



**PRELIMINARY DECISION
SA Power Networks
determination 2015–16 to
2019–20**

**Attachment 8 – Corporate
income tax**

April 2015

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Inquiries about this publication should be addressed to:

Australian Energy Regulator
GPO Box 520
Melbourne Vic 3001

Tel: (03) 9290 1444
Fax: (03) 9290 1457

Email: AERInquiry@aer.gov.au

Note

This attachment forms part of the AER's preliminary decision on SA Power Networks' 2015–20 distribution determination. It should be read with all other parts of the preliminary decision.

The preliminary decision includes the following documents:

Overview

Attachment 1 – Annual revenue requirement

Attachment 2 – Regulatory asset base

Attachment 3 – Rate of return

Attachment 4 – Value of imputation credits

Attachment 5 – Regulatory depreciation

Attachment 6 – Capital expenditure

Attachment 7 – Operating expenditure

Attachment 8 – Corporate income tax

Attachment 9 – Efficiency benefit sharing scheme

Attachment 10 – Capital expenditure sharing scheme

Attachment 11 – Service target performance incentive scheme

Attachment 12 – Demand management incentive scheme

Attachment 13 – Classification of services

Attachment 14 – Control mechanism

Attachment 15 – Pass through events

Attachment 16 – Alternative control services

Attachment 17 – Negotiated services framework and criteria

Attachment 18 – Connection policy

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Shortened forms

Shortened form	Extended form
AEMC	Australian Energy Market Commission
AEMO	Australian Energy Market Operator
AER	Australian Energy Regulator
augex	augmentation expenditure
capex	capital expenditure
CCP	Consumer Challenge Panel
CESS	capital expenditure sharing scheme
CPI	consumer price index
DRP	debt risk premium
DMIA	demand management innovation allowance
DMIS	demand management incentive scheme
distributor	distribution network service provider
DUoS	distribution use of system
EBSS	efficiency benefit sharing scheme
ERP	equity risk premium
Expenditure Assessment Guideline	Expenditure Forecast Assessment Guideline for electricity distribution
F&A	framework and approach
MRP	market risk premium
NEL	national electricity law
NEM	national electricity market
NEO	national electricity objective
NER	national electricity rules
NSP	network service provider
opex	operating expenditure
PPI	partial performance indicators

Shortened form	Extended form
PTRM	post-tax revenue model
RAB	regulatory asset base
RBA	Reserve Bank of Australia
repex	replacement expenditure
RFM	roll forward model
RIN	regulatory information notice
RPP	revenue and pricing principles
SAIDI	system average interruption duration index
SAIFI	system average interruption frequency index
SLCAPM	Sharpe-Lintner capital asset pricing model
STPIS	service target performance incentive scheme
WACC	weighted average cost of capital

8 Corporate income tax

We are required to make a decision on the estimated cost of corporate income tax for SA Power Networks' 2015–20 regulatory control period.¹ Under the post-tax framework, a corporate income tax allowance is calculated as part of the building block assessment using our post-tax revenue model (PTRM). This amount enables SA Power Networks to recover the costs associated with the estimated corporate income tax payable during the 2015–20 regulatory control period.

This attachment presents our assessment of SA Power Networks' proposed corporate income tax allowance for the 2015–20 regulatory control period. It also presents our assessment of its proposed opening tax asset base (TAB), and the standard and remaining tax asset lives used to estimate tax depreciation for the purpose of calculating tax expenses.

8.1 Preliminary decision

We do not accept SA Power Networks' proposed cost of corporate income tax allowance of \$415.8 million. Our preliminary decision on the estimated cost of corporate income tax is \$189.3 million over the 2015–20 regulatory control period. This represents a reduction of \$226.6 (or 54.5 per cent) compared to its proposal.

The reduction reflects our amendments to some of SA Power Networks' proposed inputs for forecasting the cost of corporate income tax such as the remaining tax asset lives (section 8.4.2). It also reflects our preliminary decision on the value of imputation credits—gamma—(attachment 4). Changes to building block costs affect revenues, which also impact the tax calculation. The changes affecting revenues are discussed in attachment 1.

