

# **Jemena Gas Networks (NSW) Ltd**

## **2015-20 Access Arrangement Information**

Appendix 1.6

2015 AA submission compliance checklist

Public

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## 1. COMPLIANCE CHECKLIST

**Table 1–1: Compliance Checklist – 2015 access arrangement (AA) submission**

Provision	Requirement	2015 AA submission reference
<b>National Gas (NSW) Law</b>		
132	(1) A covered pipeline service provider must submit to the AER, for approval by the AER under the Rules, a full access arrangement or revisions to an applicable access arrangement that is a full access arrangement, in respect of the pipeline services the provider provides or intends to provide— (a) in the circumstances specified by the Rules; and (b) within the period of time specified by the Rules.	2015 AA proposal submitted 30 June 14
<b>National Gas Rules</b>		
42(1)	Access arrangement information for an access arrangement or an access arrangement proposal is information that is reasonably necessary for users and prospective users: (a) to understand the background to the access arrangement or the access arrangement proposal; and (b) to understand the basis and derivation of the various elements of the access arrangement or the access arrangement proposal.	AA Information ( <b>AAI</b> ), all chapters
42(2)	Access arrangement information must include the information specifically required by the Law.	AAI, this appendix.
43(1)	A service provider, when submitting an access arrangement proposal for the AER's approval, must submit, together with the proposal, access arrangement information for the access arrangement proposal.	AAI, all chapters
43(2)	If particular information (sensitive information) is confidential, and its public disclosure could cause undue harm to the legitimate business interests of the service provider, a user or prospective user, the AER may permit the service provider to submit access arrangement information in a form, approved by the AER, in which the sensitive information: (a) is aggregated or generalised so as to avoid disclosure of the elements that make it sensitive; or (b) if that is not possible – is entirely suppressed.	2015 AA submission (confidential version) submitted 30 June 2014 Also refer AAI, appendix 1.9
48(1)(a)	The full access arrangement must identify the pipeline to which the access arrangement relates and include a reference to a website at which a description of the pipeline can be inspected.	2015 AA proposal, clause 1 and schedule 9
48(1)(b)/	The full access arrangement must describe the pipeline services the service provider proposes to offer to provide by means of the pipeline.	2015 AA proposal, clause 2
48(1)(c)	The full access arrangement must specify the reference services.	2015 AA proposal, clause 2
48(1)(d)(i), (ii)	The full access arrangement must specify, for each reference service, the reference tariff, and the other terms and conditions on which the reference service will be provided.	2015 AA proposal, clause 2, schedules 2 and 4
48(1)(e)	The full access arrangement must, if the access arrangement is to contain queuing requirements, set out the queuing requirements	2015 AA proposal, clause 7

