



12 November 2025

2degrees supports stronger competition and equitable access to affordable electricity

2degrees welcomes Electricity Authority initiatives which focus on maximising the benefits of competition, and on trying to increase the number of Kiwi households and families benefitting from electricity retail competition. We agree “Everyone should have access to affordable electricity”.

In line with past submissions, 2degrees remains of the view that the highest priority for unleashing (or maximising) the full benefits of competition is to resolve hedge market/independent retailer access to risk management products.

An effective wholesale electricity market should encourage competition and deliver consumer benefits, making prescriptive retail regulation unnecessary. If the wholesale market settings are right, competitive forces will naturally drive better outcomes for consumers without the need for additional retail regulation.

We maintain that the primary concern of the Authority ought to be market structure. In our view, the retail and wholesale markets should function independently, with the hedge price acting as the primary link between them. The hedge market and its pricing mechanism are essential for balancing the spot market and spot prices. In an effective market, the hedge price should align with the wholesale price and help moderate spot price volatility. However, under the current market design, unresolved issues with the hedge market allow excessive margins on the wholesale side, intensifying margin pressure on retailers.

Without clear and fair boundaries between wholesale and retail markets, the Authority risks increasing the likelihood of independent retailers exiting the market and not achieving its objective of improving affordability for consumers or ensuring security of supply.

Regulation should be targeted at market failure, proportionate and justifiable

We are concerned that the Authority appears to be increasingly willing to impose regulatory solutions on what is supposed to be competitive electricity retail market activity and where little or limited evidence exists to support the need for such regulation.

Earlier this year, the Authority imposed mandatory time-of-use (TOU) retail tariff regulation and now the Authority is proposing to (further) regulate retail invoices, require pricing advice, and regulate how under-payment due to errors (including fraud and customer's preventing meter reads/changes) is recovered.

We generally support proportionate and reasonable regulations to protect consumers and promote competition. However, in the case of the current proposals we are concerned the impact on retailers will be disproportionate to the benefit for consumers. Even if the Authority is not planning on undertaking quantitative cost benefit analysis on the assessment of the options, the Authority should recognise the proposed regulatory interventions would have material cost implications and acknowledge the dampening effect this could have on competition.

More work required to define the underlying problem and not just focus on the symptoms

2degrees is concerned the consultation proposals are mis-directed and won't solve the underlying competition problems in the electricity market.

For example, the Authority asserts “the absence of critical information in some bills, leaves many customers confused and unable to make effective choices about their electricity use” but does not substantiate what the missing information is or why it thinks “Billing information in New Zealand is incomplete” nor does it provide any evidence of testimonials from consumers or results from surveys of a representative base of New Zealand energy consumers highlighting such concerns.

Low and declining switching rates are part of wider electricity market problems

The consultation suggests “Poor comparability and visibility of options” explains or contributes to a lack of customer engagement and “The impact on engagement is clear. Less than 6% of households switched retailer in the last year.”

The Authority has not established low and declining switching rates or consumers being “on unsuitable or overpriced plans and potentially exposed to hardship” can be attributed to current billing (including power bills being “inconsistent”) and plan switching arrangements.

A problem with the Authority's claims is that they don't explain why switching rates have previously been higher (peaking at 10.5% in 2012) and why switching rates have declined from 8.58% in 2018 to around 6% now.¹



It would be wrong to characterise low and declining switching rates as being caused by difficulty comparing plans or billing complexity.

¹ We reiterate that it would also be useful for the Authority to look at why there is large regional variation in switching rates across New Zealand. If the Authority is concerned that the national average of 6.27% remains low, what about Network Waitaki where the switching rate is 3.28% or Bay of Plenty at 4.08%?

In 2degrees' view², low and declining switching rates reflect barriers to competition and wider competition problems in the market and are not a mere product of poor billing practices. The decline in switching rates correlates with the exit of more than 28 independent retailers from the New Zealand electricity market since 2018.

