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Editorial Note

Network has been published continuously since 1999. For much of its history, this publication has included a 'lead article'. We would like to bring back that tradition. We are hoping to publish 2-3 lead articles each issue (that is, each quarter).

Do you have a short paper that would be of interest to the readership of *Network*? This could be thinking on topical policy issues, reflections on recent policy decisions, a discussion of new academic ideas, or a report on research your team has carried out.

This is an opportunity for both senior, experienced staff and for more junior and less experienced staff who would like to build their profile.

The topic should be within the broad field of regulatory and competition policy. The articles should be relatively short: 1000-2000 words is ideal. If you have an idea that you would like to check out with the editors feel free to get in contact with us. We look forward to hearing from you.

In addition, if you have an announcement that would be of interest to the readership of *Network*, such as announcements about upcoming training courses, or key vacancies, openings or opportunities, please let us know and we'll include the announcement in future editions

The latest academic thinking – From the Journals

Who has time to scan the journals to find relevant papers, let alone to read all that material? In this section we do some of the hard work for you.

This section identifies recent articles in the economics literature, summarises the key messages, and places the paper in the broader context, so that you can decide whether or not to read the paper in more detail yourself.

The focus here is on papers from the economics literature which may be of relevance to readers of *Network*. This includes regulatory economics, competition economics, digital platforms, law and economics, energy economics, benchmarking, and empirical techniques used in these areas.

Inclusion in this list does not imply endorsement of the conclusions. Where appropriate we will offer our own critique. Readers are encouraged to read the original papers to form their own view.

We have grouped the papers into the following headings so that *Network* readers can quickly find material that interests them: Energy markets; Telecommunications regulation; Digital platforms; Regulatory policy; and Competition policy.

Regulatory Policy

A recent working paper asks an original question and thought-provoking question: Does academic research on a regulatory regime improve the quality of regulatory outcomes? Are there complementarities between research intensity and regulatory effectiveness?

Söderberg and Yang (2021) collect data on research articles on electricity regulation published in peer-reviewed journals in 12 European countries over a 20-year period and correlate this data with the price for electricity network services (published by Eurostat), paying attention to potential lags between publication timing and the effect on prices. The results are striking:

"[P]ublished research about electricity regulation reduces the electricity network price. It takes 5-8 years until research has an impact on prices and the effect lasts for 2-3 years. The effect is stronger the more directly articles deal with electricity network regulation. Thus, the results are consistent

Contents

From the Journals	1
Regulatory Decisions in Australia and New Zealand	11

with [the hypothesis] that research articles about regulation help regulators design and implement more effective rules, which in turn help to reduce regulated prices.”

The authors regress the average regulated electricity price for customers of a given size over the period 2007-2019 against the average number of published research papers per year over the period 2000-2014 (the different timeframes allow for a lag between the publication of research and the impact on prices). The results are consistent regardless of the size of the customers, or the scope of the definition of relevant papers: More academic research correlates with lower prices. An increase from zero to one published paper per year reduces prices by 12 per cent using a broad definition of relevance and 32 per cent using a narrow definition of relevance.

The authors also report the results of a survey sent to European regulators to ask them about their interest in, involvement with, and reliance on, academic research.

As interesting as this paper is, it suffers from the classic problem of distinguishing correlation and causation: Research is likely to be something of a luxury good, with more produced in richer or larger countries. Perhaps countries that are richer, larger, or growing faster, have lower electricity prices (that is, due to more intensive use of the network, or greater exploitation of economies of scale and scope) *and* more research output? This would show up as a correlation between research and prices. More work is needed to establish a causal link between higher levels of research and lower regulated prices.

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One of these authors was also involved in another recent paper which looks at whether there are pricing-spillover effects between neighbouring natural monopoly services.

If each local area is served by its own monopoly service provider, would we expect to see correlation of prices across neighbouring areas? Perhaps there might be some correlation if the neighbouring monopolies experienced similar costs (for example, the same labour costs or weather-related costs). But after controlling for cost differences, if utility A lowered its prices, would we expect to see lower prices in neighbouring utility B? In other words, is there an implicit “yardstick competition” across neighbouring utilities?

This question is explored by **Bonev, Glachant and Söderberg (2022)** in the context of the district heating sector in Sweden. District heating is a centralised

heating service provided by a local monopoly service provider in each municipality.

The authors present evidence that the presence of lower prices in a neighbouring municipality tends to lower prices in the municipality in question. This is surprising. It suggests that each district heating service tends to look at its neighbours when making its own pricing decisions. In other words, there is implicit yardstick competition between neighbouring utilities even in this largely unregulated sector.

Energy Markets

Back before the 1990s, the electric power sector was vertically integrated, combining the generation, transmission and distribution sectors in one company. In principle such an integrated company can plan for the optimal development of the entire wholesale sector, including the location of new generation and transmission resources, in a process known as Integrated Resource Planning.

In Australia the reforms of the 1990s split the generation and transmission sectors. This structural separation was one of the key drivers of the success of the National Electricity Market, but it has one drawback: New mechanisms must be established to coordinate (entrepreneurial, for-profit) generation investment with (regulated, government-owned) transmission investment.

The issue of transmission planning in a liberalised electricity market was the focus of a recent paper by **Chao and Wilson (2020)**. They note the difficulty of coordinating merchant generation investment with regulated transmission investment:

“New tools are required ... that enables one to anticipate the incentives for merchant investments, and to estimate the impacts of merchant and regulated projects on energy prices along with the distributive effects on participants in wholesale energy markets. Since the timeframe of transmission planning is generally longer than for generation, such models are necessary to enable efficient coordination of regulated transmission projects with anticipated or alternative merchant projects as a regulated transmission project and its cost allocation are subject to stakeholders' reviews in the regulatory process.”

New transmission capacity creates both winners and losers. A major transmission expansion is likely to be supported by generators in the exporting region (as it raises local prices) and by loads in the importing region (as it lowers local prices). But the same transmission expansion is likely to be opposed by loads in the exporting region and opposed by generators in the importing region for exactly the same reasons.

The authors pay specific attention to the question of pro-active versus re-active transmission planning: Who should move first: transmission or generation? In a framework in which generators do not pay for the transmission network there is a risk that, if generators move first, they will locate in the regions which are most attractive for them, but – by increasing the overall costs of transmission – leading to higher costs overall. The solution is pro-active planning, but this requires the central transmission planner to have information on every possible generation investment.

The authors advocate paying attention to the distribution of welfare impacts from transmission upgrades, if only to better inform the planning consultation process, and to inform the sharing of the costs of a transmission project using the principle of beneficiaries-pay.

