

**From:** Sean Martin  
**Sent:** Fri, 8 Sep 2023 16:12:12 +1200  
**To:** Charlotte Rosier  
**Subject:** RE: ComCom/Electric Kiwi

I'll give you a call shortly

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**From:** Charlotte Rosier [Section 9(2)(a) Privacy]  
**Sent:** Friday, September 8, 2023 4:10 PM  
**To:** Sean Martin [Section 9(2)(a) Privacy]  
**Subject:** RE: ComCom/Electric Kiwi

I drew a blank on any referrals with our competition branch and also our enquiries team.....

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**From:** Sean Martin [Section 9(2)(a) Privacy]  
**Sent:** Friday, September 8, 2023 4:08 PM  
**To:** Charlotte Rosier [Section 9(2)(a) Privacy]  
**Subject:** RE: ComCom/Electric Kiwi

Thanks for this – have just heard from someone who was here back then that we referred an issue about increased South Island reserve offer prices (Meridian) to ComCom in May 2012 – just checking if that was competition-related

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**From:** Charlotte Rosier [Section 9(2)(a) Privacy]  
**Sent:** Friday, September 8, 2023 3:15 PM  
**To:** Sean Martin [Section 9(2)(a) Privacy]  
**Subject:** RE: ComCom/Electric Kiwi

Thanks Sean – our (very brief!) response is below:

*The Commission hasn't received any referrals from the EA relating to competition issues within the electricity sector.*

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**From:** Sean Martin [Section 9(2)(a) Privacy]  
**Sent:** Friday, September 8, 2023 12:49 PM  
**To:** Charlotte Rosier [Section 9(2)(a) Privacy]  
**Subject:** RE: ComCom/Electric Kiwi

Hiya

FYI

Here's our draft response which is going through signout.

It's a big fat zero from us but we note our agencies' MoU and separate analysis of aspects of competition in the electricity market/contracts

I will send you a final but this might assist with your response

Sean

*Draft response:*

The Electricity Authority has not referred any matters to date about competition to the Commerce Commission.

The Authority and the Commerce Commission have a Memorandum of Understanding that recognises their common interests and how the agencies intend to work together.

The Commerce Commission's role with respect to electricity is as a regulator charged with administering the Commerce Act 1986, (which prohibits arrangements substantially lessening competition and other restrictive trade practices), as well as other legislation such as the Fair Trading Act 1986. The Commerce Commission also has regulatory responsibilities in markets where there is little or no competition, and little or no likelihood of a substantial increase in competition including the electricity lines sector and the transmission network.

By contrast the Authority is an electricity sector only regulator and is concerned with promoting competition in, reliable supply by, and the efficient operation of, the electricity industry for the long-term benefit of consumers.

Both agencies recognise each other's mandate and the possibility of some overlap with respect to issues relating to competition in the electricity market. For example both the Authority and the Commerce Commission conducted analysis, separately, of the Tiwai contracts. The Authority's interest in reviewing these arrangements was via its competition mandate under the Electricity Industry Act 2010 (the Act) and its wider statutory objective more generally. While the Commerce Commission opened enquiries into the 2021 Tiwai contract but concluded that there was insufficient evidence of a breach of section 27 and section 30 of the Commerce Act 1986 and decided to make no further enquiries.

It is worth noting that consumers and businesses with specific concerns about a business's misuse of market power, for example, may opt to make a complaint to the Commerce Commission directly rather than via the Authority – which Electric Kiwi has done in this case.

ENDS

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**From:** Charlotte Rosier [Section 9(2)(a) Privacy]  
**Sent:** Friday, September 8, 2023 10:00 AM  
**To:** Sean Martin [Section 9(2)(a) Privacy]  
**Subject:** RE: ComCom/Electric Kiwi

Awesome – thanks Sean. Have a request in with our intel team so will see what they come back with and let you know.

Cheers,  
Charlotte

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**From:** Sean Martin [Section 9(2)(a) Privacy]  
**Sent:** Friday, September 8, 2023 9:57 AM  
**To:** Charlotte Rosier [Section 9(2)(a) Privacy]  
**Subject:** RE: ComCom/Electric Kiwi

Hi Charlotte

Thanks for getting in touch. I've just seen a similar query to us from Rebecca. My initial discussions with the team suggest there is at least one matter that we referred to you – 2012 Meridian Interruptable load - but unsure if that was competition related. Will do some more digging and advise.

Sean

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**From:** Charlotte Rosier [Section 9(2)(a) Privacy]  
**Sent:** Friday, September 8, 2023 9:30 AM  
**To:** Sean Martin [Section 9(2)(a) Privacy]  
**Subject:** RE: ComCom/Electric Kiwi

Hey Sean,

We've had a follow up from Rebecca asking about the number of complaints relating to competition matters that you guys have referred to us; we don't have records of any comp complaints, but obviously want to check in with you, given the ref in your statement. I am also checking in with our reg branch as it may be that complaints weren't related to competition issues and so directed there.

Thanks....Charlotte

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**From:** Sean Martin [Section 9(2)(a) Privacy]  
**Sent:** Wednesday, September 6, 2023 3:24 PM  
**To:** Charlotte Rosier [Section 9(2)(a) Privacy]  
**Subject:** RE: ComCom/Electric Kiwi

Sounds good, thank you.

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**From:** Charlotte Rosier [Section 9(2)(a) Privacy]  
**Sent:** Wednesday, September 6, 2023 3:18 PM  
**To:** Sean Martin [Section 9(2)(a) Privacy]  
**Subject:** RE: ComCom/Electric Kiwi

Thanks so much, Sean – will let you know if we get anything else and keep you in the loop as things progress ref the complaint from EK.

Cheers,  
Charlotte

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**From:** Sean Martin [Section 9(2)(a) Privacy]  
**Sent:** Wednesday, September 6, 2023 3:12 PM  
**To:** Charlotte Rosier [Section 9(2)(a) Privacy]  
**Subject:** RE: ComCom/Electric Kiwi

Hi Charlotte

Thanks. Nice to make contact. I'll note your details for future reference.

We had a query from Rebecca as well and, of course, Tom P-S @ Stuff.

Cheers

**Sean Martin**  
Principal Communications and Engagement Advisor

M: **Section 9(2)(a) Privacy**



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**From:** Charlotte Rosier **Section 9(2)(a) Privacy**  
**Sent:** Wednesday, September 6, 2023 3:05 PM  
**To:** Sean Martin **Section 9(2)(a) Privacy**  
**Subject:** ComCom/Electric Kiwi

Hey Sean,

Holly forwarded on your email – while she looks after the telcos, the Electric Kiwi matter actually falls into my area – competition. Rebecca Stevenson at [interest.co.nz](http://interest.co.nz) came to us for a response – we gave her a couple of lines acknowledging the contact from Electric Kiwi and setting out how our processes work. That's the only media contact to date.

Thanks,  
Charlotte



**Charlotte Rosier** ([she/her](#))  
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Commerce Commission | *Te Komihana Tauhokohoko*  
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