Our recent [voluntary super-peak product submission](#) detailed a number of competition metrics, in addition to falling switching rates, which are in decline and have nothing to do with difficulty comparing plans or billing complexity. This illustrates that the gap in the consultation in relation to problem definition is likely to have resulted in misdiagnosis of the problem (focusing instead on symptoms) and therefore resulted in misdirection of the policy reforms to fix the problem(s).

Preference should be given to promoting competition rather than imposing administrative solutions

In a well, functioning competitive market if a retailer is charging too much or consumers find their billing too complicated or difficult to understand this would be resolved by the opportunity to switch to an alternative retailer. If a customer isn't on the retailer's "best plan" the retailer risks losing that customer. If a customer finds their bills confusing or doesn't include information they want or need the retailer risks losing that customer.

The Authority's proposals clearly, but implicitly, indicate the Authority does not have confidence competition works well in the New Zealand electricity retail market. The same lack of confidence was evident with the Authority's decision to regulate retail TOU tariffs.

2degrees considers that the Authority should target addressing the underlying competition problems rather than the symptoms e.g. consumers not being on the "best plan" or bill complexity. We agree with the Authority's previous stance that "It is better to rely on competition to stimulate solutions and innovation, rather than imposing an administrative solution ..."

Billing is part of retail customer engagement and competitive activity

2degrees retail billing is part of the way we aim to be more attractive to our customers and potential customers, and part of the way we differentiate from our competitors.

Customer billing is an important part of our branding and each retailer will have a differing view of customer intimacy and communication style.

We are concerned that the Authority's proposals to increase the mandatory content in our billing, restrict where we can place information in customer bills and to homogenise billing would undermine our competitive points of difference and undermine competition. We would remind the Authority that all bills must comply with the Fair-Trading Act and cannot be misleading or likely to mislead (this, as the Authority will be aware, includes the overall impression of the bill and each representation contained therein).

While it is self-evident certain information should be front and centre of customer bills, including information on the amount of the invoice, we do not consider that the Authority should regulate information it wants to be included in customer bills (particularly "Tier 2" information) should be prioritised ahead of "Any other information a retailer wishes to include on an invoice" (proposed clause 6).

² As 2degrees, the independent electricity retailers and other market participants have been raising for a number of years now, including in response to the Authority's Risk Management Review/Level Playing Field work, [2degrees Level Playing Field Consultation submission May 2025](#).

The Authority should be very careful about standing in-between competitive retailers and their customer relationships. There can be justification, for example in relation to consumer protection provisions for medically dependent and vulnerable consumers, but the Authority proposals go well beyond this.

Authority proposals risk overloading bills and making them more difficult to read

The issues of whether (i) power bills are too complicated (which will vary from retailer to retailer); (ii) power bill complexity makes it hard to compare plans or check if consumers are on the best plan; and (iii) what simplification and/or standardisation would benefit consumers, should be tested with consumers before the Authority makes any decisions to further regulate retail billing.³ This should be done through targeted residential consumer surveys.⁴

The Authority is saying that power bills are too complicated, which could make it hard to compare plans or check if consumers are on the best plan for their needs but, at the same time, its proposals include extraneous information and substantially increase the amount of information retailers are required to put on bills. The Authority proposals could have the contrary impact of making customer bills more difficult to understand and read and make it less simple to compare and switch plans or providers.

We query the Authority's Tier 1 and Tier 2 prioritisation including why some of this information should be prioritised and come ahead of other information, for example, information notifying consumers of pricing changes. The more Tier 1 and Tier 2 information that is required to be on consumer bills the more likely that consumers will miss important customer information.

We do not believe, for example, that the following information should be required to be on a compulsory basis, contained on a customer bills:

- Any commentary or explanatory information that is best discussed verbally with the customer or included on supplementary correspondence (such as the information suggested at 7(1)(iii));
- Any better plan messaging (see below for more details on the unintended consequences of this proposal);
- Key aspects of how the pricing plan is structured; and
- the Tier 2 information.

