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To: The Electricity Authority

Email: policyconsult@ea.govt.nz

Genesis supports the Authority's proposed Code amendments

Genesis Energy Limited (**Genesis**) welcomes the opportunity to comment on the Electricity Authority's (**the Authority's**) *Code amendment omnibus two: December 2023 consultation paper*.

Genesis supports the Authority's proposed amendment to Part 6A to include all generation technology. This amendment will remove what is in effect an arbitrary exemption for non-rotating generation from the corporate separation and arm's-length rules, which help to promote competition and a level playing field.

While the proposed amendment is necessary it will not of itself be sufficient to ensure thriving competition and a fair and level playing field. We would therefore support the Authority to undertake further consideration in FY24/25 of whether broader amendments to Part 6A are also required as part of its Distribution Networks Regulatory Reform activity area, as outlined in its October paper *Delivering key distribution sector reform*, including as part of the Authority's intended '...guidance on the threshold for extending the arms-length rules', as well as other actions identified in the Authority's October 2023 paper on *Delivering key distribution sector reform*. We also noted our support for this activity in our submission on the Authority's FY25 Levy Consultation paper. We believe the Authority's work programme should include consideration of any barriers to third-party investment in new technology on EDBs' networks. This work is important to promote competition in the emerging technologies market so that participants are not disadvantaged or dis-incentivised from investing in emerging technologies.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Mitch Trezona-Lecomte".

Mitch Trezona-Lecomte

Senior Advisor, Government Relations and Regulatory Affairs

Genesis’s response – Amending Part 6A to include all generation technology

Question Number	Question	Genesis response
1.1	Do you support the Authority’s proposal to include all generation technology under Part 6A? Please explain your answer	Yes. As noted above, the amendment is necessary to ensure a fair and level playing field by ensuring all generation types are captured in the arms-length rules. Without the change, there is in effect an arbitrary exemption for non-rotating generation that undermines the intention of the arms-length rules.
1.2	Do you support the Authority’s proposal to create a new definition for “connected generator” Please explain your answer	Yes.
1.3	Do you agree the proposed amendment is preferable to the other options? If you disagree, please explain your preferred option in terms consistent with the Authority’s statutory objective in section 15 of the Electricity Industry Act 2010	Yes.
1.4	Do you agree with the analysis presented in this Regulatory Statement? If not, why not? Q1.5. Do you have any comments on the drafting of the proposed amendment?	Yes.
1.5	Do you have any comments on the drafting of the proposed amendment?	

Genesis response - Feedback on the omnibus format

Question Number	Question	Genesis response
4.1	Do you consider the omnibus format should be continued as a way of consulting on several small but independent separate Code amendments?	Yes – it seems a more efficient way to consult when there are multiple minor or technical Code amendments.

4.2	Do you have any comments on the omnibus format or suggestions to improve the omnibus format?	
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