Table 8.1 sets out our preliminary decision on the estimated cost of corporate income tax allowance for SA Power Networks.

Table 8.1 AER's preliminary decision on SA Power Networks' cost of corporate income tax allowance for the 2015–20 regulatory control period (\$ million, nominal)

	2015–16	2016–17	2017–18	2018–19	2019–20	Total
Tax payable	56.5	57.3	59.4	73.5	68.8	315.5
Less: value of imputation credits	22.6	22.9	23.8	29.4	27.5	126.2
Net Corporate income tax allowance	33.9	34.4	35.7	44.1	41.3	189.3

Source: AER analysis.

¹ NER, cl. 6.4.3(a)(4).

8.2 SA Power Networks' proposal

SA Power Networks proposed a forecast cost of corporate income tax of \$415.8 million (\$ nominal) using the AER's PTRM and the following inputs:²

- opening TAB as at 1 July 2015 of \$2701.7 million (\$ nominal)
- an expected statutory income tax rate of 30 per cent per year
- a value for gamma of 0.25
- remaining tax asset lives of assets in existence as at 30 June 2015 derived using an average depreciation approach³
- the same standard tax asset lives for depreciating new assets for the 2015–20 regulatory control period as approved for the 2010–15 distribution determination.

In addition, SA Power Network proposed to re-categorise the 'Heavy vehicle' asset class, currently assigned 15 years standard tax asset life in the 2010–15 regulatory control period, into two new asset classes: 'Heavy vehicle - 15 years' and 'Heavy vehicle - 10 years'. SA Power Networks maintained the 15 years standard tax asset life for both new asset classes.

Table 8.2 sets out SA Power Networks' proposed corporate income tax allowance over the 2015–20 regulatory control period.

Table 8.2 SA Power Networks' proposed cost of corporate income tax allowance for the 2015–20 regulatory control period (\$ million, nominal)

	2015–16	2016–17	2017–18	2018–19	2019–20	Total
Tax payable	101.7	105.0	109.8	116.2	121.8	554.4
Less: value of imputation credits	25.4	26.3	27.4	29.0	30.4	138.6
Net corporate income tax allowance	76.3	78.8	82.3	87.1	91.3	415.8

Source: SA Power Networks, *Regulatory proposal*, October 2014, p 349.

8.3 AER's assessment approach

Under clause 6.5.3 of the National Electricity Rules (NER), we must make an estimate of taxable income for each regulatory year. Our estimate must be for the taxable income a benchmark efficient entity would earn for providing standard control services if it operated SA Power Networks' business. The estimate is required to be determined in accordance with the PTRM. Our approach for calculating a service provider's cost of

² SA Power Networks, *Regulatory proposal*, October 2014, p. 347–349.

³ SA Power Networks' average depreciation approach to deriving the remaining tax asset lives divides each asset class' opening TAB at 1 July 2015 by the average forecast 2015–20 tax depreciation for that asset class (from the RFM). The average depreciation calculation also incorporates the impact on depreciation of the one-off work in progress asset reallocation at 30 June 2015.

corporate income tax allowance is set out in our PTRM and involves the following steps:

1. We estimate the annual taxable income that would be earned by a benchmark efficient entity operating the service provider's business. A service provider's taxable income is calculated by subtracting from the approved forecast revenues the benchmark estimates of tax expenses. Using the PTRM, we model the service provider's benchmark tax expenses, including interest tax expense and tax depreciation, over the regulatory control period. The interest tax expense is estimated using the benchmark 60 per cent gearing used for the rate of return calculation. Tax depreciation is calculated using a separate value for the TAB, and standard and remaining tax asset lives for taxation purposes. All tax expenses (including other expenses such as opex) are offset against the service provider's forecast revenue to estimate the taxable income.
2. The statutory income tax rate is then applied to the estimated annual taxable income (after adjustment for any tax loss carried forward) to arrive at a notional amount of tax payable.
3. We apply a discount to that notional amount of tax payable to account for the utilisation of imputation credits (gamma) by investors.
4. The tax payable net of assumed utilised imputation credits represents the corporate income tax allowance and is included as a separate building block in determining the service provider's annual revenue requirement.