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Provision	Requirement	2015 AA submission reference
48(1)(f)	The full access arrangement must specify the capacity trading requirements.	2015 AA proposal, clause 9
48(1)(g)	The full access arrangement must set out the extension and expansion requirements.	2015 AA proposal, clause 8
48(1)(h)	The full access arrangement must state the terms and conditions for changing receipt and delivery points.	2015 AA proposal, clause 10 and schedule 4
48(1)(i), 49(1)(a), (b)	If there is to be a review submission date, the full access arrangement must state the review submission date and the revision submission date.	2015 AA proposal, clauses 1.3 and 1.4
52(1)	On or before the review submission date of an applicable access arrangement, a service provider must, submit an access arrangement revision proposal to the AER.	2015 AA proposal submitted 30 June 2014
52(2)	The access arrangement revision proposal must: (a) set out the amendments to the access arrangement that the service provider proposes for the ensuing access arrangement period; and (b) incorporate the text of the access arrangement in the revised form.	2015 AA proposal submitted 30 June 2014, proposed tracked changes included
72(1)(a)	The access arrangement information must include: (i) capital expenditure (by asset class) over the earlier access arrangement period; and (ii) operating expenditure (by category) over the earlier access arrangement period; and (iii) usage of the pipeline over the earlier access arrangement period showing: (A) for a distribution pipeline, minimum, maximum and average demand...; and (B) for a distribution pipeline, customer numbers in total and by tariff class...	AAI: (i) section 4.4 and appendix 12.1 (ii) section 4.3 (iii) section 4.2 and appendix 5.4
72(1)(b)	The access arrangement information must include how the capital base is arrived at and, if the access arrangement period commences at the end of an earlier access arrangement period, a demonstration of how the capital base increased or diminished over the previous access arrangement period.	AAI sections 8.2 to 8.4.
72(1)(c)	The access arrangement information must include the projected capital base over the access arrangement period, including: (i) a forecast of conforming capital expenditure for the period and the basis for the forecast; and (ii) a forecast of depreciation for the period including a demonstration of how the forecast is derived on the basis of the proposed depreciation method.	AAI section 8.3 and (i) section 8.7 and chapter 6 (ii) section 8.5 and appendix 12.1.
72(1)(d)	The access arrangement information must include to the extent it is practicable to forecast pipeline capacity and utilisation of pipeline capacity over the access arrangement period, a forecast of pipeline capacity and utilisation of pipeline capacity over that period and the basis on which the forecast has been derived	AAI sections 5.2 and 5.3
72(1)(e)	The access arrangement information must include a forecast of operating expenditure over the access arrangement period and the basis on which the forecast has been derived	AAI chapter 7 and appendices 7.1 to 7.7.
72(1)(f)	The access arrangement information must include the key performance indicators to be used by the service provider to support expenditure to be incurred over the access arrangement period	AAI section 7.7.1

Provision	Requirement	2015 AA submission reference
72(1)(g)	The access arrangement information must include: the proposed return on equity the return on debt the allowed rate of return ...for each regulatory year of the access arrangement period, in accordance with rule 87, including any departure from the methodologies set out in the rate of return guidelines and the reasons for that departure.	AAI section 9.1 and 9.4 and appendices 9.2 and 9.10 (which deal with departures)
72(1)(ga)	The access arrangement information must include the proposed formula (if any) that is to be applied in accordance with rule 87(12).	AAI section 9.4.2, appendices 9.10 and 12.1
72(h)	The access arrangement information must include the estimated cost of corporate income tax calculated in accordance with rule 87A, including the proposed value of imputation credits referred to in that rule.	AAI section 10.2 and 10.3
72(1)(i)	The access arrangement information must include, if an incentive mechanism operated for the previous access arrangement period - the proposed carry-over of increments for efficiency gains or decrements for efficiency losses in the previous access arrangement period and a demonstration of how allowance is to be made for any such increments or decrements.	N/A
72(1)(j)	The access arrangement information must include the proposed approach to the setting of tariffs including: (i) the suggested basis of reference tariffs, including the method used to allocate costs and a demonstration of the relationship between costs and tariffs; and (ii) a description of any pricing principles employed but not otherwise disclosed under this Rule.	AAI section 13.3, appendix 1.8
72(1)(k)	The access arrangement information must include the service provider's rationale for any proposed reference tariff variation mechanisms.	AAI section 14.2
72(1)(l)	The access arrangement information must include the service provider's rationale for any proposed incentive mechanism.	AAI chapter 11
72(1)(m)	The access arrangement information must include the total revenue to be derived from pipeline services for each regulatory year of the access arrangement period.	AAI chapter 12
72(2)	The access arrangement information for an access arrangement variation proposal related to a full access arrangement must include so much of the above information (referred to in 72(1)) as is relevant to the proposal.	Refer to responses to rule 72(1) above.
74(1)	Information in the nature of a forecast or estimate must be supported by a statement of the basis of the forecast or estimate.	AAI chapters 5-15 and associated appendices
74(2)	A forecast or estimate: (a) must be arrived at on a reasonable basis; and (b) must represent the best forecast or estimate possible in the circumstances.	AAI chapters 5-15 and associated appendices
75	Information in the nature of an extrapolation or inference must be supported by the primary information on which the extrapolation or inference is based.	AAI chapters 5-15 and associated appendices

