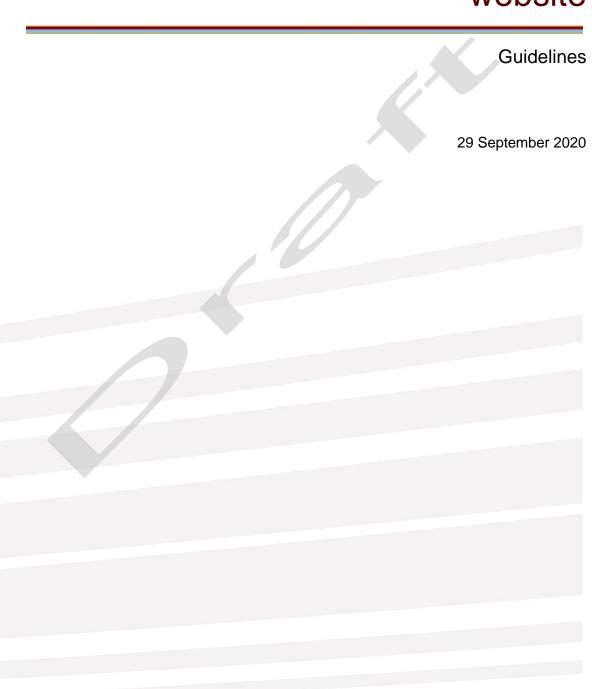


Raising consumer awareness of regulated dispute resolution service and electricity plan comparison website

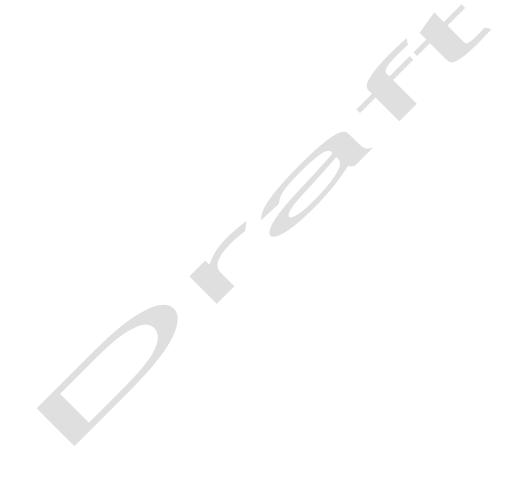


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1 Introduction

- 1.1 The Electricity Authority (Authority) is amending the Electricity Industry Participation Code (Code) to raise consumer awareness of Utilities Disputes and Powerswitch.
- 1.2 Utilities Disputes provide a free and independent dispute resolution service to help consumers to resolve electricity, gas and water complaints with their provider. Powerswitch is an independent energy plan comparison website which helps consumers to work out which power company and pricing plan is best for their specific needs.
- 1.3 From 1 April 2021 the new clauses 11.30A to 11.30E of the Code will:
 - (a) require all retailers and distributors to provide clear and prominent information about Utilities Disputes¹:
 - (i) on their website
 - (ii) when responding to queries from consumers
 - (iii) in outbound communications directed to consumers about electricity services and bills
 - (b) require retailers that trade at a residential ICP recorded on the registry to provide clear and prominent information about Powerswitch²:
 - (i) on their website
 - (ii) in outbound communications to residential consumers about price and service changes
 - (iii) to residential consumers on an annual basis
 - (iv) in outbound communications directed to residential consumers about the consumer's bill
- 1.4 This decision was made to address issues with the level of consumer awareness of the Utilities Disputes and Powerswitch services.
- 1.5 Raising consumer awareness of Utilities Disputes and Powerswitch will result in an empowered consumer base. This will create a more efficient and competitive electricity industry in New Zealand.
- 1.6 These guidelines have been created to help support retailers and distributors in complying with clauses 11.30A to 11.30E of the Code. This will deliver the benefits of raising consumer awareness of these services.
- 1.7 These guidelines are not exhaustive but are designed to help participants understand their obligations. Participants need to consider how to apply the Code requirements to their own individual situation.
- 1.8 In addition to providing guidance around how participants can comply, we have included examples of best practice communications. These examples are intended to help inform retailers and distributors thinking. The examples are <u>not</u> prescriptive standards of how communications must look and feel.

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Utilities Disputes is the dispute resolution scheme identifier under Clause 3 of Schedule 4 of the Electricity Industry Act 2010 (Act)

² Powerswitch is the electricity plan comparison website

1.9 Clauses 11.30A to 11.30E of the Code, and these guidelines will be reviewed by the Consumer Advisory Council and Authority in the future. The review will help to ensure that the Code change is effective and will also make refinements to improve outcomes for consumers.

Disclaimer

- 1.10 These guidelines do not form part of the Code. Although the Authority has taken care in the preparation of the content of these guidelines, the Authority offers no warranty (express or implied) as to the accuracy, completeness, or legality of that content. The Authority is not liable or responsible to any persons for direct or indirect loss or damage that may result from the action or failure to act by any person in reliance on these guidelines. They are provided for general information only and not as legal advice. These guidelines do not establish any legal obligation. If you are unsure about your obligations, please contact the Authority and seek independent legal advice.
- 1.11 The guidelines and Code do not absolve participants of any legal or contractual obligation to provide consumers information when interacting with them. Participants need to be mindful of other requirements such as the Fair Trading Act and Utilities Disputes Scheme rules when complying with the Code. For example, the Utilities Disputes scheme rules explicitly require its members to provide contact information at three different stages in the complaint process. The clarification that clear and prominent information must only be provided once in a conversation under the Code does not override the Utilities Disputes obligation to provide this information at specific times during the dispute process.

2 Context and Goal

2.1 These guidelines are designed to support the Code amendment to raise consumer awareness of Utilities Disputes and Powerswitch. The focus of these guidelines is on helping participants to ensure that the outcome (consumers are aware of these services following the interaction with the participant) is met.

Context

- 2.2 Utilities Disputes and Powerswitch give consumers simple and accessible channels to get more information about their electricity options. They empower and enable consumers to make choices and to act.
- 2.3 The Utilities Disputes and Powerswitch services contribute to an efficient and competitive electricity industry. However, consumers need to be aware of Utilities Disputes and Powerswitch in order to access and benefit from the services they provide.
- 2.4 The Authority has created clauses 11.30A to 11.30E of the Code to:
 - (a) Require retailers to provide information to consumers about Utilities Disputes and Powerswitch.
 - (b) Require distributors to provide information to consumers about Utilities Disputes.
- 2.5 The Authority has developed these guidelines to help retailers and distributors understand the context and goals of clauses 11.30A to 11.30E, and to support a meaningful increase in consumer awareness.
- 2.6 The wording of the Code amendment can be found in Appendix A.

