

Format for submissions

Question 1: Do you agree or disagree that guidelines to support the implementation of 11.30A to 11.30E are needed?
For Utilities Disputes – I disagree For Powerswitch – I agree
Question 2: Do you agree or disagree these guidelines should include information on how compliance could be achieved and visual examples? If no, what information should the guidelines provide?
For Utilities Disputes – I disagree For Powerswitch – I agree
Question 3: Are there any additional questions that should be included in the FAQ section?
No response.
Question 4: Do you have any comments on the proposed guidelines and examples provided?
The objectives sought are stated to include: 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. ...

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.

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**

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.

My comments on these key objectives:

1.2. Accuracy: The scheme is free to consumers in the sense consumers do not pay money to use the service however consumers will expend resource to engage with Utility Disputes, which is also not free to the Industry of the Country.

Independence? The service receives its funding from the electricity retailers. The funding is limited and in my experience and opinion complex matters are not properly investigated or resolved, they are just presented where Utility Disputes got to after the service has in their view run out of funding. The service should not be promoted as independent.

1.5 In relation to Utility Disputes there is an assumption required that Utilities Disputes is sufficiently efficacious so that it can "result in an empowered consumer base'. If

Utility Disputes is not sufficiently efficacious then the industry will not become more efficient and competitive, indeed it may regress in these regards.

In relation to Powerswitch I agree.

2.9 – see above comments about 1.2.

4.13. The principle of 'fit for purpose' is relevant to consider. Before promotions of Utility Disputes are 'fit for purpose' the Utility Disputes Service / Scheme and supervisory board should first be confirmed to be 'fit for purpose'.

In my experience and opinion Utility Disputes is not fit for purpose, does not comprehensively investigate complaints, does not have sufficient technical expertise in the office to know what consultant opinion should be obtained, could not tease out the truth in complex situations and failed to obtain the relevant information in both a timely manner, nor at all from the retailer concerned. If you do not know what is required you cannot seek it which appears to me to be an issue with Utility Disputes.

I am the complainant in case note 72622. While I do not intend to give comprehensive details of all the faults in the Utility Disputes service I will point out the following examples:

1) The commissioner stated “*The retailer did not breach the Electricity (Safety) Regulations 2010*”

The Commissioner said the retailer did not breach sections 28, 29 and 30 of the Electricity (Safety) Regulations 2010 [1]. Mr L raised concerns about the voltage and frequency of supply to his property, and that the new meter was an alteration of the electrical characteristics, possibly causing danger. The Commissioner confirmed when the contractors disconnected supply, there was no electricity supplied to Mr L's property. She also confirmed the installation of the new meter was not an alteration of the electrical characteristics. This confirmed there was no breach of the Regulations.“

The Commissioner took insufficient steps to investigate this matter, in fact electricity was being supplied outside specification with repeated brown outs (I as a relatively technically competent consumer had to myself make measurements to demonstrate and confirm the brown out problem. How an average consumer would have got on I can only guess how long it would have taken to resolve.) Log files confirmed the problem, and Wellington Electricity subsequently acknowledged and remedied this.

2) The Commissioner's recommendation included I accept restricted terms less than what other consumers are entitled to

The specifics are: The published case note states

“The Commissioner said it was fair and reasonable for the retailer, without charge, to switch Mr L's hot water supply to a night rate as soon as Mr L confirmed he wanted the change and did not want other appliances on the rate.”

The Utility Disputes recommendation actually stated:

I believe it is fair and reasonable Contact Energy, without charge, switches Dr Hingston's hot water electricity supply on a night tariff free of charge as soon as Dr Hingston confirms:

- he would like Contact Energy to make this change without insisting on Contact Energy also changing the Anytime pricing plan to the All Day Economy plan; and

- **he does not want the electricity for any other appliances (eg night store heater) to be charged by the night tariff**

This is because changing the ripple relay channel from controlled to night only for the hot water supply does not require wiring changes.

The recommendation included the consumer give away the right to seek connection of other appliances to the night rate such as night store heaters or EV's. Is that an independent and fair recommendation? I suggest not. Why should a consumer who complains agree to a restriction of their rights as I am likely to want to charge an electric vehicle sooner or later. The recommendation was rejected for many reasons, this was just one.

3) The commissioner failed to obtain the electricity retailer's series of night and association option rates that the retailer is understood to provide (and that Wellington Electricity provide the night technical capability to the site in question). She asked the retailer "Please explain why the meter set up at Dr Hingston's property meant Anytime and Economy was the only available pricing plan for him after the meter installation" illustrating she was taking a blinkered approach to the situation and possible resolution (cutting out alternative resolution scenarios).

In relation to case 34249 that had some similarity to my case (but is not my case) I consider the decision based on the information and probability of 6 computers independently failing together is extremely low, and for this to happen some independent interference is required to cause concurrent failures simultaneously. The commissioner stated

"Disconnection or reconnection of the supply of electricity at the transformer will not cause damage to computer equipment or servers, unless there is an over voltage event"

I consider this to be factually incorrect (which any number of computer professionals will be able to corroborate) and that the customer received an unfair decision. This exemplifies one reason I consider Utility Disputes is not Fit for Purpose. A competent Dispute Investigator should know (or know to access) the relevant and correct technical information to support fair decisions.

In my experience and opinion Utility Disputes are paid by the Industry and gives recommendations that favour the funders of Utility Disputes.

If Utility Disputes is not fit for purpose, it should not be promoted as fit for purpose,

What independent steps is the EA taking to ensure Utility Disputes is actually fit for purpose and fit for promotion? It follows what steps has EA taken to form a view whether the Disputes Utilities board are 'fit for purpose' as well?