



An Coimisiún
um Rialáil Fónas
**Commission for
Regulation of Utilities**

An Coimisiún um Rialáil Fónas
Commission for Regulation of Utilities

Notification to Suppliers

Submissions to the CRU for the 2018/19 Public Service Obligation (PSO) Levy

Decision / Information Paper

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Executive Summary

In accordance with the governing Public Service Obligation (PSO) legislation, the Commission for Regulation of Utilities (CRU) is responsible for the calculation of the PSO Levy and for ensuring that the PSO scheme is administered appropriately and efficiently.

The CRU has prepared this Notification to Suppliers in order to notify electricity suppliers of their obligation to provide all relevant information needed to enable the CRU to calculate and certify the 2018/19 PSO levy and to lay out the information suppliers are required to submit. This Notification further informs suppliers that their PSO submission must be made via the CRU's Secure Portal.

This document also notifies electricity suppliers of key dates for the 2018/19 PSO year (1 Oct 2018 – 30 Sept 2019), including the hard cut-off date for submissions of 1 May 2018. In the event that an electricity supplier does not meet this statutory deadline, the CRU will not include the supplier's costs in the PSO Levy for 2018/19, except under certain "Exceptional Circumstances", as specified in this Notification. For the 2018/19 PSO Levy only, these "Exceptional Circumstances" include late changes of PPA provider due to the REFIT/I-SEM transition, where a complete submission has already been made by the 1 May.

This Notification also informs suppliers of two changes to the administration of the PSO Levy as of the 2018/19 PSO cycle. The first is the implementation of a withholding mechanism for specific PSO payments, the details of which will be consulted upon shortly. The second is that a listing of actual outturn PSO payments to individual generators and suppliers will be published in the CRU's annual PSO Decision paper. The 2018/19 PSO Decision paper will therefore contain a list of actual payments made to individual generators and suppliers for the 2016/17 PSO period.

Any queries regarding this Notification to Suppliers document should be sent to PSO@cru.ie.

Public/Customer Impact Statement

This Notification to Suppliers sets out the information that suppliers are required to submit to the CRU for the 2018/19 PSO cycle so as to enable the CRU to calculate the PSO Levy for the period 1-Oct-2018 to 30-Sept-2019. This document also informs suppliers as to the timelines for submission of this information.

The CRU will calculate the PSO Levy and publish a proposed decision paper containing the indicative Levy and customer charges by early June. There will then be a consultation period during which responses to the proposed decision paper may be sent to the CRU. The final PSO Levy and customer charges for the 2018/19 PSO period will be published prior to 1-Aug-2018. These final customer charges will be applied to the bills of electricity customers from 1-Oct-2018, replacing the PSO Levy charges that have applied for the 2017/18 PSO period.

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Glossary of Terms and Abbreviations

Abbreviation	Meaning
AER	Alternative Energy Requirement
CRU	Commission for Regulation of Utilities
DCCA	Department of Communications, Climate Action and Environment
DSO	Distribution System Operator
HECHP	High Efficiency Combined Heat and Power
PPA	Power Purchase Agreement
PSO	Public Service Obligation
REFIT	Renewable Energy Feed in Tariff
SEM	Single Electricity Market
SFTP	Secure File Transfer Protocol

1. Introduction

1.1 The Commission for Regulation of Utilities

The Commission for Regulation of Utilities (CRU)¹ is Ireland's independent energy and water regulator. The CRU was established in 1999 and now has a wide range of economic, customer protection and safety responsibilities in energy. The CRU is also the regulator of Ireland's public water and wastewater systems.

The CRU's primary economic responsibilities in energy cover electricity generation, electricity and gas networks, and electricity and gas supply activities. As part of its role, the CRU jointly regulates the all-island wholesale Single Electricity Market (SEM) with the Utility Regulator in Belfast. The SEM is governed by a decision-making body known as the SEM Committee, consisting of the CRU, the Utility Regulator and an independent member. The overall aim of the CRU's economic role is to protect the interests of energy customers. The CRU has an important related function in customer protection by resolving complaints that customers have with energy companies.

