Five years down the road: Empirical Evidence from Distribution Network Tariff Regulation in Germany ?

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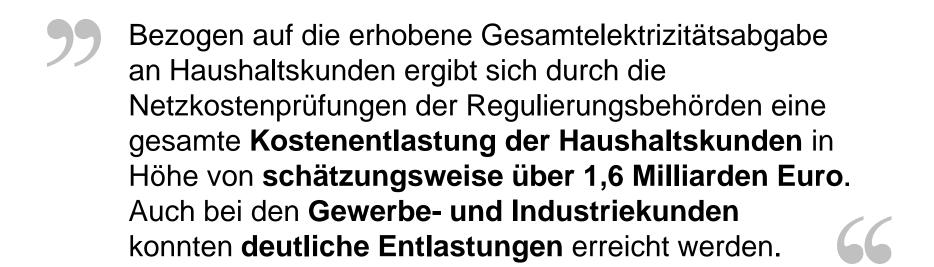
- 1998–2005 Era of self-regulation ("Verbändevereinbarung")
- 2005–2008 Cost-plus regulation
 - 11 regulatory authorities: 1 Federal, 10 state-level
 - 2 phases of cost -plus regulation
- since 2009 Incentive regulation
 - Basis: 2nd regulatory approval
 - Duration: 5 years, average efficiency target of 92.2%

So what has happened in the past five years?

And where are we today?

Electricity Network Costs since 2005 Anecdotal evidence: Is it downhill first ...

Regulator: As a result of the initial tariff approval process, household customers saved "approximately over 1.6 billion euros".



...and now back up again?

Full year Results 2009

Marcus Schenck, CFO March 10th, 2010

"Higher power network revenues due to regulation (+204)"

= pre-tax profit rises by 204 € million equalling 25% of previous EBIT (853 € million)

| on | | | |
|--|----------------------------------|-----------------------|-------------|
| Adjusted EBIT by business unit – | Central Europ | e | |
| in € million | 2009 | 2008 | +/- % |
| Central Europe West Non-regulated | 3,522 | 3,360 | +5 |
| Central Europe West Regulated | 1,064 | 853 | +25 |
| Central Europe East | 341 | 424 | -20 |
| Other/Consolidation | -110 | 83 | - |
| Adjusted EBIT | 4,817 | 4,720 | +2 |
| Adjusted EBITDA | 6,479 | 6,266 | +3 |
| Main effects: | | - | (A) |
| Central Europe West Non-regulated (+162) | | | |
| Full year consolidation of SNET in 2009 (+223) | | | |
| Positive margin effect in generation (+120); higher gross margin in retail g | gas (+148); cost cutting (+174) | | |
| Disposal of power plants (-171); negative effects resulting from economic | downturn (-97) | | |
| Lower gross margin retail power (-127) | | | |
| Central Europe West Regulated (+211) | | | |
| Higher power network revenues due to regulation (+204); weather related Network leaves (41). | l higher gross margin in gas net | works (+53); cost cut | tting (+56) |
| Network losses (-15) Control Formula Foot (-83) | | | |
| Central Europe East (-83) | | | |
| First time consolidation of Gaz Romania from PEG (+61) | | | |

http://www.eon.com/de/downloads/E.ON_Charts_Schenck_IR.pdf



- Decisions are not published, only tariffs are published
- Not even overall permissible revenue/cost is published (one exception!)
- No publicly available analysis of cost components (e.g. average %)
- Lacking "culture" of providing statistical data to the public
- Published data often difficult to use (change of underlying definitions; statistical population often unclear)

... and vague announcements

Durch die Kostenprüfungen in den übrigen 110 Verfahren wurden **überwiegend deutliche Kürzungen** (predominately significant reductions) gegenüber den beantragten Kosten vorgenommen, die sich in praktisch allen Fällen (in practically all cases) auch in Netzentgeltsenkungen niedergeschlagen haben."