Some of this information may be desirable to make readily available to consumers but the consumer invoice isn't necessarily the best place.⁵

We note that most retailers will have other methods to communicate information with their customers, such as self-service portals that customers can log onto to access supplemental plan, payment or usage information.

Illustration of the risk of unintended consequences under the "Better plan" proposals

We do not support the Authority's Best Plan proposals.

We do not consider that a retailer is best placed to determine what is in the best interest of its consumers and that consumers may have specific reasons for choosing particular plans. It is a retailer's responsibility to accurately reflect each product offering so that a consumer is able to determine for themselves what the "best plan" is for their unique circumstances. To do otherwise is likely to result in unintended consequences.

³ This should have been done before the current consultation.

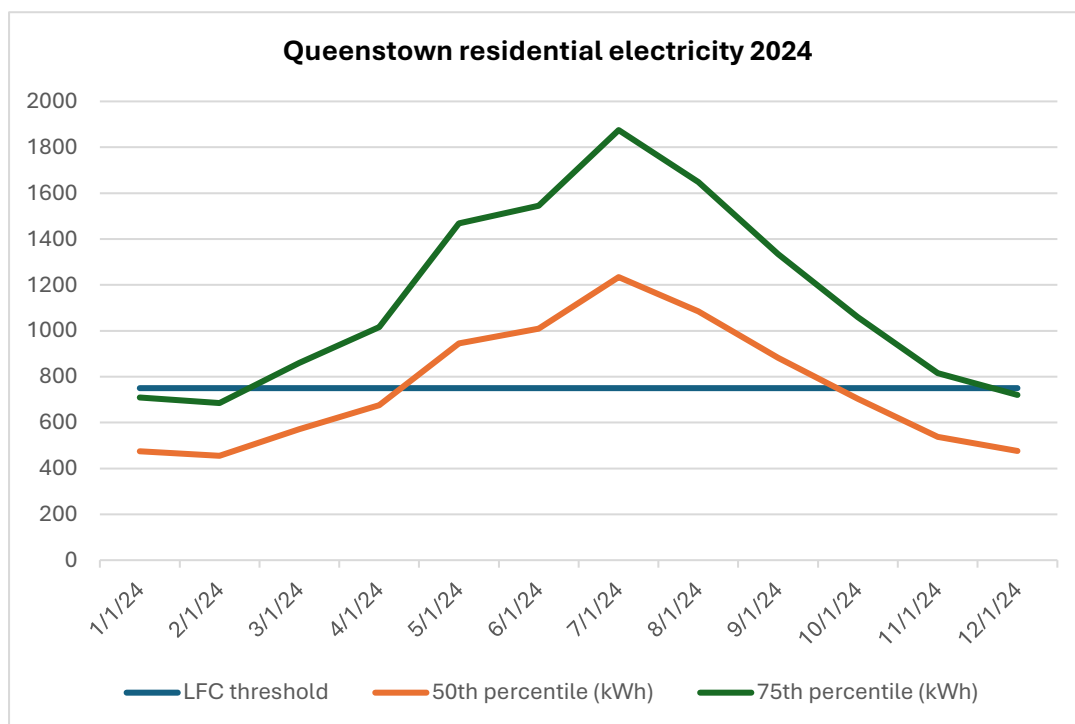
⁴ The consultation 'survey' is not a substitute for a consumer survey.

⁵ See response to Questions 2-4.

The Low Fixed Charge (LFC) Regulations provide a useful and simple illustration of the potential difficulties with the Authority’s “best plan” proposals.⁶ We use the LFC Regulations for simplicity (and due to public data availability) but the same issues could hold in relation to any tariffs where a customer’s consumption patterns vary through the year e.g. the same story could hold if a customer’s peak/off-peak consumption varies between winter and summer (say due to use of heating during winter peaks).⁷

A typical Queenstown residential customer is a low-user in summer and a high-use customer in winter/overall. This can complicate the advice retailers could provide their customers:

- Under the Authority “best plan” requirements, the retailer would be required to advise the customer that they should be on the standard tariff (not the low-user tariff).
- But while the customer may be better off over the course of an entire year, it does not mean the customer would be better off making the change at the 6-month interval that the retailer was required to provide the advice.
- An unintended consequence of the Authority “best plan” proposal is that it could result in some customers initially paying higher prices even if the advice is correct.
- If the plan is a “time-varying pricing plan”, the retailer could then end up in a situation where 3-months later the retailer must inform the customer they have been paying more than they would if they hadn’t switched plan even though they are on the “best plan”.