Powerswitch

- 2.7 Powerswitch is a free and independent energy plan comparison site. Powerswitch makes it easier for consumers to compare energy plans and find a deal that suits their needs.
- 2.8 Powerswitch is operated by Consumer New Zealand and has been engaged by the Authority to provide an energy plan comparison service.

Utilities Disputes

- 2.9 Utilities Disputes help to resolve complaints about electricity. Its service is free, independent, and fair.
- 2.10 Utilities Disputes can support participants complaint processes (including consumer enquires) by handling complaints and enquiries at any stage, including:
 - helping parties understand each other
 - facilitating conversations or negotiation
 - making sense of information on notices or invoices
 - answering questions about the industry
 - providing an independent third-party perspective
 - independent validation of a participant's statement/s
 - referring enquirers to more appropriate forums
 - communicating the complaint issues and desired resolution in a clear way

- managing expectations about outcomes
- 2.11 Retailers and distributors must be a member of Utilities Disputes and abide by the Utilities Disputes scheme rules.³
- 2.12 These rules include additional requirements members must follow to promote Utilities Disputes.⁴ Utilities Disputes scheme members need to follow the Code requirements and the Utilities Disputes scheme rules when promoting Utilities Disputes.

Goal

- 2.13 The goal of the Code amendment is to raise consumer awareness of Utilities Disputes and Powerswitch.
- 2.14 Certain communications from retailers and distributors should actively raise consumer awareness of the Utilities Disputes and Powerswitch services.
- 2.15 This move should improve accessibility to these services.

Innovation in light of the goal

- 2.16 Clause 11.30A to 11.30E of the Code is deliberately non-prescriptive. It sets out when information must be provided. The content and form of the communication are not prescribed.⁵
- 2.17 This approach provides a framework in which participants can innovate and align communications with their business and communication processes.
- 2.18 These guidelines give examples of ways that compliance can be achieved. It is possible for the requirements to be met in other ways. Participants should be clear about how they are meeting the goals and requirements within their communications.
- 2.19 If participants are unsure they can discuss their design decisions with Utilities Disputes, Powerswitch or the Authority.
- 2.20 We encourage participants to focus on the intent of the Code amendment when innovating and communicating with consumers. We expect a post implementation review and engagement with the consumer advisory council to determine whether there is a need to specify what information is required and in what form.

3

https://www.utilitiesdisputes.co.nz/UD/Resources/Scheme_rules/UD/Resources/Scheme_rules.aspx

See paragraph 12 of the Utilities Disputes Scheme Rules

For example, there is no requirement in the Code to educate consumers on the switching or dispute resolution process (although we encourage participants to provide additional information on these services as is appropriate).

3 Key elements of the Code

- 3.1 Clauses 11.30A 11.30E of the Code requires:
 - (a) all retailers and all distributors to provide clear and prominent information about Utilities Disputes:
 - (i) on their website
 - (ii) when responding to queries from consumers
 - (iii) in directed outbound communications to consumers about electricity services and bills
 - (b) retailers that trade at an ICP recorded on the registry to provide clear and prominent information about Powerswitch:
 - (i) on their website
 - (ii) in outbound communications to residential consumers about price and service changes
 - (iii) to residential consumers on an annual basis
 - (iv) in directed outbound communications about the consumer's bill
 - (c) provide guidance around how participants can comply with these requirements.
- 3.2 Where there are a series of related communications between the participant and consumer participants need to provide this information in at least one communication in that series.⁶
- 3.3 Please refer to Appendix A for a copy of the wording of the Code that will come into force on 1 April 2021.

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For example, if the information is already clear and prominent in the bill communication received by the consumer, reminder notices about the bill will not be required to include information about Utilities Disputes and Powerswitch.

3.4 Table 1 contains a summary of when information needs to be provided about Utilities Disputes and Powerswitch.

Table 1: Summary of when information needs to be provided

Section	Type of communication	Utilities Disputes (retailers and distributors)	Powerswitch (retailers only)
5	Website	✓	✓
6	Responding to queries	✓	X
7	Bill	✓	
8	Billing changes	1	
9	Service	✓	X
10	Service changes	1///	✓
11	Annually	X	✓

4 General requirements of the Code

The Code applies to all retailers and all distributors

'All retailers' includes retailers that purchase electricity from another retailer

- 4.1 A retailer is a business engaged in the sale of electricity to a consumer other than for the purpose of resale.⁷ A retailer includes anyone who is selling electricity to an entity consuming the electricity.
- 4.2 A retailer may purchase electricity from the wholesale market or from another retailer.

'All distributors' includes distributors that are not connected to the gird

- 4.3 A distributor is a business engaged in distribution. Distribution means the conveyance of electricity on lines other than lines that are part of the national grid.⁸
- 4.4 A distributor may be connected to the grid or may be connected to another network.

The Code refers to Utilities Disputes and Powerswitch

The dispute resolution scheme identified under clause 3 of Schedule 4 of the Act means Utilities Disputes

- 4.5 The Electricity Industry Act 2010 requires all retailers and distributors to be members of the dispute resolution scheme.⁹
- 4.6 The dispute resolution scheme identified under clause 3 of Schedule 4 of the Act is currently Utilities Disputes. If the dispute resolution scheme was to change then retailers and distributors will need to provide information about the new scheme instead.

The plan comparison site is Powerswitch

- 4.7 At the time of publication of these guidelines, the plan comparison site is Powerswitch.
- 4.8 Should this change, notice will be given via Market Brief and published on the Authority website, consistent with any other changes to stated services or requirements.
- 4.9 Retailers will have three months from the date of any new plan comparison site changes to update their relevant communications.¹⁰

The Code requires participants to provide information about Utilities Disputes and Powerswitch

The term "information" has the plain English meaning

4.11 **Information:** facts about a situation, person or event, etc.¹¹

Flectricity Industry Act 2010, definition of retailer and retailing.

http://www.legislation.govt.nz/act/public/2010/0116/latest/whole.html#DLM2634242

4.10

10

Electricity Industry Act 2010, definition of distributor and distribution. http://www.legislation.govt.nz/act/public/2010/0116/latest/whole.html#DLM2634242

Unless exempt under subsection 3 of the Act.

This is from the date they are the new plan comparison provider, not the date the Authority notified the industry of the change. For example, if the Authority notifies retailers on 1 April that the plan comparison provider will change from 1 July, retailers will have 3 months from 1 July to make the changes.

https://dictionary.cambridge.org/dictionary/english/information

- 4.12 In the context of information about Powerswitch and Utilities Disputes information should, at a minimum, include the name of the service and what the service does.
- 4.13 The messaging should be 'fit for purpose' in achieving the goal of raising consumer awareness of the services and helping consumers understand what these services are.

