

Gas Distribution Information Disclosure Amendment Determination 2022

[2022] NZCC 17

The Commission:

Vhari McWha
Sue Begg
Elisabeth Welson

Date of determination:

30 May 2022



Sue Begg

Deputy Chairperson

Dated at Wellington this 30th day of May 2022

COMMERCE COMMISSION

Wellington, New Zealand

Determination version history		
Determination date	Decision number	Determination name
1 October 2012	[2012] NZCC 23	Gas Distribution Information Disclosure Determination 2012
24 March 2015	[2015] NZCC 7	2015 Amendment to the Gas Distribution Information Disclosure Determination 2012
14 June 2017	[2017] NZCC 11	Gas Distribution Information Disclosure Amendments Determination (No.1) 2017
21 December 2017	[2017] NZCC 34	Gas Distribution Information Disclosure Amendments Determination (No.2) 2017
30 May 2022	[2022] NZCC 17	Gas Distribution Information Disclosure Amendment Determination 2022

Drafting notes:

1. This determination amends the Gas Distribution Information Disclosure Determination 2012, as previously amended, (“principal determination”).
2. The included amendments which are secondary legislation are made under the Legislation Act 2019 and Part 4 of the Commerce Act 1986.

Under Part 4 of the Commerce Act 1986 the Commerce Commission makes the following determination:

TITLE

1. This determination is the Gas Distribution Information Disclosure Amendment Determination 2022.

INTERPRETATION

2. In this determination the words or phrases in bold type bear the following meanings:

principal determination means the Gas Distribution Information Disclosure Determination 2012 [2012] NZCC 23.

DETERMINATION AMENDED

3. This determination amends the **principal determination**.

COMMENCEMENT

4. This determination comes into force on the date after which notice of the determination is given in the New Zealand Gazette.

PRINCIPAL DETERMINATION AMENDMENTS

5. In clause 1.4.3, amend the definition of “**IM determination**” to read “means the Gas Distribution Services Input Methodologies Determination 2012 [2012] NZCC 27, including any amendments to that determination”.
6. In Schedule 16, amend the definition of “Mid-point estimate of vanilla WACC” to read “means the mid-point estimate of vanilla WACC determined by the Commission for that disclosure year under clause 2.4.1(1) of the IM determination”.
7. In Schedule 16, amend the definition of “Mid-point estimate of post tax WACC” to read “means the mid-point estimate of post tax WACC determined by the Commission for that disclosure year under clause 2.4.1(2) of the IM determination”.

Explanatory note

1. We made a number of amendments to the input methodologies (IMs) applying to gas distribution services as part of the default price-quality path reset for gas distribution businesses for the third regulatory period commencing on 1 October 2022.
2. A number of the IM amendments affect the gas distribution information disclosure (ID) requirements. The gas distribution ID determination previously defined “**IM determination**” as meaning “the Gas Distribution Services Input Methodologies Determination 2012 [2012] NZCC 27, including amendments in effect at the time this determination comes into force”. (Underlining added) The possible effect of this definition was to exclude future IM amendments, including those we have made now, from applying to ID disclosures made after the gas distribution ID determination first came into force. We have therefore amended the definition of “**IM determination**” in the gas distribution ID determination to make it clear that any IM amendments for ID will automatically apply to future ID disclosures.
3. We also amended two definitions in Schedule 16 of the gas distribution ID determination that referred to a weighted average cost of capital (WACC) estimate “for the five year period”. These amendments reflect our IM amendments published on 25 March 2022 which enable us to set an ID WACC that reflects the length of the regulatory period for the relevant default-price quality path, and not only the usual five-year regulatory period length.
4. Copies of this determination are available for inspection free of charge at the Commission (during ordinary office hours), on the Commission’s website at the link below, or for purchase at a reasonable price at the Commission.

<https://comcom.govt.nz/regulated-industries/gas-pipelines/gas-pipelines-price-quality-paths/gas-pipelines-default-price-quality-path/2022-2027-gas-default-price-quality-path>