

Po Adjustments – Passing Cost Savings to Customers

January
2021

This document discusses the usefulness of a P_0 adjustment (where gains in excess of those stipulated by the X factor are passed directly on to customers when new price controls are set), as an incentive mechanism in a state-owned and operated sector. Alternative approaches are also discussed.

Consultative
Document

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1 Introduction

As part of its second price control review for the electricity distribution and transmission sector, the Regulated Industries Commission (RIC) plans to examine key aspects of the regulatory framework. The option for sharing the benefits with consumers of out-performance by the service provider is one of the aspects examined, to ascertain if they remain a useful incentive for encouraging the service provider to make savings above those envisaged in the price formula.

Sections 6 and 67 as well as Part V of the RIC Act, Chapter 54:73, provides that some form of “incentive regulation” be utilized by the RIC. Specifically, the Act mandates the RIC:

- to establish the principles and methodologies for determining rates; and
- to determine the rates and charges for services every five years.

In the performance of these functions the RIC is required to have regard to:

- furthering the interest of consumers, including the ability to pay rates; and
- promoting economy and efficiency.

As part of its pricing methodology for the first price control review (2006-2011), the RIC discussed a number of options for sharing the benefits of out-performance with customers. The RIC decided to employ a P_0 (an initial price adjustment from one price control period to the next) as well as a glide path where gains were to be passed on to customers over several years. P_0 refers to the level of cost reduction that regulated entities are required to pass on to customers at the beginning of a new price control period. It represents the gains in excess of those stipulated by the X-factor in the current period.

The RIC also indicated that it would utilize a P_0 adjustment to share out-performance in the future because it was of the view that consumers should benefit as quickly as possible from gains in excess of those embodied in the X-factor. However, the RIC reserved the option to utilize a combination of P_0 Adjustment and a phased adjustment if it felt it was necessary to limit the rate of change in prices for customers, or to consider the cash flow impact on the service provider. Very importantly, it was felt that a hybrid approach also ensured that the service provider had the

maximum incentive to cut costs throughout the regulatory period while at the same time ensuring that customers also benefitted.

1.1 Purpose of Document

The purpose of this document is to discuss the usefulness of a P_0 adjustment, among other approaches, as an incentive mechanism in a state-owned and operated sector.

1.2 Responding to this Document

In keeping with the RIC's obligation to consult, stakeholders are invited to comment on this document. Responses should be sent by post, fax or e-mail to:

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Regulated Industries Commission
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Port-of-Spain, Trinidad

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All responses will normally be published on the RIC's website unless there are good reasons why they must remain confidential. Any requests for confidentiality must be indicated.

The deadline for submission of comments is February 8, 2021.

2 Utilizing a P_0 Adjustment

The RIC's regulatory duty entails setting price controls that allow the service provider to cover efficient operating expenditure (Opex), to finance efficient capital investments (Capex), and earn an appropriate return on investment whilst delivering specified outputs, inclusive of quality of service standards. In its first price review, the RIC assessed the service provider's future efficient Opex, Capex and return on assets (cost of capital) and depreciation in order to calculate an allowed revenue stream over the regulatory control period (i.e. five (5) years).

Opex was assessed by reference to a range of different sources of information including:

- the historical performance of the service provider;
- the service provider's own Opex projections;
- different types of benchmarking exercises; and
- evidence of efficiencies achieved in other jurisdictions.

Similarly, Capex was also assessed by reference to a range of different information sources, including whether:

- the proposed Capex trends were related to trends in historical Capex;
- there was evidence of, and consistency with, well developed asset management planning and processes i.e. the forecasts took account of a planning horizon which extended beyond a five-year control period;
- the Capex associated with new functions and obligations was clearly identified; and
- the proposed Capex was deliverable over the five-year period.

The market cost of borrowing to finance Capex was included in the cost of capital.

Under the RPI-X form of regulation, the service provider retains the benefits of out-performance (or suffers the consequences of under-performance) against the allowances set for the five years.

Apart from this, the RIC had included the efficiency carryover mechanism for Capex, which meant an efficiency gain (or loss) in Capex was to be calculated as the Weighted Average Cost of Capital (WACC) multiplied by the reduction (or increase) in Capex against the Capex forecast.

Regulators have long acknowledged that at the time of a new price review, a service provider will want to know what proportion of the additional gains derived from its extra exertions it will be allowed to retain at the end of each review period and the length of time it would be able to do so. The issue of benefit sharing thus arises.