The cost of corporate income tax allowance is an output of our PTRM. We therefore assess the service provider's proposed cost of corporate tax allowance by analysing the proposed inputs to the PTRM for calculating that allowance. These inputs include:

- **The opening TAB as at the commencement of the 2015–20 regulatory control period:** We consider that the roll forward of the opening TAB should be based on the approved opening TAB as at commencement of the 2010–15 regulatory control period and the service provider's actual capex incurred during the 2010–15 regulatory control period.⁴
- **The remaining tax asset life for each asset class at the commencement of the 2015–20 regulatory control period:** Our preferred method to determine the remaining tax asset lives is the weighted average method. We consider the weighted average method provides a better reflection of the mix of assets within an asset class. We will assess the outcomes of other approaches against the outcomes of this preferred method.
- **The standard tax asset life for each asset class:** We assess the service provider's proposed standard tax asset lives, where necessary, against those prescribed by the Commissioner for taxation in tax ruling 2014/4 and the approved

⁴ The tax depreciation is therefore recalculated based on actual capex. The same tax depreciation approach of using actual capex applies to the roll forward of the TAB at the next reset.

standard tax asset lives in the service provider's distribution determination for the 2010–15 regulatory control period.

- **The income tax rate:** The statutory income tax rate is 30 per cent per year.
- **The value of gamma:** The gamma input for SA Power Networks is 0.40. Refer to attachment 4 for detailed discussion on this matter.

We received one submission from the CCP on SA Power Networks' proposed corporate income tax. The CCP submitted that the AER should account for the actual tax situation in its estimate of the tax paid by a benchmark efficient network service provider.⁵ It noted that the reported actual tax paid by SA Power Networks is much less than forecast and may relate to its specific organisational structure.

We are required to estimate the cost of corporate income tax based on a benchmark efficient entity.⁶ This estimate must be determined in accordance with the manner set out in the PTRM.⁷ As noted above, the PTRM uses benchmark cash flows and any carried tax losses to estimate the forecast tax payments, and does take into account the actual tax situation of a given network service provider in the way suggested by the CCP. Further, we note that the CCP has not provided detailed analysis to show the reported actual taxes and drivers for all service providers or why the established approach to estimate tax in the PTRM is not appropriate. Accordingly, we cannot apply the alternative approach in the CCP's submission.

8.3.1 Interrelationships

The cost of corporate income tax building block feeds directly into the annual revenue requirement (ARR). This allowance is determined by four factors:

- pre-tax revenues
- tax expenses (including tax depreciation)
- the corporate tax rate
- gamma—the expected proportion of company tax that is returned to investors through the utilisation of imputation credits—which is offset against the corporate income tax allowance. This is discussed further at attachment 4.

Of these four factors, the corporate tax rate is set externally by the Government. The higher the tax rate the higher the required tax allowance.

The pre-tax revenues depend on all the building block components. Any factor that affects revenue will therefore affect pre-tax revenues. Higher pre-tax revenues can

⁵ CCP, *CCP Sub-Panel submission on Energex, Ergon and SAPN revenues controls*, pp. 11–12.

⁶ NER, cl. 6.5.3.

