

Notice Under Regulation 16 of the Electricity Industry (Enforcement) Regulations 2010

Date 4 August 2025

Addressee Switch Utilities Limited

On 3 June 2025, Switch Utilities Limited (Switch) self-reported an alleged breach of clause 37(1) of Part 11A Schedule 11A.1 of the Electricity Industry Participation Code (Code) when it disconnected the premises of a medically dependent consumer on 29 May 2025.

Subject Switch subsequently self-reported additional alleged breaches of 37(3), 39, and 31(1)(f) (i) - (iii) of Part 11A Schedule 11A.1 of the Code which requires a retailer to notify the Authority as soon as it became aware of the disconnection, reconnect the property as soon as possible, and meet the minimum requirements before disconnecting a property.

Investigator Investigator appointed under Regulation 12 of the Electricity Industry (Enforcement) Regulations 2010 (Regulations)

Notifying industry participant

Switch Utilities Limited

Clauses allegedly breached

Clauses 31(1)(f)(i) - (iii), 37(1), 37(3) and 39 of Part 11A Schedule 11A.1 of the Code.

Circumstances of alleged breaches

At approximately 10:03am on 29 May 2025, Switch disconnected a property for non-payment when there was an unverified medically dependent consumer residing at the property.

A manual reconnection was required in order for power to be restored. The property was reconnected at 3:04pm on 30 May 2025, meaning the premises where the medically dependent consumer resided was without power for over 29 hours.

Switch is alleged to have breached clause 31(1)(f)(i) – (iii) when it did not make at least 5 separate attempts to contact the customer, or issue initial and final disconnection notices.

Switch reported the disconnection to the Authority on 3 June 2025, 5 days after the disconnection occurred.

Date and time of alleged breaches

from 29/05/2025 10:03 am - 30/05/2025 3:04 pm

Please note, under Regulation 16 of the Regulations, you are obliged to respond to this allegation, in writing, to the investigator within 10 working days of receipt of this notice (unless the investigator allows, in writing, a longer period).

Please provide your response to this allegation, or request a longer period to respond, via the Authority's Compliance portal by clicking [here](#) ↗.

Include the following in your response:

- Whether you believe you have breached the Code
- Whether there is another provision you consider more accurately describes the nature of the event
- A full explanation of the circumstances surrounding the alleged breaches
- Identification of any information provided in your response that you consider confidential and that should not be included in the investigator's report under Regulation 19 of the Regulations (Regulation 15(2) of the Regulations). If your response includes confidential information, please provide a second copy where the confidential information has been redacted in case your response needs to be shared with any other parties.



Notice Under Regulation 17 of the Electricity Industry (Enforcement) Regulations 2010

Investigation of alleged breach of the Electricity Industry Participation Code 2010 by Switch Utilities Limited

On 3 June 2025, Switch Utilities Limited (Switch) self-reported an alleged breach of clause 37(1) of Part 11A Schedule 11A.1 of the Electricity Industry Participation Code (Code) when on 29 May 2025

it disconnected the property of a medically dependent consumer.

During further communications with the Authority during its preliminary assessment, Switch self-reported additional alleged breaches of the following clauses:

- Clause 37(3) of Part 11A Schedule 11A.1 of the Code, which requires a retailer to notify the Authority in the prescribed form as soon as it becomes aware of an electrical disconnection resulting in a medically dependent consumer being without electricity.
- Clause 39 of Part 11A Schedule 11A.1 of the Code, which requires reconnection of a post-pay customer's premises as soon as possible if the electrical disconnection has resulted in a person being without electricity who has made an application for medically dependent status, and the retailer has not yet decided the application.
- Clause 31(1)(f)(i – iii) which sets out the conditions that must be met by a retailer before it can electrically disconnect a post-pay customer's premises for non-payment of an invoice.

On 29 July 2025, the Authority appointed an investigator to investigate the alleged breaches under Regulation 12 of the Electricity Industry (Enforcement) Regulations 2010 (Regulations).

Under Regulation 16, the investigator must promptly notify the industry participant alleged to have breached the Code of the allegations that are being investigated. On 4 August 2025, the investigator gave Switch such notice.

Under Regulation 17, at the same time as the investigator sends a notice under Regulation 16, the investigator must publicise the information about the matter under investigation, including the content of the notice given under that regulation. This notice publicises the information about the matter under investigation, and a copy of the notice given under Regulation 16 is attached.

Any participant that considers it is affected by the matter being investigated and that wishes to become a party to this investigation, should notify the investigator within 10 working days after the date on which this notice is published (by 5pm, 18 August 2025).

The investigator can be contacted, citing the reference **2506SWCH1** in the subject line, by email at compliance@ea.govt.nz, or at:

Compliance Investigator

Electricity Authority - Te Mana Hiko

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1 Willis Street

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