The Code requires *information* to raise awareness, but Utilities Disputes scheme rules require *contact details* to support dispute resolution

- 4.14 The Code requires all retailers and all distributors to provide clear and prominent information about Utilities Disputes:
 - (i) on their website
 - (ii) when responding to queries from consumers
 - (iii) in directed outbound communications to consumers about electricity services and bills
- 4.15 In contrast the Utilities Disputes scheme rules include prescriptive requirements to provide contact details in certain circumstances including at various points during the complaint process.
- 4.16 In some cases, (depending on the communication and wording used) it will be possible to meet the Utilities Disputes scheme rules and Code requirements at the same time.
- 4.17 There may be instances where it is more appropriate to include separate messaging to meet the requirements of the Code and Utilities Disputes scheme rules.

Specific wording is provided to help implementation, but is not mandatory

4.18 The the following wording can be used when communicating with consumers:

Powerswitch

Consumer Powerswitch is a free and independent energy price comparison site. Visit powerswitch.org.nz to check you're on the right plan for your needs.

Utilities Disputes

If you have a complaint, please call **(your contact details)** or email **(your email details)** to access our free complaints process. If we cannot resolve your complaint, you can contact Utilities Disputes on 0800 22 33 40 or go to www.utilitiesdisputes.co.nz. Utilities Disputes is a free and independent service for resolving complaints about utilities providers.

4.19 As covered in 2.18 this wording is an example of how compliance with the Code requirements could be achieved. The exact wording will depend on the communication medium and brand being portrayed. It is possible to meet the requirements in other ways. Participants should be clear on how they are meeting the goals and requirements within their communications.

Providing clear and prominent information

The terms clear and prominent have the 'plain English' meaning.

- 4.20 Clear: Easy to understand, hear, read or see. 12
- 4.21 **Prominent:** Something that is in a prominent position can easily be seen or noticed.¹³
- 4.22 In order for information about Utilities Disputes and Powerswitch to be considered clear and prominent, this information should be easy to understand and easily seen or noticed.
- 4.23 Information about Utilities Disputes and Powerswitch does not need to be so prominent that it overshadows the purpose of the communication.
- 4.24 If participants are unsure whether information is prominent or not, we recommend they test changes with consumers or raise the issue with the Authority or Consumer Advisory Council.
- 4.25 The level and nature of any testing is up to the participant but conclusions from any consumer testing should be defensible to support an assessment that the requirements of the Code are being met.
- 4.26 Compliance with, and effectiveness of, the requirements will be reviewed by the Authority or Consumer Advisory Council in the future.
- 4.27 Examples of clear and prominent information can be found in Appendix B below.

Clear and prominent information in non-visual communications

- 4.28 Some communications are not visual. For example, telephone calls or text messages.
- 4.29 If these are the only way the participant is communicating with the consumer, then it is still necessary to provide clear and prominent information about Utilities Disputes and Powerswitch.
- 4.30 Generally, information will be provided during the call. Information can be included at any part of the call, such as:
 - (a) at the start of the telephone call or message
 - (b) as part of a follow-up telephone call or message.

Information only needs to be provided once for a series or related exchanges of information

- 4.31 Clause 11.30D describes how participants do not need to continue to provide information about Utilities Disputes in any subsequent consumer communication on the same matter.
- 4.32 The Code is designed to guide standards to raise awareness of Utilities Disputes and Powerswitch. The Code can compliment, but not replace, existing scheme rules and processes. Utilities Disputes scheme members should continue to act in accordance with the scheme rules including when:¹⁴

https://dictionary.cambridge.org/dictionary/english/clear?q=Clear

https://dictionary.cambridge.org/dictionary/english/prominent?q=Prominent

For a full list of requirements please refer to the Utilities Disputes scheme rules.

http://media.utilitiesdisputes.org.nz/media/Scheme%20Documents/ECS%20rules%20Utilities%20Disputes%201%20April%202019.pdf

- the Complainant first makes the complaint to the Provider
- when advising the Complainant of the outcome of the Provider's complaints handling system (which may or may not result in deadlock)
- the complaint reaches deadlock.

This means follow-up communications do not need to include the information if it has already been provided

- 4.33 Where there is an exchange of information, or where the retailer or distributor is following up from a previous communication, the retailer or distributor does not need to provide information about Utilities Disputes and Powerswitch under the Code, if they have already done so in an earlier communication.
- 4.34 <u>For example</u>, if a retailer is sending a reminder notice about a bill, and information about Utilities Disputes and Powerswitch was contained in the original communication, then there is no need to provide the information in the reminder notice.
- 4.35 We expect participants to take a pragmatic approach to communication and consider if a reminder of these services is appropriate in follow-up communications to help keep consumers informed of their options and achieve the goal of raising consumer awareness of Powerswitch and Utilities Disputes.

A new topic means information must be provided again

- 4.36 If the communication is primarily covering a new topic then the retailer needs to ensure that communication contains information on Utilities Disputes and Powerswitch.
- 4.37 <u>For example</u>, if an overdue reminder notice is included in a communication with the next bill, the primary purpose of the communication is to provide the new bill to the consumer and information about Utilities Disputes and Powerswitch should be provided in the communication.

This exception does not supersede other legislation or requirements, such as the Utilities Disputes scheme rules

- 4.38 Clause 11.30D does not supersede other requirements such as the Utilities Disputes scheme rules or Fair Trading Act.
- 4.39 The Utilities Disputes scheme rules contain prescriptive requirements, particularly when handling a complaint (not query) from a consumer. Participants should continue to follow the scheme rules, including providing Utilities Disputes contact details at various stages during the complaints process.
- 4.40 <u>For example</u>, the Utilities Disputes scheme rules require scheme members to advise the consumer of the Utilities Disputes service and contact details if the complaint has reached deadlock, even if the consumer had been made aware of Utilities Disputes in a previous communication.¹⁵

Information needs to be included in the communication

4.41 The Authority is specifying the nature of the communication and not the form of communication or how it is included in the communication.

¹²⁽f) of the Utilities Disputes scheme rules.

http://media.utilitiesdisputes.org.nz/media/Scheme%20Documents/ECS%20rules%20Utilities%20Disputes%20Timesmap.
201%20April%202019.pdf

- 4.42 This means that retailers and distributors can choose when in the communication the information is provided and can innovate around how they meet the requirement to provide clear and prominent information about Utilities Disputes and Powerswitch.
- 4.43 <u>For example</u>, a bill may contain clear and prominent information about Utilities Disputes and Powerswitch:
 - (a) as part of the bill; or
 - (b) as part of a covering letter or e-mail with the bill; or
 - (c) as a separate document within the communication 'envelope' 16
- 4.44 This list is not exhaustive and detailed examples are available in Appendix B.
- 4.45 Similar to 4.38, participants will still need to follow other requirements, including the Utilities Disputes scheme rules, to promote the scheme on any invoice to customers and in other relevant customer information.¹⁷

Providing information about Powerswitch is only required for contestable residential connections

- 4.46 The provision of information about Powerswitch is only required for residential connections where the consumer is able to switch retailers.
- 4.47 One way of confirming this is by checking:
 - (a) if the ICP is recorded on the electricity registry; and
 - (b) if the ICP should have an ANZSIC code of '000000' on the registry
- 4.48 If the answer is 'yes' to both questions, then the retailer should be providing information about Powerswitch.

