

## **Explanatory note for publication of non-material amendments to Fibre Information Disclosure Determination (April 2024)**

3 April 2024

1. We have made non-material amendments to the Fibre Information Disclosure Determination 2021 [2021] NZCC 24 (**principal determination**). The amendments, which are secondary legislation, are made under the Legislation Act 2019 and Part 6 of the Telecommunications Act 2001 (**the Act**).
2. We have:<sup>1</sup>
  - 2.1. replaced certain schedules in the principal determination with new versions, as explained in paragraphs 3-7; and
  - 2.2. amended clause 2.3.2 and 2.4.3 of the principal determination, as explained in paragraphs 9-11.

### *Replacement of certain schedules*

3. We have replaced the following schedules in the principal determination with new versions:<sup>2</sup>
  - 3.1. in respect of Chorus Limited (**Chorus**):
    - (a) Schedules 1-13 (reports on finance and asset management)
    - (b) Schedule 19 (report on quality)
    - (c) Schedule 24 (report on pricing)
  - 3.2. in respect of **ID-only regulated providers**:<sup>3</sup>
    - (a) Schedules 1-13 (reports on finance and asset management)
    - (b) Schedule 20 (report on quality)
    - (c) Schedule 25 (report on pricing)
4. We have updated our fibre information disclosure issues and guidance register to include a detailed description of our schedule changes.<sup>4</sup> Our changes relate to:

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<sup>1</sup> The amendments are specified in *Fibre Information Disclosure (Non-material) Amendment Determination – April 2024* [2024] NZCC 4 (3 April 2024).

<sup>2</sup> The new schedules can be accessed [here](#).

<sup>3</sup> An “ID-only regulated provider” means a person who is prescribed in regulations made under s 226 of the Telecommunications Act 2001 as being subject to information disclosure regulation, but excludes Chorus. See the definition of “ID-only regulated provider” in clause 1.4.3 of the principal determination.

<sup>4</sup> Our fibre information disclosure issues and guidance register can be accessed [here](#).

- 4.1. formatting, style, and labelling, including replacing column 'r' in the Report on PQ FFLAS Asset Register set out in Schedule 10a for Chorus and the Report on ID FFLAS Asset Register set out in Schedule 10 for ID-only regulated providers with the phrase "forecast cost of assets to be replaced in the next 5 disclosure years";
  - 4.2. specific changes made to some schedules, such as the simplification of complex tables;
  - 4.3. adding missing units to headers;
  - 4.4. fixing title issues; and
  - 4.5. adding dropdowns where appropriate.
5. We have changed the schedules referred to in paragraph 3 to make them more data centric, to make them easier to complete, and to make it easier for us to process the data. We consider that these changes would better promote the purpose of information disclosure in s 186 of the Act as the changes would improve the ability for interested persons to assess whether the purpose of Part 6 of the Act is being met.
  6. We have only changed the layout of the schedules and have not changed the requirements for the substantive data that must be completed in the schedules. As we have only changed the layout of the schedules, we consider that this is a non-material amendment (for which consultation is not required).
  7. Commerce Commission staff invited views from interested persons on draft non-material changes related to the layout of certain schedules of the principal determination on 30 November 2023. We received one response to our survey on the changes that supported the proposed changes.
  8. Regulated fibre service providers have raised other issues with our principal determination. We will have regard to these issues in future information disclosure amendment processes.

*Amendments to clause 2.3.2 and 2.4.3*

9. We have amended clause 2.3.2 and 2.4.3 of the principal determination to remove references to "column 'r'" and instead just refer to the "forecast cost of assets to be replaced in the next 5 disclosure years".
10. We have made these changes as a result of replacing "column 'r'" in the Report on PQ FFLAS Asset Register set out in Schedule 10a for Chorus and the Report on ID FFLAS Asset Register set out in Schedule 10 for ID-only regulated providers with the phrase "forecast cost of assets to be replaced in the next 5 disclosure years", as described in paragraph 4.1. Without this consequential change, clause 2.3.2 and 2.4.3 would be unworkable. We consider that this change would better promote the purpose of information disclosure in s 186 of the Act as it would improve the ability for interested persons to assess whether the purpose of Part 6 of the Act is being met.
11. We consider that this is a non-material amendment (for which consultation is not required) as it is a consequential change related to our layout changes to certain schedules, as described in paragraphs 3-7.