



06 May 2025

Ben Woodham
Commerce Commission
By email: regulation.branch@comcom.govt.nz

Dear Ben,

The Big 6 welcomes the reopener guidelines to aid reopener applications

Who we are

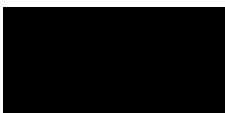
We are a group of the six largest price-quality regulated electricity distribution businesses (EDBs) in New Zealand (the group) – Aurora, Orion, Powerco, Unison, Vector and Wellington Electricity.

We formed in 2021 around a shared objective of delivering future-ready electricity services to communities and helping shape regulation that supports that objective.

Big 6 submission

We commend the Commission for developing this guidance and appreciate the ongoing engagement in refining the process. The below submission is on behalf of the Group in relation to the Commerce Commission's (**Commission**) draft reopener guidance for electricity distribution businesses (**EDBs**) for the purpose of the Default Price Quality Path (**DPP**).

Yours sincerely,



Emma Wilson
On behalf of the Big 6

We welcome the opportunity to provide feedback on the Commission's draft reopener guidance for electricity EDBs for the purpose of the DPP. We appreciate the Commission's efforts to structure the guidance logically and comprehensively, and we welcome the clarity it provides in certain areas. While we largely agree with the content of the guidance, we believe that further refinements would enhance the usability of the guidance, ultimately supporting more effective reopener applications that align with regulatory objectives. Our key feedback includes:

Topic	Key points
Overall scope and depth of guidance	<ul style="list-style-type: none"> Guidance is reasonable and flows well, however, it remains high-level. Further specificity would be valuable in some areas to ensure applicants can confidently prepare submissions beyond what is already stipulated in the IMs. We know the Commission is hesitant to commit to specific timeframes, but an indicative timeline would enhance certainty and manage expectations for applicants.¹ The inclusion of a table differentiating reopener and CPP characteristics is useful and should be retained. Recommend specifying the guidelines will apply beyond the DPP4 period as the draft guidelines only refers to DPP4 allowances, but reopeners and therefore guidelines will exist post DPP4.
Structure and flow improvements	<ul style="list-style-type: none"> Greater alignment between sections 1 and 2 (which reference useful information for applications) and section 3 (outlining the required content for applications) would be beneficial. For example, references to consumer engagement and confidential information should be explicitly linked across all relevant sections.
Clarification and completeness	<ul style="list-style-type: none"> The guidance specifies that an application may be rejected if it is "<i>materially incomplete in terms of the driver, quantum, and supporting reasoning</i>". However, there is no clear definition of "materially incomplete" or guidance on expected levels of detail. We recommend that the Commission give examples of material omissions that would cause an application to be rejected. Further clarification on types of third parties involved, expected level of engagement and appropriate timing required before approaching the Commission – particularly in cases where engagement is more appropriate post-lodgement rather than pre-application. We would welcome more guidance on how to demonstrate compliance / information required for each category to determine a reopener event has occurred.
Further transparency on proportionality is required	<ul style="list-style-type: none"> Understanding how the Commission will apply proportional scrutiny is critical for demonstrating compliance with the IM around reprioritisation. Further clarification concerning the proportionality principle is necessary, reflecting both proposal complexity and value rather than complexity alone. PWC² suggests categorising proposals into high/medium/low threshold for applying scrutiny and what we can expect at each level. Section 3 outlines high level information that could be included in applications, however, they are missing specific examples and references to past case studies. Providing illustrative examples would help applications understand proportionality expectations and appropriate supporting evidence.

¹ We note the Commission's reopener webpage gives an indicative timeframe of roughly four-months. <https://comcom.govt.nz/regulated-industries/electricity-lines/electricity-lines-price-quality-paths/reopening-the-price-quality-path>

² Big 6, DPP4 draft decision – Big six submission of PWC proposed reopener guidelines, 12 July 2024.