

14 July 2022

██████████  
Chief Financial Officer  
Aurora Energy Limited  
PO Box 5140  
Dunedin 9058

By e-mail only: ██████████

Dear ██████,

## **Response to Aurora Energy's request for an extension to the due date of an Annual Delivery Report, required under the EDB Information Disclosure Determination 2012**

1. I am writing in response to Aurora Energy Limited's (**Aurora**) letter dated 17 May 2022<sup>1</sup> that requests the Commerce Commission (the **Commission**) provide exemptions for obligations relating to Aurora's Annual Delivery Report (**ADR**), required by the Electricity Distribution Information Disclosure Determination 2012 (the **ID Determination**).
2. The letter from Aurora requested 3 separate exemptions:
  - 2.1 an extension of 6 weeks to the ADR submission deadline;
  - 2.2 an exemption to assurance requirements for clauses 1.6.3 and 1.6.4 of Attachment C: Annual Delivery Report; and
  - 2.3 an amendment to an exemption we issued on 17 May 2021<sup>2</sup> providing all EDBs with relaxed audit requirements relating to reliability information disclosed in Schedule 10.
3. This letter is our response to the extension request only.

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<sup>1</sup> *Interim Annual Delivery Report – Audit Requirements*, 17 May 2022.

<sup>2</sup> *ID Exemption – All EDBs – Auditing of Successive Interruptions*, 17 May 2021. The exemption notice can be found [here](#) on our website.

## Background

4. Aurora is currently on a 5-year Customised Price-Quality Path (**CPP**). As a requirement of its CPP, it is subject to unique obligations under the ID Determination.
5. Clause 2.5.5(1) of the ID Determination requires Aurora to complete and publicly disclose an ADR, for the 2022 disclosure year, by 31 August 2022. Further, Aurora is required to present a summary of the key features of the ADR to consumers within 2 months after publicly disclosing an ADR.<sup>3</sup>

## Exemption Request

6. Aurora requested a 6-week extension to the public disclosure due date of its ADR. It is concerned it will not be able to meet the 31 August public disclosure deadline due to:
  - 6.1 delays in the auditing process of the ADR; and
  - 6.2 consultation it expects will be needed between the OAG and the Commission.
7. Aurora states the delays are due to limited availability of technical resources at Audit New Zealand and the Office of the Auditor-General (the **OAG**).
8. On 3 June 2022, Aurora provided us with an update of its engagement with Audit New Zealand. Based on that engagement, Aurora considers it is now approximately 2 months behind its audit-planning schedule (albeit with some time that can be recovered).

## Exemption Granted

9. By this notice, under clause 2.11.1(1) of the ID determination, the Commission grants Aurora an exemption from completing and publicly disclosing an ADR by 31 August 2022, until 12 October 2022. This exemption is essentially a 6-week extension to the original due date.
10. We consider granting the extension is reasonable given that:
  - 10.1 the delays are largely out of Aurora's control. We are aware of technical resource constraints with auditors which is likely to have impacted Aurora's ability to deliver an ADR, with the expected level of assurance, by 31 August;
  - 10.2 the extension does not change the information required to be publicly disclosed in the ADR. Therefore, granting an exemption will not impact the amount of information available to the public, but rather the time it is provided; and

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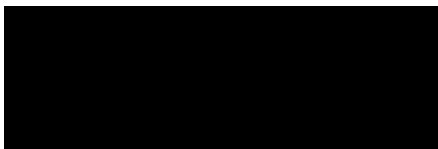
<sup>3</sup> Clause 2.5.5(2), EDB ID Determination 2012.

- 10.3 an ADR subject to proper assurance processes that will result in it being published 6 weeks late is likely to provide a greater benefit to interested persons compared to an ADR being published on 31 August that is not subject to the same level of assurance.
11. If consulted by the OAG, we do not expect to be the cause of further delays. However, we accept there is some uncertainty due to the ADR being the first disclosure of its type under the ID Determination.
12. The extension to the due date of the ADR means Aurora's stakeholder presentations, required by clause 2.5.5(2), will be subject to the same extension. Aurora will be required to carry out the stakeholder presentations by 12 December 2022, instead of 31 October 2022.

**Further Information**

13. This exemption may be revoked or further amended by the Commission at any time in accordance with clause 2.11.1(2) of the ID determination.
14. A copy of this exemption response letter will be published on the Commission's website.
15. If you have any questions regarding this matter, please contact Rhys Williams at [Infrastructure.Regulation@comcom.govt.nz](mailto:Infrastructure.Regulation@comcom.govt.nz).

Yours sincerely



**Andy Burgess**  
**General Manager, Infrastructure Regulation Branch**