

Electricity Industry Participation Code Amendment (Late and Revised Data) 2015

Under section 38 and section 39(3) of the Electricity Industry Act 2010, and having complied with section 39 of that Act, I make the following amendments to the Electricity Industry Participation Code 2010.

At Wellington on the 16th day of February 2015



Dr Thomas Brent Layton
Chairperson
Electricity Authority

Certified in order for signature:



Barbara Sole
Senior Legal Counsel
Electricity Authority



Tony Dellow
Partner
Buddle Findlay

13 February 2015

13 February 2015

Contents

1	Title	2
2	Commencement	2
3	Code amended	2
4	Clause 14.2 amended (Sale and purchase of electricity)	2
5	Clause 14.18 amended (Clearing manager to advise participant of amounts owing and payable)	2
6	Clause 14.25 amended (Participant may dispute amount)	3
7	Clause 14.26 amended (Resolution of dispute about amount)	3
8	Clause 14.28 amended (Correction of information about amount as result of dispute)	3
9	Clause 14.31 amended (Deadlines for payments)	3
10	Clause 14.36 amended (Clearing manager to conduct washups)	3
11	Clause 14.41 amended (Definition of an event of default)	3
12	Clause 14.59 amended (Calculation of revised amount payable)	3
13	Clause 15.29 amended (Volume information disputes)	3

Amendment

1 Title

This is the Electricity Industry Participation Code Amendment (Late and Revised Data) 2015.

2 Commencement

This amendment comes into force on 24 March 2015.

3 Code amended

This amendment amends the Electricity Industry Participation Code 2010, as amended by the—

- (a) Electricity Industry Participation (Settlement and Prudential Security) Code Amendment 2013; and
- (b) Electricity Industry Participation Code Amendment (Settlement and Prudential Security) 2014.

4 Clause 14.2 amended (Sale and purchase of electricity)

In clause 14.2(5), replace "14.8" with "14.10".

5 Clause 14.18 amended (Clearing manager to advise participant of amounts owing and payable)

Replace clause 14.18(2) with:

"(2) The **clearing manager** must advise each **participant** of each amount owing and each amount payable as follows:

"(a) no later than the 9th **business day** of the month following the **billing period**; but

"(b) if the **clearing manager** has not received any information required to determine an amount payable in respect of the prior **billing period** in time to advise each **participant** by that date,—

"(i) if the **clearing manager** receives the information in time to advise each **participant** of each amount owing and each amount payable 2 **business days** or more before the 20th calendar day of the month, the **clearing manager** must advise each **participant** no later than 2 **business days** before the 20th calendar day of the month; or

"(ii) if the **clearing manager** does not receive, or considers that it is not likely to receive, the information in time to advise each **participant** of each amount owing and each amount payable 2 **business days** before the 20th calendar day of the month,—

"(A) the **clearing manager** must refer the matter to the **Authority**; and

"(B) the **Authority** must direct the **clearing manager** as to the time by which the **clearing manager** must advise each **participant** of each amount owing and each amount payable; and

"(C) the **clearing manager** must advise each **participant** by the time directed by the **Authority**."

6 Clause 14.25 amended (Participant may dispute amount)

In clause 14.25(2)(b), after "15.29" insert ", and the dispute remains unresolved".

7 Clause 14.26 amended (Resolution of dispute about amount)

- (1) In clause 14.26(2), after "if" insert ", in time for the **clearing manager** to advise each **participant** of each amount owing and each amount payable 2 **business days** or more before the disputed amount is due to be paid or received by the disputing **participant**".
- (2) In clause 14.26(2), revoke paragraph (b).
- (3) In clause 14.26(3), replace—
 - (a) "If" with "Subject to clause 14.28, if"; and
 - (b) "2 **business days** or more before the disputed amount is due to be paid or received" with "by the time referred to in subclause (2)".

8 Clause 14.28 amended (Correction of information about amount as result of dispute)

- (1) In clause 14.28(1), replace "2 **business days** or more before the disputed amount is due to be paid or received" with "by the time referred to in clause 14.26(2)".
- (2) In clause 14.28(3), replace—
 - (a) "corrected information is provided to the **clearing manager** under subclauses" with "information is corrected under subclause"; and
 - (b) "conduct **washups** in accordance with subpart 6" with "advise the **Authority** and comply with any direction given by the **Authority** on the matter".
- (3) After clause 14.28(3), insert:
 - "(4) Without limiting subclause (3), a direction that the **Authority** gives under that subclause may include—
 - "(a) a direction to advise each **participant** of each amount owing and each amount payable by the **participant** by a date specified by the **Authority**; or
 - "(b) a direction to conduct **washups** in accordance with subpart 6."

9 Clause 14.31 amended (Deadlines for payments)

In clause 14.31(2), replace "14.18(2)" with "14.18(2)(b)(i)".

10 Clause 14.36 amended (Clearing manager to conduct washups)

In clause 14.36, delete "14.28," and "15.29,".

11 Clause 14.41 amended (Definition of an event of default)

In clause 14.41(h), replace—

- (a) "**retailer's**" with "**trader's**"; and
- (b) "**retailer**" with "**trader**" in each place.

12 Clause 14.59 amended (Calculation of revised amount payable)

- (1) Revoke clauses 14.59(2) and (3).
- (2) In clause 14.59(4), delete "(as adjusted by subclause (3))".

13 Clause 15.29 amended (Volume information disputes)

- (1) In clause 15.29(5), replace "(14)" with "(13)".

- (2) Revoke clause 15.29(14).

Explanatory Note

This note is not part of the amendment, but is intended to indicate its general effect.

This amendment to the Electricity Industry Participation Code 2010 (Code) comes into force on 24 March 2015.

The amendment makes changes to the Code under section 39(3) of the Electricity Industry Act 2010 that are of a technical and non-controversial nature.

The amendment:

- (a) corrects a cross reference in clause 14.2;
- (b) carries over to the new Part 14 changes that were made to the Code by the Electricity Industry Participation (Time Frames for Invoicing) Code Amendment 2014, including clarifying how those provisions relate to the requirement to conduct washups in certain situations;
- (c) makes changes to clause 14.26 to allow the clearing manager to correct amounts owing and payable, to take into account the resolution of a volume dispute resolved in time for the clearing manager to advise participants 2 business days or more before payment is due;
- (d) makes changes to clause 14.28 to provide that, in cases where disputes are resolved after that time, the clearing manager must refer the matter to the Authority and comply with the Authority's direction on the matter;
- (e) carries over to the new Part 14 changes that will be made to the Code by the Electricity Industry Participation Code Amendment (Trader Default) 2014;
- (f) makes a minor change to the new clause 14.59, to remove an impractical requirement on the clearing manager to attempt to recover money by 1530 hours on the day of settlement; and
- (g) removes clause 15.29(14) because it contradicts a provision in the new Part 14.

Date of notification in the *Gazette*: 19 February 2015