For example, an insert into a postal bill or clearly labelled attachment with the e-mail.

¹²⁽a) of the Utilities Disputes scheme rules.

http://media.utilitiesdisputes.org.nz/media/Scheme%20Documents/ECS%20rules%20Utilities%20Disputes%201%20April%202019.pdf

5 Providing information on websites

5.1 This section relates to information provided about Utilities Disputes and Powerswitch

Definition of a website

5.2 A website is: a set of pages of information on the internet about a particular subject, published by a single person or organization

For example:

- https://www.ea.govt.nz/ is the main page of the Electricity Authority website
- https://www.powerswitch.org.nz/ is the main page for Powerswitch
- https://www.utilitiesdisputes.co.nz/ is the main page for Utilities Disputes

Websites limited to sites that are offering supply of electricity to consumers

- 5.3 Retailers are required to provide information about Utilities Disputes and Powerswitch on their websites.
- 5.4 Distributors are required to provide information about Utilities Disputes on their websites.
- 5.5 These websites should be the sites consumers go to when they want to interact with or get information from the participant.
- 5.6 This could be:
 - (a) the participants website (if the participant is focussed on electricity)
 - (b) the brand website (if the parent company is the participant and is operating one or more electricity brands)
 - (c) an agent website (if the participant uses an agent to provide the customer facing website)
- 5.7 If the website offers supply of electricity to consumers then information about Utilities Disputes and Powerswitch must be provided, even if that website also offers bundled services such as broadband or gas.
- 5.8 If the participants main website does not offer electricity services (for example it only offers Broadband services) and there is a separate site for electricity services, then information about Powerswitch and Utilities Disputes only needs to be on the website that offers electricity services.

Consumers need to be able to easily find information on websites

- 5.9 To support clarity and prominence the Authority recommends participants locate information within easy reach of the consumer landing on the main page of the website.
- 5.10 The information can be on the main page or provided on pages that are accessible from the homepage (for example one to two clicks from the main page) and have content relevant to the service.

Example 1: Powerswitch

- 5.11 From the landing page there may be a direct link to help the consumer switch to the electricity retailer or to view the retailer's pricing plans.
- 5.12 Information about Powerswitch could be clearly presented on these pages, giving the consumer the opportunity to compare that retailer's offer to the wider market.

Example 2: Utilities Disputes

- 5.13 From the landing page the participant may have a page outlining the complaints process.
- 5.14 Information about Utilities Disputes could be clearly presented on this complaints page, giving the consumer information about how Utilities Disputes can help resolve complaints.

Example 3: Utilities Disputes and Powerswitch available on the main page

- 5.15 The landing page has information on Utilities Disputes and Powerswitch on the landing page.
- 5.16 Context is provided to help the consumer understand the role of Utilities Disputes and Powerswitch so they can make a decision on if they want to investigate these services further.
- 5.17 Detailed examples are available in Appendix B

It is recommended that websites include 'click through' functionality

5.18 It is recommended that information provided on websites and in other electronic media includes a link to the relevant service.

<u>For example</u>, the information on Utilities Disputes includes a link or button embedded within the logo which consumers can click on to go directly to the Utilities Disputes webpage.

6 Responding to queries

6.1 This section relates to information provided about Utilities Disputes

Definition of a query

- 6.2 A query is: a question, often one expressing doubt about something or looking for information.¹⁸
- 6.3 Queries are initiated by the customer and can be received through many channels including telephone, e-mail, web chats and social media.
- 6.4 A query differs from a complaint under the Utilities Disputes scheme rules.
- 6.5 The Utilities Disputes scheme rules defines a complaint as: an expression of dissatisfaction made to or about a Provider where a response or a resolution is explicitly or implicitly expected. For example, a Complaint may be made by letter, email, phone call, text message or a post on a social media page maintained by the Provider, but not on a social media page maintained by the Complainant or a third party.¹⁹
- Not all queries will be complaints, and subject to the more prescriptive Utilities Disputes scheme rules for handling complaints.
- 6.7 Retailers and distributors should review communication mechanisms and ensure all common communication channels are identified, and information about Utilities Disputes is provided to consumers raising queries via these channels.
- 6.8 Communication channels are likely to include:
 - telephone
 - e-mail
 - online chat
 - social media
 - walk-ins (if a physical presence)

Telephone queries

- 6.9 The Authority encourages participants that have established call centres and automated systems to include an introductory message to consumers about Utilities Disputes when they first contact the distributor or retailer.
- 6.10 Participants may find alternative mechanisms more appropriate for their situation, such as providing information during the telephone call or as part of a written follow-up to the call.

E-mail queries

- 6.11 The Authority encourages participants that are responding to consumer queries to have information about Utilities Disputes in their e-mail signature.
- 6.12 Alternatively, the information can be included within the messaging of the e-mail or as an attachment to the e-mail.

https://dictionary.cambridge.org/dictionary/english/query

https://www.utilitiesdisputes.co.nz/UD/Resources/Scheme_rules/UD/Resources/Scheme_rules.aspx

Online chat

- 6.13 It is becoming increasingly common for consumers to engage with participants via online chat functionality. This includes web chats, where consumers are interacting with a representative of the participant, such as via directed social media or functionality embedded within the retailer's website.
- 6.14 Online chat does not include:
 - software solutions such as web bots that provide information but cannot make decisions
 - engagement with consumers in a public forum such as Facebook and twitter posts.
- 6.15 Ways of providing information about Utilities Disputes within live chat could include:
 - providing information as part of the initial welcome message for the chat
 - a follow-up communication, where the consumer has provided an e-mail address or contact details as part of the chat, to close the query.

Social media

- 6.16 The Code does not require participants to provide information about Utilities Disputes and Powerswitch in public communications with consumers, such as in social media or general advertising campaigns.
- 6.17 This includes when responding to queries or comments made by consumers on a public forum.²⁰
- 6.18 However, if a communication becomes a private query (that is, the message is directed to a specific consumer and it is expected that only that consumer will be able to view it) then there is a Code requirement to provide information about Powerswitch and Utilities Disputes.
- 6.19 <u>For example</u>, under the Code, responding to a consumer comment on a post on social media does not require the participant to provide information on Utilities Disputes and Powerswitch.
- 6.20 However, responding to an individual consumer query or private message will trigger the Code requirements.
- 6.21 While not required, we encourage participants to consider if it is appropriate to make consumers aware of Utilities Disputes or Powerswitch when responding to public queries.
- 6.22 Additionally, any complaints (including complaints made via social medial) will trigger the more prescriptive Utilities Disputes scheme rules and require the participant to provide contact details of Utilities Disputes to the complainant.