The CRU's core focus in safety is to protect lives and property across a range of areas in the energy sector. This includes safety regulation of electrical contractors, gas installers and gas pipelines. In addition, the CRU is the safety regulator of upstream petroleum safety extraction and exploration activities, including on-shore and off-shore gas and oil. In 2014, the CRU was appointed as Ireland's economic regulator of the Irish public water and wastewater sector.

Further information on the CRU's role and relevant legislation can be found on the CRU's website at www.cru.ie.

1.2 Purpose of this Document

The CRU has prepared this Notification to Suppliers in order to notify electricity suppliers of their obligations to provide the necessary information to enable the CRU to calculate and certify the 2018/19 Public Service Obligation (PSO) levy.

This Notification informs electricity suppliers of the statutory deadline for submitting PSO applications to the CRU and other key dates for the 2018/19 PSO year (i.e. 1st October 2018 – 30th September 2019).

This Notification also informs electricity suppliers of the process for completing their annual submission of PSO information to the CRU via the CRU's secure portal.

¹ Previously known as the Commission for Energy Regulation (CER)

1.3 Structure of Paper

This Notification to Suppliers document is structured as follows:

- **Section 1:** introduction;
- **Section 2:** provides a general background to the PSO and relevant legislation governing electricity suppliers' PSO submissions;
- **Section 3:** details suppliers' obligations regarding the submission of PSO information to the CRU, including the provision of estimates, actual outturn data, supporting information and supplier contact details;
- **Section 4:** identifies key dates for the 2018/19 PSO Levy, including the final cut-off date for suppliers when making PSO submissions to the CRU and, exceptionally, the final date for notifying the CRU of changes of PPA;
- **Section 5:** provides detailed information on use of the CRU's Secure Portal for making PSO submissions to the CRU;
- **Section 6:** details changes to the administration of the PSO levy to take effect from 2018/19;
- **Annex 1:** contains the CRU Secure Portal Usage Policy to be signed by the supply company representative and returned to PSO@cru.ie;
- **Annex 2:** contains the CRU Secure Portal User Request Form to be completed and signed by the supply company representative and returned to PSO@cru.ie.

1.4 Related Documents

The terms and conditions of the REFIT schemes, the methodology for the calculation of the PSO Levy and the auditing requirements for submission of PSO information are detailed in the following documents.

- REFIT terms and conditions (from DCCAÉ)² for REFIT 1, 2 and 3;
- [CER/08/153](#) Decision on Arrangements for the Public Service Obligation Levy;
- [CER/08/236](#) Calculation of the R-factor in Determining the PSO Levy;
- [CER/17/021](#) Engagement of Auditors Regarding Certification for the PSO Levy.

In addition, readers may be interested in the information on the CRU's PSO web pages, including CRU decisions on the current³ and previous PSO levies.

² Available on DCCAÉ's [REFIT web pages](#).

³ CRU [2017/18 PSO Levy Decision Paper](#).

2. Background to the PSO Levy

The PSO Levy is charged to all electricity customers in Ireland. It covers various subsidy schemes designed by the Irish Government to support its national policy objectives related to renewable energy, indigenous fuels (peat) and security of energy supply. The proceeds of the levy are used to compensate for the additional relevant costs incurred by electricity suppliers in purchasing PSO-supported electricity generation, which are not recovered in the electricity market. This electricity is generally procured via Power Purchase Agreements (PPAs) that suppliers enter into with electricity generators.

The policy and terms associated with the plants supported by the PSO Levy are mandated by Government in relevant legislation and approved by the European Commission. The CRU has no discretion over the terms of the schemes supported under the PSO Levy. The CRU's only role is to calculate the PSO Levy in accordance with the governing legislation and to help ensure that the scheme is administered appropriately and efficiently.

With reference to the statutory timelines governing suppliers' PSO cost submissions, the PSO legislation requires suppliers to submit to the CRU, by 1st May annually, estimated 'additional costs' and 'administrative expenses' for the forthcoming PSO period and actual 'additional costs' and 'administrative expenses' for the previous PSO period.