Blunt regulation versus nuanced consumption decisions

Care is also needed with the Authority’s “best plan” proposals given that ConsumerNZ’s experience with Powerswitch shows that it is not always straight-forward to determine which is the best plan for a particular customer to be on (which is part of the rationale for having Powerswitch). We [reiterate](#) that a challenge Powerswitch and “best plan” requirements both

⁶ 2degrees, [Options to support consumer plan comparison and switching](#), 8 March 2024.

⁷ This would be something that would be straightforward for the Authority to test based on actual consumption data.

face is where pricing plans include pricing signals such as time-of-use pricing or 'free hour of power' and such like.

The answer to what the "best plan" is based on historic (last 12 months consumption level/pattern) may be binary, but what is actually the best plan for the customer may depend on their subsequent circumstances (e.g. if they have just purchased an Electric Vehicle) and/or their willingness to change their consumption patterns i.e. from peak to off-peak or shoulder periods, and from shoulder periods to off-peak.

What these examples highlight is that, unlike with the LFC Regulations where there was a binary question of whether the consumer consumes less or more than the relevant kWh per annum threshold, what is the "best plan" depends on a number of factors many of which are not known to the electricity retailer. This creates the risk that blunt "best plan" requirements could result in retailers providing advice to their customers that, through no fault of the retailer, is not necessarily the 'best' plan for the customer. The "best plan" advice retailers provide to their customers may need to be prefaced with a number of qualifications or warnings so consumers can make fully informed decisions.

Concluding remarks

As a competition and consumer champion, 2degrees is a strong supporter of appropriate regulation that addresses market failures and promotes competition in markets for the long-term benefit of consumers within New Zealand. This is consistent with our purpose of 'Fighting for Fair'.

We are concerned that the Authority's policy reforms have been misdirected to administrative solutions which target the symptoms of problems (e.g. consumers paying too much) rather than the underlying market failure (inadequate competition).

While we acknowledge the Authority's objectives and sympathetic to the concerns the Authority is trying to address, we consider the proposal disproportionately impacts independent retailers, who are already struggling with low margins and escalating wholesale energy costs, and will not address switching rates.

We encourage the Authority to consider reforms that focus on improving competition and market dynamics, as these are more likely to deliver meaningful benefits for consumers and recommend that the policy reforms are redirected to:

- Improving the accuracy and ease of use of the consumer switching plan that will replace Powerswitch;
- Ensuring consumer awareness that they can access their (half-hour) consumption data and making sure it can be easily used to compare plans; and
- Prioritisation of reforms in the level playing field sphere as improving competition is the most effective way of ensuring consumers are on the "best plan" and aren't paying more than they should, and the most effective way of improving low switching rates.

