

[Draft] Determination of the duration of the second regulatory period for Fibre Price-Quality Path Determination 2024

[2023] NZCC [XX]

The Commission:

Sue Begg
Tristan Gilbertson
Nathan Strong
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Date of determination:

[Day] February 2023

[Signature]

[Name], Commissioner

Dated at Wellington this [X] day of February 2023

COMMERCE COMMISSION

Wellington, New Zealand

Determination history		
Determination date	Decision Number	Determination name
[Day] February 2023	[2023] NZCC [XX]	Determination of the duration of the second regulatory period for Fibre Price-Quality Path Determination 2024

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Under Part 6 of the Telecommunications Act 2001, the Commerce Commission makes the following determination:

1. Purpose of determination

- 1.1 This determination specifies the duration of the regulatory period that starts on 1 January 2025, as required under s 194(2)(a) of the **Act** and s 207(2) of the **Act**.
- 1.2 For the purpose of s 203(1) of the **Act**, this determination is a new **PQ determination** made under s 170 of the **Act** for the price-quality path that will apply for **Chorus** from 1 January 2025.
- 1.3 For the purpose of s 207(3) of the **Act** and the definition of ‘regulatory period’ in clause 1.1.4(2) of the **IM determination**, this determination notifies the duration of the regulatory period for price-quality regulation that will apply to **Chorus** from 1 January 2025.

2. Commencement

- 2.1 This determination comes into force on [X] day of February 2023.

3. Application

- 3.1 This determination applies to **Chorus** during the **second regulatory period**.

4. Interpretation

- 4.1 In this determination, unless stated otherwise—
- 4.1.1 terms that are defined in the **Act** but not in this determination have the same meanings as in the **Act**;
- 4.1.2 any reference to a period of time is interpreted in accordance with s 54 of the Legislation Act 2019;
- 4.1.3 any reference to legislation includes a reference to that legislation as amended, consolidated, or substituted;
- 4.1.4 any reference to terms from legislation in this determination has the meaning given in the applicable legislation at the time it is applied; and
- 4.1.5 a word which denotes the singular also denotes the plural and vice versa.
- 4.2 In this determination, words or phrases in bold type have the following meanings:

A

Act

means the Telecommunications Act 2001;

C

Chorus has the meaning given in the **IM determination**;

I

IM determination means the *Fibre Input Methodologies Determination 2020* [2020] NZCC 21, including any amendment in effect at the time this determination is made; and

P

PQ determination has the meaning given in the **IM determination**;

S

second regulatory period has the meaning given in the **IM determination**.

5. Applicable input methodologies

5.1 The definitions for “Chorus”, “PQ determination” “regulatory period”, and “second regulatory period” in clause 1.1.4(2) of the **IM determination** apply to this determination.

6. Duration of second regulatory period

6.1 For the purpose of s 207(2) of the **Act** and the definition of ‘second regulatory period’ in clause 1.1.4(2) of the **IM determination**, the duration of the “regulatory period” starting 1 January 2025 is the period 1 January 2025 to 31 December 2028.