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| T:\Chris\IPART\2016\Logos\IPART logo - trans.pngRequest form for scheme-specific price reviewFor wholesale water and sewerage services provided by Sydney Water Corporation or Hunter Water Corporation  |
| Request formWater Pricing | January 2018 |

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| © Independent Pricing and Regulatory Tribunal of New South Wales 2018This work is copyright. The Copyright Act 1968 permits fair dealing for study, research, news reporting, criticism and review. Selected passages, tables or diagrams may be reproduced for such purposes provided acknowledgement of the source is included.ISBN 978-1-76049-174-1Inquiries regarding this document should be directed to a staff member:Anita Payne (02) 9113 7783Jessica Forrest (02) 9113 7744 |
| Amendment table

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| --- | --- | --- |
| Issue number | Date issued | Reason/s for amendment |
| Issue 1 | January 2018 | Initial release of request form |

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# Instructions for completing this form

In June 2017, we released our Final Report and Determinations for prices for wholesale water and sewerage services provided by Sydney Water Corporation (Sydney Water) and Hunter Water Corporation (Hunter Water).[[1]](#footnote-1)

Our regulatory framework for wholesale prices comprises three components:

* **System-wide retail-minus prices** for **on-selling** water and sewerage services for **new schemes without a recycled water plant**, to apply from 1 January 2018 to 30 June 2021.
* **Scheme-specific reviews** – ie, parties may request that IPART set scheme-specific prices by undertaking a scheme-specific review.
* **Unregulated agreements** – ie, parties may privately negotiate prices.

Examples of when a wholesale customer or wholesale service provider may seek a scheme-specific price review include where our system-wide prices:

* do not apply (ie, existing schemes or new schemes where a recycled water plant is present), or
* do not reflect a particular scheme’s characteristics (eg, characteristics that may result in cost savings or increased costs for wholesale service providers).

A wholesale customer and/or wholesale service provider can request that IPART undertake a scheme-specific review to determine a price for the service(s).

Scheme-specific reviews will allow us to consider facilitation costs, ie, cost savings (and costs increases) to a wholesale service provider from a scheme operated by a wholesale customer, on a scheme-by-scheme basis, and where appropriate, reflect these in wholesale prices.

## Who should complete this form?

This form is for:

* **wholesale customers**, and
* **wholesale service providers**, ie, Sydney Water and Hunter Water,

that wish to request that IPART undertake a scheme-specific review to determine a price for a wholesale service(s).

This form (along with our accompanying guideline) may also assist and facilitate negotiation between wholesale customers and wholesale service providers.[[2]](#footnote-2)

## Information on filling out and submitting this form

### General instructions for completing this form

The request form consists of five sections for the requesting party to complete:

1. **Contact information**.
2. **General information** – including details of the party making the request, the wholesale service(s) for which a scheme-specific review is sought, reasons for the request and outcomes of attempted negotiation with the other party.
3. **Cost and supporting information** – including details about infrastructure and operating costs, any facilitation costs, any proposed prices and relevant supporting information.
4. **Deed of Undertaking as to Confidentiality**.
5. **Quality assurance and Chief Executive Officer’s declaration**.

The questions contained in this form are designed to collect information that we will require to undertake a scheme-specific review. The request form seeks relevant information to allow IPART to make a decision on whether to proceed with a scheme-specific review.

Given the short timeframe (four months) for a scheme-specific review, the request form also seeks information relevant to a scheme-specific price review to allow IPART to commence work associated with any subsequent review as soon as possible once a decision has been made by IPART to undertake a review. Early provision of relevant information to the review would assist us in undertaking the review and may reduce the scope and time associated with any subsequent information requests.

We seek to minimise administrative costs associated with a review for all parties, so in answering the questions in this form, you should provide only relevant information.

We note that where a party withholds information or does not provide information in a timely manner, IPART may exercise its statutory power to require the information if it is needed to complete the review.

In the event that one or both parties do not provide timely information, we would make the determination based on the provided information, supplemented by information assembled and analysed by IPART (and/or our consultants). We would use the best information available within the timeframe for the review to make our decisions.

### Confidential information

IPART uses open public processes to undertake price reviews and invites submissions from the public as part of the price review process. Unless confidentiality is claimed, we will treat information contained in scheme-specific review request forms, and any accompanying documentation or subsequent submission, as public documents. We will publish these documents on our website and distribute them to interested parties as appropriate.

