

BEL Submission

Code amendment omnibus #7

Please email your submission to consumercare@ea.govt.nz by 5pm, 12 August 2026.

Operational improvements to new billing obligations relating to undercharged amounts	
Questions	Comments
Q2.1 Do you agree the Code should include a threshold for the advice and support obligations that apply when a retailer seeks to recover an undercharged amount? Please explain your answer.	Agree. A threshold is appropriate because it targets the additional advice and support obligations to undercharged amounts that may reasonably cause bill shock, while avoiding disproportionate processes for minor billing adjustments. The threshold should not affect the six-month recovery limit, prohibition on interest, or the requirement to clearly identify the undercharged amount.
Q2.2 Do you agree the threshold should be based on 15 percent of the customer's average invoiced amount over the previous 12 months? Please explain your answer.	Agree. A threshold of 15 percent of the customer's average invoiced amount over the previous 12 months is a reasonable and objective starting point. A percentage-based threshold is preferable to a fixed dollar amount because it adjusts for different consumption levels, billing periods and future changes in electricity prices. BEL recommends that the Authority review the threshold after implementation to confirm it remains effective and proportionate.
Q2.3 For retailers, do you have any feedback on how you quantify the costs and benefits for any activities you undertake to prevent consumers accumulating debt (e.g. provision of support and advice)? Please explain whether and why your current processes elect certain trigger points for when your support processes for consumers take place?	BEL is not an electricity retailer and therefore cannot provide direct evidence on the costs and benefits of retailer debt-prevention activities or the trigger points used in retail support processes. From a distributor perspective, BEL supports clear and proportionate obligations that protect consumers without imposing avoidable system and administrative costs that may ultimately be passed through to consumers.
Q2.4 Are there practical challenges for some billing systems in maintaining and displaying an undercharged amount as a separate balance with a separate due date? Please explain your answer.	Yes. Requiring separate balances and separate due dates can create material system, payment-allocation, credit-management and collection complexity, particularly where billing platforms are designed around a single account balance and due date. BEL supports an outcomes-based approach that preserves clear consumer information and repayment protections without mandating unnecessarily complex system architecture.
Q2.5 Do you agree with the Authority's proposal to replace the separate due date and mandatory invoice fields for undercharged amounts with a requirement to: state the undercharged amount in either the invoice or in a separate written communication provided at the same time as the invoice, and offer a payment plan and longer timeframe to repay the undercharged amount, if it reaches the threshold in Proposal 1? Please explain your answer.	Agree. Allowing the undercharged amount to be stated either on the invoice or in a separate written communication issued at the same time is practical and should preserve transparency. Requiring a payment plan and an appropriately extended repayment timeframe where the threshold is met provides the relevant consumer protection without requiring parallel balances and due dates.

Q2.6 Do you agree that the benefits of the proposed Code amendment outweigh its costs?	Agree. The proposed amendment should reduce implementation and ongoing compliance costs while preserving the substantive protections for domestic and small business consumers. The benefits therefore appear to outweigh the costs.
Q2.7 Do you agree the proposed amendment is preferable to the alternative options considered? If not, please explain your preferred option and how it would better promote the Authority's statutory objectives.	Agree. The proposed amendment is preferable to the alternatives considered because it provides an objective threshold and greater operational flexibility while maintaining clear minimum consumer protections.
Q2.8 Do you agree with the analysis in this regulatory statement? If not, please explain why.	Agree. The regulatory analysis appropriately identifies the implementation issues, consumer benefits and likely compliance costs. BEL supports the Authority monitoring the practical operation of the amendments after commencement.
QA.1. Do you agree with the proposed Code amendment drafting? If not, why not?	Agree with the proposed drafting. BEL has no additional drafting comments.
Definition of generally available retail tariff plan	
Questions	Comments
Q3.1 Do you agree that the current definition of generally available retail tariff plan risks creating ambiguity, specifically around plans that require customer to have specific equipment installed?	Agree. The current definition could be read as excluding plans that require specified equipment, end-uses or load characteristics, despite those plans being generally available to customers who meet the relevant eligibility criteria. The proposed clarification would remove that ambiguity.
Q3.2. Do you agree that the benefits of the proposed Code amendment outweigh its costs?	Agree. The amendment provides regulatory certainty and supports consistent disclosure of retail product information, with little or no material implementation cost.
Q3.3 Do you agree that the proposed amendment is preferable to clarifying the intention of the definition of generally available retail tariff plan through advice or guidance? If you disagree, please explain your preferred option in terms consistent with the Authority's statutory objective in section 15 of the Electricity Industry Act 2010.	Agree. Amending the Code is preferable to relying on guidance because guidance cannot change the legal meaning of the definition and may leave residual uncertainty.
Q3.4. Do you agree with the analysis presented in this Regulatory Statement? If not, why not?	Agree with the analysis presented in the Regulatory Statement.
QB.1. Do you agree with the proposed Code amendment drafting? If not, why not?	Agree with the proposed drafting. The inclusion of electricity end-use, equipment and load characteristics appropriately reflects the intended scope of generally available retail tariff plans.
Updating the definition of 'business days' for the purposes of Part 11A: Consumer Care	
Questions	Comments