Bundesnetzagentur Monitoringbericht 2008, p.46

Complication 2: Lacking continuity of data

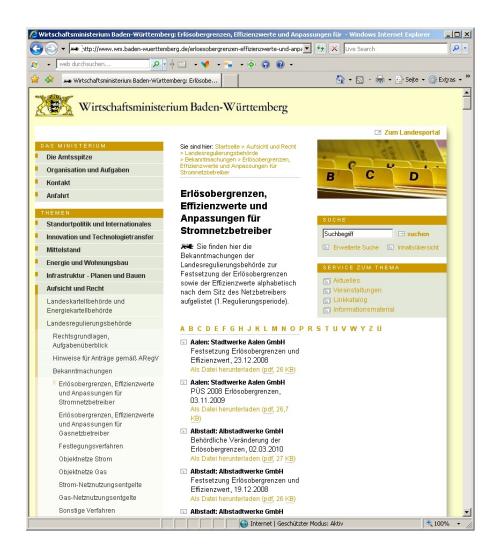
- Network metamorphosis:
 - mergers, de-mergers (growth and reduction)
 - regional cooperation
 - corporate restructuring (voltage level allocation)
 - new networks (municipalities taking over local grid from regional network operator)
- Demand changes / varying supply structure
- Changing cost components
 - e.g. renewables charge (EEG-Umlage) originally within TSO tariff, now in power price



- Logic of getting it done (or: getting it over with):
 - staff of ~10 (full time equivalents) at Federal Regulator overwhelmed with >200 cases to deal with
 - □ Situation at state regulators even more dramatic
 - Objective: Avoid court appeals by negotiating mutually agreeable percentage of reductions
 - □ Minimize case load by prolonging initial approval (2006/2007) into 2008 without renewed cost control
- Pressure on state regulatory authorities in state parliaments

One exception: Publication of Revenue caps in State of Baden-Württemberg (2009)

- Only regulatory authority to publish individual revenue caps ("Erlösobergrenzen")
- All other regulatory authorities published only individual efficiency targets
- But: Underlying decisions (material evaluation) remain unpublished

