

23 August 2021

Julian Kersey  
Chorus Limited  
1 Willis Street  
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By email only: [julian.kersey@chorus.co.nz](mailto:julian.kersey@chorus.co.nz)

Dear Julian,

**Response to Chorus Limited's request for a partial exemption from disclosure requirements under Chorus Information Disclosure Determination 2018**

1. We refer to your letter dated 30 July 2021 in which you requested on behalf of Chorus Limited (**Chorus**) an exemption from completing and disclosing the candidate area reports for a number of schedules, as required by clause 3.5 of the Chorus Information Disclosure Determination 2018 (**ID Determination**).<sup>1</sup>
2. By this letter, the Commission grants Chorus an exemption for the 2021 and 2022 disclosure years, as specified in paragraph 9 and on the condition specified in paragraph 10.<sup>2</sup>

**Disclosure requirements**

3. Clause 2.2 of the ID Determination requires Chorus to disclose certain financial and non-financial reports and information to the Commission, no later than 30 November following the end of each disclosure year. The reports and information required are set out in the ID Determination in the form of various schedules.

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<sup>1</sup> The ID Determination is available on our website at [https://comcom.govt.nz/\\_data/assets/pdf\\_file/0028/87733/2018-NZCC-9-Chorus-information-disclosure-determination-2018-29-June-2018.PDF](https://comcom.govt.nz/_data/assets/pdf_file/0028/87733/2018-NZCC-9-Chorus-information-disclosure-determination-2018-29-June-2018.PDF).

<sup>2</sup> Clause 1.2 of the ID Determination defines disclosure year as the period commencing on 1 July in any year and ending with 30 June in the following year.

4. Clause 3.5 of the ID Determination requires Chorus to complete a separate report for each of its candidate area, in preparing the reports for schedules 2, 3, 3a, 4, 5, 6, 7 and 8.<sup>3</sup>
5. Clause 4.2 of the ID Determination allows the Commission, on written application by Chorus, to exempt Chorus from any or all of the provisions of this determination, for a period and on such terms and conditions as the Commission specifies in the notice; and to revoke any such exemption.

#### **Chorus' exemption request**

6. On 30 July 2021, Chorus applied for a partial exemption from its disclosure obligations under the ID Determination, for the 2021 disclosure year. In particular, Chorus requested an exemption from the requirement to complete a separate report for each candidate area in which Chorus operates its LFC fibre network for the following schedules of the ID Determination:
  - 6.1 Schedule 2 – Report on regional earnings;
  - 6.2 Schedule 3 – Report fixed assets and fixed asset movements;
  - 6.3 Schedule 3a – Report on Fixed Assets and Fixed Asset Movements for Existing Infrastructure;
  - 6.4 Schedule 4 – Report on Fixed Assets Volumes; and
  - 6.5 Schedule 5 – Report on product information.
7. Chorus proposed to report at a national level only for the schedules listed above.
8. Chorus informed us that it would provide candidate area reporting for Schedules 7 and 8, as required by clause 3.5 of the ID Determination.

#### **Exemption granted**

9. Under clause 4.2(a) of the ID Determination, the Commission grants Chorus an exemption from the requirement of clause 3.5 of the ID Determination to complete a separate report for each candidate area in which Chorus operates its LFC fibre network for the following schedules:<sup>4</sup>
  - 9.1 Schedule 2 – Report on regional earnings;
  - 9.2 Schedule 3 – Report fixed assets and fixed asset movements;
  - 9.3 Schedule 3a – Report on Fixed Assets and Fixed Asset Movements for Existing Infrastructure;

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<sup>3</sup> See clause 1.2 of the ID Determination for the definition of candidate area.

<sup>4</sup> Chorus indicated in its exemption request that it would provide the reports for each candidate area for Schedules 7 and 8, as required under clause 3.5 of the ID Determination.

- 9.4 Schedule 4 – Report on Fixed Assets Volumes; and
- 9.5 Schedule 5 – Report on product information.
10. This exemption is granted for the 2021 and 2022 disclosure years<sup>5</sup>, on the condition that Chorus disclose the information under the schedules listed at paragraph 9 above at a national level.
11. We note Chorus indicated in its exemption request that it would not provide candidate area reporting for Schedule 6 (Exception Report on pricing), because Chorus has national level pricing for relevant services.<sup>6</sup>
12. We expect Chorus to provide a national level schedule and a schedule summarising all retail service providers that together constitute 90% of Chorus' operating revenue, as required under clause 3(5)(e) of the ID Determination.<sup>7</sup>

### Next steps

13. This exemption may be revoked or further amended by the Commission at any time in accordance with clause 4.2(b) 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 Juline Bunel at [juline.bunel@comcom.govt.nz](mailto:juline.bunel@comcom.govt.nz).

Yours sincerely



Tristan Gilbertson

Telecommunications Commissioner

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<sup>5</sup> Under clause 10(2) of Schedule 1AA of the Act, Chorus must continue to prepare and disclose information in accordance with ID determination in respect of any disclosure period that starts before the implementation date but ends on or after the implementation date.

<sup>6</sup> Clause 3.5(d) of the ID Determination provides that Chorus is not required to provide candidate area reporting for the Exception Report on Pricing, if Chorus has national level pricing for the relevant services.

<sup>7</sup> Together with the other requirements under the ID Determination that Chorus is not exempted from.