Q4.1. Do you agree that the current application of the definition of business day to Part 11A creates inconsistent treatment between Wellington Anniversary Day and other regional anniversary holidays? Please explain your answer.	Agree. The current definition creates inconsistent and Wellington-centred treatment by recognising Wellington Anniversary Day but not equivalent regional anniversary holidays. Consumers and participants in all regions should receive equivalent treatment under Part 11A.
Q4.2. Do you agree with the proposed approach to distinguishing between different Part 11A provisions identified in Appendix C?	Agree. Distinguishing between provisions that protect consumers and provisions requiring action by retailers is logical. Using the regional anniversary day associated with the customer's ICP for consumer protections, and the retailer's registered physical address for retailer action timeframes, provides an objective basis for applying the definition.
Q4.3 Are there any operational, system or implementation issues associated with determining the relevant regional anniversary holiday by reference to the location of the customer's premises?	BEL does not anticipate material operational issues. The location of the customer's premises is objectively identifiable from the ICP. However, the Authority should publish clear guidance or a maintained reference table mapping ICP locations to the applicable regional anniversary day, including areas where anniversary-day observance may not align neatly with provincial boundaries.
Q4.4 Are there any operational, system or implementation issues associated with determining the relevant regional anniversary holiday based on the location of the retailer (e.g. registered office premise versus the location of staff undertaking specific business functions)?	Using the retailer's physical address recorded on the participant register is objective and administratively workable. The Authority should clarify that this address is determinative even where operational staff or outsourced service providers perform the relevant function from another region, so that participants are not required to assess staff location on a case-by-case basis.
Q4.5. Do you agree that the benefits of the proposed Code amendment outweigh its costs?	Agree. The proposal promotes consistent regional treatment and regulatory certainty, and the likely implementation costs appear minor and proportionate.
Q4.6. Do you agree the proposed amendment is preferable to the alternative options considered? If not, please explain your preferred option and how would better promote the Authority's statutory objective in section 15 of the Electricity Industry Act 2010.	Agree. The proposed amendment is preferable to retaining the current definition or relying on guidance, as a Code amendment is required to remove the existing legal inconsistency.
Q4.7 Do you agree with the analysis in this Regulatory Statement? If not, please explain why	Agree with the analysis presented in the Regulatory Statement, subject to the Authority providing clear implementation guidance on regional boundary and anniversary-day mapping.
QC.1. Do you agree with the proposed Code amendment drafting? If not, why not?	Generally agree with the proposed drafting. BEL recommends the Authority confirm that the retailer's registered physical address is determinative regardless of where staff or service providers undertake the relevant activity, and provide a clear reference source for identifying the anniversary day applicable to each ICP.