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76	<p>Total revenue is to be determined for each regulatory year of the access arrangement period using the building block approach in which the building blocks are:</p> <ul style="list-style-type: none"> <li>(a) a return on the projected capital base for the year (See Divisions 4 and 5); and</li> <li>(b) depreciation on the projected capital base for the year (See Division 6); and</li> <li>(c) the estimated cost of corporate income tax for the year (See Division 5A); and</li> <li>(d) increments or decrements for the year resulting from the operation of an incentive mechanism to encourage gains in efficiency (See Division 9); and</li> <li>(e) a forecast of operating expenditure for the year (See Division 7).</li> </ul>	AAI chapter 12 and appendix 12.1.
77(2)	<p>If an access arrangement period follows immediately on the conclusion of a preceding access arrangement period, the opening capital base for the later access arrangement period is to be:</p> <ul style="list-style-type: none"> <li>(a) the opening capital base as at the commencement of the earlier access arrangement period (adjusted for any difference between estimated and actual capital expenditure included in that opening capital base);</li> </ul> <p>plus:</p> <ul style="list-style-type: none"> <li>(b) conforming capital expenditure made, or to be made, during the earlier access arrangement period;</li> </ul> <p>plus:</p> <ul style="list-style-type: none"> <li>(c) any amounts to be added to the capital base under 82, 84 or 86;</li> </ul> <p>less:</p> <ul style="list-style-type: none"> <li>(d) depreciation over the earlier access arrangement period (to be calculated in accordance with any relevant provisions of the access arrangement governing the calculation of depreciation for the purpose of establishing the opening capital base); and</li> <li>(e) redundant assets identified during the course of the earlier access arrangement period; and</li> <li>(f) the value of pipeline assets disposed of during the earlier access arrangement period.</li> </ul>	AAI chapter 8 and appendix 12.1
78	<p>The projected capital base for a particular period is:</p> <ul style="list-style-type: none"> <li>(a) the opening capital base;</li> </ul> <p>plus:</p> <ul style="list-style-type: none"> <li>(b) forecast conforming capital expenditure for the period;</li> </ul> <p>less:</p> <ul style="list-style-type: none"> <li>(c) forecast depreciation for the period; and</li> <li>(d) the forecast value of pipeline assets to be disposed of in the course of the period.</li> </ul>	AAI chapter 8 and appendix 12.1
79(1)	<p>Conforming capital expenditure is capital expenditure that conforms with the following criteria:</p> <ul style="list-style-type: none"> <li>(a) the capital expenditure must be such as would be incurred by a prudent service provider acting efficiently, in accordance with accepted good industry practice, to achieve the lowest sustainable cost of providing services;</li> <li>(b) the capital expenditure must be justifiable on a ground stated in 79(2).</li> </ul>	AAI chapter 4 (current AA period capex) chapter 6 (forecast capex), and associated appendices

