- Water and sewage treatment at Glenlyon Dam
- Organisational oversight, including governance, assurance and financial management (for example, Commission meetings and Annual Reports)
- Financial management and paying service providers for outsourcing – 'clearing house' for funding

As listed above, the Commission's functions and activities are carried out through its service providers, Sunwater Ltd, WaterNSW and the Queensland (QLD) and New South Wales (NSW) Departments. These are long-term service arrangements whereby others manage all on the ground services, and the Commission provides the instrument through which each State can share the costs for these services equally (NSW & QLD).

The Commission provides the above bulk water service provisions, and others manage the retail water supply in the Border Rivers, i.e., WaterNSW and the QLD Department manages the water supply to customers and retains all collected water charges from those customers.

2. Drivers of the activity and services

The Commission was constituted under the New South Wales-Queensland Border Rivers Agreement made between the New South Wales and Queensland Governments on 27 August 1946. This Agreement was ratified by NSW by the New South Wales-Queensland Border Rivers Act 1947 and is a schedule to that Act¹.

The purpose of the Commission is to implement the Agreement in relation to:

¹ Available at <https://legislation.nsw.gov.au/#/view/act/1947/10>

- sharing the waters of the rivers and streams which either form or intersect the boundary between the two states and the associated groundwater resources
- investigating, constructing and operating works to conserve and regulate those waters where considered desirable.

Its operational area of responsibility includes:

- Glenlyon Dam on Pike Creek in Queensland,
- the border rivers, which include the parts of the Dumaresq, Macintyre and Barwon Rivers that constitute the boundary between New South Wales and Queensland from Mingoola to Mungindi and
- the intersecting streams, which include the Moonie, Bokhara, Narran, Culgoa, Ballandool, Warrego and Paroo Rivers and their effluents and tributaries, and any stream or watercourse that forms part of the Darling River drainage system and crosses the New South Wales-Queensland border west of the town of Mungindi.

The statutory functions and duties of the Commission are to:

- determine the anticipated quantity of water available each year from the border rivers and from the dams and weirs controlled by the Commission and notify the states of the portion of that water they may divert and use
- control the construction, operation and maintenance of works taken over or constructed by the Commission under the New South Wales-Queensland Border Rivers Agreement, i.e. Glenlyon Dam and Boggabilla Weir as well as other weirs and regulators on the border rivers and intersecting undertake investigations considered necessary by the Commission to enable it to exercise the powers and discharge the duties conferred upon it by the New South Wales-Queensland Border Rivers Agreement
- report and make recommendations from time to time to the governments of New South Wales and Queensland regarding the sharing of the waters of the intersecting streams, the sharing of groundwater and other matters set out in the New South Wales-Queensland Border Rivers Agreement
- investigate the practicability of constructing, maintaining and operating additional storage
- arrange for the construction, operation and maintenance of gauging stations to record the flow in the Dumaresq River at Mingoola and at such other places as deemed necessary by the Commission
- arrange for the construction, maintenance, operation and control of an effective groundwater monitoring system.

In addition to the statutory functions listed above, the Commission, through its service provider, WaterNSW, undertakes a program to monitor water quality in the border rivers and the intersecting streams. The Commission's functions and activities are primarily carried out through its service providers, Sunwater Ltd, WaterNSW and the QLD and NSW Departments. These are long-term service arrangements whereby others manage all services, and the Commission pays for the services so that the States NSW & QLD are paying equally.

3. Performance over the current period to date (2021-25)

3.1 Service delivery and service levels

The Commission does not operate with service delivery or service levels directly impacting customers and the community. Any service levels are relevant to the agencies that undertake the water supply services and, therefore, are subject to the service levels they set by negotiations between the agency and their customers. For example, WaterNSW operates the Water Supply Scheme on the NSW side of the Border Rivers and levies water charges to customers.

The QLD Department, through their service provider Sunwater, is responsible for the Water Supply Scheme on the QLD side of the Border and levies water charges to customers, i.e. retail sharing. WaterNSW and the QLD Department receive the water charges levied within these schemes, but the Commission pays for the Bulk Water services for those schemes. Therefore, the best description is that the Commission operates at a wholesale supply level.