Clause 12(f) of the Utilities Disputes scheme rules explicitly require scheme members to provide contact details to the complainant when the complainant first makes the compliant to the provider. This requirement is regardless of the mechanism used to raise the complaint, so could include social media.

Providing information with consumer bills 7

7.1 This section relates to information provided about Utilities Disputes and Powerswitch²¹

Clarification on what constitutes a bill

- 7.2 A bill is a request for payment of money owed, or the piece of paper on which it is written.22
- 7.3 A bill includes invoices and other requests for payment.²³ For the purposes of this guideline the term bill refers to "billing or charges to, or payments owed or made by, the consumer, including any invoice, request for payment or statement of account."
- 7.4 For simplicity any request for payment can be considered a bill, including a formal invoice or covering correspondence. Information about Utilities Disputes should be provided as part of this communication. As noted in 4.31 - 4.35 this information only needs to be provided once in a series of communications about the same bill.²⁴

Providing information on the bill

- 7.5 Most retailers and distributors directly bill consumers using a computer-generated bill created in the billing system. A bill may be physical (sent via the post) or electronic (sent via e-mail or application).
- 7.6 Physical and electronic bills may be generated from different systems and may have a different look and feel to each other.25
- 7.7 To meet the prominence requirement, we encourage participants to put information about Utilities Disputes and Powerswitch on the first page of the bill to help ensure the information provided is clear and prominent.
- 7.8 We also encourage the use of simple graphics and messaging provided by Utilities Disputes and Powerswitch to ensure the information is clear and consistent.
- 7.9 An example of what a bill could look like can be found in Appendix B.

Providing information with the bill

- An alternative to including the information on the bill is to include the information with the 7.10 bill.
 - (a) where the bill is electronic this could include:
 - providing information above Utilities Disputes and Powerswitch in the (i) covering e-mail or request for payment

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²¹ Distributors do not need to provide information about Powerswitch. Distributors are only required to put information about Utilities Disputes on invoices for consumers they bill directly.

²² https://dictionary.cambridge.org/dictionary/english/bill

An invoice is defined as a list of things provided or work done together with their cost, for payment at a later time https://dictionary.cambridge.org/dictionary/english/invoice

²⁴ While we encourage retailers and distributors to include this information in all billing communications, it is only required once in a series of related communications about the same bill. For example, if the information about Utilities Disputes and Powerswitch is clear and prominent on the initial bill there is no requirement in the Code to include it in the reminder notice or any follow-up phone call.

²⁵ Look and feel refers to the way that something, typically software or a website, appears to a user or customer, and how attractive or easy to use it is https://dictionary.cambridge.org/dictionary/english/look-andfeel

- (ii) providing the key message with the covering e-mail and including an attachment about Utilities Disputes and Powerswitch with more information
- (b) where the bill is posted, this may be a physical insert (separate piece of paper) included with the bill
- (c) where the bill is online, the information about Utilities Disputes and Powerswitch may be provided on a screen before or when the consumer accesses their bill.
- 7.11 When considering how to provide information with consumer bills we recommend focussing on the goal that the consumer is made aware of Utilities Disputes and Powerswitch through the billing communication.
- 7.12 When providing information with the bill, participants should be aware of the Utilities Disputes scheme rules to also require contact details on the invoice.²⁶

Consumer billing and future awareness needs

- 7.13 We recommend participants reserve a single space within the bill for consistent industry-wide messaging. This space should be capable of including information to promote Utilities Disputes and Powerswitch as well as future messaging to support consumers.²⁷
- 7.14 Examples of how information could be provided with the bill can be found in Appendix B

8 Providing information with billing changes

- 8.1 This section relates to information provided about Utilities Disputes and Powerswitch.
- 8.2 Price and billing changes refers to communications to consumers about changes to the price of the services they pay for.
- 8.3 This can include where consumer's tariffs or tariff rates are changing, such as a price change notification.
- 8.4 <u>For example</u>, where the retailer is notifying the consumer of a change to their electricity price (such as a change to the kWh or daily change) this communication needs to include information about Utilities Disputes and Powerswitch.
- As with section 7 this information can be included on the notification of billing change or with the notification of billing change.

9 Providing information with consumer service communication

9.1 This section relates to information provided about Utilities Disputes.

Clarification on electricity services

- 9.2 Electricity services refers to the services required to provide electricity to the consumer, including:
 - the electricity consumed
 - the transport of electricity to the premises

Clause 12(a) of the Utilities Disputes scheme rules
(https://www.utilitiesdisputes.co.nz/UD/Resources/Scheme_rules/UD/Resources/Scheme_rules.aspx)

For example, the <u>Medically Dependent Consumer and Vulnerable Consumer guidelines</u> update may include guidance on additional information to support consumers.

- the provision of related services such as quantification services (commonly including metering but can also include how unmetered load and distributed unmetered load are quantified).
- 9.3 Where the retailer or distributor is notifying the consumer about their services, such as a planned outage or scheduled maintenance of a metering installation, clear and prominent information should be provided about Utilities Disputes.

10 Providing information with service changes

- 10.1 This section relates to information provided about Utilities Disputes and Powerswitch.
- 10.2 This notification applies when there is a change to an electricity service such as:
 - the electricity consumed
 - the transport of electricity to the premises (for example a planned outage notification)
 - the provision of related services such as quantification services (for example an upgrade to a communicating meter)
- 10.3 It can also include where there will be a change to the services the provider will be providing, including to meter reading services or to outages.
- 10.4 Similar to section 7, this information can be included on the notification of service change or with the notification of service change.

11 Providing information annually

- 11.1 This section relates to information provided about Powerswitch.
- 11.2 Clause 11.30B(4) requires retailers to provide information about Powerswitch on an annual basis.
- 11.3 This requirement is in addition to the requirement to provide information to consumers on their website and in communications to consumers about the bill and about price and service changes.
- 11.4 We expect retailers to include this information in existing communications to consumers, such as within the annual promotion of the low fixed charge tariff options, however the communication can be made separately.²⁸

12 Common questions and clarifications

12.1 This section is to support retailers and distributors in consistently complying with the Code in situations which may not be clear from the Code.

Alternative forms of consumer engagement such as SMS and Apps may need to comply

12.2 We recognise that consumer engagement changes over time and some consumers are engaging with participants via applications or short messaging (such as SMS).

²⁸ Clause 12 of the <u>Electricity (Low Fixed Charge Tariff Option for Domestic Consumers) Regulations 2004</u> requires each retailer to promote the low fixed charge tariff options at least once in every 12 months.