Refining retailers' record retention obligations under Part 11A: Consumer Care

Questions	Comments
Q5.1. Do you agree that clause 11A.6 may require retailers to retain customer records for longer than is reasonably necessary? Please explain your answer.	Agree. Because the existing five-year retention period begins only when the customer relationship ends, records may be required to be retained substantially longer than is reasonably necessary, particularly for long-standing customers.
Q5.2. Do you agree with our proposal? If not, please explain why.	Agree. Introducing a maximum retention requirement of 10 years from the relevant activity is a proportionate way to align the Code with the Authority's enforcement timeframe and information privacy principles.
Q5.3. Do you agree that 10 years from the date of the relevant activity is a proportionate maximum period for which clause 11A.6 should require a retailer to retain a record? Please explain your answer.	Agree. Ten years from the date of the relevant activity is an appropriate maximum mandatory retention period. It preserves a substantial period for compliance monitoring and enforcement while reducing unnecessary privacy, cyber-security, storage and information-management risks.
Q5.4. Do you agree that the benefits of the proposed Code amendment outweigh its costs?	Agree. The proposal should reduce unnecessary compliance and information-management costs and risks, with no material adverse effect on the Authority's ability to monitor or enforce compliance.
Q5.5. Do you agree the proposed amendments are preferable to the alternative options? If you disagree, please explain your preferred option in terms consistent with the Authority's statutory objective in section 15 of the Electricity Industry Act 2010.	Agree. A Code amendment is preferable to guidance because guidance cannot override the existing legal requirement. The proposed amendment provides a clear and enforceable maximum period.
Q5.6. Do you agree with the analysis presented in this Regulatory Statement? If not, please explain.	Agree with the analysis presented in the Regulatory Statement.
QD.1. Do you agree with the proposed Code amendment drafting? If not, why not?	Agree with the proposed drafting. BEL has no additional drafting comments.

Annual director certification of compliance with AUFLS obligations

Questions	Comments
Q6.1. Do you support the Authority's proposal to require annual director certifications of compliance with AUFLS obligations? Please explain your answer.	Support, subject to the certification process remaining proportionate and practical. AUFLS is critical to power-system security and reliability, and appropriate governance oversight is justified. However, for smaller electricity distributors the Authority should provide a concise prescribed form, clear evidence expectations and sufficient lead time so certification does not become a disproportionately burdensome assurance exercise.
Q6.2. Do you agree that the benefits of the proposed Code amendment outweigh its costs?	Generally agree. The benefits of improved governance oversight and assurance of AUFLS readiness should outweigh the costs, provided the certification is based on reasonable internal assurance and does not implicitly require an external audit unless separately justified.

Q6.3. Do you agree the proposed amendment is preferable to the alternative options considered? If not, please explain your preferred option and how would better promote the Authority's statutory objective in section 15 of the Electricity Industry Act 2010.	Agree. Mandatory annual certification is preferable to voluntary assurance, given the limited response to the previous voluntary process. A standardised and proportionate certification requirement should provide greater consistency and accountability.
Q6.4 Do you agree with the analysis presented in this Regulatory Statement? If not, why not?	Generally agree. BEL supports the reliability objective but considers the Regulatory Statement may understate the internal work required for a director to obtain sufficient assurance before signing. The Authority should recognise that participants may need documented controls, management attestations and exception reporting, and should support this with clear guidance.
QE.1. Do you agree with the proposed Code amendment drafting? If not, why not?	Generally agree with the proposed drafting. BEL recommends that the prescribed form expressly allow a participant to disclose any identified exceptions, remediation actions and expected completion dates rather than requiring a simple binary certification. The Authority should also clarify the evidential standard expected of directors and confirm that external assurance is not required unless specifically prescribed.
Technical and non-controversial Code amendments	
Questions	Comments
Q7.1 Do you have any comments on the proposed technical non-controversial Code amendments?	BEL supports the proposed technical and non-controversial amendments. The changes appear to align the prescribed forms with their empowering provisions without altering the underlying policy intent.
QF.1. Do you agree with the proposed Code amendment drafting? If not, why not?	Agree with the proposed drafting. BEL has no additional drafting comments.