In completing this request form, you should highlight (explaining your reasons) any information which you would not wish us to publish or disclose. We will have regard to any such submissions when considering future publication or disclosure.

Where you identify confidential information, IPART will consider the claim of confidentiality and whether it is appropriate to redact or remove the information from public documents.

You should provide separate confidential and public copies of your request form. In particular, you should provide:

* a confidential request form, which is clearly marked “confidential” and clearly identifies the confidential information that should not be publicly released, and
* a public request form, which does not contain the confidential information, for publication by IPART.

We may share information identified as confidential with our consultants, but will do so on a confidential basis.

The scheme-specific request form also includes a Deed of Undertaking as to Confidentiality which requires that in the event that one party is provided with confidential information provided by the other party, that the information will:

* be kept confidential
* only be used for the purpose of the scheme-specific review
* not be provided to any other party without consent.

If IPART accepts a scheme-specific review request, any party may be asked to sign a Deed of Undertaking as to Confidentiality before receiving any confidential information during the scheme-specific review process. If a party refuses to sign a Deed of Undertaking as to Confidentiality, they will be advised that they will not receive any confidential information of the other party during that process. In this situation, both parties will be asked to provide both a confidential and non-confidential version of any submissions made during the process.

Third parties may apply under the *Independent Pricing and Regulatory Tribunal Act 1992* and also generally under the *Government Information (Public Access) Act 2009* for access to request forms, accompanying documentation and submissions, including those that contain confidential information. If we receive such an application, we will determine whether disclosure is required in accordance with those Acts.

Where a request form includes personal information, IPART will deal with that information in accordance with the information protection principles set out in the *Privacy and Personal Information Protection Act 1998*.

### How do you submit the request form?

Once completed, you should submit an **electronic copy** of the public and confidential versions of the completed request form and any supporting documentation (including, where relevant, **Attachment A (*Inputs for section 4.2*)** to this request form). You may wish to password protect your electronic confidential version. If so, we will contact you to request the password following submission of your request form.

Table 1.1 outlines available options for submitting a completed request form to IPART.

Table 1.1 Options for submitting a completed scheme-specific review request form

|  |  |  |
| --- | --- | --- |
| Via email | Via post | In person |
| Attention: Water PricingIndependent Pricing and Regulatory Tribunalwater@ipart.nsw.gov.au   | Attention: Water PricingIndependent Pricing and Regulatory TribunalPO Box K35Haymarket Post ShopNSW 1230 | Attention: Water PricingIndependent Pricing and Regulatory TribunalLevel 152-24 Rawson PlaceSydney NSW 2000 |

### There is no fee charged by IPART for a scheme-specific review

IPART does not charge wholesale customers or wholesale service providers any fee for undertaking a scheme-specific review.

### We may require further information

As a scheme-specific review progresses, we, or our consultants, might need to seek clarification on information that has been provided (by either party) and/or request further supporting information (from either party).

### If you require further information

For further information on requesting a scheme-specific review, see the guideline (*Guideline for scheme-specific price review requests*) that accompanies this form, available on our website: <https://www.ipart.nsw.gov.au/Home>.

If you have further questions about completing the request form, you can contact the Water Pricing team in IPART by:

* emailing: water@ipart.nsw.gov.au, or
* telephoning: (02) 9290-8400 (general number).

We encourage you to discuss your request form and obtain assistance from the Water Pricing team prior to formally submitting your request form.

## Next steps

When we receive your completed request form, IPART will then:

* Decide whether to proceed with the scheme-specific review for the wholesale service(s) requested.
* Note that, IPART may also decide to limit a review for a service to any particular part or category of that service, eg, a review may be limited to those parts of a service for which the wholesale customer and wholesale service provider have not already negotiated a price.
* If IPART proceeds with the review, we will give both parties (ie, the wholesale customer and wholesale service provider) notice of the review and key dates for the review.
* Advertise the scheme-specific review, as required by the IPART Act.

We may also hold preliminary discussions with the wholesale customer and wholesale service provider to confirm the scope of the review, approaches that could be used to resolve areas of disagreement other than a scheme-specific review, whether we are currently conducting any scheme-specific reviews involving similar issues and arrangements for information flows.

For further information on the process and timeframe for a scheme-specific review, see the guideline (*Guideline for scheme-specific price review requests*) that accompanies this form, available on our website: <https://www.ipart.nsw.gov.au/Home>.