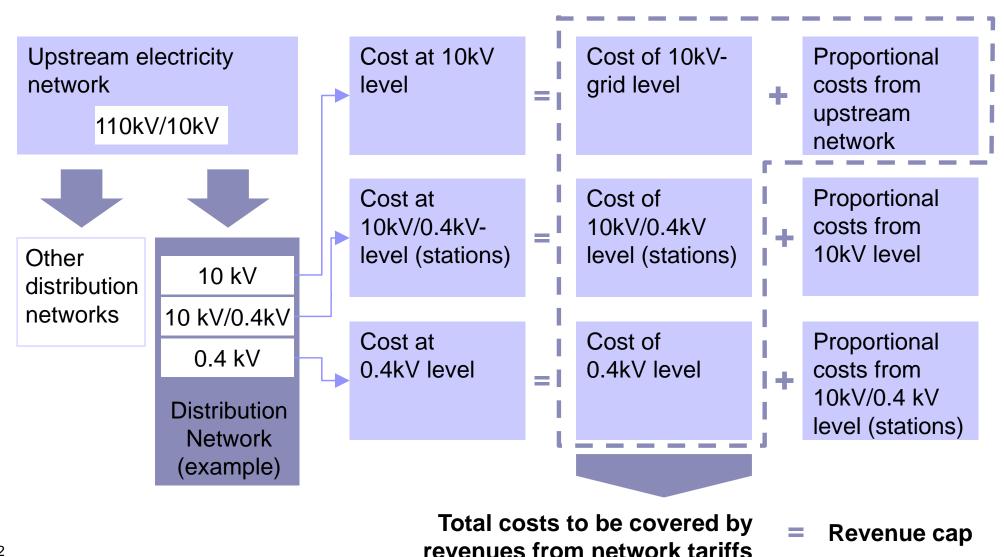


Data sample

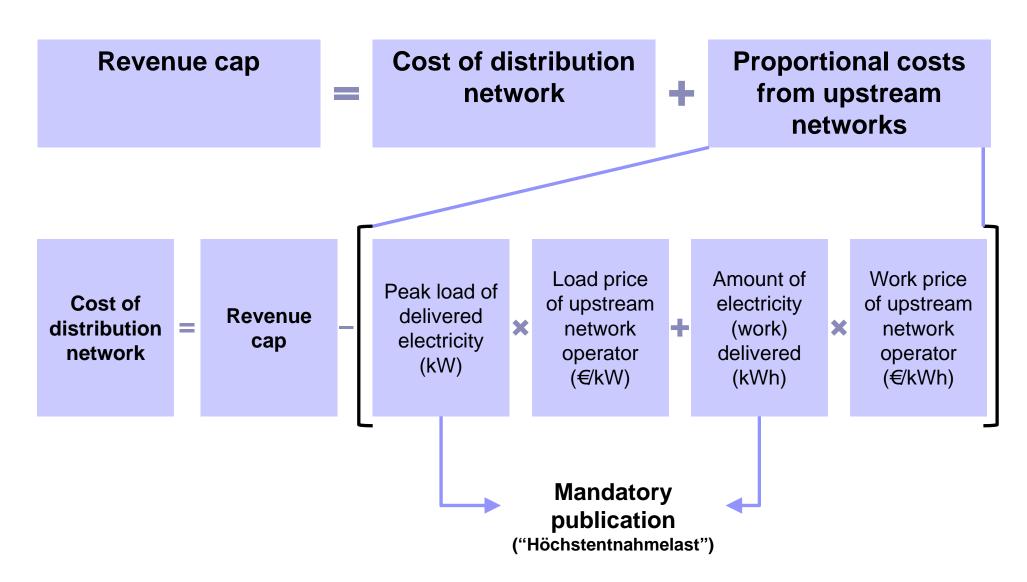
- 120 network operators
- Revenues between
 12.000 € and 30.000.000 €
- Focus:Top 52, revenue cap> 3.000.000 €

| | | efficiency | Revenue caps 2009 |
|----|---|------------|----------------------|
| | Network operator | target | Euros |
| 1 | NHF Netzgesellschaft Heilbronn-Franken mbH | 100,00% | 27.406.168,84 |
| 2 | Stadtwerke Heidelberg Netze und Umwelt GmbH | 100,00% | 25.300.957,46 |
| 3 | FairEnergie GmbH | 86,31% | 24.286.626,18 |
| 4 | Stadtwerke Pforzheim GmbH & Co. KG | 90,95% | 19.762.106,17 |
| 5 | Albwerk GmbH & Co. KG | 100,00% | 18.369.445,09 |
| 6 | Stadtwerke Villingen-Schwenningen GmbH | 86.40% | 14.116.035,54 |
| 7 | Stadtwerke Tübingen GmbH | 91.73% | 12.807.275.89 |
| 8 | Stadtwerke Konstanz | 91,86% | 12.662.475,66 |
| 9 | TWS Netz GmbH | 100,00% | 12.305.332,26 |
| - | Technische Werke Friedrichshafen | 100,00% | 11.721.911,74 |
| | | | |
| 11 | Stadtwerke Schwäbisch Gmünd GmbH | 89,92% | 11.084.711,01 |
| 12 | Thüga Energienetze GmbH | 94,20% | 10.603.798,05 |
| 13 | | 91,15% | 10.292.851,92 |
| 14 | Albstadtwerke GmbH | 85,97% | 9.366.499,50 |
| 15 | Hellenstein-Energie-Logistik GmbH | 87,50% | 9.355.306,48 |
| 16 | | 94,49% | 9.185.349,38 |
| 17 | | 87,50% | 8.487.773,70 |
| 18 | | 84,91% | 8.348.269,97 |
| 19 | Stadtwerke Aalen GmbH | 87,50% | 8.290.312,91 |
| 20 | EGT Energie GmbH (NEU) | 87,50% | 8.271.347,60 |
| 21 | Stadtwerke Bietigheim-Bissingen GmbH | 87,50% | 8.241.084,76 |
| 22 | EGT Energie GmbH | 87,50% | 8.190.724,03 |
| 23 | ENRW Energieversorgung Rottweil GmbH & Co. KG | 87,50% | 8.054.519,22 |
| 24 | Stadtwerke Fellbach | 80,00% | 7.785.059,14 |
| 25 | star.Energiewerke GmbH & Co. KG | 87,50% | 7.505.066,90 |
| 26 | Elektrizitätswerk des Kantons Schaffhausen AG | 87,50% | 7.401.031,40 |
| 27 | Stadtwerke Nürtingen GmbH | 87,50% | 7.050.644,99 |
| 28 | Stadtwerke Bühl GmbH | 87,50% | 6.575.309,33 |
| 29 | | 87,50% | 6.317.087.90 |
| | Stadtwerke Ettlingen GmbH | 87,50% | 5.955.697,78 |
| 31 | | 87,50% | 5.573.685,67 |
| 32 | | 87,50% | 5.102.508.76 |
| 33 | | 87,50% | 5.073.423.68 |
| 34 | | 87,50% | 4.856.707,48 |
| | e.wa.riss Netze GmbH | 87,50% | 4.828.250,35 |
| 36 | | 87,50% | 4.712.346,82 |
| | | | |
| 37 | Stadtwerke Mühlacker GmbH | 87,50% | 4.491.172,84 |
| | Stadtwerke Mühlacker GmbH | 87,50% | 4.491.172,84 |
| 39 | Stadtwerke Bretten GmbH | 87,50% | 4.488.401,62 |
| | Stadtwerke Gaggenau | 87,50% | 4.481.518,50 |
| 41 | | 87,50% | 4.272.349,75 |
| 42 | | 87,50% | 4.267.213,62 |
| 43 | Stadtwerke Freudenstadt GmbH & Co. KG | 87,50% | 4.201.479,35 |
| 44 | | 87,50% | 3.992.996,76 |
| 45 | Stadtwerke Überlingen GmbH | 87,50% | 3.849.975,23 |
| 46 | | 87,50% | 3.633.225,85 |
| 47 | Stadtwerk Tauberfranken GmbH | 87,50% | 3.589.179,81 |
| 48 | Stadtwerke Waldshut-Tiengen GmbH | 87,50% | 3.488.424,05 |
| 49 | Stadtwerke Emmendingen GmbH | 87,50% | 3.409.529,67 |
| 50 | Energie Calw GmbH | 87,50% | 3.281.810,72 |
| 51 | Stadtwerke Waldkirch GmbH | 87,50% | 3.145.565,85 |
| 52 | Ehinger Energie Wendelin Maunz GmbH | 87,50% | 3.034.593,10 |
| | | | • |
| | | | |