⁷ NER, cls. 6.5.3 and 6.4.2(b)(4).

increase the tax allowance.⁸ Depending on the source of the revenue increase, the tax increase may be equal to or less than proportional to the company tax rate.⁹

The tax expenses (or deductions) depend on various building block components and their size. Some components give rise to tax expenses, such as opex, interest payments and tax depreciation of assets. However, others do not, such as increases in return on equity. Higher tax expenses offset revenues as deductions in the tax calculation and therefore reduce the cost of corporate income tax allowance (all things being equal). Tax expenses include:

- Interest on debt – Interest is a tax offset. The size of this offset depends on the ratio of debt to equity and therefore the proportion of the RAB funded through debt. It also depends on the allowed return on debt and the size of the RAB.
- General expenses – In the main these expenses will match the opex allowance.
- Tax depreciation – A separate TAB is maintained for the businesses reflecting tax rules. This TAB is affected by many of the same factors as the RAB, such as capex, although unlike the RAB value it is maintained at its historical cost with no indexation. The TAB is also affected by the depreciation rate and asset lives assigned for tax depreciation purposes.

A ten per cent increase in the corporate income tax allowance causes revenues to increase by about 0.9 per cent. The proposed gamma of 0.25, compared to the value in our preliminary decision of 0.4, would increase the corporate income tax allowance by 32.2 per cent and total revenues by about 1.9 per cent.

8.4 Reasons for preliminary decision

We do not accept SA Power Networks' proposed cost of corporate income tax allowance of \$415.8 million (\$ nominal). We have instead determined a cost of corporate income tax allowance of \$189.3 million. This represents a reduction of \$226.6 million (or 54.5 per cent) from SA Power Networks' proposal.

This is because we adjusted the following proposed inputs to the PTRMs for tax purposes:

- the remaining tax asset lives (section 8.4.2)
- the value of gamma (attachment 4)

⁸ In fact, there is an iterative relationship between tax and revenues. That is, revenues lead to tax, being applied, which increases revenues and leads to slightly more tax and so on. The PTRM is therefore set up to run an iterative process until the revenue and tax allowances become stable.

⁹ For example, although increased opex adds to revenue requirement, these expenses are also offset against the revenues as deductions in determining tax, so there is no net impact in this case. A higher return on equity, in contrast, gives rise to no offsetting tax expenses and therefore increases the tax allowance in proportion to the company tax rate.

- other building block components including forecast opex (attachment 7) and forecast capex (attachment 6) that affect revenues, and therefore also impact the forecast corporate income tax allowance.¹⁰

We accept SA Power Networks' proposed standard tax asset lives, as they are consistent with those approved for the 2010–15 regulatory control period. We have also compared the standard tax asset lives, where appropriate, against those prescribed by the Commissioner for Taxation in tax ruling 2014/4.¹¹ We are satisfied that the proposed standard tax asset lives remain appropriate for applying over the 2015–20 regulatory control period.

8.4.1 Opening tax asset base

We accept SA Power Networks' proposed opening TAB as at 1 July 2015 of \$2701.7 million (\$ nominal) as it is calculated based on the approach set out in our roll forward model (RFM). Also, as discussed in attachment 2, we accept the actual capex values in SA Power Networks' proposed RFM.¹²

Table 8.3 sets out our preliminary decision on the roll forward of SA Power Networks' TAB values over the 2010–15 regulatory control period.

Table 8.3 AER's preliminary decision on SA Power Networks' TAB roll forward (\$ million, nominal)

	2010–11	2011–12	2012–13	2013–14	2014–15 ^b
Opening TAB	1192.2	1493.6	1820.7	2115.2	2361.7
Capital expenditure ^a	367.4	403.5	391.9	360.2	473.0
Less: tax depreciation	65.9	76.5	97.5	113.7	133.0
Closing TAB	1493.6	1820.7	2115.2	2361.7	2701.7
Opening TAB as at 1 July 2015					2701.7

Source: AER analysis.

(a) Net of disposals.

(b) Based on estimated capex.

8.4.2 Remaining tax asset lives

We do not accept SA Power Networks' proposed approach to estimating remaining tax asset lives as at 1 July 2015. SA Power Networks proposed to use the average

¹⁰ NER, cl 6.5.3.