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79(2)	<p>Capital expenditure is justifiable if:</p> <p>(a) the overall economic value of the expenditure is positive; or</p> <p>(b) the present value of the expected incremental revenue to be generated as a result of the expenditure exceeds the present value of the capital expenditure; or</p> <p>(c) the capital expenditure is necessary:</p> <p>(i) to maintain and improve the safety of services; or</p> <p>(ii) to maintain the integrity of services; or</p> <p>(iii) to comply with a regulatory obligation or requirement; or</p> <p>(iv) to maintain the service provider's capacity to meet levels of demand for services existing at the time the capital expenditure is incurred (as distinct from projected demand that is dependent on an expansion of pipeline capacity); or</p> <p>(d) the capital expenditure is an aggregate amount divisible into two parts, one referable to incremental services and the other referable to a purpose referred to in paragraph (c) and the former is justifiable under paragraph (b) and the latter under paragraph (c).</p>	AAI chapter 6 and associated appendices
87(1)	Subject to rule 82(3), the return on the projected capital base for each regulatory year of the access arrangement period is to be calculated by applying a rate of return that is determined in accordance with this 87 (the allowed rate of return).	AAI chapter 9 and associated appendices
87(2)	The allowed rate of return is to be determined such that it achieves the allowed rate of return objective.	AAI chapter 9 and associated appendices
87(4)	<p>Subject to rule 87(2), the allowed rate of return for a regulatory year is to be:</p> <p>(a) a weighted average of the return on equity for the access arrangement period in which that regulatory year occurs (as estimated under rule 87(6)) and the return on debt for that regulatory year (as estimated under rule 87(8)); and</p> <p>(b) determined on a nominal vanilla basis that is consistent with the estimate of the value of imputation credits referred to in rule 87A.</p>	AAI chapter 9 and associated appendices
87(5)	<p>In determining the allowed rate of return, regard must be had to:</p> <p>(a) relevant estimation methods, financial models, market data and other evidence;</p> <p>(b) the desirability of using an approach that leads to the consistent application of any estimates of financial parameters that are relevant to the estimates of, and that are common to, the return on equity and the return on debt; and</p> <p>(c) any interrelationships between estimates of financial parameters that are relevant to the estimates of the return on equity and the return on debt.</p>	AAI chapter 9 and associated appendices
87(6)	The return on equity for an access arrangement period is to be estimated such that it contributes to the achievement of the allowed rate of return objective.	AAI chapter 9 and associated appendices
87(7)	In estimating the return on equity under rule 87(6), regard must be had to the prevailing conditions in the market for equity funds.	AAI chapter 9 and associated appendices
87(8)	The return on debt for a regulatory year is to be estimated such that it contributes to the achievement of the allowed rate of return objective.	AAI chapter 9 and associated appendices
87(9)	<p>The return on debt may be estimated using a methodology which results in either:</p> <p>(a) the return on debt for each regulatory year in the access arrangement period being the same; or</p> <p>(b) the return on debt (and consequently the allowed rate of return) being, or potentially being, different for different regulatory years in the access arrangement period.</p>	AAI chapter 9, associated appendices and 2015 AA proposal clause 5

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87(10)	Subject to rule 87(8), the methodology adopted to estimate the return on debt may, without limitation, be designed to result in the return on debt reflecting: <ul style="list-style-type: none"> <li>(a) the return that would be required by debt investors in a benchmark efficient entity if it raised debt at the time or shortly before the time when the AER's decision on the access arrangement for that access arrangement period is made;</li> <li>(b) the average return that would have been required by debt investors in a benchmark efficient entity if it raised debt over an historical period prior to the commencement of a regulatory year in the access arrangement period; or</li> <li>(c) some combination of the returns referred to in Rules 87(10)(a) and (b).</li> </ul>	AAI chapter 9 and associated appendices and 2015 AA proposal clause 5
87(11)	In estimating the return on debt under rule 87(8), regard must be had to the following factors: <ul style="list-style-type: none"> <li>(a) the desirability of minimising any difference between the return on debt and the return on debt of a benchmark efficient entity referred to in the allowed rate of return objective;</li> <li>(b) the interrelationship between the return on equity and the return on debt;</li> <li>(c) the incentives that the return on debt may provide in relation to capital expenditure over the access arrangement period, including as to the timing of any capital expenditure; and</li> <li>(d) any impacts (including in relation to the costs of servicing debt across access arrangement periods) on a benchmark efficient entity referred to in the allowed rate of return objective that could arise as a result of changing the methodology that is used to estimate the return on debt from one access arrangement period to the next.</li> </ul>	AAI chapter 9 and associated appendices
87(12)	If the return on debt is to be estimated using a methodology of the type referred to in subrule 87(9)(b) then a resulting change to the service provider's total revenue must be effected through the automatic application of a formula that is specified in the decision on the access arrangement for that access arrangement period.	2015 AA proposal clause 5
87A	The estimated cost of corporate income tax of a service provider for each regulatory year of an access arrangement period ( $ETC_t$ ) is to be estimated in accordance with the following formula: $ETC_t = (ETI_t \times r_t) (1 - \gamma)$	AAI chapter 10, appendix 12.1
88(1)	The depreciation schedule sets out the basis on which the pipeline assets constituting the capital base are to be depreciated for the purpose of determining a reference tariff.	AAI appendix 12.1
89(1)	The depreciation schedule should be designed: <ul style="list-style-type: none"> <li>(a) so that reference tariffs will vary, over time, in a way that promotes efficient growth in the market for reference services; and</li> <li>(b) so that each asset or group of assets is depreciated over the economic life of that asset or group of assets; and</li> <li>(c) so as to allow, as far as reasonably practicable, for adjustment reflecting changes in the expected economic life of a particular asset, or a particular group of assets; and</li> <li>(d) so that (subject to the Rules about capital redundancy), an asset is depreciated only once (ie that the amount by which the asset is depreciated over its economic life does not exceed the value of the asset at the time of its inclusion in the capital base (adjusted, if the accounting method approved by the AER permits, for inflation)); and</li> <li>(e) so as to allow for the service provider's reasonable needs for cash flow to meet financing, non-capital and other costs.</li> </ul>	AAI section 8.5