- 12.3 It is possible for the Code requirements to apply, but this will depend on the context of the interaction.
- 12.4 For example, the consumer may 'pull' information from an app. Using the app to request information on a specific topic such as known outages. Because this is not a notification to the consumers there is no obligation to provide information about Utilities Disputes within the app.
- 12.5 Similarly, a retailer may 'push' information to consumers via a notification (such as SMS or app). If the communication is not directed to the consumer (such as an SMS communication to all consumers of a new power deal that has gone live) then there is no obligation to provide information about Utilities Disputes or Powerswitch.
- 12.6 However if the 'push' is specific to that named consumer then the context of the communication becomes important and may require the participant to provide information on Utilities Disputes and Powerswitch.
- 12.7 We appreciate that alternative forms of consumer engagement such as SMS and apps may complement existing communication channels. In some cases, providing information about Utilities Disputes and Powerswitch will not be required because consumers will have already been made aware of the services via the same communication sent via traditional channels.

Direct engagement (door to door sales and 'pop-up' kiosks) will need to comply

- 12.8 It is possible for participants (or their representative) to engage directly with consumers. For example, when engaging in door to door sales or with a 'pop up' kiosk in a mall encouraging consumers to switch retailers.
- 12.9 In these situations, the Code requirements apply. We recommend that fixed sites such as an office or kiosk includes clear and prominent information on Utilities Disputes and Powerswitch.
- 12.10 For example, posters or flyers that are accessible to the consumer.
- 12.11 For door to door sales, the requirement should only apply when the consumer has been engaged. This is generally when there has been a two-way discussion on price or service.
- 12.12 In these situations, the salesperson can provide information during the engagement (verbally or through a hand-out) or as part of a follow-up communication.

FAQs

Table 2: Commonly Asked Questions

Q#	Question	Answer
1	I get my MEP to contact the customer for a meter change. Do they need to comply with the requirements?	Yes. Retailers need to make sure agents communicating on behalf of them meet these requirements. In this case the MEP is acting as an agent for the retailer in arranging access to the site. The retailer should ensure the MEP communicating on behalf of the retailer complies.
2	I am an electricity retailer and broadband supplier. Does this requirement apply to communications solely about broadband?	No. This requirement only relates to your role as an electricity retailer. Communications that are unrelated to your role as an electricity retailer are not covered by these requirements.
3	How do I prove my communications meet the Code requirements of clear and prominent?	In most cases this should be evident. Users will be able to easily find and understand the information within the wider communication. Retailers and distributors can demonstrate this by testing communications with consumer groups for clarity and prominence.
4	Do I have to use Utilities Disputes / Powerswitch branding and messaging?	No. The Code requires the information to be clear and prominent. We believe using the Utilities Disputes and Powerswitch branding and messaging will achieve this, but it does not prevent participants from innovating. We recommend testing innovative solutions with consumers to ensure it will meet the goals of raising consumer awareness of Utilities Disputes and Powerswitch. We also expect communications will not misrepresent the services or undermine their relevancy for the consumer.

Q#	Question	Answer
5	Do I need to use colour logos?	No. The Code requires the information to be clear and prominent. We believe using colour versions of the Utilities Disputes and Powerswitch branding and messaging will achieve this but it does not prevent participants from innovating or using greyscale versions if necessary. We recommend testing any noncolour solution with consumers to ensure it will meet the goals of raising consumer awareness of Utilities Disputes and Powerswitch.
6	The Code talks about changing Powerswitch. How will that work in practice?	Powerswitch is currently contracted with the Authority. If the Authority was to change providers, this will be notified to the industry via the Market Brief in advance of any change. The industry will have three months from the date of the change to align their communications with the changes.
7	The consumer claims to have not received the initial communication. What should I do?	Participants should be making reasonable endeavours to ensure consumers receive the communication. If the information was included in a communication that the consumer claims they have not received it should be included when responding to the enquiry.
8	Do I need to be putting information about Utilities Disputes and Powerswitch on advertisements?	No. General advertising or marketing campaigns including print mail drops are not covered by the Code. The communication must be personalised for a specific named consumer.
9	How should I make consumers aware of Utilities Disputes and Powerswitch if English is not their native language?	We recommend retailers and distributors provide information on Utilities Dispute and Powerswitch in the same language as the rest of the communication.

Appendix A Clause 11.30A to 11.30E of the Code

11.30A Provision of information on dispute resolution scheme

- (1) Each **retailer** and **distributor** must provide information in the circumstances specified in subclauses (2) and (3) about the dispute resolution scheme identified under clause 3 of Schedule 4 of the Act.
- (2) The information required by subclause (1) must be clearly and prominently published on any website that—
 - (a) is maintained by, or on behalf of, the **retailer** or **distributor**; and
 - (b) deals with, describes or offers the supply of **electricity** or **line function services** by the **retailer** or **distributor**, or by an agent or related entity of the **retailer** or the **distributor**.
- (3) The information required by subclause (1) must also be clearly and prominently provided—
 - (a) as part of or accompanying any communication personalised for a specific named **consumer** (whether in print, electronic or other medium) from the **retailer** or **distributor**, or by an agent or related entity of the **retailer** or **distributor**, about—
 - (i) billing or charges to, or payments owed by or made by, the **consumer** for the supply of **electricity** or line function services, including any invoice, request for payment or statement of account; or
 - (ii) the terms and conditions for the supply of **electricity** or **line function services** to the **consumer**, including the prices, tariffs, energy plan, price plan, tariff plan and terms of service for the **consumer**; and
 - (b) in association with or in the course of the **retailer** or **distributor**, or any person on behalf of the **retailer** or **distributor**, responding in any form, to any query from a **consumer**, including—
 - (i) in association with or in the course of any telephone call from a **consumer**; or
 - (ii) in any emails.
- (4) A **retailer** or **distributor** may meet the requirement in sub-paragraph (3)(b)(i) by providing the information as part of initial automatic answering systems or call holding systems, provided in each case the information is reasonably likely to the come to the attention of the **consumer**.

11.30B Provision of information on electricity plan comparison site

- (1) Each **retailer** that supplies **electricity** at any **ICP** for which the relevant business classification code for the purposes of clause 9(1)(k) of Schedule 11.1 is "000000" or "Residential" must provide clear information in the circumstances specified in subclauses (2) to (4) about the electricity plan comparison website or other platform, as identified on the **Authority's** website.
- (2) The information required by subclause (1) must be clearly and prominently published on any website that—

- (a) is maintained by, or on behalf of, the **retailer**; and
- (b) deals with, describes or offers the supply of **electricity** at any such **ICP** by the **retailer**, or by an agent or related entity of the **retailer**.
- (3) The information required by subclause (1) must also be clearly and prominently provided as part of or accompanying any communication personalised to a specific named **consumer** (whether in print, electronic or other medium) from the **retailer**, or by an agent or related entity of the **retailer**, about—
 - (a) billing or charges to, or payments owed or made by, the **consumer** for the supply of **electricity** at any such **ICP**, including any invoice, request for payment or statement of account; or
 - (b) the terms and conditions for the supply of **electricity** at any such **ICP**, including the prices, tariffs, energy plan, price plan, tariff plan and terms of service for the **consumer**.
- (4) The information required by subclause (1) must also be clearly and prominently provided at least once every calendar year to each customer whose **electrical installation** is connected to an **ICP** referred to in subclause (1).
- (5) If the **Authority** changes the web address of the electricity plan comparison website, establishes a new platform to perform the same purpose, or changes that platform or its location descriptor, each **retailer** must change the information published or provided under clause 11.30A to refer to the new address, platform or location descriptor as soon as reasonably possible and no later than 3 months from the date the change is notified on the **Authority's** website.

