

Notification 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) together with the reasons for the Authority's decision.

Investigation

On 19 August 2009, the Electricity Commission (Commission) appointed an investigator under regulation 69 of the Electricity Governance Regulations (2003) to investigate:

- an alleged breach of rule 2.3 of schedule E2 of part E of the Electricity Governance Rules 2003 (Rules) by Genesis Power Limited (Genesis). This breach was alleged by Meridian Energy Limited (Meridian); and
- an alleged breach of rule 2.4.2.1 of schedule E2 of part E of the Rules by Meridian. The Commission alleged this breach.

Mighty River Power Limited, TrustPower Limited and Contact Energy Limited joined the investigation as affected parties.

On 9 February 2011, the Authority received and considered a report and a recommendation from the investigator;

- to discontinue the investigation; and
- that the Authority should consider amending part 11 of the Electricity Industry Participation Code 2010 (Code) to include specific change meter read dispute resolution provisions.

The Authority's decision

On 9 February 2011, the Authority decided under regulation 23(3)(a) to discontinue the investigation.

Reasons for the Authority's decision

The reasons for the Authority's decision to discontinue the investigation were that:

- the alleged breaches concerned a disputed changed meter read and caused minimal market impact and no security impact; and
- the relevant rules have since been changed and the Code now provides a more detailed dispute resolution procedure; and
- the parties to the investigation agreed with the investigator that a settlement was not required for the above reasons.

The Authority's Retail work-stream will consider the options regarding specific change meter reads dispute resolution provisions, including amending of part 11 of the Code. This is to avoid differences of interpretation that may arise under the current disputes procedure in part 15 of the Code.