Appendix C Format for submissions

Submitter	
<i>All questions are optional. Please answer as many or as few as you wish. Thank you.</i>	
Questions	Comments
Proposal A – Standardise billing information	
<p>Q1. Should minimum billing standards be compulsory or voluntary?</p>	<p>The minimum billing standards should be voluntary.</p> <p>We support the Authority's objectives to ensure bills can be easily understood and comparable. However, we do not support the prescriptive approach of the Authority.</p> <p>The nature of 2degrees invoices is part of how we differentiate from our competitors, which would be undermined by prescriptive regulation and homogeneity requirements.</p> <p>The Authority should be clear about the criteria it uses for determining whether voluntary or mandatory requirements are adopted.</p> <p>Recent precedent indicates that the Authority is more open to creating <i>compulsory</i> regulation to parts of the market that are supposed to be competitive (e.g. mandatory TOU tariff requirements) than parts where there are market power problems e.g. proposed <i>voluntary</i> super-peak hedge products.</p>
<p>Q2. Would the Authority providing a model bill and guidelines reduce your implementation costs and the time needed to implement these changes?</p> <p>Q3. Tiered layout – Do you support adopting a two-tiered approach to information on bills? If not, how should critical and important information be distinguished?</p> <p>Q4. Content requirements – Do you have any additions or removals to the proposed tier one and tier two content lists?</p>	<p>We do not consider that a model bill or guidelines will reduce implementation costs.</p> <p>We consider the Authority should seek further evidence to support these proposals, such as evidence of what consumers want i.e. by undertaking consumer surveys.</p> <p>We are concerned that on the one hand the Authority appears to be saying that power bills are too complicated, which makes it hard to compare plans or check if consumers are on the best plan for their needs BUT, at the same time, its proposals would include extraneous information and substantially increase the amount of information retailers are required to put on bills.</p>
	<p>In our experience, consumers value simplicity.</p> <p>The Authority proposals could have the contrary impact of making customer bills more difficult to understand and read and make it less simple to compare and switch plans or providers.</p>

We do not believe, for example, that the following information should be required to be on customer bills e.g.:

- Clause 8(d)(vi): “a breakdown of how the total amount due ... including ... levies in dollar figures”.
- Clause 8(i): “the names and contact details of any government agencies that offer financial support to customers experiencing energy hardship;”
- Clause 8(k) if the retailer offers services to assist customers with hearing or speech impairments, or any other disabilities, information about what those services are and how a customer may access those services.
- Clause 8(j) if the retailer offers interpreter services, information about what those interpreter services are and how a customer may contact an interpreter

It is unclear why customers would need this information or why it should be mandated.

This information is not relevant to the vast majority of customers. As per the existing Consumer Care Obligations provision of the information should be targeted at customers having difficulty paying their bills or in the non-payment/disconnection process.

2degrees supports requirements to provide this information, as per the existing Consumer Care Obligations, but does not consider it should be required to be included in customer invoices.

Q5. Implementation – For retailers, how much time would be needed for your organisation to incorporate this content across all billing channels? What challenges or dependencies (e.g. data collection, data standards, IT systems or staff training) need to be factored into timing?

All implementation is a case of priority applied to limited resource against benefit. We rate the benefit here as questionable compared to other existing increased workload brought about by retail marketing monitoring and CCO compliances and initiatives such as HHR reconciliation, solar buy back, TOU price plans, EV charging plans, multiple trading rights, etc.

We ask the Authority to understand the need for prioritisation and separately work with industry to agree priorities. Again we encourage prioritisation of wholesale market reform as currently these additional implementation burdens are likely to have the unintended consequence of driving up costs, increasing affordability challenges and creating potential future barriers to entry for independent retailers.

Q6. Future-proofing – What mechanisms would best ensure these standards to evolve with new technologies, plans and AI-enabled billing in future?

Proposal B – Introduce better plan

Q7. Do you agree with the proposed better plan review mechanism?

No comment.

2degrees does not support Proposal B.

2degrees considers that the Authority should prioritise reforms aimed at promoting competition/consumer awareness of the benefits of competition to ensure consumers are on the most affordable plans over administrative solutions.

2degrees considers that the Authorities focus should be on the consumption data and EIEP protocols and such regulatory reforms are sufficient to promote competition and consumer awareness without implementation of Proposal B.

2degrees also fears that the Authority's "better plan" proposal may be counterproductive and result in a further disincentive to retailers from offering innovative products or providing acquisition offers in market (as the compliance burden for calculating better plan reviews across multiple product sets is undesirable and/or likely to create unacceptable levels of compliance risk).

Q8. Is six months the right frequency for a better plan review?

Q9. Is three months an appropriate time frame for time-of-use trials? If not, what period would you suggest?