# Contact information

## Contact Details

As the requesting party, nominate a primary contact person for all communication and correspondence between your organisation and IPART, and provide contact details for this person. This person must be a senior officer of the organisation (not an external consultant), and they must have the authority to speak on behalf of the requesting party.

Table 2.1 Requesting party’s contact person details

|  |
| --- |
| Primary contact person |
| Full name: |       |
| Position title: |       |
| Telephone number: |       |
| Email address: |       |
| Postal address for correspondence: |       |
| Secondary contact person❑ Please tick box if secondary contact person has same authority as the primary contact person.❑ Please tick box if you wish that we copy the secondary contact into all correspondence. |
| Full name: |       |
| Position title: |       |
| Telephone number: |       |
| Email address: |       |
| Postal address for correspondence: |       |

# General information

## Details of party making request

Provide the following information for the organisation making the request for a scheme-specific review.

Table 3.1 Requesting party’s organisation details

|  |
| --- |
| Organisation’s details |
| Name: |       |
| ABN/ARBN: |       |
| ACN: |       |
| Office address: |       |
| Chief Executive Officer (CEO) or equivalent details |
| Full name: |       |
| Position title: |       |
| ❑ Please tick box if requesting party is the WHOLESALE CUSTOMER.❑ Please tick box if requesting party is the WHOLESALE SERVICE PROVIDER. |
| Please tick box if you give permission for IPART to: ❑ Use confidential information previously submitted by the requesting party to IPART for other purposes in undertaking any subsequent scheme-specific review (eg, information submitted as part of any WIC Act licence application process, or in relation to IPART’s compliance and audit functions for WIC Act utilities and public water utilities). ❑ Use information provided in this request form and supporting documentation provided during the course of any subsequent scheme-specific review to inform IPART’s future pricing work.**Note:** IPART has a statutory power to require information if it is needed to complete a scheme-specific review. |

## Wholesale customer details

If you are not the wholesale customer, provide the following information for the relevant wholesale customer (ie, the wholesale customer that will be receiving the wholesale service).

Table 3.2 Wholesale customer organisation details

|  |
| --- |
| Wholesale customer organisation details |
| Name: |        |
| ABN/ARBN: |        |
| ACN: |        |
| Office address: |        |
| Chief Executive Officer (CEO) or equivalent details |
| Full name: |        |
| Position title: |       |

## Wholesale service provider details

If you are not the wholesale service provider, provide the following information for the relevant wholesale service provider (ie, the wholesale service provider that will provide the wholesale service to the relevant wholesale customer).

Table 3.3 Wholesale service provider organisation details

|  |
| --- |
| Wholesale service provider organisation details |
| Name: |        |
| Office address: |        |
| Chief Executive Officer (CEO) or equivalent details |
| Full name: |        |
| Position title: |       |

## Wholesale service(s) for which a scheme-specific review is sought

As the requesting party, provide details of the wholesale service(s) for which you seek a scheme-specific review.

If you wish to seek a scheme-specific review for more than two services please add additional rows to the table below.

Table 3.4 Details of wholesale service(s)

|  |
| --- |
| Wholesale service details – service 1 |
| Type of service: | ❑ On-selling water service – scheme has a recycled water plant❑ On-selling water service – no recycled water plant❑ On-selling sewerage service – scheme has a recycled water plant❑ On-selling sewerage service – no recycled water plant❑ Supply of drinking water to top up a recycled water plant❑ Disposal of waste from a recycled water plant that is not used to on-sell sewerage services❑ Other, specify:       |
| Description/characteristics of wholesale service, including location, connection points, size and design, number of customers, any relevant staging/timing, and hours/modes of operation:*(Limit response to 3 pages)* |        |
| Is the service already being supplied by the wholesale service provider to the wholesale customer? | ❑ Yes, the service is already being supplied Date supply commenced:      ❑ No, the service is not being supplied yetAnticipated date of commencement:       |
| Existing arrangements for supply of the service concerned (if any):*(Limit response to 1 page)* |        |
| Existing prices charged for supply of the service concerned (if any):*(Limit response to 1 page)* |       |
| Wholesale service details – service 2 |
| Type of service: | ❑ On-selling water service – scheme has a recycled water plant❑ On-selling water service – no recycled water plant❑ On-selling sewerage service – scheme has a recycled water plant❑ On-selling sewerage service – no recycled water plant❑ Supply of drinking water to top up a recycled water plant❑ Disposal of waste from a recycled water plant that is not used to on-sell sewerage services❑ Other, specify:       |
| Description/characteristics of wholesale service, including location, connection points, size and design, number of customers, any relevant staging/timing, and hours/modes of operation:*(Limit response to 3 pages)* |       |
| Is the service already being supplied by the wholesale service provider to the wholesale customer? | ❑ Yes, the service is already being supplied Date supply commenced:      ❑ No, the service is not being supplied yetAnticipated date of commencement:       |
| Existing arrangements for supply of the service concerned (if any):*(Limit response to 1 page)* |       |
| Existing prices charged for supply of the service concerned (if any):*(Limit response to 1 page)* |       |