3.2 Expenditure

Table 1 – Allowance and expenditure over the current determination period (\$'000, nominal)

Financial Year	2021-22	2022-23	2023-24	2024-25 (forecast)
Operating expenditure				
IPART Allowance	637	675	701	722
Actuals (excludes SIS)	1,095	1,233	1,610	1,600
Over/Under	-458	-557	-909	-878
Capital expenditure				
IPART Allowance	106	113	350	120
Actuals (excludes SIS)	74	77	83	88
Over/Under	32	36	268	33
Total expenditure				
Total IPART Allowance	743	788	1051	842
Total Actuals	1169	1309	1692	1688
Over/Under	-426	-522	-641	-845

3.2.1 Expenditure performance

During the period, actual expenditure on Bulk Water activities has been above the IPART allowance each year and is tracking upwards to reflect higher costs of maintaining assets. Despite total expenditure being above IPART's allowance during the current period, COVID-19 and related supply chain issues significantly impacted costs across various sectors, including the Commission's service provider costs. Some of the key drivers for the increase in costs seen over the period relate to inflationary pressures caused by supply chain disruptions, wage increases and increased costs for undertaking business-as-usual work. The Commission service providers utilise a pass-through model, and any cost increase is also passed through during the period.

Further, during IPART's 2020/21 Bulk Water price review, the Commission was still negotiating the Sunwater contract, and it was difficult to establish what the ongoing costs would be under the new contract. SunWater applied a risk premium to their costs for not having a contract in place, however, IPART ultimately did not accept the risk and instead only passed through the efficient costs to users in NSW.

A new contract was established with Sunwater, starting 1 July 2021, and the risk premium was removed. Sunwater's costs have increased with the introduction of the new contract, some of which were not foreseen as new guidelines in 2021 have required additional dam safety management activities for Glenlyon Dam, and the water treatment plant required additional funding to meet drinking water compliance standards.

The Commission, in line with the contract, has recently completed an open book review with Sunwater. The review has confirmed the following:

- That the Commission has been charged in line with the contract.
- Since entering into the contract, Sunwater's costs have increased by an average of 14.4% per annum, which is more than CPI.
- The increases in the two years before entering into the contract (including the risk premium), the costs increased by an average of 16.8% per annum
- Sunwater applied four layers of on-costs and overhead to its labour costs, which then make up 65 to 75% of the total costs of Sunwater services. The basis for applying these overheads is generally accepted by the Queensland Competition Authority, and, therefore is the basis for Sunwater applying the same methodology to the Commission contract.

The cost increase over the last three years has materially impacted the Commission's financial sustainability as Sunwater costs in financial year 2025 makeup 59% of its total budget. The cost increases are being passed on to the states as this is the only mechanism available to the Commission to cover its costs and prevent insolvency. Through the QLD department, the Commission will pursue several recommendations and will be commencing negotiations on the next generation of contract before the expiration of the current agreement on 30 June 2026.

In addition to this there was an under allocation for Bulk Water during the current period. IPART also misallocated a capital allowance to WAMC, which was actually Bulk Water related capital. The Commission does not have a fixed asset register for WAMC related activities, nor does it own the gauging stations and groundwater assets used to provide its services. Rather, it funds other parties (WaterNSW) for the costs of providing these assets. Therefore, all Commission WAMC related costs are reported as operating expenditure.

The Commission does have a fixed asset register for Bulk Water related activities and does own the Bulk Water assets. The Commission's total capital expenditure has increased across the board, but the only capital expenditure captured in the IPART costs is from the Annuity Fund Deposit. The Annuity Fund Deposit is not a true reflection of the full capital expenditure of the Commission. Currently, the Commission only passes on the Annuity Fund Deposit to NSW, hence why these are the only capital related costs included in previous IPART submissions.

The Commission made a decision to not pass on the full capital expenditure costs to NSW because money was held by the Commission for undertaking this work. Despite efforts to not impact NSW with increasing capital costs, the Commission has decided to increase its Annuity Fund Deposits in the next determination period (2026-30) to ensure it will meet upcoming costs. The Commission will also be including its Renewal and Enhancement (R&E) costs relating to Sunwater in the next determination period as a result of reviewing its financial sustainability over the next determination period. These are new costs that have not previously been funded by IPART.

4. Activities and services for next period (2026-30)

The Activities and services the Commission is responsible for controlling the operation and maintenance of Glenlyon Dam, Boggabilla Weir and other small weirs and regulators, which it either took over when it was established or constructed after the date of the Agreement/Acts. The Commission aims to ensure the infrastructure it controls is operated and maintained in accordance with best practice, dam safety conditions and standards and the relevant Asset Management Plans, Risk Management Policies, Operations and Maintenance Manuals, Standing Operating Procedures and Emergency Action Plans as outlined in the Strategic Asset.