Q10. Do you have any feedback on the risk-free time of use proposal, requirement to inform customers whether they are saving on a time-of-use plan and type of guidance given on how to shift consumption?

Q11. Do you support prohibiting termination fees when switching between plans with the same retailer?

2degrees is concerned that the increased administrative burden could increase prices for consumers without consumers receiving any real benefit.

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We are generally supportive of the proposal to prohibit termination fees when switching between plans with the same retailer, however we would note that typically termination fees are linked to costs that are to be recovered over the lifetime of a particular plan (at a certain price point). It should be at the discretion of the retailer whether the customer's termination fees apply (or should be varied if a customer switches products) based on the specific circumstances relating to that customer and relevant product.

Q12. For retailers, what costs do you anticipate in implementing

2degrees considers that these changes are likely to drive significant implementation costs and additional

this change and what implementation support would reduce such costs?

compliance costs into our business. Changes to billing systems and related platforms would be required and any change (however minor) can be resource heavy and would have to be prioritised against competing items.

We further consider that such prescriptive retail product requirements would likely create an additional barrier to entry/competition than the already uncompetitive market.

As above, we do not support Proposal B.

Q13. Do you agree with our proposed transitional arrangements? If not, how would you change them?

Proposal C – Encourage consumers to compare plans across all retailers and switch where it will save them money

Q14. Do you agree with the proposed wording of the prompt?

We do not oppose the proposed wording. However, we question whether such prescriptive language is necessary and/or would have any consumer benefit above the current requirements.

Q15. For retailers, what lead-in period would you need to implement this prompt across all channels?

We would require at least 6 months to implement.

While this technical change in an of itself is not material, we would remind the Authority of the significant amount of change currently required through other recently confirmed proposals that is currently being implementing.

Q16. Do you agree that each retailer should be required to maintain a catalogue to allow customers to compare their full range of plans and costs?

We refer the Authority to the EIEP process and consider that the appropriate avenue to provide information. We believe providing a large catalogue of plans could risk simply creating confusion.

Q17. For retailers, do you already have a catalogue in which you show your current and any prospective customers your generally available plans and tariffs? If not, why not?

Existing customers can see the plans available to them in our self-service portals. New customers can see the plans available to them by entering their address on our website, alongside our other product offerings.

Q18. Do you agree that the annual check-in should also include telling customers about the retailer's channels for comparing and accessing better plans?

Q19. Do you agree that retailers should offer information about better plans whenever a customer contacts them about their bill or plan, not only when the customer explicitly asks to change plans?

No. We are concerns with the binary nature of the proposed "Best Plan" proposal. In our view, retailers need to be able to determine what the best information is to provide a customer based on the nature of the questions and concerns that the customer is raising in any conversation.

Requiring agents to read an increasingly large number of scripts to customers, even if it is not

relevant to them, does not improve service and is likely to simply frustrate customers.

Proposal D – Limit back-billing to protect residential and small business consumers from bill shock

Q20. Do you agree with this proposal to limit back-billing with justifiable exceptions?

2degrees does not support Proposal D.

Q21. Is a six-month cap reasonable?

We do not believe the Authority has established reasonable grounds that the intervention is needed to avoid price shock.

Q22. Do you agree that customer should be allowed to pay back bills in instalments matching the period of the back bills? If not, what alternative do you propose?

We are also concerned by the Authority suggestion the problem is caused by retailer “negligence”.

Issues of under-payment can arise due to matters that aren’t necessarily in the control of retailers, including customer fraud, metering errors, and customers preventing meter reads/changes, as the examples of the UDL cases provided by the Authority indicate.

A requirement for retailers to socialise these costs would result in cross-subsidies and inefficiencies that are not discussed in the consultation.

Technical implementation cost of the proposed change would also be substantial, as it would require material changes to our billing systems to identify anything that might constitute a back bill (which is not always simply identified by the bill period, for example an actual reading after a series of estimates).

Additionally, quantifying how much of the “back bill” is within or outside of six months can be subjective e.g. if a customer had estimates for 12 months, determining what quantity is assumed to have occurred when).