The system of voltage-level costs of distribution networks



Getting to the core: Extracting distribution network costs from (published) revenue caps



Theory: Legal obligations for data-publication Practice: Poor publication compliance

- Base year varies (data as old as 2005!)
- Scope of publication varies
- Definitions used vary
- BNetzA-survey in 2008 illustrates poor compliance (and poor enforcement...)

| Veröffentlichungspflicht gemäß | Veröffentlichungspflicht wurde umgesetzt (in Prozent) | Veröffentlichungpflicht wurde entsprechend dem Leitfaden umgesetzt (in Prozent) 91 | |
|-----------------------------------|---|--|--|
| § 19 Abs. 1 EnWG | 92 | | |
| § 20 Abs. 1 EnWG | 90 | 78 | |
| § 12 Abs. 3 StromNZV | 51 | 37 | |
| § 13 Abs. 3 StromNZV | 77 | 61 | |
| § 15 Abs. 5 StromNZV | 76 | 76 | |
| § 17 Abs. 2 Nr. 1 StromNZV | 86 | 42 | |
| § 17 Abs. 2 Nr. 2 StromNZV | 85 | 66 | |
| § 17 Abs. 2 Nr. 3 StromNZV | 77 | 49 | |
| § 17 Abs. 2 Nr. 4 StromNZV | 59 | 43 | |
| § 17 Abs. 2 Nr. 5 StromNZV | 69 | 38 | |
| § 17 Abs. 2 Nr. 6 StromNZV | 43 | 24 | |
| § 17 Abs. 2 Nr. 7 StromNZV | 87 | 85 | |
| § 10 Abs. 2 StromNEV | 82 | 76 | |
| § 27 Abs. 1 StromNEV | 98 | 79 | |
| § 27 Abs. 2 Nr. 1 StromNEV | 93 | 91 | |
| § 27 Abs. 2 Nr. 2 StromNEV | 93 | 92 | |
| § 27 Abs. 2 Nr. 3 StromNEV | 90 | 87 | |
| § 27 Abs. 2 Nr. 4 StromNEV | 92 | 90 | |
| § 27 Abs. 2 Nr. 5 StromNEV | 93 | 91 | |
| § 27 Abs. 2 Nr. 6 StromNEV | 93 | 91 | |
| § 27 Abs. 2 Nr. 7 StromNEV | 91 | 89 | |
| § 4 Abs. 2 NAV | 94 | 83 | |
| § 29 Abs. 1 NAV | 75 | 74 | |

