

14 August 2024

s9(2)(a)

By email: s9(2)(a)

Tēnā koe s9(2)

Thank you for your request, received on 24 July 2024, under the Official Information Act 1982 (the OIA) for the following information:

*"With reference to Electricity Industry Participation Code 2010, Part 2, Availability of information and [https://www.ea.govt.nz/documents/2548/Code - Part 12A - Distributor agreements and arrangements - 1 MARCH 2024 - CRP 2024.pdf](https://www.ea.govt.nz/documents/2548/Code_-_Part_12A_-_Distributor_agreements_and_arrangements_-_1_MARCH_2024_-_CRP_2024.pdf) I request the EA provide the following information to me relating to my ICP s9(2)(a) and as held by 1 Wellington Electricity Lines (WE) and 2 Flick Electric:*

- Copies of all "File[s] with information about distributions paid on by the Trader" as defined in the above Code\_-\_Part\_12A\_-\_Distributor\_agreements\_and\_arrangements\_-\_1\_MARCH\_2024\_-\_CRP\_2024.pdf that relate to me.*
- Copies of the lines charges billed / invoiced by Wellington Electricity to Flick.*
- Details of any changes made to my account or meter configuration in relation to communications either way between WE and Flick.*
- Copies of invoices and amended invoices either way between WE and Flick.*
- The calculation basis for the payments.*

*If the EA does not hold the information I request the EA contact the named participant(s) believed to hold requested information (2.4) and once received please provide the information to me.*

*The requested information from Wellington Electricity is from 22-8-2023 to the time the request is performed.*

*The requested information from Flick is from 29-8-2023 to the time the request is performed. I understand the information in the files will be in the form is defined as File with information about distributions paid on by the Trader:*

*The Trader must, as soon as practicable after paying distributions in accordance with clause 5, provide the Distributor with a file containing the following information:*

*(a) in respect of each qualifying Customer to whom the Trader paid a distribution:*

- (i) the ICP identifier;*
- (ii) the amount of the distribution paid;*
- (iii) the Customer's name;*
- (iv) the Customer's physical or residential address (if available); and*
- (v) any other information specified by the Distributor under clause 2(1)(i).*

*It may assist to set out the Register Content Code for the Hot Water Meter metered circuit varied:*

*23-8-2023 to 14-12-2023 as CN8;*

*14-12-2023 to 1-3-2024 as CN10 (as entered and altered in the registry by Flick and*

*Bluecurrent to this false entry);  
1-3-2024 continuing re-corrected to CN8.”*

## **Our response**

*The Authority does not hold this information*

The Electricity Authority Te Mana Hiko (Authority) does not hold the information you have requested. The exception to this is some information regarding your meter history, which was provided to you, via email on 13 March 2024, at 9:06 AM.

Therefore, your request is declined under section 18(g)(i) as the information requested is not held by the Authority and the Authority has no grounds for believing that the information is held by another department or interdepartmental venture or Minister of the Crown or organisation, or by a local authority.

*The Authority is unable to request this information on your behalf*

Regarding your request for the Authority to seek this information directly from participants under clause 2.4, please note the Authority does not have any obligations or powers under Part 2 of the Electricity Industry Participation Code 2010 (Code) to request information from electricity industry participants (participants) on your behalf. This because you are an individual, not a participant.

By way of further explanation, Part 2 only applies to participants requesting Code information from other industry participants. Clause 2.1 provides:

### **2.1 Requests for Code information**

(1) *A **participant** may request the **Authority** to make available to the **participant** (the requesting **participant**) any **Code information** held by the **Authority** or by any other **participant**.*

(2) *The request must specify, with as much particularity as possible, the nature of the information sought and the name of the **participant** who is believed to hold the information.*

In other words, the obligation on the Authority under clause 2.4 only relates to those participant requests made under clause 2.1.

It may be helpful to explain the background for why this clause is limited to participants only. This part of the Code is an historical artifact from the early years of the industry (the Electricity Supply Regulations 2003) when much of the industry's records were paper based, and the Electricity Commission (the Authority's predecessor) was taking over regulation of the industry from the three industry self-governing bodies. The Commission did not have many records, and participants couldn't invoke the Act over other participants, so these provisions were created to replicate the Act and give the Commission the power to require other participants to provide information.

*Guidance regarding distribution information*

Finally, with regard to your request for information about distributions (per your first bullet point), please note Part 12A relates to distributions from distributors (or their shareholder trust) to consumers, paid through the retailer. Wellington Electricity is not a distributor owned by a consumer trust, so does not make distributions to consumers.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact us by emailing [oia@ea.govt.nz](mailto:oia@ea.govt.nz).

Nāku noa, nā,

A handwritten signature in black ink, appearing to read 'Airihi Mahuika', with a long horizontal flourish extending to the right.

Airihi Mahuika  
**GM Legal, Monitoring and Compliance**