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Fibre Information Disclosure (Non-material) Amendment Determination – April 2024

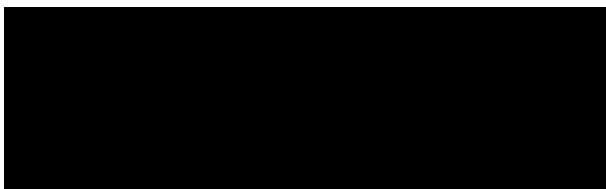
[2024] NZCC 4

The Commission:

Tristan Gilbertson
Vhari McWha
Nathan Strong

Date of decision:

3rd April 2024



Dated at Wellington this 3rd day of April 2024

COMMERCE COMMISSION

Wellington, New Zealand

Determination history		
Determination date	Decision number	Determination name
30 November 2021	[2021] NZCC 24	Fibre Information Disclosure Determination 2021
28 July 2022	[2022] NZCC 26	Fibre Information Disclosure Amendment Determination 2022
22 November 2023	[2023] NZCC 30	Fibre Information Disclosure (Non-material) Amendment Determination – November 2023
3 April 2024	[2024] NZCC 4	Fibre Information Disclosure (Non-material) Amendment Determination – April 2024

Drafting notes:

- This amendment determination amends the Fibre Information Disclosure Determination 2021 [2021] NZCC 24 (**'principal determination'**) to make non-material amendments.
- The included amendments which are secondary legislation are made under the Legislation Act 2019 and Part 6 of the Telecommunications Act 2001.
- The amendments to the body of the **principal determination** are marked as tracked changes in red.
- The clauses in the body of the **principal determination** that have been amended by this determination are listed below.

Clause heading	Clause reference
Information Disclosure Requirements for Chorus	2.3.2
Information Disclosure Requirements for ID-Only Regulated Providers	2.4.3

Fibre Information Disclosure (Non-material) Amendment Determination – April 2024

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Under Part 6 of the Telecommunications Act 2001, the Commerce Commission makes the following determination:

1. TITLE

- (a) This determination is the Fibre Information Disclosure (Non-material) Amendment Determination – April 2024.

2. INTERPRETATION

- (a) In this determination (excluding Appendix A), the words or phrases in bold type bear the following meanings:
- (i) **Act** has the same meaning as in the **principal determination**;
 - (ii) **Chorus** has the same meaning as in the **principal determination**;
 - (iii) **disclosure year** has the same meaning as in the **principal determination**;
 - (iv) **ID-only regulated provider** has the same meaning as in the **principal determination**; and
 - (v) **principal determination** means the Fibre Information Disclosure Determination 2021 [2021] NZCC 24.

3. DETERMINATION AMENDED

- (a) This determination amends the **principal determination**.

4. COMMENCEMENT AND APPLICATION

- (a) This determination comes into force on 30 April 2024 under s 26(1) of the Legislation Act 2019.
- (b) Without limiting paragraph (a), the amendments to the **principal determination**:
- (i) apply for **disclosure year** 2024 and subsequent **disclosure years**; and
 - (ii) do not apply for **disclosure year** 2023.

5. PRINCIPAL DETERMINATION AMENDMENTS

- (a) The amendments to the body of the **principal determination** are the deletions, substitutions and additions to clauses 2.3.2 and 2.4.3 of the **principal determination** that are marked as track changes in red in clauses 2.3.2 and 2.4.3 of Appendix A.
- (b) The following schedules in the **principal determination** are replaced with new versions published on 3 April 2024, and are available at:
<https://comcom.govt.nz/regulated-industries/fibre/information-disclosure-requirements-for-fibre/current-information-disclosure-requirements-for-fibre>

- (i) the Report on ID FFLAS Return on Investment set out in Schedule 1a for **Chorus**;
- (ii) the Report on PQ FFLAS Return on Investment set out in Schedule 1b for **Chorus**;
- (iii) the Report on ID-only FFLAS Return on Investment set out in Schedule 1c for **Chorus**;
- (iv) the Report on Regulatory Profit set out in Schedule 2 for **Chorus**;
- (v) the Report on Regulatory Tax Allowance set out in Schedule 3 for **Chorus**;
- (vi) the Report on Asset Allocations set out in Schedule 4a for **Chorus**;
- (vii) the Report on Value of the ID FFLAS Regulatory Asset Base (Rolled Forward) set out in Schedule 4b for **Chorus**;
- (viii) the Report on Value of the PQ FFLAS Regulatory Asset Base (Rolled Forward) set out in Schedule 4c for **Chorus**;
- (ix) the Report on Value of the ID-only FFLAS Regulatory Asset Base (Rolled Forward) set out in Schedule 4d for **Chorus**;
- (x) the Report on Operating Expenditure set out in Schedule 5 for **Chorus**;
- (xi) the Report on Cost Allocations set out in Schedule 5a for **Chorus**;
- (xii) the Report on Capital Expenditure set out in Schedule 6 for **Chorus**;
- (xiii) the Report on Comparison of Forecast to Actual Expenditure set out in Schedule 7 for **Chorus**;
- (xiv) the Report on Term Credit Spread Differential Allowance set out in Schedule 8a for **Chorus**;
- (xv) the Report on Crown Financing and Notional Deductible Interest in Schedule 8b for **Chorus**;
- (xvi) the Report on Related Party Transactions set out in Schedule 9 for **Chorus**;
- (xvii) the Report on PQ FFLAS Asset Register set out in Schedule 10a for **Chorus**;
- (xviii) the Report on ID-only FFLAS Asset Register set out in Schedule 10b for **Chorus**;
- (xix) the Report on Forecast Capital Expenditure set out in Schedule 11 for **Chorus**;

