

Electricity Distribution Information Disclosure (Non-material) Amendment Determination – June 2023

[2023] NZCC 12

The Commission:

Sue Begg
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Date of decision:

28 June 2023



Dated at Wellington this 28th day of June 2023

COMMERCE COMMISSION

Wellington, New Zealand

Electricity Distribution Information Disclosure (Non-material) Amendment Determination – June 2023

| Determination history | | |
|------------------------------|------------------------|--|
| Determination date | Decision number | Determination name |
| 1 October 2012 | [2012] NZCC 22 | Electricity Distribution Information Disclosure Determination 2012 |
| 24 March 2015 | [2015] NZCC 6 | 2015 Amendment to the Electricity Distribution Information Disclosure Determination 2012 |
| 21 December 2017 | [2017] NZCC 33 | Electricity Distribution Information Disclosure Amendments Determination 2017 |
| 31 August 2021 | [2021] NZCC 12 | Electricity Distribution Information Disclosure (Aurora Energy Limited) Amendment Determination 2021 |
| 30 September 2021 | [2021] NZCC 18 | Electricity Distribution Information Disclosure (Non-material) Amendment Determination 2021 |
| 25 November 2022 | [2022] NZCC 36 | Electricity Distribution Information Disclosure (Targeted Review Tranche 1) Amendment Determination 2022 |
| 27 April 2023 | [2023] NZCC 6 | Electricity Distribution Information Disclosure (Non-material) Amendment Determination 2023 |
| 28 June 2023 | [2023] NZCC 12 | Electricity Distribution Information Disclosure (Non-material) Amendment Determination – June 2023 |

Drafting notes:

- This amendment determination amends the Electricity Distribution Information Disclosure Determination 2012 [2012] NZCC 22 ('principal determination').
- The included amendments are made under Part 4 of the Commerce Act 1986.
- Amendments to the body of the principal determination are marked as track changes in Appendix A.
- Appendix A only shows the clauses that have been amended.
- The clauses of the principal determination that have been amended by this determination are listed below.

| Clause heading | Clause reference |
|--|--|
| Financial information for the disclosure year | 2.3.1A(2) |
| Non-financial information relating to network assets | 2.5.1(1), 2.5.1(2), 2.5.2(1), 2.5.2(2) |
| Exemptions | 2.11.2 |

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

1. TITLE

- (a) This determination is the Electricity Distribution Information Disclosure (Non-material) Amendment Determination – June 2023.

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**; and
 - (ii) **principal determination** means the Electricity Distribution Information Disclosure Determination 2012 [2012] NZCC 22.

3. DETERMINATION AMENDED

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

4. COMMENCEMENT AND APPLICATION

- (a) This determination comes into force on 28 June 2023 under s 26(1) of the Legislation Act 2019.

5. PRINCIPAL DETERMINATION AMENDMENTS

- (a) The amendments to the body of the **principal determination** are the deletions, substitutions and additions to the attached copy of a consolidated version (as at 18 May 2023) of the **principal determination** that are marked as track changes in Appendix A.

Appendix A:

PART 2 DISCLOSURE REQUIREMENTS

2.3 FINANCIAL INFORMATION FOR THE DISCLOSURE YEAR

2.3.1A For the purposes of the Report on Capital Expenditure for the Disclosure Year set out in Schedule 6a required under clause 2.3.1 **Error! Reference source not found.**, and the Report on Operational Expenditure for the Disclosure Year set out in Schedule 6b required under clause **Error! Reference source not found.**, each EDB-

- (1) is not required to **publicly disclose** information required on **cybersecurity** expenditure, but must provide that information to the **Commission**;
- (2) in respect of **disclosure year 20242023**, is not required to-
 - (a) complete and **publicly disclose** the information on **cybersecurity** expenditure in these reports; or
 - (b) provide the information required on **cybersecurity** expenditure to the **Commission**);

2.5 NON-FINANCIAL INFORMATION RELATING TO NETWORK ASSETS

Network asset reporting

- 2.5.1 Within 5 months after the end of each **disclosure year**, every EDB ~~must~~—
- (1) ~~must, except as provided in subclause 2.5.1(2),~~ complete and publicly disclose each of the following reports by inserting all information relating to the **electricity distribution services** supplied by the EDB for the **disclosure years** provided for in the following reports-
 - (a) the Asset Register set out in Schedule 9a;
 - (b) the Asset Age Profile set out in Schedule 9b;
 - (c) the Report on Overhead Lines and Underground Cables set out in Schedule 9c;
 - (d) the Report on Embedded Networks set out in Schedule 9d;
 - (e) the Report on Network Demand set out in Schedule 9e;
 - (f) the Report on Network Reliability set out in Schedule 10; and

- (2) ~~publicly disclose each of these reports~~ is not required to complete and publicly disclose the information on “Breakdown of third party interference” in Schedule 10 for disclosure year 2023.

2.5.2 If an **EDB** has **sub-networks**, within 5 months after the end of each **disclosure year**, the **EDB** ~~must~~—

- (1) must, except as provided in subclause 2.5.2(2), complete and publicly disclose each of the following reports by inserting all information relating to the **electricity distribution services** supplied by the **EDB** in relation to each **sub-network** for the **disclosure years** provided for in the following reports-
- (a) the Assets Register set out in Schedule 9a;
 - (b) the Report on Asset Age Profile set out in Schedule 9b;
 - (c) the Report on Overhead Lines and Underground Cables set out in Schedule 9c;
 - (d) the Report on Network Demand set out in Schedule 9e;
 - (e) the Report on Network Reliability set out in Schedule 10; and
- (2) ~~publicly disclose each of these reports~~ is not required to complete and publicly disclose the information on “Breakdown of third party interference” in Schedule 10 for disclosure year 2023.

2.11 EXEMPTIONS

2.11.1 The **Commission** may at any time, by written notice to an **EDB**-

- (1) Exempt the **EDB** from any or all of the requirements of this determination, for a period and on such terms and conditions as the **Commission** specifies in the notice; and
- (2) Amend or revoke any such exemption.

2.11.2 An instrument granting, amending or revoking an exemption under clause 2.11.1 is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.