11.30C Specific requirements for information provided on websites and by other electronic means

The information provided under clauses 11.30A(2) and 11.30B(2)—

- (a) must be prominently provided on, or linked to, a page or pages of the **retailer's** or **distributor's** website, which a **consumer** seeking information on or in relation to the supply of **electricity** or **line function services**, or on the complaint processes of the **retailer** or **distributor**, is reasonably likely to view; but
- (b) does not need to be provided on every such page or every part, provided a **consumer** seeking such information is reasonably likely to come across the information in the course of visiting the website.

11.30D Limitations on required information disclosure under clause 11.30A or 11.30B

- (1) If a **retailer** or a **distributor** has provided the information required by clause 11.30A or 11.30B to a **consumer**
 - (a) in a **consumer** communication under clause 11.30A(3)(a) or 11.30B(3), the **retailer** or **distributor** does not need to continue to provide the information in any subsequent **consumer** communication on the same matter; or
 - (b) in response to any query under clause 11.30A(3)(b), the **retailer** or **distributor** does not need to continue to provide the information in any further responses to the same or related queries.

(2) Under subclause (1):

- an invoice and any request for payment, reminder notice, notice of late payment, demand, or disconnection notice in respect of the amount in the invoice are on the same matter; but
- (b) invoices that apply to different periods are not on the same matter.

Meaning of "related entity" 11.30E

For the purposes of clause 11.30A and 11.30B, the term "related entity" has the meaning set out in section 2(3) of the Companies Act 1993, where the reference in that section to "company" is read as if it referred to either a "company" or a "body corporate".



Appendix B Examples

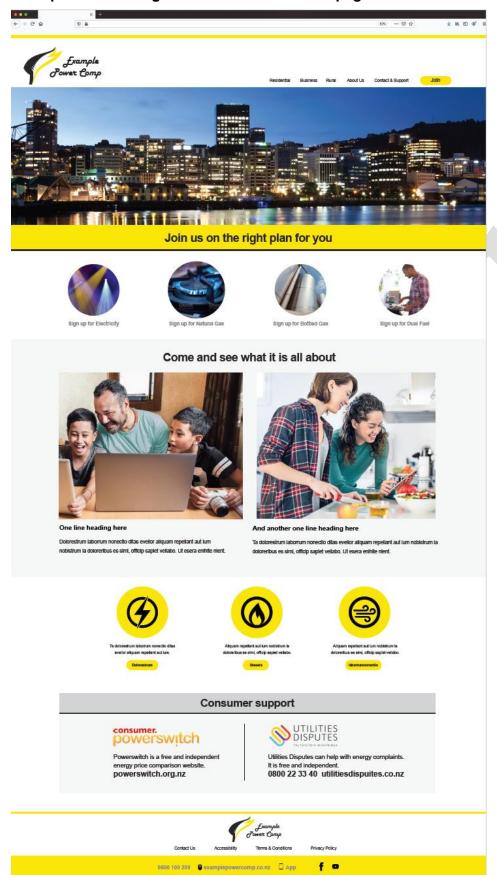
B.1 This appendix provides examples of how different forms of communication could look, while integrating the requirement to provide clear and prominent information about Utilities Disputes and Powerswitch. The Authority is aware that the way participants present themselves to consumers is diverse. The examples provided should not be considered 'best practice' billing or website design and may not directly apply to any one participant. These examples are intended to help participants with their design thinking and meeting the Code requirements within their specific circumstances and brand.

Design principles

- B.2 The design goal is to ensure the consumer is aware of Utilities Disputes and Powerswitch, while still understanding who the message is from and the key message of the communication.
- B.3 The general principles are:
 - (a) the consumer can clearly see and identify the information about Utilities Disputes and Powerswitch (it is clear and prominent)
 - (b) the messaging does not overshadow the key purpose of the communication
 - (c) where possible Utilities Disputes and Powerswitch logos and branding is used (in line with Utilities Disputes and Powerswitch branding guidance).
- B.4 Please contact Utilities Disputes and Powerswitch for support on how to apply this guidance to your specific circumstance and the use of their information and branding.

Providing Information on websites

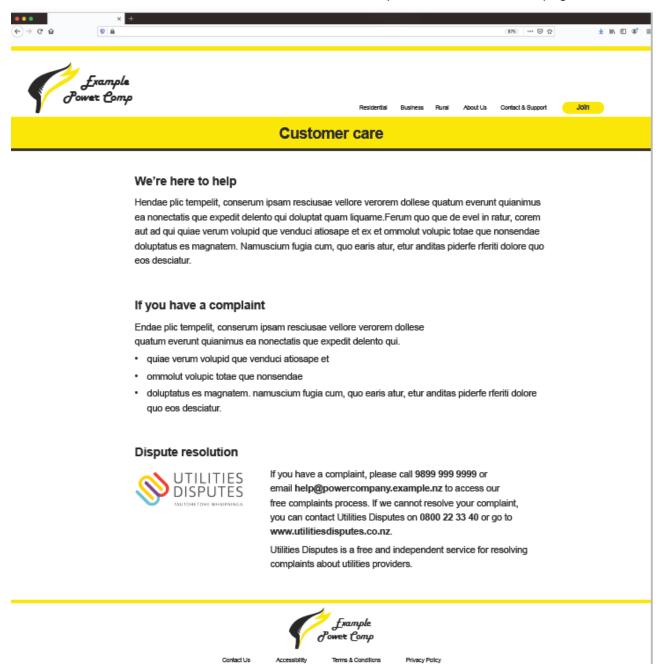
Example 1: Providing information on the main page



Example 2: Providing information about Utilities Disputes on websites

Front page has link to 'Consumer Care' section

Consumer Care section has information about Utilities Disputes noticeable on the page



