

Notice of the Authority's decision under regulation 29 of the Electricity Industry (Enforcement) Regulations 2010

Under regulation 29(1) of the Electricity Industry (Enforcement) Regulations 2010 (Regulations) the Electricity Authority (Authority) must publicise every decision made under regulation 23(3) of the Regulations, together with the reasons for the Authority's decision.

Investigation

On 13 October 2022, the Authority appointed an investigator under regulation 12 of the Regulations to investigate alleged breaches by Summersby Holdings Limited and Power House 23 Limited. The breaches, alleged by a non-participant, concerned clauses 11.32A, 11.32B and 11.32C of the Electricity Industry Participation Code 2010 (Code) about the provision of consumption information to consumers.

The Authority received and considered a report and a recommendation from the investigator to discontinue the investigation into the alleged breaches.

- The investigation found that the amount payable for the supply of electricity did not involve the use of consumption information. The consumers shared a metering installation and were not individually metered. The electricity charges were calculated using the total amount invoiced by the retailer¹ and dividing this number to determine the amount payable. This calculation of electricity charges was in accordance with an agreement between the parties.
- The investigator considered there was no breach of clauses 11.32A, 11.32B and 11.32C. This was because electricity consumption was not used to calculate the amount of electricity consumed by the consumers at the ICP. Electricity is defined in Part 1 of the Code as *electrical energy measured in kilowatt-hours (kWh)*. Rather the amount payable by the consumers was determined as described above.

The Authority's decision

On 3 August 2023, the Authority decided under regulation 23(3)(a) of the Regulations to discontinue the investigation.

Reason for the Authority's decision

The Authority decided to discontinue the investigation because:

- The investigation found that there was no breach because electricity consumption was not used to calculate the amount of electricity consumed by the consumers at the ICP and therefore in the circumstances there was no obligation under the Code to provide consumption information.

¹ The trader as recorded in the Electricity Registry for the ICP.