Transpower Input Methodologies Amendments Determination 2014 (No.2)

[2014] NZCC 34


The Commission:

S Begg

P Duignan

Dr S Gale

E Welson

Date of determination: 27 November 2014
Transpower Input Methodologies Amendments Determination 2014 (No.2)

Pursuant to Part 4 of the Commerce Act 1986 (the Act) the Commerce Commission makes the following determination:

PART 1 – GENERAL MATTERS

1. TITLE

This determination is the Transpower Input Methodologies Amendments Determination 2014 (No.2).

2. DETERMINATIONS AMENDED

This determination amends the following determinations:

(a) Transpower Input Methodologies Determination [2012] NZCC 17 (the Transpower IM Determination); and

(b) Transpower Capital Expenditure Input Methodology Determination [2012] NZCC 2 (the Transpower Capex IM Determination).

3. COMMENCEMENT

This determination comes into force on the date on which notice of this determination is given in the New Zealand Gazette in accordance with section 52W of the Commerce Act 1986.

4. INTERPRETATION

4.1 Terms in bold type have the meaning given to those terms in the applicable determination.

4.2 Terms in bold type used in this determination that are defined in the Act, but not this determination, have the same meaning as in the Act.

5. AMENDMENTS TO TRANSPower IM DETERMINATION

5.1 Subclause 3.7.4(5) of the Transpower IM Determination is amended by inserting a new paragraph (b) after paragraph (a), as follows, and renumbering existing paragraphs accordingly:

“(b) the revenue impact of any base capex approved by the Commission for a listed project; and”.

5.2 Paragraph 3.7.5(2)(g) of the Transpower IM Determination is amended by inserting a new subparagraph (ii) after subparagraph (i), as follows, and renumbering existing subparagraphs accordingly:
“(ii) the revenue impact of any base capex approved by the Commission for a listed project; or”.

5.3 Subclause 1.1.4(2) of the Transpower IM Determination is amended by inserting the following definition in appropriate alphabetical order:

“listed project has the same meaning as defined in the Capex IM;”.

6. AMENDMENTS TO TRANSPower CAPEX IM DETERMINATION

Corrective amendment to definition of ‘base capex incentive rate’

6.1 Subclause 1.1.5(2) of the Transpower Capex IM Determination is amended by replacing the definition of base capex incentive rate with the following:

“base capex incentive rate means the percentage that Transpower must bear-

“(a) of the difference between base capex for a disclosure year and the adjusted base capex allowance for that disclosure year as a result of the base capex expenditure adjustment; or

“(b) of the base capex relating to non-compliant projects or programmes as a result of the policies and processes adjustment;”.

Amendments to create listed project mechanism

6.2 Subclause 1.1.5(2) of the Transpower Capex IM Determination is amended by replacing the definition of adjusted base capex allowance with the following:

“adjusted base capex allowance means base capex allowance plus monetary amount of additional approved base capex in respect of listed projects to be used when calculating maximum allowable revenue or forecast maximum allowable revenue in applying an IPP determination, adjusted to take account of any disparity between-

“(a) forecast CPI that applied when the base capex allowance was determined and actual CPI; and

“(b) forecast FX rates that applied when the base capex allowance was determined and actual FX rates,

“and its quantum is calculated in accordance with clause B1(1);”.

6.3 Subclause 1.1.5(2) of the Transpower Capex IM Determination is amended by inserting the following definition in its appropriate alphabetical order:

“listed project means a base capex project or base capex programme that:

“(a) is identified as a ‘listed project’ in an IPP determination; and

“(b) complies with the requirements of clause 2.2.3(2);”.

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6.4 Part 2, subpart 2 of the Transpower Capex IM Determination is amended by inserting new clause 2.2.3, as follows:

"2.2.3 Listed projects

“(1) The Commission may identify listed projects in an IPP determination.

“(2) A base capex project or base capex programme may only be identified as a listed project if it is a base capex project or base capex programme:

“(a) that the Commission considers:

“(i) will require capital expenditure of greater than $20 million; and

“(ii) is reasonably required by Transpower, with at least one (or more) assets likely to be commissioned in the regulatory period; and

“(b) for which the base capex forecast to be incurred is in relation to asset replacement, asset refurbishment, or both asset replacement and asset refurbishment; and

“(c) for which a commencement date within the regulatory period is anticipated but cannot be forecast with specificity; and

“(d) that is not already accommodated in the base capex allowance for the regulatory period.”.