When a regulated firm is able to make efficiency savings above those reasonably expected as provided in the X-factor, these gains can arise from two primary sources¹:

- management's initiatives; and
- exogenous factors such as demand growth, changes in interest rates or windfalls.

These sets of gains are normally associated with the out-performance of the X-factor and the regulator needs to consider:

- the extent to which out-performance of the X-factor should be shared with customers or retained by the firm;
- the period over which it should be shared with customers; and
- the profile of the sharing arrangements.

There are **two broad options** that may be utilized to share the benefits of the out-performance of the X-factor with customers:

- **P₀ Adjustment (One-off reduction)** –gains in excess of those stipulated by the X-factor in the current period are passed directly on to customers in the development of new price controls, and a new X-factor is set for the new price control period. Under this approach, the service provider has little incentive to invest in efficiency enhancements towards the end of the regulatory period; and

¹Gains can also arise by reductions in service standards, by delaying or avoiding necessary expenditure or gross errors in estimates of capital and operating costs at the time of the review.

- **Glide path mechanism (Phased option)** –gains are passed to customers over a period of years to provide stronger incentives. Another variation under this option is what is referred to as ‘**gains maintenance**’. Gains maintenance (rolling or fixed carryover) allows the service provider to retain the **full gains** for each year for a pre-specified period unconnected to any review period whereupon gains can be passed to customers in a one-off or phased price reduction. However, a rolling or fixed carryover usually does not extend past one subsequent regulatory period.

In practice, the options are often combined. For example, a glide path could incorporate a one-off reduction at the start of the period or it could return the benefit over a longer period (e.g. ten years) or over a shorter period.

At the time of its first price review for T&TEC, the RIC’s final decision was to utilize a P_0 Adjustment at the start of the next period, to share any out-performance of the X-factor arising from the first price control period. However, the RIC reserved the right to utilize a combination of P_0 Adjustment and gradual adjustment if it is considered necessary to limit the rate of change in prices to consumers or the cash flow impact on the service provider.

Implicit in the provision of both a P_0 adjustment and/or a gradual adjustment mechanism is the assumption that a firm will try to “outperform” predetermined benchmarks, that is, X-factors embodied in the price cap/revenue cap regime, because it will retain part or all the benefit (profit) from doing so (at least for the duration of the price control period). It is argued that by doing this, the firm has a financial incentive to devote effort to decreasing its costs. Alternatively, because the firm is not guaranteed a fixed rate of return, it is also motivated to improve its performance to ensure that it does not sustain losses. In this way incentive regulation mimics the behaviour of the competitive market.

It is generally accepted that the incentives to make such savings are strongest in firms which are privately owned and operated, and conventionally financed through a mixture of debt and equity. Utilities that are state-owned and controlled sometimes have very different objectives and it may

be necessary to provide additional incentives or employ different mechanisms to ensure improved efficiency on the part of those utilities. The RIC has observed that instead of attempting to out-perform the X-factor which had been set in revenue controls for the first control period, the service provider viewed the overall revenue cap as a budgetary limit, and there was no overall out-performance of the allowed operating or capital expenditure².

As indicated above, at the time of the first Price Review, RIC's approach was to set ex-ante³ efficiency targets and to reduce costs upfront so that customers were guaranteed that only efficient costs were included in the revenue requirements. The RIC considers that this approach remains fit for purpose for the second price control period, in the absence of evidence that the service provider actively sought to out-perform the X-factor included within the price limits. Additionally, this approach provides incentives between the service provider's own costs and revenues. Without some form of link between a service provider's costs and revenues, prices would not be able to track costs (they could either be too high or too low).

Therefore, in the circumstances the RIC does not see the merit in implementing an adjustment mechanism to share the benefits of the out-performance of the X-factor and therefore, will not pursue the use of a P₀ adjustment, glide path mechanism or any combination of both in the second price control period.

The RIC is therefore seeking views on whether or not a P₀ adjustment should be utilized in its second price control review for T&TEC or alternatively whether it should continue to ensure that only the efficient costs are passed “up-front” in rates to customers.

² See the RIC's Papers “Approach to Setting Operating Expenditure for Price Reviews – January 2018”, and “Approach to Assessing Capital Expenditure for Price Reviews- January 2018”

³ Ex-ante refers to identifying problems before the start of the price control period, devising options to address these issues (such as setting efficiency targets, reducing upfront costs, etc.) and implementing these regulatory measures at the start of the price control period.