

Notice 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) of the Regulations, together with the reasons for the Authority's decision.

Investigation

On 4 December 2018, the Authority appointed an investigator under regulation 12 of the Regulations to investigate an alleged breach of clause 11.15AB(4) of the Electricity Industry Participation Code 2010 by Genesis Energy Limited (Genesis).

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.

The alleged breach concerned Genesis approaching a customer during the switch save protection period in an attempt to persuade the customer to terminate their new arrangement with Pua to the People Limited, a switch save protected trader.

On 13 February 2019, the Authority received and considered a report and a recommendation from the investigator to discontinue the investigation.

The Authority's decision

On 13 February 2019, the Authority decided under regulation 23(3)(a) of the Regulations to discontinue the investigation.

In making its decision the Authority decided that Genesis breached clause 11.15AB(4).

Reasons for the Authority's decision

The Authority decided to discontinue the investigation because:

- The breach was inadvertent. Genesis had a manual process to check to see if it could approach a dual fuel customer who was switching to a save-protected retailer. It has now changed this process so that it does not contact dual fuel customers that are save-protected for electricity during the switch save protection period.
- The breach had no market impact as the customer expected to receive a win-back offer from Genesis. Genesis could have achieved the same result without breaching the Code by making the win-back offer the next day.
- The parties to the investigation did not have any settlement requirements.