

About this document

This document provides our draft determination on the extent to which the price controls set by the Competition and Markets Authority (CMA) need to be adjusted to reflect Bristol Water's performance for the 2021–22 charging year, under [Part 3A of condition B](#) of the company's licence (Performance Measure Adjustments, referred to in this document as 'in-period' determinations).

The specific adjustments, and our reasons for these, are set out in this document and in our [Sector overview: Draft determinations of in-period outcome delivery incentives for 2021–22](#).

On 3 June 2021, Pennon Group plc (the parent undertaking of South West Water Limited) acquired 100% of the share capital of Bristol Water Holdings UK Limited BWHUK (the parent undertaking of Bristol Water Limited). Paragraph 2.3 of the [undertakings](#) made by Pennon to the CMA and accepted by the CMA on 7 March 2022 states that South West Water and Bristol Water will continue to report their performance commitments and ODIs separately for the remainder of the 2020–25 price control period. Therefore, our draft determinations state separately the extent to which the PR19 price controls need to be adjusted to reflect Bristol Water's performance and South West Water's performance for the 2021–22 charging year.

We also publish models related to our draft determinations on our [website](#).

We welcome your views by 21 October 2022. We will make our final determinations by 15 November 2022.

Background

At the 2019 price review (PR19), companies made performance commitments, or pledges, to their customers and stakeholders about the service levels they would meet to make progress towards their outcomes. Bristol Water's performance commitments for the 2020–25 period are set out in [PR19 final determinations: Bristol Water - Outcomes performance commitment appendix](#).¹

Each performance commitment has an outcome delivery incentive (ODI) that provides either financial or reputational consequences for companies of outperforming or underperforming their performance commitments. Many of the financial ODIs are paid during the 2020–25 price control-period. The reason for this is to bring payments closer in time to when

¹ We take account of performance commitments as set out in the PR19 definitions adjusted, if relevant, in accordance with Annex 2 of the company's performance commitment appendix. Annex 2 provides for changes and corrections to be made to performance commitment definitions during the 2020–25 period in certain circumstances. An overview of changes and corrections made to companies' performance commitment appendices can be found at [PR19 Outcomes performance commitments: changes and corrections](#).

customers experience a given level of performance. The remaining incentives are paid at the end of the period.

ODIs act as an incentive for companies to deliver their committed levels of performance, returning funding to customers for foregone benefits if they deliver less than is expected. Companies that go beyond and deliver greater benefits than expected to customers and the environment can receive outperformance payments.

Bristol Water reported its performance against these performance commitments in its annual performance report (APR) in July 2022. We have considered this information and, where necessary, further information from companies' answers to our queries. In our draft determination we set out relevant adjustments to the company's price controls, for one or more future years, in accordance with Part 3A of Condition B of each company's licence.

We will make our final determination by 15 November 2022. This will affect Bristol Water's customers' bills from the 2023–24 charging year.

In our [Sector overview: Draft determinations of in-period outcome delivery incentives for 2020–21](#) we deferred our determination of the value of companies' Per Capita Consumption (PCC) ODI payments for the 2020–21 to 2023–24 charging years to the end of the 2020–25 period. We set out this decision and the reasons for it in this [decision document](#) which we published after having considered stakeholder responses to our July 2021 consultation.

Executive summary

Having assessed Bristol Water's performance against its performance commitments in 2021–22, the ODI payments and performance are as reported by the company with the following exceptions:

- C–MeX and D–MeX – we are including a C–MeX outperformance payment of £0.344m. There is no D–MeX payment because Bristol Water is the median performing company.

See section 1 for details of our interventions and policy decisions.

Contents

1. Results of our assessment	4
1.1 Interventions and policy decisions	4
1.2 C-MeX and D-MeX	4
1.3 Payment deferrals and abatements	4
2. Impact of 2020-21 in-period ODI assessment on price controls	5
2.1 Our draft determination	5
3. Responding to this consultation	8

1. Results of our assessment

1.1 Interventions and policy decisions

We are not intervening on Bristol Water's reported performance and ODI payments for 2021–22 in our draft determination. The company has not requested any interventions.

1.2 C-MeX and D-MeX

On 21 September we published the relative performance of all companies. Our draft determination includes a C-MeX outperformance payment of £0.344m and a no D-MeX payment (as Bristol Water is the median performing company), based on our assessment of 2021–22 company performance.

Further details on C-MeX and D-MeX can be found on the [Customer and Developer Services experience](#) pages of the Ofwat website and in the published C-MeX and D-MeX models.

1.3 Payment deferrals and abatements

As set out in our [PR19 final determinations](#) and the [PR19 Reconciliation Rulebook: Guidance Document](#), companies can ask us to defer outperformance or underperformance payments, or abate outperformance payments on individual performance commitments. A deferral results in us delaying when the adjustment will be made to companies' revenue. An abatement results in no adjustment to the company's revenues in relation to the relevant performance commitment in the subsequent charging year.

Bristol Water did not request any payment deferrals. Based on our assessment of the company's performance, we do not consider any are required. As such, we do not apply any payment deferrals in our draft determination.

Bristol Water proposed to abate its outperformance payment of £0.008m on its void properties' performance commitment. This is to correct for a small number (circa 100) of standpipes that were historically included in the dataset but should not have counted towards the performance commitment (PC). The company proposed an abatement of £0.008m. Having assessed the company's submission, we apply the proposed abatement.

2. Impact of 2020-21 in-period ODI assessment on price controls

2.1 Our draft determination

In this section we outline the financial impacts of our draft determinations.