Please note that in order for a supply company to receive PSO payments in the 2018/19 period, that company must be included in the CRU's final decision on the calculation of the PSO Levy for 2018/19 and must be listed by the DCCA in Q4 2018 in the S.I. amending the Electricity Regulation Act 1999 (Public Service Obligations) Order 2002 (S.I. No. 217 of 2002).

3. Supplier Information Requirements

In order to enable the CRU to calculate the 2018/19 PSO Levy, suppliers are obliged to provide the information detailed in this section to the CRU, using the specified templates.

Spreadsheet templates will be available for suppliers to download from the CRU's Secure Portal for the purpose of making PSO submissions (see Section 4 of this Notification for further details). Please note that these templates have not changed since the 2017/18 PSO submission period, with the exception of the relevant dates.

3.1 Outturn for the Period 1-Oct-16 to 30-Sept-17

The template “[SUPPLIER NAME] REFIT Outturn Template 2016-17” should be used to submit the actual additional costs **and** administrative expenses⁴ incurred due to the purchase of PSO (REFIT) supported generation in the 2016/17 PSO period⁵.

Suppliers are also required by legislation to submit an auditor's certificate verifying their annual outturn figures. Please see [CER/17/021](#) “*Supplier's Engagement of Auditors Regarding Certification for the PSO Levy*” for details of the information that the CRU requires in an auditor's certificate. It is acceptable to include a copy of, or extracts from, the REFIT outturn template with the auditor's certificate.

The [CER/17/021](#) document will be updated for the next PSO cycle (2019/20) to reflect the changes to the REFIT schemes due to the I-SEM market change. However, the CRU also invites general feedback in the current PSO cycle (2018/19) with regard to the existing auditing requirements, as described in CER/17/021. Such feedback will then be taken into account when the auditing requirements are being updated for the 2019/20 cycle. This feedback should be submitted by email to PSO@cru.ie by 1 May 2018.

3.2 Estimates for the Period 1-Oct-18 to 30-Sept-19

The template “[SUPPLIER NAME] REFIT Estimates Template 2018-19” should be used to submit estimates of the additional costs **and** administrative expenses that are forecast to be incurred due to the purchase of PSO (REFIT) supported generation in the 2018/19 PSO period.

Where a generator is expected to commence production during the 2018/19 PSO period, the supplier should provide a realistic date as to when REFIT support is forecast to start, bearing in mind the Terms

⁴ The mechanism for the settlement of suppliers' administrative expenses is for the Distribution System Operator to deduct monthly 1/12th of the CRU-allowed administrative expenses of each supplier from the aggregated PSO Levy charges collected monthly by the supplier and to pay the net amount to EirGrid (see paragraph 10 of Schedule 2 of S.I. No. 217 of 2002).

⁵ The submission of outturn costs for a generator is only applicable for suppliers who submitted estimates for the 2016/17 PSO period and where the project is included for that PSO period in the PSO Order.

& Conditions of REFIT in this regard. The CRU should be notified immediately as soon as any significant change to the forecasted start date or the forecasted production becomes apparent.

3.3 Supporting Information

As part of a supplier's PSO submission, a supplier must provide proof of the following for all new generation projects:

- i. Letter of Offer from DCCAE;
- ii. Power Purchase Agreement executed with a valid licensed supplier;
- iii. Valid supply licence (where the supplier is also new to the PSO).

In addition, for all projects to which the following apply, suppliers must provide:

- iv. Details of the methodology used for calculation of the renewable fraction(s) of biomass;
- v. Valid HECHP certificate.

Please note that it can take time to obtain these supporting documents, and suppliers (especially new suppliers) are therefore encouraged to ensure that they have this documentation in place by the cut-off date for submissions.

Subject to the outcome of the Consultation and Decision described in Section 6.1: "Withholding of PSO payments", additional information may be required to demonstrate the status of specific generation projects. All suppliers will be informed of such a requirement in due course.

3.4 Contact Details

The template "[SUPPLIER NAME] REFIT Contact Details" should be used to submit contact details. These details will be used by the CRU for all PSO related communication and will also be passed on to EirGrid, who will use them to obtain bank details from the supply company for transfer of the PSO payments.