The second part of the paper is a proposal for a transmission planning model – formulated as a two-stage stochastic optimization problem subject to constraints. The authors use this model to explore the choice between transmission and generation solutions to local congestion issues, and the choice of the sequence of transmission and generation investments when these investments cannot be coordinated simultaneously.

The proposed model predicts the impacts on the welfare of generators and consumers at each node, and therefore potentially provides a basis for allocating cost sharing in proportion to the welfare gain obtained by those who benefit.

The authors also explore the implications of requiring transmission projects to be self-funding (for example, out of congestion charges). This is similar to the question of who should pay for a highway (costs allocated to residents, or toll charges, even if that is distortionary). They conclude:

“In some cases, the efficiency loss is so small that disputes over cost allocation can be averted by relying on a market-based cost recovery mechanism”.

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As in Australia, in the absence of an effective national carbon price or carbon tax, many US states have sought to promote investment in renewable generation through state-level programs that target subsidies at renewable generation. But do these technology-specific subsidies at the state level conflict with the operation of a region-wide capacity market? In particular, do state-level subsidies for renewable generation depress the price for capacity in the capacity market?

Some US markets have introduced policies to restrict the bidding of renewable generation in capacity markets. These restrictions have proven highly contro-

versial. But do they make sense? This question was the motivation behind an important recent paper in *Energy Economics*.

Bialek and Ünel (2022) examine the impact of subsidies for renewable generation on the overall efficiency of the power system. They point out that, in the presence of pollution externalities, although a subsidy to renewable generation can improve overall welfare, it cannot achieve the overall efficient mix of generation. The reason is straightforward: Different generation types have a different pollution intensity. The optimal mix of generation will typically involve a *range* of generation types. A subsidy to one (low emissions) generation type will tend to boost investment in that generation type but at the expense of distorting the mix of renewable versus other (polluting) generation.

Bialek and Ünel raise the possibility that (at least within the framework of this paper) there should be a different level of subsidy for different renewable generators, on the basis that each displaces traditional generation types with different emissions intensity.

Bialek and Ünel go on to explore the interaction between subsidies and capacity markets. They argue that the price for capacity in the capacity market is determined by the highest-variable-cost generation type (the “peaker”). Therefore, as long as the peaking generation type is a polluting generation, subsidies to renewable generation are intra-marginal and do not suppress the price for capacity.

The authors conclude that recent rules in the US, that prevent subsidised renewable generation bidding into the capacity market below their unsubsidised cost, will push up capacity prices, encourage investment in polluting generation, and reduce overall welfare.

Many of the results of the paper could be obtained through the use of screening curves. This would improve the intuition of the results and also help to clarify the key assumptions in the framework. The authors rely heavily on the assumption of constant returns to scale and an absence of limits to investment in each generation type. These assumptions are rather specific; some of the key results of the paper may yet be modified by further research. Nevertheless, this is a valuable contribution to the literature.

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Paul Simshauser is one of the most prolific commentators on the Australian electricity market. He has another interesting piece in *Energy Economics* on the energy transition in Queensland.

The long-run effectiveness of energy-only wholesale power markets is one of the most hotly contested questions in the literature on wholesale electricity markets. **Simshauser (2022)** starts with an interesting summary of the peak load pricing literature and its

application to energy-only wholesale electricity markets. He concludes:

“[P]rovided an energy market’s reliability standard has a tight nexus with the administratively set VoLL and with no economic constraints on generator offers, there should be no question that investment in energy-only markets will flow under conditions of diminishing supply-side reserves. Imbalances induce a growing number, and intensity of, price spike events which drives investment in new capacity. The central question is whether plant investment occurs in a timely manner, or in response to a crisis, noting practical political limits exist vis-à-vis the severity and duration of wholesale market price shocks.”

The bulk of the paper is taken up with elaboration of a simple two-node model of the power system in Queensland, under the assumption of constant returns to scale in generation and with the potential for investment and disinvestment in generation in arbitrary small increments.

Simshauser finds that the approximate 8000 MW of investment in rooftop solar in Queensland leads to a disinvestment of 1000 MW of utility-scale generation of which approximately half is coal-fired generation. Simshauser also simulates the effect of substantial (50 per cent) penetration of variable renewable generation, to test whether the energy-only market could continue to deliver adequate signals for investment. He finds:

“Under equilibrium conditions, the energy-only market proved tractable given the NEM’s VoLL of \$15,000 and a reliability constraint of not more than 0.002% unserved energy. The addition of VRE was welfare enhancing for any shadow CO2 price above \$3.1/t. Other jurisdictions have been forced to abandon the energy-only market design and this often reflects real-world constraints (e.g. lower VoLL) or interference (i.e. in response to high prices) ...”

These results are sensitive to the assumption of seamless coal exit and to the frequency and severity of negative prices. These negative prices are, in part, a consequence of what he calls “contract errors” in wind-farm power purchase agreements and presumably will decline in importance in future.

He concludes:

“Whether an energy-only market design is a suitable and enduring format for a renewable transition in any jurisdiction is an open question.”

Digital Platforms

The most recent edition of the *Antitrust Bulletin* features a number of relevant articles on the regulation of digital platforms.

Deutscher (2022), from the Centre for Competition Policy in the University of East Anglia points out that new initiatives to regulate digital platforms “challenge well-established fundamentals of modern antitrust and thereby reshape the future of competition law”. According to Deutscher the current changes in anti-trust thinking are:

“[A] period of tectonic shifts as policymakers in Europe and the United States are rushing toward the adoption of new regulations to tame the unprecedented economic power of digital platforms.”

Deutscher identifies several “paradigm adjustments” underway in antitrust thinking. The first of which is the open rejection of “the long-standing dogma that consumer welfare constitutes the only rational and legitimate goal of competition law”, in favour of an approach which embraces a wider range of values such as fairness.

Deutscher also points to a change in the perceived balance of harms in applying competition law in the context of digital platforms – away from a concern about allowing incumbents to reap a reward from the provision of innovative technology, products, and services, and towards a concern to promote market openness and contestability and to “preserve smaller business users’ and rivals’ sunk investment in digital innovation”.

Deutscher sets out a useful comparative summary of the relevant regulations under consideration around the world, and a valuable summary of the economies of data-driven network effects and the implications for competition. Much of the paper is taken up with a discussion of the changing perceptions of harm and the effect on legal standards and burden of proof in the new regulations.

The most interesting part of the paper discusses the implications for the consumer welfare standard. The author emphasises that the new platform regulations represent an abandonment of a narrow consumer welfare standard in favour of an approach which enables competition authorities to “protect a competitive market structure and the economic opportunity and liberty of smaller competitors and business users regardless of their efficiency and immediate contribution to consumer welfare”. He asserts that this reflects a more open, holistic and arguably more accurate understanding of consumer welfare.