Provision	Requirement	2015 AA submission reference
90(1)	A full access arrangement must contain provisions governing the calculation of depreciation for establishing the opening capital base for the next access arrangement period after the one to which the access arrangement currently relates.	2015 AA proposal clause 3
90(2)	The provisions must resolve whether depreciation of the capital base is to be based on forecast or actual capital expenditure.	2015 AA proposal clause 3
91(1)	Operating expenditure must be such as would be incurred by a prudent service provider acting efficiently, in accordance with accepted good industry practice, to achieve the sustainable cost of delivering pipeline services.	AAI chapter 7 and associated appendices
92(1)	A full access arrangement must include a mechanism (a reference tariff variation mechanism) for variation of a reference tariff over the course of an access arrangement period.	2015 AA proposal clause 3
92(2)	The reference tariff variation mechanism must be designed to equalise (in terms of present values): (a) forecast revenue from reference services over the access arrangement period; and (b) the portion of total revenue allocated to reference services for the access arrangement period.	2015 AA proposal clause 3
93(1)	Total revenue is to be allocated between reference and other services in the ratio in which costs are allocated between reference and other services.	AAI section 13.3
93(2)	Costs are to be allocated between reference and other services as follows: (a) costs directly attributable to reference services are to be allocated to those services; and (b) costs directly attributable to pipeline services that are not reference services are to be allocated to those services; and (c) other costs are to be allocated between reference and other services on a basis (which must be consistent with the revenue and pricing principles) determined or approved by the AER.	AAI section 13.3
94(1)	For the purpose of determining reference tariffs, customers for reference services provided by means of a distribution pipeline must be divided into tariff classes.	2015 AA proposal clause 4 and schedule 2, and AAI section 13.2
94(2)	A tariff class must be constituted with regard to: (a) the need to group customers for reference services together on an economically efficient basis; and (b) the need to avoid unnecessary transaction costs.	AAI section 13.4
94(3)	For each tariff class, the revenue expected to be recovered should lie on or between: (a) an upper bound representing the stand alone cost of providing the reference service to customers who belong to that class; and (b) a lower bound representing the avoidable cost of not providing the reference service to those customers.	AAI section 13.4, appendix 13.1

