

## **Investigation of an alleged breach of the Electricity Industry Participation Code 2010 by Genesis Energy Limited**

On 28 September 2018, Paua to the People Limited reported to the Electricity Authority (Authority) that it believed on reasonable grounds that Genesis Energy Limited (Genesis) had breached clause 11.15AB (4) of the Electricity Industry Participation Code 2010 (Code).

On 4 December 2018, under regulation 12 of the Electricity Industry (Enforcement) Regulations 2010 (Regulations), the Authority appointed Peter Wakefield as the investigator to investigate the alleged breach.

Under regulation 16 of the Regulations, the investigator must promptly notify the industry participant alleged to have breached the Code of the allegations that it is being investigated. On 6 December 2018, the investigator gave Genesis such notice.

Under regulation 17 of the Regulations, at the same time as the investigator sends a notice under regulation 16, the investigator must publicise the information about the matter under investigation, including the content of the notice given under that regulation. This notice publicises the information about the matter under investigation, and a copy of the notice given under regulation 16 is attached.

Any participant who considers that it is affected by the matter being investigated, and who wishes to become a party to this investigation, should notify the investigator within 10 working days after the date on which this notice is published.

The investigator's contact details are:

Peter Wakefield  
Senior Investigator  
Electricity Authority  
Phone: 04 460 8864  
Mobile: 021 392 715  
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## NOTICE UNDER REGULATION 16 OF THE ELECTRICITY INDUSTRY (ENFORCEMENT) REGULATIONS 2010

<b>Date:</b>	6 December 2018
<b>Addressee:</b>	Genesis Energy Limited (Genesis)
<b>Subject:</b>	It is alleged that Genesis approached a customer during the switch save protection period in an attempt to persuade the customer to terminate their new arrangement with a switch save protected trader.
<b>Investigator:</b>	Peter Wakefield, Senior Investigator, peter.wakefield@ea.govt.nz (appointed investigator under regulation 12 of the Electricity Industry (Enforcement) Regulations 2010 (Regulations)).
<b>Notifying industry participant:</b>	Paua to the People Limited (Paua).
<b>Clause allegedly breached:</b>	<p>11.15AB(4) of the Electricity Industry Participation Code 2010.</p> <p>Clause 11.15AB(4) prohibits a losing trader from initiating contact with a customer of a save-protected gaining trader during the save protection period to attempt to persuade the customer to terminate the arrangement with the gaining trader.</p>
<b>Circumstances of alleged breach:</b>	<p>On 16 September 2018, Paua sent a notification of transfer (NT) file to the registry to commence the electricity switch process for ICP [REDACTED], with a proposed event date of 18 September 2018.</p> <p>On 17 September 2018, Genesis responded to the NT file with a notice of acknowledgement and proposed a new event date of 21 September 2018.</p> <p>On 20 September 2018, Genesis emailed a dual fuel offer to the customer that the customer accepted on 21 September 2018.</p> <p>On 24 September 2018, Genesis processed a switch withdrawal notice, advising in the notice that the switch had been cancelled at the customer's request.</p> <p>Paua then emailed the customer asking why the customer had not completed their switch away from Genesis. On 26 September 2018, the customer advised Paua that Genesis' offer had been accepted.</p> <p>On 28 September 2018, Paua accepted the switch withdrawal notice.</p>

<b>Date and time of alleged breach:</b>	<ul style="list-style-type: none"><li>20 September 2018</li></ul>
<p><i>Please note, under regulation 16 of the Regulations, you are obliged to respond to this allegation, in writing, to the investigator within 10 working days of receipt of this notice</i></p>	

*(unless the investigator allows, in writing, a longer period).*

*Please provide your response by return email to the investigator.*

***Include the following in your response:***

***Whether you believe you have breached the Code***

***Whether there is another provision you consider more accurately describes the nature of the event***

***A full explanation of the circumstances surrounding the alleged breach***

***Identification of any information provided in your response that you consider confidential and that should not be included in the investigator's report under regulation 19 of the Regulations (regulation 15(2) of the Regulations).***