4.1 Service levels

The Commission does not expect any changes in service provision in the next period (2026-30). The existing service providers will continue to perform the services and have shown that they have robust performance systems in place to undertake the required work. They have ensured that assets and services have been consistently maintained, and the Commission sees this continuing for the next five-year period. The Commission

expects to review and update service level agreements with service providers where necessary to ensure that clear expectations exist regarding the quality and scope of services undertaken. Service providers undertake risk management practices, including contingency planning and mitigation strategies, to help prevent disruptions and maintain service continuity. The Commission service providers maintain a skilled and experienced workforce that has delivered consistent services and performance over time. By focusing on these aspects, the Commission ensures that service levels remain consistent despite not having any way of changing its service providers in a competitive market sense.

4.2 Forecast expenditure

Table 2 – Proposed operating expenditure over the next determination periods (\$'000, \$2024-25)

Financial Year	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30
Operating expenditure						
Proposed expenditure (2026-30)	1,688	3,658	2,595	2,510	2,677	2,474

4.2.1 Forecast operating expenditure

The main reason for increasing costs is due to the inclusion of SunWater costs not previously funded through the IPART determination. The Commission and Sunwater have now established a new contract setting out these services. Increased service provider costs have seen estimated total operating expenditure increase across the board. The Commission's service providers utilise a pass-through model, and any cost increase is passed through to the Commission. The forecast operating costs reflect the expected costs that Bulk Water will pay the Commission for its services.

As of July 2024, the Commission confirmed that it will need to increase future call-ups to account for increasing Sunwater operating costs. Sunwater R&E costs, which include both capital and operating costs, will now be included in the next determination. This is due to the financial sustainability requirements of the Commission for the next five-year period. IPART has not previously funded Sunwater R&E costs. Further, COVID-19 and related supply chain issues significantly impacted costs across various sectors, including the Commission's service provider costs. Some key drivers for the increase in costs seen over the period are inflationary pressures caused by supply chain disruptions, increases in wages and increased costs for undertaking business-as-usual work.

The Commission implements a range of measures to ensure that its expenditure is efficient. This includes reviewing and updating its policies and procedures, establishing long-term financial plans (10 years) for sustainably managing the business, identifying risks and developing relevant mitigation plans, and ensuring high levels of transparency in relation to its activities. The Commission has undertaken work to ensure that the assets being funded are still required and are serving the required long-term needs. This service needs analysis report was prepared to help the Commission understand the requirements at an asset level. The Commission is working with its service providers to interrogate and scrutinise costs and proposed budget submissions each year to provide the Commission with a greater understanding of costs. Costs for services and goods across the board have increased since the COVID-19 pandemic.

4.2.2 Forecast capital expenditure

In the 2021 determination, IPART 'looked through' the actual contributions paid to the Commission and set a building block cost allowance based on a conceptual assessment of the 'capital' and 'operating' costs used to supply the Commission's services. In the process of identifying the Commission's capital expenditure for Bulk Water, several matters were discovered:

- In its 2021 determination, IPART used the Annuity Fund Deposit amount as a proxy for Sunwater R&E capital costs. The Annuity Fund Deposit and SunWater R&E are Bulk Water only.
- IPART incorrectly assigned a component of this Annuity Fund Deposit to WAMC in the 2021 Determination.

- IPART used WaterNSW asset lives as a proxy for the Commission capital since this information wasn't available. Sunwater asset lives should've been used in the RAB instead of WaterNSW asset lives.

As of July 2024, the Commission confirmed that it will need to increase future call-ups to account for increasing Sunwater capital costs. Not only will the Annuity Fund Deposit be increasing in the future, but Sunwater R&E costs will now be included in the next determination. The Sunwater R&E costs have not previously been funded through the IPART pricing determination. The Commission utilises the Annuity Fund Deposit for its 30-year contributions to maintain the assets, which has been underfunded during the current determination period. As a short-term measure, the Commission is passing on all the costs for R&E to the States to ensure that asset renewals can be funded over the coming determination period. Without these additional funds, the Commission's financial sustainability would be compromised, and it would not be able to operate.

NSW DCCEEW, with the support of the Commission, have reviewed IPART's decision to set a building block capital cost allowance to incorporate the Commission's capital costs in Bulk Water prices in the next determination period. NSW DCCEEW proposes to treat all Bulk Water related Commission costs as operating expenditure in the next determination period.

If IPART was to maintain this approach for the next determination period, this would:

- require the NSW Government to fund the difference between NSW's actual contribution to the Commission for its water management activities and the revenue received from prices – which would be on top of the NSW Government's already significant contribution to water management costs under this pricing proposal for which no additional NSW government funding has been agreed, or
- come at the expense of other Bulk Water activities or services, as there is no guarantee that the NSW Government would fund such a shortfall.