In sample,

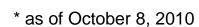
percentage

is only 15%

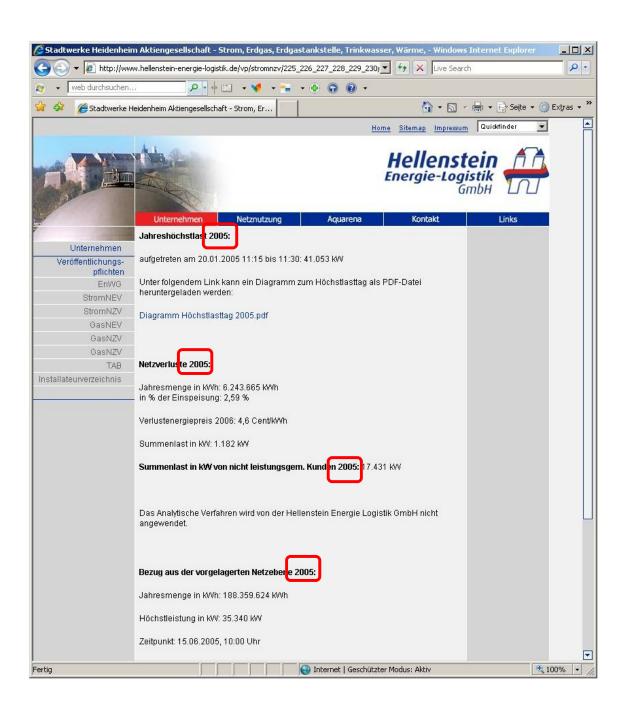
Tabelle 7: Erfüllung der Veröffentlichungspflichten zum 01.04.2009³³

Source: Bundesnetzagentur Monitoringbericht 2009, p.46

Example 1*



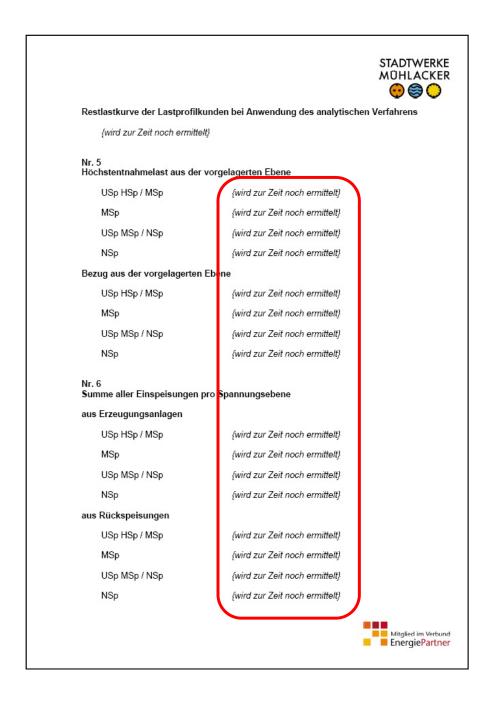
(http://www.hellenstein-energie-logistik.de/vp/stromnev/216_217_218_219_220_221_222/216_217_218_219_220_221_222.htm)



Example 2*

* as of October 8, 2010

(http://www.muehlacker.de/stadtwerke/downloads/01Strom/08N etzstruktur/03_Netzstrukturdaten___17_Abs._2_StromNZV_S WM_2009.pdf)





- Of the 52 network operators with a revenue cap
 3.000.000 Euros, only 8 published obligatory data
 ("Höchstentnahmelast aus der vorgelagerten
 Netzebene") for every voltage level
- Clearly, sample is too small for robust analysis

Conclusions

- Jury is still out on just how "successful" tariff regulation has been so far.
- Data availability from regulators is dismal. It needs to improve dramatically.
- Enforcement of publication obligations has to get serious.



Even 5 years into the regulation of electricity network tariffs, there is insufficient data for third parties (academics!) to run evaluations

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