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Provision	Requirement	2015 AA submission reference
94(4)	A tariff, and if it consists of two or more charging parameters, each charging parameter for a tariff class: (a) must take into account the long run marginal cost for the reference service or, in the case of a charging parameter, for the element of the service to which the charging parameter relates; (b) must be determined having regard to: (i) transaction costs associated with the tariff or each charging parameter; and (ii) whether customers belonging to the relevant tariff class are able or likely to respond to price signals.	AAI section 13.4, appendix 13.1
94(5)	If, however, as result of the operation of 94(4), the service provider may not recover the expected revenue, the tariffs must be adjusted to ensure recovery of expected revenue with minimum distortion to efficient patterns of consumption.	AAI section 13.4, appendix 13.1
96(1)	The AER may, on application by a service provider, approve a discount for a particular user or prospective user or a particular class of users or prospective users.	AAI section 13.4.4 and appendix 13.1
97(1)	A reference tariff variation mechanism may provide for variation of a reference tariff: (a) in accordance with a schedule of fixed tariffs; or (b) in accordance with a formula set out in the access arrangement; or (c) as a result of a cost pass through for a defined event (such as a cost pass through for a particular tax); or (d) by the combined operation of two or more of the above.	2015 AA proposal clause 3 and AAI chapters 14 and 15
97(4)	A reference tariff variation mechanism must give the AER adequate oversight or powers of approval over variation of the reference tariff.	2015 AA proposal clause 3 and AAI section 14.3
97(5)	Except as provided by a reference tariff variation mechanism, a reference tariff is not to vary during the course of an access arrangement period.	2015 AA proposal clause 3
98(1)	A full access arrangement may include (and the AER may require it to include) one or more incentive mechanisms to encourage efficiency in the provision of services by the service provider.	2015 AA proposal clause 12, AAI chapter 11
98(2)	An incentive mechanism may provide for carrying over increments for efficiency gains and decrements for losses of efficiency from one access arrangement period to the next.	2015 AA proposal clause 12, AAI chapter 11
98(3)	An incentive mechanism must be consistent with the revenue and pricing principles.	2015 AA proposal clause 12, AAI chapter 11
99(1)	(1) A full access arrangement may include a principle declared in the access arrangement to be fixed for a stated period. (2) A principle may be fixed for a period extending over 2 or more access arrangement periods. (3) A fixed principle approved before the commencement of these s, or approved by the AER under these s, is binding on the AER and the service provider for the period for which the principle is fixed.	2015 AA proposal multiple clauses 3.5(b), 3.10(b), 5.9, 5.10, 11.2 and 12.2

Provision	Requirement	2015 AA submission reference
100	The provisions of an access arrangement must be consistent with: (a) the national gas objective; and (b) these Rules and the Procedures as in force when the terms and conditions of the access arrangement are determined or revised.	The 2015 AA proposal is informed by the service and cost proposal reflected in the AAI, which is demonstrated to be consistent with the National Gas Objective and National Gas Rules.
101(1)	A full access arrangement must specify as a reference service: (a) at least one pipeline service that is likely to be sought by a significant part of the market; and (b) any other pipeline service that is likely to be sought by a significant part of the market and which the AER considers should be specified as a reference service.	2015 AA proposal clause 2
101(2)	In deciding whether to specify a pipeline service as a reference service, the AER must take into account the revenue and pricing principles.	AAI chapter 3
104	(1) Extension and expansion requirements may state whether the applicable access arrangement will apply to incremental services to be provided as a result of a particular extension to, or expansion of the capacity of, the pipeline or may allow for later resolution of that question on a basis stated in the requirements. (2) Extension and expansion requirements included in a full access arrangement must, if they provide that an applicable access arrangement is to apply to incremental services, deal with the effect of the extension or expansion on tariffs. (3) The extension and expansion requirements cannot require the service provider to provide funds for work involved in making an extension or expansion unless the service provider agrees.	2015 AA proposal clause 8
105(1)	Capacity trading requirements must provide for transfer of capacity: (a) if the service provider is registered as a participant in a particular gas market – in accordance with Rules or Procedures governing the relevant gas market; or (b) if the service provider is not so registered, or the relevant Rules or Procedures do not deal with capacity trading – in accordance with this .	2015 AA proposal clause 9
105(6)	The capacity trading requirements may specify in advance conditions under which consent will or will not be given, and conditions to be complied with if consent is given.	2015 AA proposal clause 9
106(1)	An access arrangement must provide for the change of a receipt or delivery point in accordance with the following principles: (a) a user may, with the service provider's consent, change the user's receipt or delivery point; (b) the service provider must not withhold its consent unless it has reasonable grounds, based on technical or commercial considerations, for doing so.	2015 AA proposal clause 10
106(2)	The access arrangement may specify in advance conditions under which consent will or will not be given, and conditions to be complied with if consent is given.	2015 AA proposal clause 10