

Exemption Under Section 90(1)(b) of the Electricity Industry Act 2010 in Connection With Expansion of Ngawha Springs Generation Plant

In accordance with section 90(1)(b) of the Electricity Industry Act 2010 (“Act”), the Electricity Authority (“Authority”) gives the following notice.

Notice

1. Exemption—The following persons are exempted from the requirement in section 76(2) of the Act to comply with rule 9 and rule 10 of Schedule 3 of the Act:

- a. Top Energy Limited (“Top Energy”);
- b. Ngawha Generation Limited (NGL);
- c. the directors, from time to time, of Top Energy;
- d. the directors, from time to time, of NGL;
- e. the chief executive officer of Top Energy, or person holding an equivalent position;
- f. the chief financial officer of Top Energy, or person holding an equivalent position; and
- g. the general manager corporate services of Top Energy, or person holding an equivalent position.

2. Conditions—This exemption is subject to the following conditions:

- a. This exemption applies in relation to the expansion of Ngawha Springs Power Station up to a nameplate capacity of 65MW.
- b. The exemption from the requirement to comply with rule 10 only applies to the appointment of the persons identified in clause 1(e) to (g) to positions of material influence over NGL.
- c. Top Energy and NGL must not engage in retailing, as that term is defined in the Act, to any customer connected to Top Energy’s distribution network.
- d. The exemption applies while Top Energy and NGL are wholly owned by the Top Energy Consumer Trust.
- e. The exemption applies until the close of 1 November 2027.

3. Commencement—This exemption comes into force on **1 November 2017**.

Dated at Wellington this 7th day of October 2017.

For and on behalf of the Electricity Authority:
DR THOMAS BRENT LAYTON, Chairperson.