Deutscher recognises that this could lead to a wider range of policy goals and therefore potential conflict between different policy goals in the enforcement of competition law, but he sees this as something to be welcomed.

Deutscher observes that the new platform regulations represent a shift from a focus on preserving the incentives for innovation by incumbent platforms to a focus on smaller firms:

“By seeking to ensure a level playing field and contestability in digital markets, the new platform regulations explicitly aim to preserve smaller business users’ and rivals’ sunk investments in digital follow-on or disruptive innovation”.

Deutscher concludes that the new platform regulations set in motion a profound transformation of modern antitrust law.

Deutscher’s position is consistent with that of the Neo-Brandeisians who, recognising the weaknesses of the consumer welfare standard, foresee a much broader range of goals for competition law in the future. However, this approach is highly controversial. Others have argued that recognition of the flaws in the consumer welfare paradigm doesn’t mean the need to abandon a single-minded focus on economic welfare; we just need to consider a different economic framework (as, for example, in **Biggar and Heimler, 2020**).

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For the past few decades antitrust authorities have been primarily concerned with horizontal mergers and agreements – that is mergers and agreements between competing firms – as these were seen as the primary risk from the acquisition of market power. In contrast, vertical agreements and mergers have been seen as broadly benign, except in a few cases. Conglomerate mergers (where the firms have no commercial relationship at all) have, for many years, been seen as having giving rise to no competition concerns at all. The US FTC and the DOJ largely renounced non-horizontal theories of harm in the 1980s (although they did release vertical merger guidelines in June 2020).

But at least in the EU, the situation seems to be changing. **Witt (2022)** examines the “remarkable comeback” in conglomerate effects analysis in European merger control. While conglomerate effects had disappeared from the Commission’s enforcement practice for at least fifteen years, Witt asserts that the EC has analysed conglomerate effects in more than half of the Commission’s recent decisions assessing acquisitions by one of the Big Five tech firms. In addition, the new UK merger guidelines recognize the potential for leveraging strategies arising from conglomerate acquisitions in digital markets.

Witt argues that this new enforcement approach of the EC is consistent with recent economic research which “disputes that the acquisition of a company operating in a neighbouring market should automatically be presumed benign and argues that leveraging can be a plausible theory of harm, both in the real economy, but especially in the context of digital ecosystems”.

Witt’s paper is valuable, but, in the opinion of this reviewer, this interest in conglomerate effects is the

result of a misunderstanding about when firms are in a vertical relationship. Witt seems to take the position that firms are in a vertical relationship if one supplies the other in the supply chain. But according to economic theory, firms are in a vertical relationship if they provide *complementary* products or services, whether or not the firms transact with each other. The situations Witt describes in the paper relate to situations where the parties provide complementary services. These are correctly described as vertical relationships. A firm with market power in a vertical relationship can affect the commercial position of the other, whether or not those firms directly transact with each other.

This confusion can be seen in the first paragraph of the paper where the paper observes that the tech giants have collectively acquired 800 firms; not direct competitors, but start-ups that produce “technologies that are *complementary* to that of the acquiring Tech giant”. If we correctly label acquisitions of complementary services as vertical mergers the recent concern of the EC to examine these mergers is not so surprising. The recent EC enforcement effort reflects a reinvigoration of concerns about vertical mergers, but not a new concern with conglomerate mergers.

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One of the concerns raised about digital platforms is that they may have the power to influence democratic processes and outcomes. Should this be taken into account by competition enforcers?

In a paper which departs from our usual focus on economics, **Robertson (2022)** explores whether competition enforcers should take steps to maintain a democratic society. In particular, should democracy-related harms be considered part of the theories of harm considered by competition agencies, in addition to the normal competition-related harms?

Robertson explores the historic links between competition law enforcement and democracy, before examining how the practices of digital platforms contribute to undermining democratic processes. The paper concludes with a discussion of whether competition law can ever be completely apolitical.

In the view of this reviewer, although digital platforms, with their micro-targeted control over the information flow to voters represent a real threat to democratic processes, it is far from clear that these issues are best addressed through competition law. Different public policies are best addressed through different policy instruments.

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One of the concerns raised about digital platforms is the practice of “self-preferencing” – that is, a platform treating an affiliate in a related market differently to third-parties. Such concerns have arisen in (a) the

EU *Google Shopping* case, where the concern was that Google downgraded rival shopping comparator sites in its search results, (b) in the *Android* case, where the concern was about preinstallation of certain apps, and (c) in an Italian case against Amazon, where the concern was that Amazon favoured sellers who committed to use Amazon's own logistics service.

Such actions can be harmful to competition. The downgrading of rivals may force them to pay for additional services to maintain their position and is therefore a tool to extract some of the rents received by the trading partner. In addition, forcing trading partners to use an affiliate service reduces their tendency to multi-home and denies competing services the benefits of economies of scale. This can reduce competition in both related markets.

Issues of self-preferencing and leveraging are explored in a recent paper by **Bougette, Budzinski and Marty (2022)**. The authors point out that, even if the digital platform is not vertically integrated, the platform may have reasons to treat different trading partners differently – for example, to steer customers to services for which the platform earns a higher commission, or to ensure that the overall experience for customers is maintained (for example, by ensuring the customer receives high-quality or relevant advertising, or good-quality service).

The incentive for self-preferencing is even clearer where the platform itself competes in the related market, in which case the platform can replicate the services of successful complementors and use a variety of tools to steer customers towards those services. This is a threat to the complementors:

“... they might be obliged to accept unbalanced contractual terms leading to excessive data extraction (favoring future market foreclosure) or wealth transfer (through payments for ancillary services such as data analytics or pay for prominence in ranking schemes). The more significant the platform market dominance and the easier its possibility to thwart its own algorithms, the higher the pressure on complementors. The possibility to implement self-preferencing strategies put complementors in a situation of economic dependence from which the platform may abuse.”

Self-preferencing is not entirely without cost for the dominant platform. The threat of self-preferencing, undermines trust by complementors in the platform which leaves them less willing to invest, innovate, or contribute to the platform. This potentially reduces the attractiveness of the platform to customers and users. In addition, downstream customers and users may fear that they are not being directed to their best matches, which reduces the value they receive from the platform and their willingness to invest.

Does self-preferencing always reduce economic welfare? The authors point out that (like price discrimination) self-preferencing may increase welfare (for example, where there is a ‘market expansion’ effect that outweighs the negative impact on the incentives for investment), but the authors describe this as requiring “ambitious assumptions”.