Neither outcome would be efficient or equitable. The combination of these issues will result in cross subsidisation between the broader Bulk Water customer base and Commission customers. NSW DCCEEW's proposed approach is consistent with how the Commission costs are treated by Queensland.

5. Border Rivers Commission Revenue Requirement

5.1.1 Revenue over the 2026–30 Determination period

In this section we set out the revenue requirements to Border Rivers Commission Customers at cost reflective levels based on **costs provided to WaterNSW by DCCEEW** and by applying the traditional building block components.

The revenue requirement is set out by:

- total revenue requirement; and after the application of the IPART cost share framework
- user revenue requirement
- government revenue requirement.

WaterNSW has calculated the proposed total revenue requirement as follows:

1. The proposed revenue requirement is based on cost reflective operating expenditure inputs, with no proposed costs treated as capital expenditure, in line with DCCEEW's instructions.
2. Apply the user / government share revenue allocation as per IPART current cost share.

Table 3 – Total revenue requirement (\$000, \$2024-25) – BRC

Border River	FY21-25 Average Allowance	2025-26	2026-27	2027-28	2028-29	2029-30	Total	Average	Average Variance %
\$000	\$2024-25	\$2024-25	\$2024-25	\$2024-25	\$2024-25	\$2024-25	\$2024-25	\$2024-25	\$2024-25
Operating Expenditure	\$736	\$3,658	\$2,595	\$2,510	\$2,677	\$2,474	\$13,915	\$2,783	278%
Return of Assets (Depreciation)	\$7	\$7	\$7	\$7	\$7	\$7	\$33	\$7	-12%
Return on RAB	\$6	\$13	\$13	\$13	\$13	\$12	\$64	\$13	97%
Return on working capital	\$3	-\$10	\$3	\$10	\$20	\$38	\$60	\$12	285%
Regulatory Tax Allowance	\$1	\$0	\$0	\$2	\$3	\$6	\$11	\$2	246%
Debt raising costs (treated as opex)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	-100%
Total Revenue Requirement	\$754	\$3,669	\$2,617	\$2,541	\$2,719	\$2,536	\$14,083	\$2,817	273%

For the 2026-30 Determination period, the proposed total revenue requirement for the BRC is \$14.1 million over the 5-year regulatory period, or an average annual revenue requirement of around \$2.8 million per annum. In real terms, the average annual revenue requirement is forecast to be 273% higher than the 2021-25 average annual revenue requirement.

5.1.2 Revenue requirement by User share

The User revenue requirement portion is made up of the revenue requirement arising from the application of IPART's user cost.

Table 4 – Total revenue requirement – User Share (\$000, \$2024-25) – BRC

Border	FY21-25 Average Allowance	2025-26	2026-27	2027-28	2028-29	2029-30	Total	Average	Average Variance %
\$000	\$2024-25	\$2024-25	\$2024-25	\$2024-25	\$2024-25	\$2024-25	\$2024-25	\$2024-25	\$2024-25
Operating Expenditure	\$700	\$3,475	\$2,465	\$2,385	\$2,544	\$2,351	\$13,219	\$2,644	278%
Return of Assets (Depreciation)	\$7	\$6	\$6	\$6	\$6	\$6	\$31	\$6	-12%
Return on RAB	\$6	\$13	\$12	\$12	\$12	\$12	\$61	\$12	97%
Return on working capital	\$3	-\$10	\$1	\$8	\$19	\$36	\$55	\$11	261%
Regulatory Tax Allowance	\$0.6	\$0.0	\$0.0	\$1.8	\$3.2	\$5.6	\$10.5	\$2.1	230%
Debt raising costs (treated as opex)	\$0.2	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	-100%
Total Revenue Requirement	\$717	\$3,485	\$2,484	\$2,413	\$2,583	\$2,410	\$13,376	\$2,675	273%

For the 2026-30 Determination period, the proposed total revenue requirement for the BRC user share is \$13.4 million over the 5-year regulatory period, or an average annual revenue requirement of around \$2.7 million per annum. In real terms, the average annual revenue requirement is forecast to be 273% higher than the 2021-25 average annual revenue requirement.

5.1.3 Revenue requirement by Government share

The Government revenue requirement portion is made up of the revenue requirement arising from the application of IPART's Government cost.