¹¹ Australian Taxation Office, *Taxation Ruling Income tax: effective life of depreciating assets (applicable from 1 July 2014)*, August 2014, <http://law.ato.gov.au/atolaw/view.htm?docid=%22TXR%2FTR20144%2FNAT%2FATO%2F00001%22>.

¹² At the time of this preliminary decision, the roll forward of SA Power Networks' TAB includes estimated capex values for 2014–15. We will update the 2014–15 estimated capex values for the substitute decision.

depreciation approach to calculate remaining tax asset lives. We have instead determined remaining tax asset lives using our preferred weighted average approach that rolls forward the approved remaining tax asset lives at the start of the 2010–15 regulatory control period having regard to the amount of capex incurred in that period.

To calculate remaining tax asset lives, SA Power Networks used the same approach to calculate the RAB remaining asset lives. For the same reasons as discussed in attachment 5, we have concerns with SA Power Networks' approach as it tends to result in lower remaining asset lives. In particular, it does not control well for when assets expire. For example, an asset may expire at the end of 2015–16, yet the depreciation associated with that asset for 2015–16 is effectively assumed to continue into the future under SA Power Networks' approach. Accordingly, we do not accept SA Power Networks' proposed remaining tax asset lives for this preliminary decision. Instead we have used the weighted average approach to determine the remaining tax asset lives at 1 July 2015.

When we make our substitute decision we will recalculate SA Power Networks' remaining tax asset lives as at 1 July 2015 based on updated capex inputs in its RFM. This is because the actual capex values are inputs for calculating the weighted average remaining tax asset lives in the RFM.¹³

We are satisfied the remaining tax asset lives estimated under the weighted average approach provide a better estimate of the tax depreciation amount for a benchmark efficient service provider as required by the NER.¹⁴

Table 8.4 sets out preliminary decision on the remaining tax asset lives at 1 July 2015 for SA Power Networks.

8.4.3 Standard tax asset lives

We accept SA Power Networks' proposed standard tax asset lives because they are:

- broadly consistent with the values prescribed by the Commissioner for taxation in tax ruling 2014/4¹⁵
- the same as those approved standard tax asset lives for the 2010–15 regulatory control period.

¹³ At the time of this preliminary decision, the roll forward of SA Power Networks' TAB includes estimated capex values for 2014–15. We will update the 2014–15 estimated capex values for the substitute decision. The 2014–15 capex values are used to calculate the weighted average remaining tax asset lives in the RFM. Therefore, for the substitute decision we will recalculate SA Power Networks' remaining tax asset lives as at 1 July 2015 using the method approved in this preliminary decision.

¹⁴ NER, cl 6.5.3.

¹⁵ ATO, *Taxation Ruling Income tax: effective life of depreciating assets* (applicable from 1 July 2014), August 2014, accessed on 6 January 2015.
<http://law.ato.gov.au/atolaw/view.htm?docid=%22TXR%2FTR20144%2FNAT%2FATO%2F00001%22>.

We are satisfied that the proposed standard tax asset lives remain appropriate for applying over the 2015–20 regulatory control period.

Table 8.4 sets out our preliminary decision on the standard tax asset lives for SA Power Networks.

Table 8.4 AER's preliminary decision on SA Power Networks' standard and remaining tax asset lives (years)

Asset class	Standard tax asset life	Remaining tax asset life as at 1 July 2015
Sub-transmission lines	47.5	37.8
Distribution lines	47.5	31.0
Substations	40.0	30.3
Distribution transformers	40.0	33.0
LVS	47.5	32.6
Communications	10.0	7.9
Contributions	n/a	37.1
Land	n/a	n/a
Substation land	n/a	n/a
Easements	n/a	n/a
Buildings	40.0	39.4
Vehicles - 15 Years	15.0	11.8
Vehicles - 10 years	15.0	0.0
Light vehicles	6.7	5.0
IT assets	4.0	3.1
Plant & tools/Office furniture	10.0	7.4
Equity raising costs	5.0	1.0

Source: AER analysis.

n/a: not applicable.