The Utilities Disputes Scheme is and continues to be the best forum for disputes over back-bills with reasonable billing periods determined on a case-by-case basis. The Commissioner can already make their decisions binding on retailers.

Q23. What additional proactive measures (beyond those listed) would best prevent back bills from accruing?

The Authority should seek to improve the quality of address data supplied by distribution companies on the Registry, especially in non-urban areas, as switching issues tend to be a primary cause of back bills.

Q24. For retailers, taking into account any operational requirements, is the proposed

The Authority has already imposed or proposed a large number of significant changes requiring technical effort to implement. The Authority needs to consider the overall impact of all the various

transition period sufficient to implement these obligations?

changes and a realistic timeline for retailers to implement such a large number of changes.

We consider the Authority should prioritise its requests, and this requirement would require at least 12 months, and potentially more if other proposals are confirmed.

Next steps and proposed implementation

Q25. Are these the right outcome measures to track success?

No, in our view the proposed changes create an unreasonable burden on retailers and are likely to increase barriers to entry/competition with little or no benefits for consumers.

Q26. Do you agree with these implementation principles?

If the changes are to proceed, we agree that they should be phased in, given the substantial work involved to implement them operationally and technically.

The Authority's statement "we would encourage retailers to implement these changes as part of their cost of doing business and not costs to be passed on to consumers" does not recognise the commercial reality that all costs of doing business are ultimately borne by the consumers directly or indirectly.

Q27. How could we best support smaller retailers during the transition?

Q28. Are there other interdependencies we should factor into the timetable?

The Authority needs to also consider the implementation of these proposals alongside all the other proposals or confirmed changes the Authority has in its work program.

Q29. Do you agree with our preferred timing?

No.

The proposed changes have substantial operational and technical implementation costs, so cannot be implemented within calendar year 2026 (and certainly not by April 2026 for Stage 2).

2degrees already has a large and valuable program of work planned for 2026 relating to the electricity product.

By imposing short timelines the Authority would impede the ability for 2degrees to deliver other product and/or proposition changes which would add real value to customers, and in our view, changes which would be of much higher significance and value to customers.

Q30. If you prefer option 3, which elements should be delayed to 2027?

In our view, all stages should be implemented no earlier than mid-2027 if they should be regulated at all. We do not support Proposals B or D in any form.

Q31. How much lead time do you need to implement these proposals, should they proceed?

A minimum of 12 months, and potentially longer depending on what other proposals from the Authority in other work plans are confirmed.

Regulatory statement for the proposed amendment

Q32. Do you agree with the objectives of the proposed amendment?

2degrees strongly supports the Authority's underlying objectives, and has long advocated for the protection consumers and helping consumers access affordable electricity. However, we are not convinced that the proposals are needed or helpful to achieve the objectives or meaningfully do so. We do not consider the Authority has sufficient evidenced the requirement for regulatory intervention of this nature.

Q33. Do you agree that the benefits of the proposed Code amendment outweigh its costs?

No.

The Authority has imposed highly prescriptive and detailed Consumer Care Obligations, followed by retail tariff regulation. The Authority is now proposing to (further) regulate retail invoices with mandatory TOU requirements, regulate the pricing advise retailers provide to consumers, and regulate the way that under-payment due to errors (including fraud and customer's preventing meter reads/changes) is recovered.

Each of these proposals materially increases the cost of retailing at a time that small and independent retailers margins are already severely squeezed.⁸ Even if the Authority isn't going to undertake quantitative CBA the assessment of the options should recognise that the proposed changes have material cost implications and acknowledge the dampening effect this could have on competition.

Q34. Do you have any feedback on these criteria for weighing options?

Q35. Do you agree with our assessment of the four options presented?

Q36. Do you agree with our proposal to introduce mandatory billing improvements, rather than voluntary guidelines?

No. 2degrees is uneasy about the Authority's apparent willingness to regulate the parts of the market that should be competitive e.g. mandated adoption of TOU retail tariffs and, now, proposals to increase regulation of retail billing.