Unless otherwise stated all values are £m in 2017-18 FYA CPIH prices.

Table 2.1: Draft determination on adjustment to 2023-24 price controls as a result of performance against ODIs

This table sets out our draft determinations on the ODI payments to be applied to price controls in the 2023-24 charging year after accounting for:

- the in-period ODI payments for each company based on their performance in 2021-22;
- our draft determination on these payments after any interventions;
- our draft determination on 2022-23 deferrals and abatements; and
- our draft determination on C-MeX and D-MeX payments.

For further details on the interventions, deferrals, abatements and bespoke adjustments, see section 1.

This draft determination on the ODI payments to be applied for Bristol Water is also set out in the in-period adjustments model published on our website.

Price control	Company's reported ODI payments (£m)	Interventions (£m)	ODI payments deferred from 2020-21 (£m)	Ofwat DD deferrals (£m)	Ofwat DD abatements (£m)	Bespoke adjustments (£m)	C-MeX payments (£m)	D-MeX payments (£m)	Total ODI payments to be applied to customer bills in 2023-24 (£m)
Water resources	0.036	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.036
Water network plus	0.230	0.000	0.000	0.000	0.000	-0.004	0.000	0.000	0.227
Residential retail	0.041	0.000	0.000	0.000	-0.008	-0.010	0.344	0.000	0.367
Total	0.307	0.000	0.000	0.000	-0.008	-0.014	0.344	0.000	0.630

Table 2.2: Breakdown of bespoke adjustments

This table provides a breakdown of the bespoke adjustments included in our draft determinations.

Price control	Prior year restatements (£m)	Prior year C-Mex indexation (£m)	Prior year D-Mex indexation (£m)	Prior year total (£m)	Time value of money adjustment on prior year total (£m)	Green recovery (£m)	Total bespoke adjustments to be applied to customer bills in 2023-24 (£m)
Water resources	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Water network plus	0.000	0.000	-0.003	-0.003	0.000	0.000	-0.004
Residential retail	0.000	-0.010	0.000	-0.010	0.000	0.000	-0.010
Total	0.000	-0.010	-0.003	-0.013	0.000	0.000	-0.014

The prior year C-Mex and prior year D-Mex values correct an error in how the C-Mex and D-Mex models applied indexation in 2020-21. Where applicable we adjust for the time value of money.

Table 2.3: Changes to price controls (draft determinations)

This table sets out the impact of our draft determination on the company's price controls, as set out in the in-period adjustments model published on our website. See [Sector overview: Draft determinations of in-period outcome delivery incentives for 2021-22](#) for how we apply adjustments for tax and inflation.

Price control		2021-22	2022-23	2023-24	2024-25
Water resources (K factors)	Previous determination	0.57	10.77	9.41	9.87
	Revised	0.57	10.77	9.66	9.64
Water network plus (K factors)	Previous determination	2.24	1.31	6.72	3.66
	Revised	2.24	1.31	7.08	3.35
Residential retail (total revenue, TRt – £m, nominal prices)	Previous determination	11.122	11.618	11.567	11.790
	Revised	11.122	11.618	12.121	11.790

We have based Bristol Water's draft determination on the data and commentary provided to us by Bristol Water. Should any of this information be revised or restated in future years, we will take account of adjustments we have made to the relevant price control in relation to the performance commitment(s) in question in making future in-period determinations.

3. Responding to this consultation

We would welcome any comments on this document. Please email them to in-periodODIs@ofwat.gov.uk or post them to:

IPD2022 Consultation response
Ofwat
Centre City Tower
7 Hill Street
Birmingham B5 4UA

Or Ofwat, 11 Westferry Circus, Canary Wharf, London, E14 4HD if that is more appropriate.

The closing date for this consultation is **21 October 2022**. If you wish to discuss any aspect of this consultation, please contact the In-period ODI team by post or by email at in-periodODIs@ofwat.gov.uk

We intend to publish responses to this consultation on our website at www.ofwat.gov.uk. Subject to the following, by providing a response to this consultation you are deemed to consent to its publication.

If you think that any of the information in your response should not be disclosed (for example, because you consider it to be commercially sensitive), an automatic or generalised confidentiality disclaimer will not, of itself, be regarded as sufficient. You should identify specific information and explain in each case why it should not be disclosed and provide a redacted version of your response, which we will consider when deciding what information to publish. At a minimum, we would expect to publish the name of all organisations that provide a written response, even where there are legitimate reasons why the contents of those written responses remain confidential.

In relation to personal data, you have the right to object to our publication of the personal information that you disclose to us in submitting your response (for example, your name or contact details). If you do not want us to publish specific personal information that would enable you to be identified, our [privacy policy](#) explains the basis on which you can object to its processing and provides further information on how we process personal data.

In addition to our ability to disclose information pursuant to the Water Industry Act 1991, information provided in response to this draft determination, including personal data, may be published or disclosed in accordance with legislation on access to information – primarily the Freedom of Information Act 2000 (FoIA), the Environmental Information Regulations 2004 (EIR) and applicable data protection laws.

Please be aware that, under the FoIA and the EIR, there are statutory Codes of Practice which deal, among other things, with obligations of confidence. If we receive a request for

disclosure of information which you have asked us not to disclose, we will take full account of your explanation, but we cannot give an assurance that we can maintain confidentiality in all circumstances.

We will publish our final determinations by **15 November 2022**, after considering representations from all stakeholders.