□ Арр

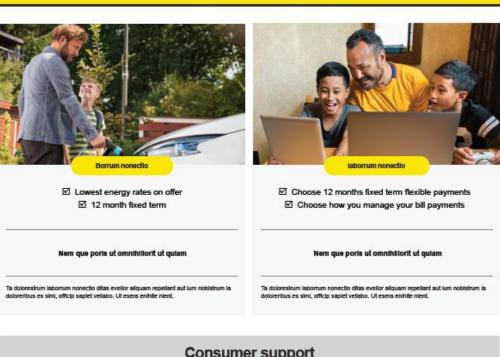
C 0800 100 200 @ examplepowercomp.co.nz

Example 3: Providing information and Powerswitch on websites

Front page has a 'switching' or 'pricing' section

Information about Powerswitch is provided in relevant switching and pricing sections









Providing information when sending a bill to a consumer

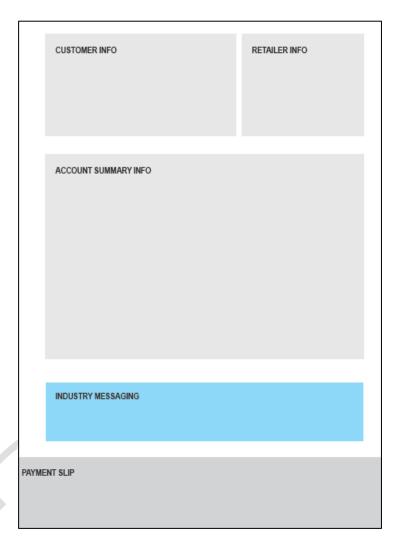
Zone Layout

This is an example of a zone layout for a consumer invoice.

We recommend participants reserve a single space within the invoice for consistent industry-wide messaging.

This space should be capable of including information to promote Utilities Disputes and Powerswitch as well as future messaging to support consumers.

An example bill using this zone layout is below.



Example 1: Promotion of Utilities Disputes and Powerswitch on the bill

CUSTOMER NAME 1 EXAMPLE LANE SUBURB NAME CITY 9999

Your customer number 900 9000 9999 Your ICP number 1234567999ABC13 Invoice date 1 January 2020 Statement number 999910001 GST number 99-999-XX1



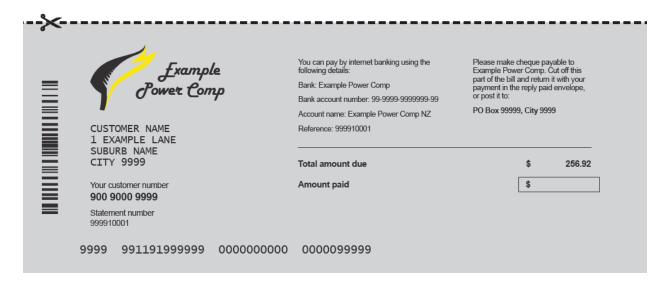
Your electricity account Summary of payments since your previous account Closing balance of your previous account \$256.92 Payments received \$256.92 cr Current account summary Current electricity charges \$223.41 Total amount due \$256.92 Payment due by 31 January 2020 Total current GST: \$33.51 (refer to page 2 for details)

consumer. powerswitch

Powerswitch is a free and independent energy price comparison website. **powerswitch.org.nz**



Utilities Disputes can help with energy complaints. It is free and independent. **0800 22 33 40 utilitiesdispuites.co.nz**



Page 2

Average daily electricity usage over past year



Current electricity usage							
	ICP	Previous reading	Current reading	Read type	Units used	Rate	Total
Daily fixed charge, low user tariff	9999900000ZZ-111	5000	7000	Actual	1999 @	11.0000 c/unit	220.00
Power plan name				;	31 days @	11.0000 c/day	3.41
						Sub total	223.41
						GST	33.51
Total current electricity charges				\$	256.92		
Total current electricity charges					Φ	200.32	

Your average daily electricity cost for the billing period excluding discount is \$8.29 including GST.

Covers the 31 day period from 1 December 2019 to 31 December 2019. Your meter was read on 31 December 2019.

Do you have a query?

For electricity faults (24 hours) call 9899 999 999.

If you have any concerns about our service or want to make a complaint please call us on $9899\ 999\ 999$ to access our free complaints process.



If we're unable to resolve your complaint you can call the free independent dispute resolution service provided by Utilities Disputes on **0800 22 33 40** or visit **utilitiesdisputes.co.nz**

Example 2: Promotion of Utilities Disputes and Powerswitch with the bill (cover letter or e-mail)

Provide the information within the covering letter or e-mail.

You are subscribed as **customer.name@gmail.com**Ensure our emails reach you by adding **noreply@mail.examplepowercomp.co.nz** to your address book



HI CUSTOMER NAME

Here's your Example Power Comp for 1 EXAMPLE LANE SUBURB NAME, CITY 9999 on August 2020

Your bill is also attached @

Your bill amount

Includes your prompt payment discount

\$256.92

Due by: 31 Jan 2020

Thank you. This will be automatically taken from your account

WHAT'S ON



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Subheading here

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And then there is a two line subheading here

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Consumer support

consumer. powerswitch

Powerswitch is a free and independent energy price comparison website. **powerswitch.org.nz**



Utilities Disputes can help with energy complaints. It is free and independent. 0800 22 33 40 utilitiesdispuites.co.nz

6 0800 100 200

@ examplepowercomp.co.nz

App



Please do not reply to this email. If you need assistance, use the links below:

Example 3: Promotion of Utilities Disputes and Powerswitch with the bill (cover letter or e-mail, information near the bill amount)

You are subscribed as **customer.name@gmail.com**Ensure our emails reach you by adding **noreply@mail.examplepowercomp.co.nz** to your address book.



HI CUSTOMER NAME

Here's your Example Power Comp for 1 EXAMPLE LANE SUBURB NAME, CITY 9999 on August 2020

Your bill is also attached @

Your bill amount

Includes your prompt payment discount

\$256.92

Due by: 31 Jan 2020

Thank you. This will be automatically taken from your account

Consumer support

powerswitch

Powerswitch is a free and independent energy price comparison website. powerswitch.org.nz



Utilities Disputes can help with energy complaints. It is free and independent. 0800 22 33 40 utilities dispuites.co.nz

What's On



One line heading here

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o.nz 🔲 App



Please do not reply to this email. If you need assistance, use the links below:

Glossary of abbreviations and terms

Act Electricity Industry Act (2010)

Authority Electricity Authority

Bill A request for payment of money owed, or the piece of paper on which

it is written

Clear Easy to understand, hear, read, or see
Code Electricity Industry Participation Code (2010)

Consumer A person who is supplied electricity for consumption

Customer A person who purchases or has agreed to purchase electricity

from a retailer

EPR Electricity Price Review

Invoice A list of things provided or work done together with their cost, for

payment at a later time

Look and feel The way that something (typically software or a website), appears to a

user or customer, and how attractive or easy to use it is

Powerswitch Energy plan comparison service Prominent Can easily be seen or noticed

Utilities Disputes Electricity industry dispute resolution scheme identified under clause 3

of Schedule 4 of the Act