

Notification of the Authority's decision under regulation 29 of the Electricity Industry (Enforcement) Regulations 2010

Under regulation 29(1) of the Electricity Industry (Enforcement) Regulations 2010 (Regulations), the Electricity Authority (Authority) must publicise every decision made under regulation 23(3) together with the reasons for the Authority's decision.

Investigation

On 1 December 2015, the Authority appointed an investigator under regulation 12 of the Regulations to investigate the alleged breach by Bosco Connect Limited (Bosco) of clause 11.15AB(4) of the Electricity Industry Participation Code 2010.

Clause 11.15AB(4) prohibits a losing trader from initiating contact with a customer switching to a save-protected trader before the switch event date to attempt to persuade the customer to terminate the arrangement with the gaining trader.

Electric Kiwi Limited (Electric Kiwi) alleged the breach after Bosco contacted a customer before the event date for the customer's switch to Electric Kiwi, to attempt to persuade the customer to terminate its arrangement with Electric Kiwi.

On 4 May 2017, the Authority received and considered a report and a recommendation from the investigator to discontinue the investigation.

The Authority's decision

On 4 May 2017, the Authority decided under regulation 23(3)(a) of the Regulations to discontinue the investigation. This means that the Authority will not lay a formal complaint with the Rulings Panel. However, the Committee considered Bosco's actions had breached clause 11.15AB(4) and decided to issue a warning to Bosco.

Reasons for the Authority's decision

The reasons for the Authority's decision to discontinue the investigation were that:

- Bosco has now changed its process, so that it does not contact customers switching away from Bosco during the switch save protection period
- in this instance the breach caused no impact as the customer's switch to Electric Kiwi was completed