Table 5 – Total revenue requirement – Government Share (\$000, \$2024-25) – BRC

Border	FY21-25 Average Allowance	2025-26	2026-27	2027-28	2028-29	2029-30	Total	Average	Average Variance %
\$000	\$2024-25	\$2024-25	\$2024-25	\$2024-25	\$2024-25	\$2024-25	\$2024-25	\$2024-25	
Operating Expenditure	\$36.8	\$182.9	\$129.7	\$125.5	\$133.9	\$123.7	\$695.7	\$139.1	278%
Return of Assets (Depreciation)	\$0.4	\$0.3	\$0.3	\$0.3	\$0.3	\$0.3	\$1.6	\$0.3	-12%
Return on RAB	\$0.3	\$0.7	\$0.7	\$0.6	\$0.6	\$0.6	\$3.2	\$0.6	97%
Return on working capital	\$0.1	\$0.1	\$1.8	\$1.1	\$1.0	\$1.2	\$5.3	\$1.1	1226%
Regulatory Tax Allowance	\$0.0	\$0.0	\$0.3	\$0.2	\$0.2	\$0.2	\$0.9	\$0.2	752%
Debt raising costs (treated as opex)	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	-100%
Total Revenue Requirement	\$37.6	\$184.1	\$132.8	\$127.8	\$136.0	\$126.0	\$706.7	\$141.3	276%

For the 2026-30 Determination period, the proposed total revenue requirement for the BRC Government share is \$0.7 million over the 5-year regulatory period, or an average annual revenue requirement of around \$0.14 million per annum. In real terms, the average annual revenue requirement is forecast to be 276% higher than the 2021-25 average annual revenue requirement.

6. Border Rivers Commission Charges and Bill Impact

In this section, we have also set out the bill impact to Border Rivers Customers of the pass through charges.

Customers' full cost recovery bills are expected to increase primarily due to higher expenditures, with all proposal costs treated as operating expenses. In addition, the 20-year rolling average for water usage is forecast to be 128,308ML, declining by 11 gigalitres per annum to 2030 in the Border Rivers, which is 8% lower than the current determination of 139,453 ML.

High security customer bills (\$2024-25) are expected to increase by 50% on an annualised basis (excluding the impact of inflation), assuming 100% usage.

Similarly, **general security customer bills** (\$2024-25) are expected to increase by 51% on an annualised basis (excluding the impact of inflation), assuming 60% usage.

Table 6 – Proposed prices (\$2024-25) – BRC

Border	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	Annualised Increase
	\$2024-25	\$2024-25	\$2024-25	\$2024-25	\$2024-25	\$2024-25	
High Security Charge (\$/ML)	\$5.64	\$8.11	\$12.21	\$18.38	\$27.68	\$41.67	49%
General Security Charge (\$/ML)	\$2.06	\$3.10	\$4.67	\$7.03	\$10.59	\$15.94	51%
Usage Charge (\$/ML)	\$1.00	\$1.54	\$2.37	\$3.66	\$5.64	\$8.69	54%

Table 7 – Indicative bills (\$2024-25) - BRC

Border		Cost Reflective Indicative bills (\$2024-25)					
General Security \$2024-25	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	Annualised Increase
Small Customer (100ML)	\$266	\$403	\$609	\$923	\$1,397	\$2,115	51%
Medium Customer (500ML)	\$1,330	\$2,013	\$3,047	\$4,613	\$6,984	\$10,575	51%
Large Customer (1000ML)	\$2,660	\$4,026	\$6,094	\$9,226	\$13,968	\$21,149	51%
High Security \$2024-25	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	Annualised Increase
Small Customer (100ML)	\$664	\$965	\$1,458	\$2,204	\$3,331	\$5,036	50%
Medium Customer (500ML)	\$3,320	\$4,825	\$7,292	\$11,020	\$16,657	\$25,178	50%
Large Customer (1000ML)	\$6,640	\$9,650	\$14,583	\$22,041	\$33,314	\$50,356	50%

Table 8 – Indicative bills (\$2025-26) - BRC

Border		Cost Reflective Indicative bills (\$2025-26)					
General Security \$2025-26	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	Annualised Increase
Small Customer (100ML)	\$266	\$415	\$628	\$951	\$1,440	\$2,181	52%
Medium Customer (500ML)	\$1,330	\$2,075	\$3,142	\$4,756	\$7,200	\$10,903	52%
Large Customer (1000ML)	\$2,660	\$4,151	\$6,283	\$9,512	\$14,401	\$21,805	52%
High Security \$2025-26	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	Annualised Increase
Small Customer (100ML)	\$664	\$995	\$1,504	\$2,272	\$3,435	\$5,192	51%
Medium Customer (500ML)	\$3,320	\$4,975	\$7,518	\$11,362	\$17,173	\$25,959	51%
Large Customer (1000ML)	\$6,640	\$9,949	\$15,036	\$22,724	\$34,346	\$51,917	51%