

9 October 2023

██████████
Transpower New Zealand Ltd

By e-mail only: ██████████

Tēnā koe ████████,

Exemption from certain information disclosure requirements under the Transpower Information Disclosure Determination 2014

1. We write in response to your email dated 9 August 2023 that requested the Commerce Commission (**Commission**) grant Transpower New Zealand Limited (**Transpower**) the following four separate exemptions from certain requirements to disclose information under Transpower Information Disclosure Determination 2014 (the **ID Determination**) with respect to disclosure year 2023.¹ The four requested exemptions sought were:
 - 1.1 an exemption to disclose schedules G6, G7, and G8, required by clause 13.1 – 13.3 of the ID Determination, alongside Transpower’s other information disclosure (**ID**) reporting instead of in, or as a companion to, an Integrated transmission plan;
 - 1.2 an exemption to report “Asset Health Index” instead of “remaining asset life” in schedule G6(i) of the ID Determination;
 - 1.3 an exemption to report “CY+1” pricing information within schedule F6, on the basis that an alternative schedule that Transpower proposed is used; and
 - 1.4 an exemption, extending the deadline to complete and publicly disclose the information required under clauses 8, 10, 11 and 14 of the ID Determination to 28 November 2023, rather than the current deadline of 20 October 2023.²
2. This letter is our response to the request for the exemption in paragraph 1.4 only. We are assessing the other requests for exemptions in paragraphs 1.1, 1.2, and 1.3

¹ Disclosure year means the 12 month period ending on 30 June of the year the disclosure relates to. Commerce Commission, [Transpower Information Disclosure Determination 2014 \[2014\] NZCC 5](#) (as amended).

² This would be akin to last year’s exemption: Transpower-ID-Exemption-Extension-to-the-deadline-for-certain-ID-disclosures-20-October-2022.pdf

separately, and will update you on our decisions in relation to those requests in due course.

Exemption request

3. Transpower is subject to ID regulation under Part 4 of the Commerce Act 1986 (the **Act**).
4. Clauses 8, 10, 11, and 14 of the ID Determination require Transpower to publicly disclose certain information, by the Friday of the third complete week of October after the end of each disclosure year. With respect to disclosure year 2023, this is **Friday 20 October 2023**.
5. As noted in paragraph 1, Transpower requested an exemption to extend the deadline to publicly disclose information from Friday 20 October to Tuesday 28 November 2023, with respect to disclosure year 2023.
6. In 2022 the Commission granted a similar exemption to Transpower, extending the deadline to publicly disclose information from 21 October 2022 to 28 November 2022. The 2022 exemption provided Transpower with sufficient time to incorporate the TPM Reconsideration into its disclosures and seek auditor and Board approval.
7. With the Commission currently working on the Transmission Pricing Methodology (**TPM**) costs reopener, Transpower has requested a similar exemption with respect to disclosure year 2023, if the Commission's the final decision is published after 5 October 2023.

Legal framework

8. Clause 22.1 of the ID Determination allows the Commission, by written notice, to exempt Transpower from any or all of the requirements of the ID determination, for a period and on such terms and conditions as the Commission specifies in the notice, Furthermore, clause 22.2 gives the Commission the power to amend or revoke any such exemption.

Exemptions granted

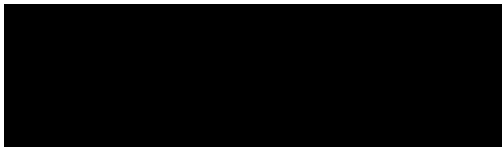
9. By this notice, under clause 22.1 of the ID Determination, the Commission grants Transpower an exemption, extending the deadline to complete and publicly disclose the information required under clauses 8, 10, 11, and 14 of the ID Determination by 28 November 2023.
10. We accept the timing of the ongoing TPM cost reopener work, expected to be published on 12 October 2023, has an impact on Transpower's ability to complete the relevant disclosures and associated assurance report and director's certificate.

11. We consider this exemption will provide Transpower sufficient time to complete and publicly disclose the information required by the ID determination.³
12. We have considered the impact of the exemption on the purpose of information disclosure under section 53A of the Act and have concluded that the purpose will still be met if this exemption is granted as the relevant disclosures will still be completed and publicly disclosed, just at a later date.

Further information

13. This exemption may be revoked or amended by the Commission at any time in accordance with clause 22.2 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 Katarina Dankova at infrastructure.regulation@comcom.govt.nz.

Ngā mihi nui,



Andy Burgess
General Manager, Infrastructure Regulation

³ As part of this exemption request, we have also considered additional information regarding the timing of processes associated with publicly disclosing the information required provided by Transpower on 4 October 2023.