The authors conclude with a discussion of the possible policy options for addressing self-preferencing, including structural separation as a possible solution. At the end of the day, the authors come down on the side of controls on self-preferencing:

“According to the current state of the economic analysis of welfare effects, predominantly negative welfare effects must be expected if relevant companies in a digital ecosystem apply self-preferencing practices. This can be viewed as justifying a per se prohibition of such practices even if it would frustrate some exceptional positive cases. Still, given the novel nature of digital self-preferencing and the dynamic nature of the markets involved, we tend to recommend an effects-based approach, however, with a strong but rebuttable presumption that self-preferencing by companies with gatekeeping power are anticompetitive and welfare-reducing, especially because next to exclusionary also exploitative abuses must be considered.”

This is not an easy paper to read. The English is not polished. But the authors are learned and as a survey of research in self-preferencing it is valuable.

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The European Commission's digital single market policies are increasingly concerned with the impact of digital platforms on competition in the internal market. Whereas the European Commission acknowledges the contributions of platform companies to innovation, it also sees actual and potential damages occurring from their powerful position.

Afilipoaie, Donders and Ballon (2022) discuss the EC's approach to evaluating the competitive effects of platforms and whether its approach to merger control in this space has been adequate in addressing concerns. This paper uses case-study analysis to evaluate the EC's handling of platform-related mergers.

Three mergers were selected as case-studies: the Facebook/WhatsApp transaction, Microsoft/LinkedIn merger and finally, the Apple/Shazam case. The paper also explores the way in which the EC evolved in its analysis of platforms and their competitive effects.

The authors conclude that the EC has recognised and considered the importance of platforms as an intermediary in the digital industry, the platform cir-

cumstances and the importance of fair competition between enterprises.

The EC considers the behaviour of ‘big tech’ as more important in the merger review process than the size of the companies. As such, rather than breaking up the tech companies, the EC has been open to alternative remedies such as requiring some data to be held in separate ‘data silos’ that are unavailable for use by other services provided by that firm.

The authors conclude that the EC’s analysis of the selected mergers is multi-layered and takes into account the complexity of platform market power, noting that the diversity of platforms and the way that they operate means that these findings cannot easily be generalised.

Telecommunications Regulation

In another new paper, **Rossi (2022)** speculates on the potential impact that 5G will have on the “extended connectivity-based value chain” and the implications that the market and technological changes brought about by 5G may have on the application of the non-discrimination principle.

This paper uses the term ‘non-discrimination (ND) principle’ to reference the numerous EU rules regulating access to essential infrastructure, vertical separation, and network neutrality rules, all of which are designed to enable free entry and to provide a level playing field for all market participants regardless of the degree of their vertical integration.

The author dedicates a section of the paper to the many applications of 5G. These applications are grouped into more traditional technological improvements that are seen as ‘evolutionary’, and ‘revolutionary’ improvements where the applications are described as having the potential to alter the traditional “connectivity value chain”. Examples of the former include higher speed mobile broadband allowing ultra-high-definition outdoor streaming and real time virtual or augmented reality applications. Examples of the more revolutionary applications proposed in this paper include *ultra-reliable* and *low latency communication* and *massive machine type communications*, also referred to as the *massive internet of things*.

Rossi further discusses specific legal requirements for the licensing of standard-essential patents (SEPs) under the ND principle, and the trade-off that regulators must face between promoting technological innovation in 5G technology and innovation in network user devices. Rossi explores the implication of 5G on current vertical separation rules, given the paper’s predictions regarding the creation of new vertical

supply chains, and business models incorporating increased connectivity.

The paper calls on policymakers, particularly in the EU, to reassess the ND principle as 5G has the possibility of transforming the nature of connectivity and the role of communications technology in the broader economy and society. If current rules remain unchanged in the face of a potentially disruptive technology, there exists the possibility of stifled incentives to innovate as well as reduced incentives to integrate 5G into traditional industries.

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Another paper recently published in *Telecommunications Policy* explores the impact of public policy decisions regarding 5G on the development of so-called local industrial networks and the ‘internet of things’.

Kneips & Bauer (2022) foresee a period of experimentation and trial-and-error processes where 5G users develop feasible and sustainable innovations.

In this paper 5G is seen not just as a technological jump from the previous generation, but rather a brand-new set of tools that may unlock a range of specialised and novel services, particularly on a local industrial level. The authors argue that policies such as spectrum assignment, net-neutrality rules and measures of industrial policy both enable and constrain 5G suppliers and end users. The outcomes of these policies on the propagation of 5G are currently poorly understood.

While this paper discusses several public policies that have an impact on 5G networks, none are given more attention than spectrum assignment. An entire chapter of the paper elaborates the effects of spectrum assignment decisions on 5G and local industrial networks. Spectrum assignment has a great influence on the range of options available to configure 5G local networks and the cost of deploying these networks. The paper compares policies in EU member states and whether they have assigned licenses for localised industrial 5G networks, whether local industrial networks will have to rely on traditional mobile network operators or whether industry will leverage unlicensed bands instead. Essentially, this gives rise to a natural experiment that will reveal the benefits and drawbacks of each approach.

The paper concludes that current approaches relating to 5G policy “are real time experiments in which companies and policymakers try to sort out the workable from the non-workable solutions” in what is a broad evolutionary search process. The authors add that these experiments could be taken further through the creation of novel coordination mechanisms, pro-

visions to strengthen secondary markets and giving users the ability to negotiate secondary uses.

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In yet another recent paper discussing regulation in 5G markets, **Bauer & Bohlin (2022)** examine the roles and consequences of different market design approaches for innovation. The authors focus on regulation that affects horizontal and vertical business relations among players.

The paper starts by explaining the features that differentiate the 5G value system from earlier wireless technologies. This is followed by the development of a conceptual framework to analyse desired and potential undesired effects of 5G policy on investment and innovation. Finally, Bauer & Bohlin discuss the pros and cons of selected forms of 5G market regulation.

The 5G technology standard differs from previous generations in that it has the potential to make a greater impact in the world of business and industry (for example, the internet of things and local industrial networks) than in consumer applications. 5G also requires extensive investment in underlying physical infrastructure despite the benefits and profits being concentrated in the service or application layer. These features combine to create a strong incentive for vertical integration.

The paper focuses on four interrelated regulatory concerns: access to essential resources, achieving network coverage, safeguarding access to network services and finally, concerns around non-discrimination and network neutrality. Different regulators are addressing these concerns in different ways.

The different policies are evaluated using a framework rooted in innovation theory. The net effect of policy on innovation is viewed as a sum of the direct effects of the policy, indirect effects resulting from competitive interactions, and the systemic effects which arise due to policy influence on coordination costs.