**Note:** Please add additional rows to the table for additional wholesale services as necessary.

## Reason(s) for scheme-specific review request

As the requesting party, provide details of the reason(s) why you are requesting a scheme-specific review.

Table 3.5 Reason(s) for request

|  |
| --- |
| Why have you requested a scheme-specific review? *(Limit response to 2 pages)* |
|       |

## Outcomes of attempted negotiation between parties

As the requesting party, provide details of your attempt(s) to negotiate a price(s) for the relevant service(s) with the other party, prior to making this request.

Table 3.6 Outcomes of attempted negotiation prior to request

|  |
| --- |
| Attempted negotiation details *(Limit response to 2 pages)* |
| Negotiation activities undertaken between parties |        |
| Outcomes of the negotiation  |
| Areas where agreement has been reached  |        |
| Areas of disagreement  |       |

# Cost and supporting information

Provide details relating to costs associated with the wholesale service(s) concerned, as outlined below.

## Proposed length of determination

Provide the length of the scheme-specific determination that you propose for the wholesale service(s) concerned, and your rationale for the proposed period.

Table 4.1 Proposed length of determination

|  |  |
| --- | --- |
| Proposed length of determination | Rationale |
|       |       |

## Infrastructure and operating requirements for on-selling services

For **on-selling** wholesale services, to the extent that information is available to you, provide details of infrastructure and operating requirements to provide end-users with retail services from the wholesale service(s) concerned:

❑ Complete **Attachment A (*Inputs for section 4.2*)** to this request form, available on our website: <https://www.ipart.nsw.gov.au/Home>.

❑ Provide supporting schematics/service delivery plans, including for the recycled water plant.

❑ Provide any additional supporting information, in particular to support any key assumptions or claims made.

**Note:** You only need to complete section 4.2 if the wholesale service is an **on-selling** water/sewerage service.

## Facilitation costs incurred by the wholesale service provider

In our June 2017 Final Report we recognised that wholesale customers may impose additional costs or cost savings on wholesale service providers beyond those reflected in retail-minus prices (for on-selling services) or non-residential retail prices (for potable top-up and, where there is no on-selling, disposal of waste from a recycled water plant). We refer to these as positive (costs) or negative (cost savings) facilitation costs.

To the extent that information is available to you, provide details of any facilitation costs the wholesale service provider would incur in supplying the wholesale service(s) concerned, considering both positive (costs) and negative (cost savings or avoided costs) facilitation costs.

For further information on facilitation costs, see the guideline (*Guideline for scheme-specific price review requests*) that accompanies this form, available on our website: <https://www.ipart.nsw.gov.au/Home>.

Table 4.2 Facilitation costs

|  |
| --- |
| Facilitation costs incurred by the wholesale service provider |
| *Description of negative facilitation costs (ie, cost savings to the wholesale service provider).** *If possible, include estimated value of these cost savings.*
 |        |
| *Description of positive facilitation costs (ie, costs to the wholesale service provider).** *If possible, include estimated value of these costs.*
 |        |
| *Description of wholesale service provider’s relevant growth plans and supporting documentation.* |        |
| *Any additional supporting information, in particular to support any key assumptions or claims made.* |       |

## Other information

If you wish, you may also provide other relevant information, including proposed price(s) for the wholesale service(s) concerned. If you do provide proposed prices:

❑ Provide supporting information on the rationale for the proposed price(s), any key assumptions or claims made.

❑ Provide supporting information on how you have considered the other party’s input.

❑ Provide supporting information on arrangements to transition from the existing to proposed prices (if applicable).