- (xx) the Report on Forecast Operating Expenditure set out in Schedule 11a for **Chorus**;
- (xxi) the Report on Forecast Capacity and Utilisation set out in Schedule 12 for **Chorus**;
- (xxii) the Report on Forecast Network Demand set out in Schedule 12a for **Chorus**;
- (xxiii) the Report on Asset Management Capability set out in Schedule 13 for **Chorus**;
- (xxiv) the Report on ID FFLAS Report on Investment set out in Schedule 1 for **ID-only regulated providers**;
- (xxv) the Report on Regulatory Profit set out in Schedule 2 for **ID-only regulated providers**;
- (xxvi) the Report on Regulatory Tax Allowance set out in Schedule 3 for **ID-only regulated providers**;
- (xxvii) the Report on Value of the ID FFLAS Regulatory Asset Base (Rolled Forward) set out in Schedule 4 for **ID-only regulated providers**;
- (xxviii) the Report on Asset Allocations set out in Schedule 4a for **ID-only regulated providers**;
- (xxix) the Report on Operating Expenditure set out in Schedule 5 for **ID-only regulated providers**;
- (xxx) the Report on Cost Allocations set out in Schedule 5a for **ID-only regulated providers**;
- (xxxi) the Report on Capital Expenditure set out in Schedule 6 for **ID-only regulated providers**;
- (xxxii) the Report on Comparison of Forecast to Actual Expenditure set out in Schedule 7 for **ID-only regulated providers**;
- (xxxiii) the Report on the Calculation Inputs set out in Schedule 8 for **ID-only regulated providers**;
- (xxxiv) the Report on Related Party Transactions set out in Schedule 9 for **ID-only regulated providers**;
- (xxxv) the Report on ID FFLAS Asset Register set out in Schedule 10 for **ID-only regulated providers**;
- (xxxvi) the Report on Forecast Capital Expenditure set out in Schedule 11 for **ID-only regulated providers**;
- (xxxvii) the Report on Forecast Operating Expenditure set out in Schedule 11a for **ID-only regulated providers**;

- (xxxviii) the Report on Forecast Capacity and Utilisation set out in Schedule 12 for **ID-only regulated providers**;
- (xxxix) the Report on Forecast Network Demand set out in Schedule 12a for **ID-only regulated providers**;
- (xl) the Report on Asset Management Capability set out in Schedule 13 for **ID-only regulated providers**;
- (xli) the report on Quality set out in in Schedule 19 for **Chorus**;
- (xlii) the report on Quality set out in in Schedule 20 for **ID-only regulated providers**;
- (xliii) the Report on Pricing set out in Schedule 24 for **Chorus**; and
- (xliv) the Report on Pricing set out in Schedule 25 for **ID-only regulated providers**.

Appendix A:

2.3.2 No later than 5 months after the end of each **disclosure year**, **Chorus** must, in respect of the relevant **disclosure year**,—

- (1) except for the information ~~required under column 'r'~~ regarding the forecast cost of assets to be replaced in the next 5 **disclosure years**, complete and **publicly disclose** the Report on PQ FFLAS Asset Register set out in Schedule 10a; and
- (2) complete and **provide** to the **Commission**:
 - (a) a copy of the Report on PQ FFLAS Asset Register set out in Schedule 10a, including the information ~~regarding the forecast cost of assets to be replaced in the next 5 disclosure years~~ ~~required under column 'r'~~; and
 - (b) the Report on ID-only FFLAS Asset Register set out in Schedule 10b.

2.4.3 Except as provided under clauses 2.4.1(2) in relation to **disclosure year** 2022, no later than 5 months after the end of each **disclosure year**, each **ID-only regulated provider** must, in respect of the relevant **disclosure year**,—

- (1) except for information ~~required under column 'r'~~ regarding the forecast cost of assets to be replaced in next 5 **disclosure years**, complete and **publicly disclose** the Report on ID FFLAS Asset Register set out in Schedule 10; and
- (2) complete and provide to the **Commission**, a copy of the Report on ID FFLAS Asset Register set out in Schedule 10, including the information ~~regarding the forecast cost of assets to be replaced in the next 5 disclosure years~~ ~~required under column 'r'~~.