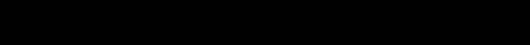


11 September 2019



By email only: 

Dear 

Official Information Act #19.039 - Fuel market study - ROACE

1. We refer to your request on behalf of BP Oil New Zealand (BP) received on 10 September 2019 for information relating to our ROACE calculations in the Commission's draft report - *market study into the retail fuel sector*.
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).

Our response

3. We have decided to grant BP's request.
4. The information requested by BP is set out in the **attached** spreadsheet "ROACE – BP version". The spreadsheet sets out:
 - 4.1 information the Commission has used to calculate ROACE for firms and associated workings; and
 - 4.2 information on the international fuel firms the Commission identified as suitable comparator companies to New Zealand fuel firms, and the NZX50.
5. We have withheld data the Commission used to calculate the ROACE for other New Zealand fuel firms and the associated workings from the spreadsheet, as we consider there are good reasons to withhold the information under s 9(2)(b)(ii) and 9(2)(ba)(i) of the OIA. In addition, we do not consider that the public interest in releasing the

information outweighs the prejudice that would result from disclosing this information.

6. You can find further information explaining the Commission's approach to assessing profitability generally, selecting international benchmark firms and calculating ROACE in Attachments B to D of the draft report.
7. If BP is not satisfied with the Commission's response to BP's OIA request, section 28(3) of the OIA provides BP with the right to ask an Ombudsman to investigate and review this response. However, we would welcome the opportunity to discuss any concerns with BP first.
8. Please note the Commission may publish a public version of this response on its website. The information the Commission has used to calculate ROACE for BP and associated workings will be redacted from the published response.
9. Please do not hesitate to contact uia@comcom.govt.nz if you have any questions about this request.

Yours sincerely



Hannah Loke

Legal Counsel