# Deed of Undertaking as to Confidentiality

Complete the Deed of Undertaking as to Confidentiality.

|  |
| --- |
| Box 5.1 Deed of Undertaking as to Confidentiality |
| For the investigation on the determination of pricing under the *Independent Pricing and Regulatory Tribunal Act 1992* relating to [name of the relevant wholesale scheme] (“Scheme-Specific Review”)Between:[Party 1] of [Address], (Recipient);[Party 2] of [Address]; andIndependent Pricing and Regulatory Tribunal of 2-24 Rawson Place, Sydney NSW 2000, (“IPART”).The Recipient undertakes to [names of other Parties] (“Parties”) and to IPART as follows:1. Subject to the terms of this undertaking, the Recipient will:
2. keep confidential at all times all Confidential Information;
3. take reasonable precautions to prevent unauthorised access to the Confidential Information; and
4. not copy, scan or reproduce the Confidential Information except as reasonably necessary for the purpose of the Scheme-Specific Review.
5. The Recipient will only use the Confidential Information for the purposes of the Scheme-Specific Review.
6. Subject to paragraph 4 below, the Recipient will not disclose any of the Confidential Information of any other Party to any other person unless the Recipient first obtains the prior written consent of that other Party.
7. The obligations under this Deed continue after the finalisation of the Scheme-Specific Review and during any deferral of the Scheme-Specific Review.
8. Except as required by any law, within 14 days after the date that:
9. the final determination for the Scheme-Specific Review is Gazetted; or
10. IPART gives notice to the Recipient that the Scheme-Specific Review is finalised or has been deferred,

the Recipient will:a) Destroy; or b) deliver to the relevant Party, all Confidential Information and any documents or things (or parts thereof) recording or containing any Confidential Information of that Party.1. The Recipient will inform IPART and the relevant Party of any unauthorised disclosure of Confidential Information.
 |
| 1. The Recipient may disclose the Confidential Information to:
2. IPART;
3. any:
	1. officer or employee currently employed by the Recipient; and
	2. any employer, internal or external legal adviser, or independent expert currently employed or retained by the Recipient for the purposes of the conduct of the Scheme-Specific Review,

provided that the person to whom disclosure is proposed to be made has signed an undertaking in the same form of this undertaking; and1. any person to whom the Recipient is required to disclose the information by any law.
2. In this Deed, ***Confidential Information*** meansany information provided by a Party during the Scheme-Specific Review which is identified at the time of disclosure by that Party as Confidential Information, but does not include information which is in the public domain.
 |
|  |
| SIGNED, SEALED AND DELIVERED by )[Party 1 to insert here the appropriate execution clause (for example, execution in accordance with section 127 of the *Corporations Act 2001* (Cth))] |

# Quality assurance and Chief Executive Officer’s declaration

All information that you submit in making a request for a scheme-specific review (and in response to any subsequent information requests) should be subject to a quality assurance check (QA) before you submit it to us. This is to provide a level of assurance that information submitted is complete, accurate and consistent, and to ensure an efficient review process with a minimum amount of time spent reconciling any errors that arise.

To complete your request, provide a Chief Executive Officer’s (CEO’s)[[3]](#footnote-3) declaration to certify the accuracy and consistency of all the data provided. The CEO’s declaration must be signed and dated by the head of the organisation.

|  |
| --- |
| Box 6.1 Chief Executive Officer’s Declaration |
| I do solemnly and sincerely declare that:1. the information provided in our request form, and any supporting documentation, submitted by [insert organisation’s name] on [insert date] is the best available information and has been subject to a quality assurance check; and
2. there are no circumstances of which I am aware that would render any particulars included in the information provided to be misleading or inaccurate.

Certified by the Chief Executive Officer:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Chief Executive Officer to sign) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Name of Chief Executive Officer) Dated  |
|  |

1. For further information see our Final Report – IPART, *Prices for wholesale water and sewerage service – Sydney Water Corporation and Hunter Water Corporation – Final Report*, June 2017– available on our website: <https://www.ipart.nsw.gov.au/Home>. [↑](#footnote-ref-1)
2. See the guideline – IPART, *Guideline for scheme-specific price review requests* – Guideline, January 2018 – available on our website: <https://www.ipart.nsw.gov.au/Home>. [↑](#footnote-ref-2)
3. “CEO” refers to the operational head of the organisation, eg, Managing Director for Sydney Water Corporation. [↑](#footnote-ref-3)