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Authorities and Other Agencies of State Notices

Commerce Commission

Commerce Act 1986

Commerce Act (Electricity Distribution Thresholds) Amendment Notice 2009

Pursuant to Part 4A of the Commerce Act 1986 ("the Act"), the Commerce Commission ("the Commission") gives the following notice.

Notice

1. Title—(1) This notice is the Commerce Act (Electricity Distribution Thresholds) Amendment Notice 2009.

(2) In this notice, the Commerce Act (Electricity Distribution Thresholds) Notice 2004 (Supplement to the *New Zealand Gazette*, 31 March 2004, No. 37, page 927) is called the "principal notice".

2. Commencement—This notice comes into force on 31 March 2009.

3. Interpretation—Clause 3(1) of the principal notice is amended by revoking the definition of the term "assessment date", and substituting the following definition:

"**assessment date** means a date as at which distribution businesses are to be assessed against a threshold, being:

- (a) 31 March of each of the years 2005 to 2009 inclusive; and

- (b) in respect of those distribution businesses to whom the application of the principal notice is extended for the whole or part of the year ending 31 March 2010 by section 54J of the Act (as inserted by section 4 of the Commerce Amendment Act 2008), 31 March 2010".

4. Schedule 1—The table of X factor values for distribution businesses in Schedule 1 of the principal notice is amended by adding the following:

Wellington Electricity Lines Limited	0%
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Dated at Wellington this 27th day of March 2009.

COMMERCE COMMISSION.

Explanatory Note

*In 2004, the Commerce Commission set thresholds for the declaration of control in relation to electricity distribution businesses and published those thresholds in a supplement to the *New Zealand Gazette*, 31 March 2004, No. 37, page 927, as the Commerce Act (Electricity Distribution Thresholds) Notice 2004 (the "principal notice"). The principal notice was amended in 2006 by the Commerce Act (Electricity Distribution Thresholds) Amendment Notice 2006.*

Further detail regarding the thresholds can be found in a Decision Paper, **Regulation of Electricity Lines Businesses, Targeted Control Regime, Threshold Decisions (Regulatory Period Beginning 2004)**, published by the Commission on 1 April 2004.

The amendments now made to the principal notice by the amendment notice set out above are as follows:

- (a) The definition of “assessment date” has been amended to clarify that, in respect of those distribution businesses to whom the application of

the principal notice is extended for the whole or part of the year ending 31 March 2010 by section 54J of the Commerce Act 1986 (as inserted by section 4 of the Commerce Amendment Act 2008), it includes 31 March 2010; and

- (b) an X factor for a new distribution business, Wellington Electricity Lines Limited, has been added to Schedule 1.

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