

Public version

Determination of Chorus' individual capex allowance for customer incentives 2023

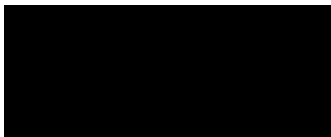
[2022] NZCC 39

The Commission:

Tristan Gilbertson
Sue Begg
Nathan Strong
Elisabeth Welson

Date of determination:

13 December 2022



Tristan Gilbertson, Telecommunications Commissioner

Dated at Wellington this 13 day of December 2022

COMMERCE COMMISSION

Wellington, New Zealand

Determination history		
Determination date	Decision Number	Determination name
13 December 2022	[2022] NZCC 39	Determination of Chorus' individual capex allowance for customer incentives 2023

CONTENTS

1.	Purpose of determination	5
2.	Commencement	5
3.	Application.....	5
4.	Interpretation	5
5.	Applicable input methodologies	6
6.	Determination of an individual capex allowance	7

1. Purpose of determination
 - 1.1 For the purposes of clauses 3.7.1(1)(c) and 3.7.28 of the **IM determination**, this determination specifies Chorus' **individual capex allowance** for **customer incentives** for **regulatory year 2023**.
2. Commencement
 - 2.1 This determination comes into force on 13 day of December 2022.
3. Application
 - 3.1 This determination applies to **Chorus** for **regulatory year 2023**.
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 terms that are defined in the **IM determination** but not in this determination have the same meanings as in the **IM determination**;
 - 4.1.3 any reference to a period of time is interpreted in accordance with s 54 of the Legislation Act 2019;
 - 4.1.4 any reference to legislation includes a reference to that legislation as amended, consolidated, or substituted;
 - 4.1.5 any reference to terms from legislation in this determination has the meaning given in the applicable legislation at the time it is applied;
 - 4.1.6 any reference to “includes” means “includes, but is not limited to”; and
 - 4.1.7 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;

access seeker has the same meaning as defined in s 5 of the **Act**;

C

Chorus	has the meaning given in the IM determination ;
customer incentive	means a payment made by Chorus to an access seeker to: <ul style="list-style-type: none">(a) incentivise the acquisition of new customers to its fibre network; or(b) incentivise existing customers to upgrade to new services;

F

fibre network	has the same meaning as defined in s 5 of the Act ;
----------------------	--

I

IM determination	means the <i>Fibre Input Methodologies Determination 2020</i> [2020] NZCC 21, including any amendment in effect at the time this determination is made;
individual capex allowance	has the meaning given in the IM determination ;
input methodology	has the same meaning as defined in s 164 of the Act ; and

R

regulatory year	has the meaning given in the IM determination .
------------------------	--

5. Applicable input methodologies

- 5.1 The **input methodologies** that apply to this determination are those specified in Subparts 7-8 of the **IM determination**.

6. Determination of an individual capex allowance

- 6.1 For the purpose of clauses 3.7.1(1)(c) and 3.7.28(1)(a) of the **IM determination**, **Chorus** may recover no more than \$12.5m in **regulatory year 2023** for **customer incentives**.