The authors argue that regulators should gauge the strengths of all three of these effects through methods such as dynamic simulations and agent-based modelling, tools which already assist development of infrastructure planning and spectrum policy. The paper also calls for market monitoring and adaptive regulation that complements market design to better achieve policy objectives. Notably, this paper does not consider whether a more uncertain regulatory environment that arises from an agile and adaptive policy may also act as a brake on investment and innovation.

Railway Regulation

Spain is home to one of the longest high-speed rail (HSR) networks in the world. The Spanish network takes the hub-and-spoke form, with Madrid acting as the hub and four corridors departing Madrid to the northeast, east, south and north. The Spanish HSR network is characterised by high track access charges, low ridership relative to other HSR networks and high congestion, the latter of which acts as a barrier to entry to the railway market under liberalisation.

The Spanish infrastructure manager in charge of the HSR network, ADIF AV, has implemented a new model of liberalisation of the HSR market. This model is discussed and evaluated in a new paper by **Montero and Ramos Melero (2022)**.

ADIF AV designed its liberalisation model with a view to increase track utilisation, increase ridership and to prevent what the authors term “cream-skimming” - the fear that newcomers would cherry-pick the Madrid-Barcelona route which has historically carried the most passengers and generated the greatest revenue for the incumbent rail operator, Renfe.

With this in mind, ADIF AV designed an optimised timetable for the network, allowing capacity constrained segments of the network (the main stations in Madrid and Barcelona) to be used efficiently by railway undertakings. The optimised capacity was distributed among three asymmetric 10-year framework agreements which represent “a legally binding general agreement [...] setting out the rights and obligations of an applicant and the infrastructure manager in relation to the infrastructure capacity to be allocated and the charges to be levied over a period longer than one working timetable.”

Agreements are concluded with the candidates requesting the highest number of train paths included in each of the three framework agreements in a sealed-bid auction. Only one package would be granted to each railway undertaking, as a way to prevent capacity hoarding by the incumbent.

The authors determine that the Spanish model “provides a viable solution to the fundamental challenge of allocating infrastructure capacity when the infrastructure is congested” although adjustments could be made to improve it. One such adjustment suggested would be alternative criteria for the awarding of tenders, such as the most efficient use of infrastructure through bidding numbers of train paths as well as seat-kilometres rather than just train paths.

Montero and Ramos Melero conclude that the Spanish liberalisation model has resulted in the competitive provision of HSR services in Spain, and that barriers to entry have been reduced for new entrants.

Overall, the tender process has resulted in a sharp increase in services which should benefit passengers through lower prices and higher frequencies. The caveat is that the tender-winning railway undertakings must abide by rigid commitments for the next ten years which could pose a risk to the viability of these railway undertakings in the long-term.

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Guillen (2022) discusses the regulatory changes and economic issues surrounding the liberalisation of the EU passenger rail market. Focus is given to the challenges that liberalisation imposes on public service contracts as of 2023 when new rules come into force. Guillen presents the case that rail market liberalisation in the EU is at a tipping point. The fourth railway package approved by the European Parliament, Commission and the EU member states is taking effect.

The railway package is structured in two main parts or “pillars”. The technical pillar and the market pillar, with the latter being the subject of this paper.

In a liberalised passenger rail transport market, European member states retain the right to intervene in the market. Market intervention predominantly occurs to guarantee the provision of loss making or non-commercially viable services that provide public benefits. To ensure that market interventions serve the general interest of European citizens, member states have been developing a framework of so-called public service obligations (PSOs).

It has been common in several member states to directly award rail service contracts that are accompanied by the imposition of certain PSOs. As of 25 December 2023, the direct award of contracts involving PSO provision will no longer be allowed. Instead, the provision of PSOs will be determined through a competitive tendering process.

In Spain, passenger rail transport subject to PSOs is highly significant in the broader railway transport market. Services subject to PSOs carry 93 per cent of all passengers and make up 57 per cent of passenger railway service income. Services subject to PSOs are even more prevalent in other European member states.

Some of the challenges discussed include: the possibility of liberalising PSOs that have become commercially viable, dysfunctions between the provision of a new passenger transport service in competition with railway services subject to PSOs, barriers to tendering and the difficulty of tendering for public service contracts, duration of contracts subject to PSOs, the need for multimodal coherence between road services and railway services subject to PSOs and

finally, PSOs in international cross-border passenger transport.

The paper concludes that more effort by European and national institutions will be required to approve regulatory measures and instruments of soft law in order to design future public service contracts and in order to introduce new competitors into the market. The paper also sees a place for greater collaboration between European member states to structure cross-border passenger rail services where contracts are subject to PSOs.

Competition Policy and Innovation

Our last reviewed paper, from the *Oxford Economic Papers*, looks at the relationship between market concentration and innovation.

There is an extensive field of literature dating back to the 1940s seeking to characterise the relationship between market concentration and innovation. Schumpeter (1942) proposed that monopoly markets were superior at driving innovative activity while Arrow (1962) arrived at the opposite conclusion.

The debate on so-called ‘innovation races’ in the latter half of the 20th century focused on uncovering monotone relationships between industry structure and innovation efforts or incentives to innovate. Aghion et al. (2005) reinvigorated this debate and presented empirical evidence of concave non-monotone behaviour at the overall economy level and the existence of an ‘inverted U-shape’ in the relationship between market concentration and innovation.

A new paper by **Delbono and Lambertini (2022)** builds on past models of two stage R&D races in which firms are engaged in Cournot competition. With the help of numerical simulations, Delbono and Lambertini show that at an industry level, “such a setting is rich enough to generate Arrowian, Schumpeterian, and inverted U curves.”

The paper presents underlying conditions that result in each of these curves respectively. First,

“a low productivity of the R&D technology (and/or a high level of the discount rate) yields a Schumpeterian relationship, e.g., the equilibrium aggregate R&D effort is maximised under monopoly and then monotonically decreases with the number of firms. This holds irrespective of the size of the innovation.”

Second,

“when the productivity of the R&D technology is high (and/or the level of the discount factor is low), then two scenarios emerge, depending on the magnitude of the cost reduction reached by the winning firm.”

Small cost reductions with respect to the market size result in an inverted U-shape between aggregate R&D and the number of firms and large cost reductions (suggesting innovation is almost drastic) result in an Arrovian pattern where the aggregate investment into innovation grows monotonically with the number of firms.

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Witt, Anne C., 'Who's Afraid of Conglomerate Mergers?', *Antitrust Bulletin*, 67(2), 2022, 208-236

Regulatory Decisions in Australia and New Zealand

Australia

Australian Competition and Consumer Commission (ACCC)

ACCC Updates on Electricity Market – Report Published

On 20 June 2022 the ACCC released its latest **Electricity Markets Inquiry report**, including an update to reflect current market conditions.