6.5 Part 3, subpart 2 of the Transpower Capex IM Determination is amended by inserting new clause 3.2.4, as follows:

"3.2.4 Approval of base capex in addition to the base capex allowance

“(1) Transpower may submit, no later than the last working day in the June twenty-two months before the start of a regulatory period, an application for approval of additional base capex relating to assets forecast to be commissioned within that regulatory period in respect of a listed project to be recognised as approved base capex for any of the disclosure years that follow the disclosure year of approval.

“(2) Transpower’s application under subclause (1) must include:

“(a) a description of the reasons for carrying out the listed project, supported by relevant technical information, including evidence of the current and future need for the applicable assets by reference to the demand and generation scenarios in clause D4(1) of Schedule D;
“(b) consideration of alternative options for carrying out the listed project, including non-replacement and demolition, enhancement or development of alternative assets, and non-transmission solutions;

“(c) intended scope of the listed project, including specification of the grid outputs that apply in respect of the listed project;

“(d) all relevant technical and costing information used to estimate both the cost of the listed project and alternative options, including details on risk allowances and contingencies;

“(e) estimated cost of the listed project broken down into year by year figures in expected disclosure year of commissioning prices, and the assumptions used to derive the estimated cost;

“(f) a cost-benefit analysis in accordance with clause 3.2.1(a), including a sensitivity analysis and reasons for selecting the variables of the sensitivity analysis;

“(g) evidence of consultation with interested persons in accordance with clause 3.2.1(b);

“(h) evidence that its Board of Directors has approved the listed project as a base capex project or base capex programme and that the business case approved by Transpower’s Board included a quality assurance checklist in respect of the listed project; and

“(i) certification of the application in accordance with clause 9.1.2.

“(3) Where the Commission considers that, for the purpose of deciding whether to approve base capex in respect of a listed project it requires further information of Transpower, the Commission will request provision by Transpower of such information by a date specified by the Commission such that it is reasonable for Transpower to comply with.

“(4) The Commission may in addition to the base capex allowance, at its discretion, determine an approved amount of base capex in respect of a listed project for disclosure years in a regulatory period, following evaluation of Transpower’s application, in accordance with:

“(a) the consultation requirements in clause 8.1.1 that would apply if this application was part of the base capex proposal; and

“(b) the criteria in clause 6.1.1 that would apply if this application was part of the base capex proposal and the listed project was an identified programme and, where relevant, Schedule A.

“(5) In any decision to approve additional base capex in respect of a listed project, the Commission will -
“(a) apply the forecast CPI used to determine the base capex allowance for that regulatory period to the approved additional base capex for the listed project;

“(b) apply the forecast FX rates used to determine the base capex allowance for that regulatory period to the approved additional base capex for the listed project; and

“(c) specify the amount or percentage of the additional base capex for the listed project to which the forecast FX rates may apply.

“(6) The Commission will publish its decision on Transpower’s application for approval of base capex in respect of a listed project as soon as reasonably practicable.”.

Amendments to certification requirements

6.6 Part 9 of the Transpower Capex IM Determination is amended by inserting new subpart 1A, as follows:

“SUBPART 1A Listed project applications

“9.1.2 Chief executive officer certification – listed project applications

“In relation to all information provided with respect to an application for approval of base capex in respect of a listed project, the chief executive officer of Transpower must certify in writing that, having made all reasonable enquiries, it is his or her belief that:

“(a) the information provided in Transpower’s application to the Commission was derived from and accurately represents, in all material respects, the relevant operations of Transpower; and

“(b) the base capex in respect of the listed project was approved by Transpower in accordance with the applicable requirements of Transpower’s capital expenditure approval policies.”.

Amendments to base capex expenditure adjustment incentive mechanism

6.7 The table in Schedule B, clause B1(1) of the Transpower Capex IM Determination, is amended by:

6.7.1 replacing the specification of the term ‘b’ (adjusted base capex allowance) with the following:

“d + d’ + e + f”
6.7.2 inserting a new line item for term ‘d’’, immediately following the ‘d’’ term, as follows:

<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>d’</td>
<td>monetary amount of approved base capex in respect of listed projects to be used when calculating maximum allowable revenue or forecast maximum allowable revenue in applying an IPP determination</td>
<td>approved in accordance with clause 3.2.4</td>
</tr>
</tbody>
</table>

6.7.3 replacing the description of the term ‘e’ with the following:

"adjustment correcting for disparity between forecast CPI that applied when the base capex allowance was determined and actual CPI in respect of d and d’’"

6.7.4 replacing the description of the term ‘f’ with the following:

"adjustment correcting for disparity between forecast FX rates that applied when the base capex allowance was determined and actual FX rates for each relevant currency in respect of d and d’’".

Sue Begg, Deputy Chair

Dated at Wellington this 27th day of November 2014.

COMMERCE COMMISSION