



Commerce (Levy on Suppliers of Regulated Goods and Services) Amendment Regulations 2010

Anand Satyanand, Governor-General

Order in Council

At Wellington this 13th day of December 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 53ZE of the Commerce Act 1986, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister of Commerce made after consultation in accordance with section 53ZE(4) of that Act, makes the following regulations.

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Regulations

1 Title

These regulations are the Commerce (Levy on Suppliers of Regulated Goods and Services) Amendment Regulations 2010.

2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

3 Principal regulations amended

These regulations amend the Commerce (Levy on Suppliers of Regulated Goods and Services) Regulations 2009.

4 Application

Regulation 3(2) is revoked.

5 Levy on suppliers of regulated goods or services

Regulation 6(2) is amended by omitting the last item in the table (which relates to functions relating to input methodologies) and substituting the following items:

Functions relating to approval of Transpower's grid upgrade plans under section 54R of the Act	All to Transpower
Functions relating to preparation of input methodology for Transpower's capital expenditure proposals under section 54S of the Act	All to Transpower
Other functions relating to input methodologies	All suppliers of regulated goods or services

6 Sub-levy for price-quality regulation must be recalculated if change in suppliers liable to pay

Regulation 11(2) is amended by omitting “If the Governor-General, by Order in Council, declares that section 54H of the Act applies in respect of a supplier of electricity lines services,” and substituting “If a supplier of electricity lines services ceases to be exempt for the purpose of section 54G of the Act,”.

7 Levy must be reconciled on basis of actual Commission costs after end of financial year

(1) The heading to regulation 13 is amended by omitting “**on basis of actual Commission costs**”.

(2) Regulation 13 is amended by adding the following subclause:

“(3) If, at the time of the reconciliation under this regulation, there has been a change after the end of the financial year in the suppliers who were liable to pay the sub-levy for price-quality regulation during the financial year, the Minister must, as part of that reconciliation,—

“(a) reconcile the levy for the financial year against the levy that would have been payable if the calculation (or recalculation) had used the actual suppliers who were liable to pay the sub-levy; and

“(b) notify each supplier of regulated goods or services of the amount by which the reconciliation has been affected by this subclause.”

8 Regulations 14 to 18 revoked

Regulations 14 to 18 are revoked.

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on the 28th day after their notification in the *Gazette*, provide for—

- the Commerce Commission to recover from Transpower the costs of its functions relating to approval of Transpower’s grid upgrade plans under section 54R of the Commerce Act 1986 and its functions relating to preparation of input methodology for Transpower’s capital expenditure proposals under section 54S of that Act;
- backdated adjustments to the electricity supplier levies in the event that there is a change in the suppliers that are consumer-owned. Suppliers that are consumer-owned are not subject to price-quality regulation.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 16 December 2010.

These regulations are administered by the Ministry of Economic Development.