ACCC Consults on Aurizon's proposed One Rail Acquisition and Divestiture

On 9 June 2022 the ACCC published a **statement of issues**, outlining preliminary competition concerns with Aurizon's proposed acquisition of One Rail. One Rail is a provider of rail haulage and rail network services. It provides rail haulage services on the Adelaide to Darwin corridor, as well as in NSW, Queensland and SA.

ACCC's Latest Measuring Broadband Australia Report

On 9 June 2022 the ACCC published its latest **Measuring Broadband Australia** reports.

Airline Competition in Australia – Report

On 8 June 2022 the ACCC published its latest quarterly **Airline Competition in Australia** report.

Australia and New Zealand Broadband Networks – Joint Report

On 1 June 2022 the ACCC released a new report comparing trans-Tasman broadband performance.

Consultation Commences on Future Regulation of the NBN

On 23 May 2022 the ACCC published **NBN Co's proposed variation to its Special Access Undertaking**, which is a key part of the regulation of the NBN. It sets the maximum prices and terms and conditions for broadband providers to access the NBN until 2040. Feedback is required by 8 July 2022.

NBN Wholesale Market Indicators Report

On 19 May 2022 the ACCC released the **NBN Wholesale Market Indicators Report** for the March quarter.

Interim Authorisation for Virgin Australia and United Airlines Codeshare Pricing

On 12 May 2022 the ACCC granted **interim authorisation** for a proposed codeshare pricing arrangement between Virgin Australia and United Airlines.

Proposed Port of Geelong Acquisition – Report Published

On the 31 March 2022 the ACCC published a **statement of issues outlining preliminary competition concerns** with the proposed acquisition of the Port of Geelong by the Spirit Super Palisade Consortium. A final decision is scheduled for June 2022.

Australian Competition Tribunal (ACT)

Review of ACCC arbitration decision in a dispute between Glencore and Port of Newcastle

On 5 April 2022 the ACT released its decision varying the ACCC arbitration decision of the terms on which Glencore Coal will have access to the Port of Newcastle.

Australian Energy Market Commission (AEMC)

Additional Time for Declared Wholesale Gas Market (DWGM) Rule Change

On 30 June 2022 the AEMC announced that the final determination on a proposal to allow gas production and storage facilities to connect to distribution networks in the Victorian DWGM, **will now be published on 8 September 2022**.

New Rule to Protect Customers Experiencing Family Violence – Draft Determination

On 16 June 2022 the AEMC released a **draft determination** outlining proposed new protections and assistance for energy customers affected by family violence.

AEMC Review of Regulatory Framework – Draft Recommendations

On 2 June 2022 AEMC published a key part of its review into whether the regulatory framework is flexible enough to enable the timely and efficient delivery of major transmission projects needed **to support the fundamental transformation of the energy market towards net zero**. Feedback is welcome on the Stage 2 draft report by 14 July 2022.

2021 Annual Market Performance Review – Final Decision

On 28 April 2022 the AEMC released its **2021 Annual market performance review: final report**. The report provides insights and analysis on the power system over the period from 1 July 2020 to 30 June 2021.

Review of the Regulatory Framework for Metering Services

On 14 April 2022 the AEMC announced that work will recommence on its **review of the regulatory framework for metering services**. The review was paused in November 2021 as part of an adjustment to the AEMC's sequencing of work.

Australian Energy Market Operator (AEMO)

AEMO Releases 30-year Electricity Market Roadmap

On 30 June 2022 the AEMO published the 2022 Integrated System Plan, outlining a **30-year roadmap of investments for the National Electricity Market**.

AEMO Lifts Market Suspension

On 24 June 2022 the AEMO announced the **lifting of the suspension of the National Energy Market**.

Analysis of AEMO's Quarterly Energy Dynamics Report

On 13 May 2022 the AEMO released analysis of its **report** on a volatile first quarter.

Australian Energy Regulator (AER)

APA Victorian Transmission System Access Arrangement 2023-27– Draft Decision

On 30 June 2022 the AER published its **draft decision on APA's proposed gas access arrangement for the Victorian Transmission System**. APA has until 10 August 2022 to respond to the draft decision in a revised proposal. Submissions on both the draft decision and revised proposal are invited by 6 September 2022.

Endeavour Energy Penalised for Customer Life Support Breaches

On 30 June 2022 the AER reported that **electricity network distribution business Endeavour Energy has paid seven infringement notices totalling \$474,600** issued by the AER for putting vulnerable life support customers in New South Wales at risk between March 2021 and February 2022.

Largest Ever Penalty for Origin Energy for Customer Hardship Breaches

On 29 June 2022 the AER reported that Origin Energy Electricity Limited and other Origin related entities (together, Origin) have been ordered by the Federal Court to pay **penalties totalling \$17 million for failing to comply with their obligations to protect customers** experiencing hardship and payment difficulties, in proceedings brought by the AER.

Retail Energy Market Performance Update for Quarter 3, 2021–22

On 29 March 2022 the AER published its **latest quarterly retail market report**.

Hornsdale Power Reserve Penalised for Inability to Provide Contingency Services

On 28 June 2022 the AER reported that **Hornsdale Power Reserve in South Australia's mid-north** has been ordered by the Federal Court to pay a \$900,000 penalty after admitting to breaches of the National Electricity Rules related to providing back-up contingency services to the grid in 2019.

AGL Penalised for Breaching Energy Rules

On 28 June 2022 the AER reported that **AGL Energy Limited (AGL) have been ordered to pay** a total of \$3.5 million in penalties by the Federal Court for breaches of the National Electricity Rules, following proceedings commenced by the AER in relation to AGL's conduct during South Australia's state-wide blackout in 2016.

AEMO's Lifting of Market Suspension

On 23 June 2022 the AER wrote to all generators to reiterate obligations and market compliance with the National Electricity Rules in conjunction with AEMO lifting its market suspension.

Continued Supply for Former Enova Energy Customers

On 22 June 2022 the AER reported initiating the **Retailer of Last Resort process** allowing for the transfer of customers from electricity retailer Enova Energy Pty Ltd. If an energy retailer fails, the AER has the power to transfer customers to a new retailer.

EnergyAustralia Penalised for Life Support Breaches

On 2 June 2022 the AER reported that EnergyAustralia has been ordered by the Federal Court to pay penalties totalling \$12 million, for failing to comply with life support obligations for its customers who rely on life-saving health equipment.

AER Wholesale Markets Report – First Quarter 2022

On 26 May 2022 the AER published its **Wholesale Markets Quarterly report**.

