

Investigation of alleged breach of the Electricity Industry Participation Code 2010 by Simply Energy Limited

On 29 April 2019, Simply Energy Limited (Simply Energy) reported to the Electricity Authority (Authority) that it believed on reasonable grounds that it had breached clause 10.7 of the Electricity Industry Participation Code 2010 (Code). Clause 10.7 requires a reconciliation participant to use its best endeavours to arrange access to the premises in which a metering installation is located for an MEP, approved test house, or auditor to enable it to carry out its obligations under the 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 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 are being investigated.

On 28 June 2019, the investigator notified Simply Energy 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:

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

Date:	28 June 2019
Addressee:	Simply Energy Limited (Simply Energy)
Subject:	Simply Energy is alleged to have failed to use its best endeavours to arrange access for the metering equipment provider (MEP) to be able to replace the current transformers (CTs) and recertify the site.
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:	Simply Energy Limited
Clause allegedly breached:	Clause 10.7 of the Electricity Industry Participation Code 2010
Circumstances of alleged breach:	<p>Clause 10.7 requires a reconciliation participant to use its best endeavours to arrange access to the premises in which the metering installation is located for an MEP, approved test house, or auditor to enable it to carry out its obligations under the Code.</p> <p>Simply Energy is trading on ICP _____ which is a Category 2 non half hour site that has CTs for which certification expired on 1 April 2015.</p> <p>The MEP has advised Simply Energy that in order to re-certify the site the CTs need to be replaced. To replace the CTs, the meter board needs to be upgraded. The cost of this would be payable by the customer, which in this case is a secondary retailer.</p> <p>However, the end customer has refused access to have the meter and CTs replaced.</p> <p>Simply Energy has a contract with the secondary retailer, that includes requiring the secondary retailer provide access to the metering installation.</p>

Date of alleged breach:	<ul style="list-style-type: none">From 29 April 2019
<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> <p><i>Please provide your response by return email to the investigator.</i></p>	

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).