

## **Solar feed-in tariffs**

Retailer contribution and benchmark range  
from 1 July 2016

**Energy — Determination**  
June 2016



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# Preliminary

## 1 Background

- (a) Under section 43ECA of the *Electricity Supply Act 1995* (NSW) (**ESA**), the Minister may refer to the Independent Pricing and Regulatory Tribunal (**IPART**), for investigation and report, the determination of:
  - (1) the retailer benefit component payable by a Retailer to a customer under the Solar Bonus Scheme for Solar PV Exports (**Retailer Contribution**); and
  - (2) the benchmark range for feed-in tariffs paid by Retailer for Solar PV Exports (**Benchmark Range**)<sup>1</sup>.
- (b) On 3 June 2015, IPART received a referral (**Referral**) from the Minister for Industry, Resources and Energy to investigate and determine the Retailer Contribution and the Benchmark Range until 31 December 2016, or until replaced.
- (c) On 15 October 2015, IPART issued its determination on the Retailer Contribution and the Benchmark Range (Determination No. 2, 2015).

## 2 Application of this determination

- (a) This determination commences on the later of:
  - (1) 1 July 2016; and
  - (2) the date that it is published in the NSW Government Gazette, (**Commencement Date**).
- (b) This determination applies from the Commencement Date until the earlier of:
  - (1) 31 December 2016; and
  - (2) the date this determination is replaced, (**Determination Period**).
- (c) This determination:
  - (1) is made pursuant to the Referral; and
  - (2) determines:
    - (A) the Retailer Contribution; and
    - (B) the Benchmark Range.

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<sup>1</sup> The Benchmark Range is not binding on Retailers. It is a voluntary range published by IPART to provide information to solar PV customers and Retailers.

### **3 Replacement of Determination (Determination No. 2, 2015)**

This determination replaces Determination No. 2, 2015 from the Commencement Date.

### **4 Approach to determining the Retailer Contribution and Benchmark Range**

In making this determination, IPART has had regard to:

- (a) in respect of the Retailer Contribution, the financial benefit to Retailers as a result of the supply of electricity by customers under the Solar Bonus Scheme;
- (b) the matters it is required to consider under the Referral; and
- (c) the effect of the determination on competition in the retail electricity market, as required by section 43ECB of the ESA.

### **5 Schedules**

- (a) Schedule 1 sets out the Retailer Contribution.
- (b) Schedule 2 sets out the Benchmark Range.
- (c) Schedule 3 sets out the definitions and the interpretation provisions.



## Schedule 1 Retailer Contribution

### **1 Application**

This schedule sets out the Retailer Contribution for the Determination Period (or until schedule 1 of this determination is replaced).

### **2 Retailer Contribution**

The Retailer Contribution for the Determination Period is 6.1¢/kWh.

## Schedule 2 Benchmark Range

### **1 Application**

This schedule sets out the Benchmark Range for the Determination Period (or until schedule 2 of this determination is replaced).

### **2 Benchmark Range**

The Benchmark Range for the Determination Period is 5.5¢/kWh to 7.2¢/kWh.

## Schedule 3 Definitions and interpretation

### 1 Definitions

#### 1.1 General provisions

In this determination:

**Benchmark Range** has the meaning given in clause 1(a)(2) of the Preliminary section of this determination.

**Commencement Date** has the meaning given in clause 2(a) of the Preliminary section of this determination.

**Determination Period** has the meaning given in clause 2(b) of the Preliminary section of this determination.

**ESA** has the meaning given in clause 1(a) of the Preliminary section of this determination, being the *Electricity Supply Act 1995* (NSW).

**GST** has the meaning given in *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

**IPART** has the meaning given in clause 1(a) of the Preliminary section of this determination, being the Independent Pricing and Regulatory Tribunal of New South Wales established under the *Independent Pricing and Regulatory Tribunal Act 1992* (NSW).

**kWh** means kilowatt hours.

**National Energy Retail Law** means the National Energy Retail Law set out in the schedule in the *National Energy Retail Law (South Australia) Act 2011* (SA), as amended and applied in New South Wales by the *National Energy Retail Law (Adoption) Act 2012* (NSW).

**Referral** has the meaning given in clause 1(b) of the Preliminary section of this determination.

**Retailer** has the meaning given in the National Energy Retail Law.

**Retailer Contribution** has the meaning given in clause 1(a)(1) of the Preliminary section of this determination.

**Solar Bonus Scheme** means the scheme established under section 15A of the ESA.

**Solar PV Exports** means electricity produced by a complying generator (as defined in section 15A of the ESA) and supplied to the distribution network by a customer under the Solar Bonus Scheme.

**Taxable Supply** has the meaning given in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

## 2 Interpretation

In this determination:

- (a) headings are for convenience only and do not affect the interpretation of this determination;
- (b) a reference to a schedule, annexure, clause or table is a reference to a schedule or annexure to, clause of, or table in, this determination unless otherwise indicated;
- (c) words importing the singular include the plural and vice versa;
- (d) a reference to a law or statute includes regulations, rules, codes and other instruments under it and consolidations, amendments, re-enactments or replacements of them;
- (e) where provisions of legislation referred to in this determination are renumbered, a reference to a legislative provision extends to the corresponding re-numbered provision of the legislation;
- (f) where a word is defined, other grammatical forms of that word have a corresponding meaning;
- (g) a reference to a day is to a calendar day;
- (h) a reference to a person:
  - (1) includes any company, partnership, joint venture, association, corporation, other body corporate or government agency; and
  - (2) includes a reference to the person's executors, administrators, successors, substitutes (including, but not limited to, persons taking by novation), replacements and assigns;
- (i) a reference to an officer includes a reference to the officer which replaces it or which substantially succeeds to its powers or functions; and
- (j) a reference to a body, whether statutory or not:
  - (1) which ceases to exist; or
  - (2) whose powers or functions are transferred to another body,

is a reference to the body which replaces it or which substantially succeeds to its powers or functions.

### **3 Clarification notice**

IPART may publish a clarification notice in the NSW Government Gazette to correct any manifest error in this determination. Such a clarification notice is taken to form part of this determination.

### **4 Prices exclusive of GST**

Prices or charges specified in this determination do not include GST. A Retailer may charge customers an additional amount equal to GST payable by the Retailer in respect of any Taxable Supply to which the amounts relate.