Wholesale Electricity Prices Above \$5,000 per MWh on 15 and 17 May 2022

On 17 May 2022, the AER reported the wholesale electricity 30-minute price in Queensland was above \$5,000 per megawatt hour (MWh) for the 6 pm period; and on 17 May 2022, the wholesale electricity 30-minute price in South Australia was above \$5,000/MWh for the 7 am, 7.30 am, 8 am and 8.30 am periods. **The AER will publish a report into these high prices in July 2022.**

AER Reports on High Wholesale Electricity Prices in Queensland on 8 & 9 March 2022

On 12 May 2022 the AER published a report into **energy prices** exceeding \$5,000 per megawatt hour (MWh), in the National Electricity Market (NEM).

Wholesale Electricity Prices Above \$5,000 per MWh on 9 May 2022

On 10 May 2022, the AER reported the wholesale electricity 30-minute price in South Australia was above \$5,000 per megawatt hour (MWh) for the 6 pm and 6.30 pm periods on 9 May 2022.

APT Petroleum Pipelines' Proposal for 2022–27 Gas Access Arrangement Period for the Roma to Brisbane Pipeline – Final Decision

On 6 May 2022 the AER made a **final revenue determination** on APT Petroleum Pipelines Pty Limited's 2022–27 gas access arrangement period for the Roma to Brisbane Pipeline in Queensland.

Contestable Network Projects in New South Wales – Draft Guideline

On 6 May 2022 the AER published its **draft guideline** setting out how revenue determinations will be made for network operators competitively selected to carry out network projects under the NSW Electricity Infrastructure Roadmap. Feedback was required by 27 May, and the final guideline will be published in July 2022.

Wholesale Electricity Prices Above \$5,000 per MWh on 3, 4 & 5 May 2022

On **3 May** and, **4 and 5 May** 2022, the wholesale electricity 30-minute price in Queensland and New South Wales was above \$5,000 per megawatt hour (MWh) for the 6 pm 30-minute period. **The AER will publish a report into these prices in July 2022.**

Powerlink Queensland's Electricity Transmission Revenue Proposal for 2022–27 – Final Decision

On 29 April 2022 the AER released its **final decision** on the revenue that electricity network service provider, Powerlink Queensland, can recover from its consumers for the 2022–27 regulatory period.

2022-27 Transmission Determination – Final Decision

On 29 April 2022 the AER released its final decision on the **Australian Energy Market Operator's (AEMO) transmission services in Victoria** for the next regulatory control period from 1 July 2022 to 30 June 2027.

Wholesale Electricity Prices Above \$5,000/MWh on 20 and 28 April 2022

On 22 and 29 April 2022, the AER reported that the wholesale electricity 30-minute price in Queensland was above \$5,000 per megawatt hour (MWh) for the 6.00 pm 30-minute period on 28 April and for the 6.30 pm 30-minute period on 20 April. **The AER will publish a report into this in June 2022.**

High Wholesale Electricity Price on 17 February 2022 – Report Released

On 21 April 2022 the AER published a report into a high energy price exceeding \$5,000 per megawatt hour (MWh), in the National Electricity Market.

TransGrid's HumeLink Stage 1 – Consultation

On 19 April 2022 the AER announced **commencement of consultation** concerning HumeLink, a transmission upgrade connecting the Snowy Mountains Hydroelectric Scheme to Bannaby, expanding transmission capacity in southern New South Wales. A final decision is anticipated in the second half of 2022.

AER Recommences Review of the Transmission Ring-fencing Guideline

On 14 April 2022 the AER recommenced its **review of the Ring-fencing guideline (Electricity transmission)**. The review commenced in 2019 and has been on hold during the COVID-19 pandemic.

AER Releases a Note on Network Resilience

On 13 April 2022 the AER published a note to assist electricity networks, consumer groups and advocates understand **how resilience-related funding would be treated under the National Electricity Rules.**

AER's Customer Export Curtailment Value – Draft Methodology

On 8 April 2022 the AER released its proposed **new methodology** to assist network planning for the integration of distributed energy resources, such as rooftop solar, batteries and electric vehicles. Feedback was required by 6 May, for release of final methodology in June 2022.

Audit Results on Compliance with Customer Hardship and Disconnection Obligations

On 5 April 2022 the AER released the results of its **latest compliance audits** under the National Energy Retail Law, for 1 March – 30 June 2021.

Standardised Models for Alternative Control Services (ACS)

On 29 March 2022 the AER published its **standardised models** for alternative control services relating to metering and ancillary network services.

National Competition Council (NCC)

Application for Certification of the South Australian Rail Access Regime – Final Recommendation and Decision

On 13 April 2022 the NCC released the 6 April final decision, on its recommendation on the South Australian Government's **application to certify the South Australian Rail Access Regime**.

Australian Capital Territory

Independent Competition and Regulatory Commission (ICRC)

Regulated Water and Sewerage Services Price Investigation – Submissions Received

On 15 June 2022 the ICRC released the **annual update** of regulated water and sewerage services prices for 2022-23. On 4 May the ICRC published **submissions** received in response to the 1 March 2022 release of its issues paper outlining its approach to the 2023-28 water and sewerage services price investigation.

New South Wales

Independent Pricing and Regulatory Tribunal (IPART)

Review of New South Wales Rail Access Undertaking

On 25 February 2022, the IPART announced it had been granted a three-month extension to the review

timetable. The Deputy Secretary of Transport of NSW agreed to the extension. **The final report will now be due in November 2022.**

Solar Feed-in Tariff Benchmark 2022-23

On 10 June 2022 the Utilities Commission published its **solar feed-in tariff guide for customers**.

Northern Territory

Utilities Commission

Port of Darwin Changes to Standard Charges

On 24 June 2022 the **Utilities Commission announced changes to standard charges** for prescribed services.

Northern Territory Power System Performance Review 2020-21

On 31 May 2022 the **Utilities Commission published its review** of the generation and network performance of Northern Territory power systems.

Power and Water Corporation's (PWC's) System Control Charges Approved

On 19 April 2022 the Utilities Commission approved **the maximum that PWC can charge for 2022-23**, regarding its regulated electricity networks.

New Access Policy for the Port of Darwin

On 12 April 2022 the Utilities Commission **approved a new Access Policy**.

Utilities Commission 2021 Annual Report on Material Instances of Non-Compliance – Port of Darwin

On 24 March 2022 the Utilities Commission **published its Annual Report**.

Queensland

Queensland Competition Authority (QCA)

Regulated Retail Electricity Prices for Regional Queensland in 2022-23 – Final Determination

On 31 May 2022 the **QCA released its final determination** on regulated retail electricity prices for regional Queensland in 2022–23.