Please note that multiple contacts may be provided, but at least one must be a direct contact within the supply company, and not an agent. It is the responsibility of the supply company to ensure that the contact details the CRU has are correct and up to date.

4. Submissions via Secure Portal

All PSO submissions must be made via the CRU's Secure Portal. No files will be accepted by email.

The CRU Secure Portal is a dedicated Secure File Transfer Protocol (SFTP) server. Suppliers should complete and return the two forms contained within Annexes 1 and 2 of this Notification i.e. the "CRU Secure File Transfer Portal Usage Policy" and the "CRU Secure Portal User Request Form" respectively, by email to PSO@cru.ie. Once these forms have been received, suppliers will be provided with their secure login details by phone. Suppliers can then use these login details to access, via the CRU's Secure Portal, a dedicated folder where they can upload their PSO submission. This dedicated folder may only be accessed using the confidential details provided by the CRU to the supplier, or by restricted CRU personnel.

Each supplier's folder is pre-populated with the three templates, listed below, for submission of PSO data and with instructions in relation to the supporting information required. For those suppliers who have previously made PSO submissions, please note that the templates have not been revised since last year, apart from the relevant dates.

The following REFIT templates are provided in each supplier's folder:

- [SUPPLIER NAME] REFIT Outturn Template 2016-17;
- [SUPPLIER NAME] REFIT Estimates Template 2018-19; and,
- [SUPPLIER NAME] REFIT Contact Details.

5. Key Dates for 2018/19 PSO

The onus is on all suppliers – both new and existing – to inform themselves of the requirements set out in this Notification to Suppliers and of the key dates that apply.

5.1 Deadline for Submission of PSO Information

The statutory deadline for annual submission of information by suppliers to the CRU for the purpose of calculating the PSO Levy is the 1st May. This deadline will be applied as a hard cut-off date. This is to ensure the efficient administration of the PSO Levy calculation, especially given the increasing number of suppliers making submissions. Any submission which is incomplete on this date will not be included in the CRU's 2018/19 PSO Levy decision paper and will not receive PSO payments in the 2018/19 period.

Therefore, by the 1st May 2018, the CRU requires that all of the data and supporting information associated with each supplier's PSO submission must have been received by the CRU. On this date, each supplier's edit rights to their folder on the Secure Portal will be removed. They will continue to have visibility of their submission, but will not be able to amend or add to it. Suppliers are encouraged to ensure that they have all of the supporting documentation completed in time to meet this deadline.

In cases where a submission of estimates has already been received by 1st May, the CRU will consider accepting amendments or additions to that submission under the following exceptional circumstances:

1. Where there has been a material change in circumstances or a material error has been identified in a previously received submission; or
2. Where the delay in fully completing the PSO submission by the supplier is clearly shown by the supply company to be caused by the CRU or the DCCAE in processing supporting documentation e.g. supply licence, letter of offer etc; or
3. Where Section 5.2 of this document applies.

5.2 Changes of PPA due to REFIT/I-SEM Decision

In light of the forthcoming amendments to the REFIT schemes due to the I-SEM market change, for the 2018/19 PSO only, the CRU will accept late changes of PPA provider for projects for which complete submissions have already been made by 1st May.

The deadline for changes of PPA provider, for projects for which complete submissions have already been made by 1st May, is 17th August.

The notification of such a change must be accompanied by evidence of:

- New Power Purchase Agreement executed with a valid licensed supplier;
- Valid supply licence (where the supplier is new to the PSO).

The CRU should be notified of late changes of PPA due to amendments to the REFIT schemes by email to PSO@cru.ie, as opposed to via the PSO Secure Portal, which will be closed on the 1st May 2018.

5.3 Other Key Dates

The CRU will apply an initial cut-off of 3rd April 2018 for screening, after which the CRU will check the completeness of all submissions and inform each supplier as to whether or not any information is missing from their submission. Note that the CRU will perform this check in order to assist suppliers, but the final responsibility for ensuring that a submission is complete rests with the supplier themselves.

