

Investigation of alleged breaches of the Electricity Industry Participation Code 2010 by Broadspectrum (New Zealand) Limited

On 11 February 2019, the market administrator reported to the Electricity Authority (Authority) that it believed on reasonable grounds that Broadspectrum (New Zealand) Limited had breached clause 10.38(a) and clause 20(2) of Schedule 10.7 of the Electricity Industry Participation Code 2010 (Code).

On 27 June 2019, the Authority appointed Peter Wakefield under regulation 12 of the Electricity Industry (Enforcement) Regulations 2010 (Regulations), as investigator to investigate the alleged breaches.

Under regulation 16 of the Regulations, the investigator must promptly notify the industry participant alleged to have breached the Code of the allegations that are being investigated. On 28 June 2019, the investigator notified Broadspectrum of the investigation.

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:

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Senior Investigator
Electricity Authority
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NOTICE UNDER REGULATION 16 OF THE ELECTRICITY INDUSTRY (ENFORCEMENT) REGULATIONS 2010

Date:	28 June 2019
Addressee:	Broadspectrum (New Zealand) Limited (Broadspectrum)
Subject:	Broadspectrum is alleged to have breached clause 10.38(a) and clause 20(2) of Schedule 10.7 by failing to maintain certification for metering installations or components of metering installations for which it is responsible, and failing to update the registry when the certification was cancelled.
Investigator:	Peter Wakefield, Senior Investigator, peter.wakefield@ea.govt.nz (appointed investigator under regulation 12 of the Electricity Industry (Enforcement) Regulations 2010 (Regulations)).
Notifying industry participant:	The Electricity Authority as the market administrator
Clauses allegedly breached:	<p>Clauses allegedly breached:</p> <ul style="list-style-type: none">• Clause 10.38(a) requires metering equipment providers (MEPs) to obtain and maintain certification for each metering installation or component of a metering installation for which it is responsible.• Clause 20(2) of Schedule 10.7 requires an MEP to update the registry, for a metering installation for which it is responsible, within 10 business days of circumstances where the metering installation's certification is cancelled. Clause 20(1)(e) specifies that a metering installation is automatically cancelled if inspections are not conducted.
Circumstances of alleged breaches:	<p>Broadspectrum's MEP audit completed on 29 January 2019 identified 27 metering installations with expired certification including three category 5, six category 4, and eight category 3 meter sites. https://www.ea.govt.nz/dmsdocument/24797-broadspectrum-new-zealand-limited-audit-report</p> <p>Broadspectrum failed to update the registry information within 10 business days of the date of becoming aware of the expiration of certification for these metering installations.</p>

Date of alleged breaches:	<ul style="list-style-type: none">• From 26 May 2015.
<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 (unless the investigator allows, in writing, a longer period).</i></p>	

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 breaches

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).