

20 October 2022

██████████  
Head of Regulation  
Transpower New Zealand Limited

Dear ██████████

**Exemption from certain information disclosure and assurance requirements under the Transpower Information Disclosure Determination 2014**

1. You have requested the Commerce Commission (Commission) grant Transpower New Zealand Limited (Transpower) an exemption, extending the deadline to complete and publicly disclose the information required under clauses 8, 10, 11 and 14 – 16 of the Transpower Information Disclosure Determination 2014 (ID Determination)<sup>1</sup> to 28 November 2022, rather than the current deadline of 21 October 2022.

**Background to your request**

2. Clauses 8, 10, 11 and 14 of the ID Determination require Transpower to disclose publicly certain information by the Friday of the third complete week of October after the end of each disclosure year (which for the 2021/22 disclosure year is 21 October 2022). Clauses 15 and 16 of the ID Determination requires Transpower to disclose an assurance report and director's certification at the same time.
3. The Commission is currently reconsidering Transpower's price-quality path to allow Transpower to recover the costs of developing and implementing a new transmission pricing methodology (TPM Reconsideration). The Commission's final decision on the TPM Reconsideration will be delivered in November 2022.
4. You have sought an extension to the deadline by which the information disclosures set out in paragraph 1 must be completed and publicly disclosed so that you may incorporate the Commission's TPM Reconsideration in Transpower's disclosures.
5. While Transpower could prepare the disclosures excluding the TPM Reconsideration, you would prefer not to as it would lead to inconsistencies in Transpower's regulatory asset base and opex analysis between information disclosure and the

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<sup>1</sup> *Transpower Information Disclosure Determination 2014* [2014] NZCC 5 (as amended).

price-quality annual compliance statement.<sup>2</sup> You note that this would require rework of schedules which have already been substantially audited.

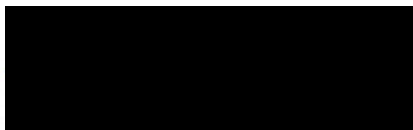
### **Exemption granted for an extension to 28 November 2022**

6. By this notice, under clause 22.1 of the ID Determination, the Commission grants Transpower an exemption, extending the deadline to complete and publicly disclose the information required under clauses 8, 10, 11, 14, 15 and 16 of the ID Determination to 28 November 2022.
7. We consider this exemption will provide Transpower sufficient time to incorporate the TPM Reconsideration into its disclosures and seek auditor and Board approval.
8. We accept the timing of the TPM Reconsideration has impacted Transpower's ability to complete the relevant disclosures and associated assurance report and director's certificate.
9. We consider the purpose of information disclosure regulation will still be met if this exemption is granted because the relevant disclosures will still be completed and publicly disclosed at a later date.

### **Next steps and getting in touch**

10. This exemption may be revoked or further amended by the Commission at any time in accordance with clause 22.2 of the ID Determination.
11. A copy of this exemption response letter will be published on the Commission's website.
12. Please contact Matthew Clark, Manager – Transpower and Gas, on [REDACTED] or at [REDACTED] if you have any questions about this letter.

Yours sincerely



Andy Burgess  
General Manager, Infrastructure Regulation

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<sup>2</sup> The deadline for disclosing the annual compliance statement is 28 November 2022.