The indicative PSO Levy will be published in the CRU's proposed decision paper circa early-June 2018, followed by the final levy in the CRU's decision paper before 1st Aug 2018. A more detailed timeline for the 2018/19 PSO is outlined in Table 5.1 below.

Table 5.1: Timeline for 2018/19 PSO Levy

Date	Stage of Process
5 th March	CRU publication of this Notification to Suppliers (CRU/18/038), including: <ul style="list-style-type: none"> • CRU Secure File Transfer Portal Usage Policy • CRU Secure Portal User Request Form
circa 9 th March	Completed Secure Portal Request Form and Secure Portal Usage Policy, to be received by the CRU (in electronic form).
circa 15 th March	CRU to provide login details to supplier for Secure Portal (by phone)
29 th March	Interim cut-off date for high level screening by CRU of initial submissions
circa 13 th April	CRU to respond to each supply company listing any incomplete or outstanding PSO information that the CRU has identified ⁶
1 st May	Cut-off date for receipt of submissions by CRU. After this date, suppliers' edit rights to their folder on the CRU's Secure Portal will be removed.
Early June	Publication of CRU proposed decision paper on indicative PSO levy. Indicative PSO payment statements from CRU to each supply company.
By 1 st August	Publication of CRU decision paper on final PSO Levy.
17 th August	Deadline for changes of PPA due to REFIT/I-SEM Decision
October	Final PSO payment statements from CRU to each supply company.
Q4 2018	Annual S.I. amending the PSO Order 2002 and listing all projects eligible for support under the 2018/19 PSO to be published by DCCAE.
Mid-December	The first (for the month of Oct 2018) of 12 monthly PSO payment is transferred to suppliers by EirGrid.

⁶ Note that the final responsibility for ensuring a submission is complete rests with the supplier

6. Changes to PSO Administration

6.1 Withholding of PSO Payments

Ex-ante PSO payments in respect of new generation projects are calculated on the basis of a forecast energisation date. Until this point, such payments have commenced at the start of the PSO period in which the generation project has been forecast to energise. If the forecast energisation date is delayed, any overpayment is recouped via the R-factor. There is a risk that this overpayment may become a bad debt to the PSO Levy in circumstances where a generation project never energises and the contracted supply company is not in a position to repay the monies previously received.

Given the difficulty in accurately forecasting project energisation dates and the associated financial risk to the PSO Levy, the CRU intends to consult on the implementation, as of the 2018/19 PSO Levy, of a withholding mechanism for all PSO payments due in respect of generation projects that have not yet energised, with payment to commence either on energisation, or at another pre-defined milestone. Further information on the rationale for the implementation of such a withholding mechanism will be contained within the CRU's forthcoming consultation paper.

The consultation will be issued by the CRU in the weeks following the publication of this Notification to Suppliers document, to seek input from stakeholders on the details of this withholding mechanism. A Decision will then be published by the CRU and additional information may be sought from suppliers as part of their 2018/19 PSO submission, as a result of this Decision. Such additional information would not be subject to the hard cut-off date of the 1st May. All suppliers will be informed of such a requirement in due course.

6.2 Publication of Individual Payments

As of the 2018/19 PSO Levy Decision paper, the CRU will publish the actual outturn payments made in respect of individual generators and suppliers for the PSO year to which the R-factor applies. For the 2018/19 PSO therefore, the CRU will publish in the PSO Decision paper (before 1st Aug 2018), the actual amounts paid in respect of each generator and supplier for the 2016/17 PSO year. These actual amounts are the audited outturn costs submitted by suppliers, and approved by the CRU, for the 2016/17 PSO year, as part of suppliers' 2018/19 PSO submissions. This listing of individual payments will not be included in the Proposed Decision paper (in late May 2018). Suppliers will receive indicative statements of the amounts due to be paid to them in 2018/19 following publication of the Proposed Decision paper, and will therefore have the opportunity to raise any queries they might have in relation to the R-factor calculation for 2016/17 before publication of the listing of individual payments.

