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| CLAIM OF UNDESIRABLE TRADING SITUATION(UTS) |
| **CONTACT DETAILS**  Reporting Organisation:  Contact Name:  Email:  Phone:  Mobile:  Fax: |

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| **WHEN CLAIMED UTS OCCURRED**  Date:  Time: |

In addition to completing and emailing this form, please also notify the Authority by telephone at **0800 460 8860**.

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| **BASIS OF CLAIM**  **Why is this event an “undesirable trading situation”?**  *Please specify why a UTS is claimed – refer to the definition of a UTS set out below:* Clause 1.1(1) of the Electricity Industry Participation Code 2010 (Code) - Meaning of undesirable trading situation **undesirable trading situation** means any situation—   * 1. that threatens, or may threaten, confidence in, or the integrity of, the **wholesale market**; and   2. that, in the reasonable opinion of the **Authority**, cannot satisfactorily be resolved by any other mechanism available under this Code (but for the purposes of this paragraph a proceeding for a breach of clause 13.5A is not to be regarded as another mechanism for satisfactory resolution of a situation).  |  |  | | --- | --- | | Describe why in your view the claimed UTS is a situation that threatens, or may threaten, confidence in, or the integrity of, the wholesale market. |  | |

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| AND describe why in your view the claimed UTS could not be satisfactorily resolved by any other mechanism available under the Code. |

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| **SOLUTION SOUGHT BY APPLICANT**  **Clause 5.2 of the Code**   |  |  | | --- | --- | | Describe how in your view the claimed UTS could be resolved by the Authority, bearing in mind that clause 5.2 of the Code enables the Authority to take one or more of the following actions, should it find that a UTS does exist (please refer to the full text of clause 5.2 of the Code on the following page for more information):   * directing that an activity be suspended, limited or stopped, either generally or for a specified period: * directing that completion of trades be deferred for a specified period: * directing that any trades be closed out or settled at a specified price: * directing a participant to take any actions that will, in the Authority's opinion, correct or assist in overcoming the UTS. |  | |

Please send the completed form to [uts@ea.govt.nz](mailto:uts@ea.govt.nz)

### Clause 5.2 of the Code - Actions Authority may take to correct undesirable trading situation

1. If the **Authority** finds that an **undesirable trading situation** is developing or has developed, it may take any action that—
   1. the **Authority** considers is necessary to correct the **undesirable trading situation**; and
   2. relates to an aspect of the **electricity** industry that the **Authority** could regulate in this Code under section 32 of the **Act**.
2. The actions that the **Authority** may take under subclause (1) include any 1 or more of the following:
   1. directing that an activity be suspended, limited or stopped, either generally or for a specified period:
   2. directing that completion of trades be deferred for a specified period:
   3. directing that any trades be closed out or settled at a specified price:
   4. directing a **participant** to take any actions that will, in the **Authority’s** opinion, correct or assist in overcoming the **undesirable trading situation**.

(2A) A direction given to a **participant** under subclause (2)(d)—

* 1. may be inconsistent with this Code; but
  2. must not be inconsistent with the **Act**, or any other law.

1. The **participant** must comply promptly with a direction given to it in writing.
2. A **participant** is not liable to any other **participant** in relation to the taking of an action, or an omission, that is reasonably necessary for compliance with an **Authority** direction under this clause.
3. A **participant** does not breach this Code if it acts in accordance with a direction given under subclause (2)(d).