Solar Feed-in Tariff for Regional Queensland in 2022-23 – Final Determination

On 31 May 2022 the **QCA announced a mandatory solar feed-in tariff** for electricity customers in regional Queensland for 2022–23.

Aurizon Network's Capital Expenditure Claim – Final Report

On 21 April 2022 the QCA released its Final Report into **Aurizon Network's capital expenditure, in relation to its regulatory asset base** for the Central Queensland coal network.

Seqwater Bulk Water Prices 2022-26 – Final Report

On 14 April 2022 the QCA announced its **Final Report** following an investigation into Seqwater's bulk water pricing practices.

South Australia

Essential Services Commission of South Australia (ESCOSA)

Retailer Energy Productivity Scheme (REPS) Code Review - Final Decision

On 29 June 2022 the ESCOSA announced the **amendment of the Retailer Energy Productivity Scheme Code**, which will come into effect the beginning of January 2023.

Electricity Distribution Code Review – Issues Paper

On 17 June 2022 the ESCOSA published submissions received regarding the 5 April 2022 announcement of a review of the **Electricity Distribution Code**.

Ports Pricing and Access Review 2022 – Draft Report

On 30 May 2022 the ESCOSA published its draft report for **stage one of the review of the South Australian ports access and pricing regime**. Feedback is required by 8 July 2022.

Regulatory Reporting Requirements for Small-scale Networks

On 13 May 2022 the ESCOSA announced that **on 26 April 2022, the ESCOSA initiated variations** to licence conditions to reflect the varied reporting arrangements of small-scale networks, following on from **the 24 March 2022 release** of its Regulatory Reporting Requirements for Small-scale Networks.

SA Water Regulatory Determination 2024 – Guidance Paper 2

On 7 April 2022 the ESCOSA announced it will make **a new regulatory determination to apply to SA Water** from 2024 to 2028.

Ports Pricing and Access Review 2022 – Submissions Received

On 31 March 2022 the ESCOSA announced receipt of **six submissions in relation to the review of the Ports Pricing and Access Review**.

Off-grid Energy Consumer Protection Framework Review – Submissions Received

On 30 March 2022 the ESCOSA announced receipt of five submissions on the **Consultation Paper regarding off-grid energy consumer protections**. A Draft Decision is anticipated in July 2022.

Review of Revenues for the Tarcoola to Darwin Railway – Final Report

On 25 March 2022 the **ESCOSA released its final report** on a five-year review of revenues earned from third party access to below-rail services on the Tarcoola to Darwin rail line.

Release of Regulatory Reporting Requirements for Small-scale Networks

On 24 March 2022 the **ESCOSA released** its Regulatory Reporting Requirements for Small-scale Networks.

Tasmania

Office of the Tasmanian Economic Regulator (OTTER)

Standing Offer Electricity Prices Approved

On 17 June 2022 the OTTER announced **approval of Aurora Energy's proposed standing offer prices** under regulated tariffs for Tasmanian residential and small business customers to apply from 1 July 2022 to 30 June 2023.

Release of Water, Sewerage Prices Investigation – Final Report and Determination

On 10 May 2022 the **OTTER released its review of water and sewerage services** for the period 1 July 2022 to 30 June 2026.

2022 Regulated Electricity Pricing – Final Report and Determination

On 29 April 2022 the **OTTER released a Final Report and Price Determination** as to how maximum electricity prices are set for residential customers and small business customers on mainland Tasmania during the 2022-23, 2023-24 and 2024-25 financial years.

Victoria

Essential Services Commission (ESC)

Victorian Energy Upgrades Program – Report

On 28 June 2022 the ESC published the 2021 performance report for the Victorian Energy Upgrades program. The program is part of the Victorian Government's efforts to reduce greenhouse gas emissions.

Victorian Energy Market – Report Released

On 23 June 2022 the ESC published its quarterly report on the Victorian energy market.

Commencement of Goulburn-Murray Water Price Review – Draft Guidance Paper

On 21 June 2022 the ESC released a draft guidance paper for Goulburn-Murray Water, as the water business consults with customers on prices to apply from 1 July 2024. Feedback is required by 20 July, and the final paper is anticipated at the end of September 2022.

Western Australia

Economic Regulation Authority (ERA)

2022 Gas Rate of Return Instrument – Draft Published

On 17 June 2022 the ERA published its 2022 draft gas instrument and explanatory statement, which is subject to review by 2 September 2022.

Minimum STEM Price Review 2022 – Draft Determination

On 31 May 2022 the ERA published its draft determination report on the current minimum Short Term Energy Market (STEM) price, as required by the Wholesale Electricity Market Rules review criteria. Feedback on the draft determination is required by 15 July 2022.

New Zealand

New Zealand Commerce Commission (NZCC)

Broadband Services in Australia and New Zealand – Joint Report

On 1 June 2022 the NZCC published a joint comparative report of the two nations' broadband services.

NZCC Announces Gas Pipeline Charges – Final Decision

On 31 May 2022 the NZCC released its final decision on a phased increase for gas pipeline charges.

Pricing Transition for Powerco Limited (Powerco) – Release of Process and Issues Paper Released

On 26 May 2022 the NZCC published the timeline for Powerco's electricity revenue to transition from a customised price-quality path (CPP) to the default price-quality path (DPP). Feedback was required by 16 June 2022.

NZCC Announces Development of New Broadband Marketing Codes

On 17 May 2022 the NZCC announced the release of new marketing codes for the telecommunications industry.

NZCC Releases Statement Regarding Pricing Decisions at Wellington Airport

On 13 May 2022 the NZCC released its initial views about Wellington Airport's pricing decisions for specified airport services. Feedback is sought, by 10 June 2022.

NZCC Releases Statement of Preliminary Issues for Mobil Oil New Zealand Applications

On 11 May 2022 the NZCC published a statement of preliminary issues relating to two clearance applications from Mobil Oil New Zealand Limited to increase ownership interest in two assets used to supply jet fuel at Auckland International Airport.

NZCC Measuring Broadband New Zealand (MBNZ) programme

On 24 March 2022 the NZCC announced the release of the MBNZ report.

Release of NZCC Telecommunications Monitoring Report

On 17 March 2022 the NZCC released its 2021 Annual Telecommunications Market Monitoring Report.

Network is a quarterly publication of the Australian Competition and Consumer Commission for the Utility Regulators Forum. For editorial enquiries please contact Darryl Biggar (Darryl.Biggar@accc.gov.au) and Yuelan Chen (Yuelan.Chen@accc.gov.au), and for mailing list enquiries please contact Genevieve Pound (Genevieve.Pound@accc.gov.au).