



**EDISON ELECTRIC
INSTITUTE**

DAVID K. OWENS
Executive Vice President
Business Operations

January 23, 2009

International Accounting Standards Board
30 Cannon Street
London
United Kingdom
EC4M 6XH

Reference: Exposure Draft: Additional Exemptions for First-time Adopters

The Edison Electric Institute ("EEI") is pleased to submit its comments concerning the International Accounting Standards Board's Exposure Draft on *Additional Exemptions for First-time Adopters, Proposed amendments to IFRS 1*. EEI is the association of U.S. shareholder-owned electric companies. Our members provide service to 95 percent of the ultimate customers in the shareholder-owned segment of the industry, and represent approximately 70 percent of the U.S. electric power industry.

Overall Comments

EEI sincerely appreciates the IASB's consideration of amending IFRS 1 to provide additional exemptions for first time adopters of IFRS. We welcome the opportunity to respond to the exposure draft and address the questions raised by the Board.

Question 3

Do you agree with the proposed deemed cost option for entities with operations subject to rate regulation? Why or why not? If not, what alternative do you propose and why?

We support the contemplation of providing an exemption related to property, plant and equipment for rate regulated entities as retrospective application of IFRS would result in costs that would exceed the benefits to users of the financial statements in most cases. However, there are a few items included in the exposure draft for which we seek additional clarity or revised language.

As currently written, it is unclear if the exemption applies to all variances in the carrying amount of property, plant and equipment as recorded under previous GAAP versus the depreciated cost under IFRSs. While paragraph 19B of the exposure draft acknowledges that some entities hold property, plant and equipment

for use in rate regulated activities that may include "amounts that were determined under previous GAAP but do not qualify for capitalisation in accordance with IFRSs", it is important to note that the variances between IFRS and U.S. GAAP as it relates to property, plant and equipment at regulated utilities relate to more than just capitalisation. In particular, there are significant differences between the composite depreciation methodology employed by many rate regulated utilities in the U.S. and Canada and the componentization required in IAS 16. These differences would have had an impact not only on the depreciation recorded in prior periods, but also on the way in which gains or losses on the disposals of property, plant and equipment had been recorded. Additionally, many entities subject to rate regulation have items capitalised within intangible assets for which similar issues will be encountered upon implementation of IFRS.

Paragraph IG7 of IFRS 1 states "an entity's depreciation methods and rates under previous GAAP may differ from those that would be acceptable under IFRSs (for example, if they were adopted solely for tax purposes and do not reflect a reasonable estimate of the asset's useful life). If those differences have a material effect on the financial statements, the entity adjusts accumulated depreciation in its opening IFRS statement of financial position retrospectively so that it complies with IFRSs." While the periodic income might vary under the two different methodologies, these discrepancies average out over time. Accordingly, it would not be expected that the adjustment required to the opening IFRS accumulated depreciation balance would be significant. However, the anticipated costs required to determine the amount of the variance in beginning accumulated depreciation as of the IFRS implementation date would likely be extremely high. The utility industry is extremely capital intensive, and many U.S. utilities have property, plant and equipment on their books that dates back decades. In many cases, information related to older assets will not be available. Additionally, the cost required to analyze the information that is available would be significant due to the numerous ongoing additions and retirements of property, plant and equipment common to most utilities subject to rate regulation, and the value to users of the financial statements would be minimal. Accordingly, we propose amending the wording of paragraph 19B by removing the reference to "capitalisation" to ensure that all relevant variances are included in the exemption.

Additionally, the deemed cost exemption for rate-regulated entities appears to apply only to items classified within property, plant and equipment. However, these entities may also have items capitalised within intangible assets subject to amortization for which issues similar to those noted for property, plant and equipment will be encountered upon implementation of IFRS. As with property, plant and equipment, certain intangibles will include amounts that met the criteria for capitalisation under previous GAAP, but that do not qualify under IFRS. In many

cases, these items date back numerous years, and retroactive application of IFRS would be very costly without providing a significant benefit to users of the financial statements. Accordingly, we recommend that the scope of the exemption in paragraph 19B be expanded to include intangible assets when the same criteria required for property, plant and equipment are met.

One of the stated objectives of IFRS 1 was to provide exemptions that allowed first time adopters "to avoid costs that would likely exceed the benefits to users of the financial statements," but proposed language in paragraph 19B of the exposure draft states that this exemption is allowed when it is "otherwise impracticable to meet the requirements of this IFRS." While the basis of conclusions included in the exposure draft discusses the objective of avoiding excessive costs, the inclusion of the criterion that adopters demonstrate the impracticability of meeting the IFRS's requirements could result in companies incurring excessive costs because they cannot demonstrate impracticability. Similar to the issues related to applying the impracticability criterion to determining depreciated cost under IFRS, it may be costly for utilities to determine fair value due to the nature of their operations, but at the same time it could be practicable to do so. In order to determine fair value, companies will need to factor in the impact of the utilities' regulatory structures and their monopolistic operations, which may prove costly. Also, the historical depreciated cost is a more useful measure for users of the financial statements as these are the balances that form the basis for the rates that regulated entities are allowed to charge to customers. The inclusion of the concept of impracticability in paragraph 19B and the requirement to meet this threshold in relation to the determination of both deemed cost and fair value will limit the availability of this exemption to some companies and result in it not meeting the stated objective. As the other exemptions provided within IFRS do not include this concept, we believe the wording of paragraph 19B should be amended to focus on the avoidance of excessive costs if there is minimal benefit to financial statement users.

Upon implementation of IFRS, Paragraph 19B requires entities electing to apply this exemption to test "each item" for impairment, but the term "item" is not defined. It could be interpreted that this impairment test needs to be performed at a lower level of detail than what is required by IAS 36, *Impairment of Assets* ("IAS 36"). We believe that an impairment test at the level of a "cash-generating unit" as defined in IAS 36 is appropriate as it would only be possible to assess impairment indicators and ultimate recoverability can only be assessed on a combined level for items covered by the proposed exemption. Accordingly, we recommend that clarity be added regarding the level at which the impairment tests required in paragraph 19B should be performed.

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We appreciate your consideration of this issue. We support the amending of IFRS 1, although we recommend that the Board reviews the points noted above and addresses them within the final amendments.

Sincerely,

A handwritten signature in black ink that reads "David K. Owens". The signature is written in a cursive, flowing style.

David K. Owens