

Notice of the Electricity Industry Participation Code Amendment (Trader Default) 2014

1. Pursuant to section 38(3)(b) of the Electricity Industry Act 2010, and having complied with section 39 of that Act, the Electricity Authority gives notice of the making of the Electricity Industry Participation Code Amendment (Trader Default) 2014 (“amendment”).
2. The amendment comes into force on **28 February 2015**, except clauses 6(3), 12(4), 13, and 15, which come into force on **28 August 2015**.
3. The amendment amends clause 14.55(h) so that it refers to a “trader’s use-of-system agreement” rather than a “retailer’s use-of-system agreement”. That reflects that traders rather than retailers have use-of-system agreements with distributors.
4. In addition, the amendment amends the retailer default provisions in Part 11 of the Code by replacing all references to “retailers” with references to “traders”. The retailer default provisions in Schedule 11.5 are triggered only by an event of default. The change reflects the position that only a trader can commit an event of default under the Code.
5. The amendment also:
 - a. inserts a new clause 4A of Schedule 11.5, which will require traders to provide information about NSPs and ICPs at which they cannot trade for specified reasons, if requested to do so by the Electricity Authority after a trader commits an event of default;
 - b. inserts a new clause 5A of Schedule 11.5, which provides that if a trader is assigned ICPs of a defaulting trader, the trader assigned the ICPs does not, for the first three months after the assignment, breach the requirement in clause 10.24(a) to ensure that there is at least 1 metering installation at each ICP. This will enable traders that are assigned ICPs to make the necessary arrangements to comply with that clause;
 - c. makes a number of minor drafting improvements to clauses in Part 11.
6. A copy of the amendment and the Electricity Industry Participation Code 2010 (“Code”) is available on the Electricity Authority’s website
www.ea.govt.nz/code-and-compliance/the-code/
7. A copy of the amendment and the Code may also be inspected free of charge or purchased from the Electricity Authority, Level 7, ASB Bank Tower, 2 Hunter Street, Wellington.

Dated at Wellington this 23rd day of December 2014.

Dr THOMAS BRENT LAYTON, Chairperson, Electricity Authority.