7. Queries

Queries in relation to the information in this document should be addressed to PSO@cru.ie. Any queries in relation to a generator's eligibility for acceptance into a REFIT support scheme should be addressed to the DCCAE.

Please note that in order for a supply company to receive PSO payments in the 2018/19 period, that company must be included in the CRU's final decision on the calculation of the PSO Levy for 2018/19 and must be listed by the DCCAE in Q4 2018 in the PSO-related S.I. amending the Electricity Regulation Act 1999 (Public Service Obligations) Order 2002 (S.I. No. 217 of 2002).

ANNEX 1: CRU Secure File Transfer Portal Usage Policy

Portal Guidelines

A secure file transfer portal has been put in place by the CRU to facilitate the sharing of files and documentation between stakeholders.

This secure file transfer portal usage policy applies to all internal and external stakeholders. Use of the secure file transfer portal by stakeholders is permitted and encouraged anywhere such use supports the goals and objectives of the CRU.

All stakeholders, having received their official username and passwords firstly from the CRU ICT Department must confirm receipt of this policy and confirm that they have understood and agree to abide by the rules hereunder.

To govern its use this policy has been approved by CRU Operations. Anyone using this facility must abide by this policy.

Secure Portal Usage Policy

- Stakeholders are expected to use the secure file transfer portal responsibly and productively.
- Stakeholders must use the portal for CRU related functions only. Documents unrelated are not to be uploaded to the secure file transfer portal.
- All documentation that is uploaded to the portal falls under Freedom of Information legislation unless deemed commercially sensitive or legally privileged.
- The CRU ICT Dept. will manage and maintain the portal in order to ensure that this policy is being adhered to and will take the necessary steps if acceptable use guidelines are breached.
- Documents uploaded to the shared portal should not contain content that is deemed to be offensive. This includes, though is not restricted to, the use of vulgar or harassing language/images.
- The uploading of documents for use between stakeholders which is unrelated to the CRU is strictly prohibited.
- In uploading information to the secure file transfer portal, stakeholders are responsible for ensuring they are compliant with the policy guidelines and all relevant laws, including but not limited to the Data Protection Act 1988 as amended. Stakeholders are responsible for the information they upload and the CRU is in no way liable for any information uploaded to the portal that is inappropriate, illegal or unauthorised.
- The CRU secure file transfer portal should not be used for long term file storage. All files older than 3 months will be removed by the ICT Dept. without notification.

Unacceptable use of the secure portal by stakeholders includes, but is not limited to:

- Uploading discriminatory, harassing, or threatening messages or images on the secure portal,
- Stealing, using, or disclosing someone else's password without authorisation,
- Uploading information that is defamatory to another stakeholder company, its products/services, colleagues and/or customers,
- Uploading malicious software onto the secure portal and/or jeopardising the security of the CRU system,
- Uploading chain letters, solicitations, or advertisements,
- Passing off personal views as representing those of the CRU.

If a stakeholder is unsure about what constitutes acceptable usage, then he/she should ask the CRU ICT Dept. for further guidance and clarification.

All terms and conditions as stated in this document reflect an agreement of all parties and should be governed and interpreted in accordance with the policies and procedures mentioned above. Any user violating these policies may have their access privileges revoked.

Password Policy

The CRU reserves the right to change the user's portal passwords without notice in accordance with the internal CRU Password Policy or if the CRU suspects a security breach. All password changes will be notified to the user by the CRU.

User compliance

I understand and will abide by this Secure File Transfer Portal Usage Policy. I further understand that should I commit any violation of this policy, my access privileges may be revoked.

Stakeholder

Date

ANNEX 2: CRU Secure Portal User Request Form

CRU Secure File Transfer Portal

CONTACT DETAILS FOR SECURE PORTAL

Supplier Name (must match name on Supplier License)	
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Contact Name	
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Email Address	
----------------------	--

IP Address*	
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Phone Number (to which login details will be provided)	
--	--

Postal Address	

Requested by (print name): _____ Date: _____

Supplier Contact Signature:

(For CRU use only)	
Approved by:	Date: _____
CRU ICT Manager Signature:	

* Your public IP address must be provided and can be found online by performing an internet search.