Q37. Which elements of standardisation (if any) could remain voluntary without undermining consumer outcomes?

All elements should remain voluntary.

⁸ For example, the Authority's non-discrimination consultation provides evidence of wholesale costs exceeding retail tariffs.

Q38. Do you agree with our proposed approach regarding small businesses?

Q39. Do you agree with our assessment on alternatives to proposal B?

Q40. Do you agree with our assessment on alternatives to proposal C?

Q41. Do you agree with our assessment on alternatives to proposal D?

Q42. Do you agree the proposed amendment is preferable to the other options? If you disagree, please explain your preferred option in terms consistent with the Authority's statutory objectives in section 15 of the Electricity Industry Act 2010.

Q43. Do you agree the proposals are overall better than the alternative considered? If you disagree, please explain your preferred option in terms consistent with the Authority's statutory objectives in section 15 of the Electricity Industry Act 2010.

Proposed Code amendment

Q44. Do you have any comments on the drafting of the proposed amendment?

No, we do not agree that case-by-case discretion overseen by Utilities Disputes creates more uncertainty or undermines enforceability. Utilities Disputes can make binding decisions and is better placed to assess the specific circumstances of any given case.

No. While we are sympathetic to the concerns the Authority is trying to address, improving competition through prioritisation of reforms in the level playing field sphere is the most effective way of ensuring consumers are on the "best plan" and aren't paying more than they should, and the most effective way of improving low switching rates.

We do not support Proposal B or D and the respective drafting.

We consider certain aspects of the proposed requirements related to Proposal A and C under Part 2 of Schedule 11A.2 to be unworkable as illustrated above and in further detail below. Any such proposed amendments should be co-designed with retailers to ensure effectiveness and workability and should remain voluntary.

In particular, the specification that nothing other than specified information can appear at the start or in the first page of an invoice is overly broad and does not consider all the other information that might be necessary, especially for a multi-product service.

For example, a first page of an invoice needs to contain information about products other than electricity – which the Code amendment as drafted would not consider. It also doesn't consider other

information typically placed on a first page such as GST number.

Additionally, Tier 1 (for the first page) contains information that may not necessarily be suitable for a first page.

Consider the case of a multi-ICP invoice. It is generally desirable that and most clear that there is an aggregate summary on the front page giving only the most important information, followed by discrete sections for each supply with relevant information for that connection, differentiated from information about other connections. It is not possible for all information about an ICP to be placed on the front page (or at least not without making an invoice unintelligible, if it would fit at all). For example:

1. The ICP Identifier and physical address, does not logically fit on the first page if there is more than one connection. It should sit with the detailed billing information, which would flow potentially onto numerous pages.
2. The information about a recovery/undercharge would generally be expected to sit with the connection to which the adjustment relates, so having this on the front page does not necessarily make sense or may be confusing, especially if there are different adjustments across multiple invoices.
3. Whether or not a meter reading or an estimate applies also is site-level information and on a multi-ICP invoice this would not make sense to have on the front page.
4. Faults information would also potentially vary, if the ICPs are across different regions, and the contact is the local lines company.

If you were to assume that some sort of aggregated information tables should be created – this may not necessarily fit on the front page, and it would make an invoice much more difficult to read.

The prohibition on retailers providing any other information on the front page is a substantial overreach, with no obvious regulatory need and does not seem to align to any specific regulatory objective, or consider the realities of multiple-product retailers.

There are any number of things that a retailer may need to put on an invoice, in various locations, for a variety of reasons. For example, GST number, or a temporary on-bill message with important information.

It is clearly the case that the retailer is best placed to decide how an invoice should be formatted, considering all the unique circumstances applicable and the types of products and offerings they have.

If the Authority is to regulate invoices at all, it should be limited only narrowly defined discrete pieces of information which are clearly necessary, and leave it to the retailers to determine how to format and present it.

Q45. Do you have any comments on the transitional provisions?

Q46. Do you have any other feedback on this consultation paper or proposed Code amendment?