

26 January 2018

Mr Oliver Vincent
Regulatory Policy Manager
Powerco Limited
2nd Floor Council Building
84 Liardet Street
Private Bag 2061
New Plymouth 4342

Dear Oliver

Powerco Limited - Exemption from information disclosure requirements

1. In your email of 5 December 2017 you requested the Commerce Commission (Commission) to grant an extension to the time by which Powerco Limited (Powerco) is required to publically disclose the forecast schedules (Schedule 11a – 12d) required by clause 2.6.6 of the Electricity Distribution Information Disclosure Determination 2012 (ID Determination).
2. The Commission grants Powerco an exemption from the requirements to disclose the forecast schedules (Schedule 11a – 12d) required by clause 2.6.6 of the ID Determination by 31 March 2018, on condition that it makes the disclosures by 31 May 2018.

Background to the request

3. Powerco submitted an application under s 53Q of the Commerce Act 1986 for a customised price-quality path (CPP) to the Commission in June 2017.
4. The final Powerco CPP determination is expected to be made on 29 March 2018.
5. Clause 2.6.6 of the ID Determination requires EDBs to publically disclose forecast schedules (Schedule 11a – 12d) before the start of every disclosure year i.e. on or before 31st March.
6. As noted, in paragraph 4 above, this is around the time we anticipate making Powerco's final CPP determination.

Exemptions requested

7. Given the timing of the final Powerco CPP determination, Powerco has requested a two month extension to disclose the forecast schedules (Schedule 11a – 12d) required under the ID Determination by 31 May 2018 instead of 31 March 2018.

8. Powerco considers that it is in the best interest of all parties if the forecast schedules are based on the final CPP determination rather than the draft determination or CPP proposal from June 2017. This will ensure that the data is current and useful when consolidated with the rest of the industry data.
9. Powerco further does not have a Board meeting scheduled in April, so the forecast schedules will be certified in the May 2018 Board meeting.

Exemptions granted

10. The Commission considers that the exemption requested by Powerco is reasonable given this will allow Powerco to provide the most current and meaningful information to interested persons.
11. Under clause 2.11.1 of the ID Determination the Commission grants Powerco the following exemption from the requirement in clause 2.6.6:
 - 11.1 Powerco is granted an exemption from the requirement to disclose the forecast schedules (Schedule 11a – 12d) in clause 2.6.6 for the disclosure year 2018, on condition that it makes the disclosures by Thursday, 31 May 2018 and notes that it has been granted this exemption when the disclosures are published.
12. Whilst Powerco must make the disclosures by 31 May 2018, we expect that the information will be publicly disclosed as soon as practically possible.
13. This exemption only applies to the disclosure year 2018.

Further information

14. This exemption may be revoked or amended in accordance with clause 2.11.1(2) of the ID Determination.
15. A copy of this exemption response letter will be published on the Commission's website.
16. For any further questions relating to this letter, please contact Vedika Sachan on (04) 924 3728 or vedika.sachan@comcom.govt.nz.

Yours sincerely



Sue Begg

Deputy Chair