

# CLAIM OF UNDESIRABLE TRADING SITUATION (UTS)

## CONTACT DETAILS

Reporting Participant: Smart Power Ltd

Contact Name: Anne Herrington

E-mail: anne@smartpower.co.nz

Phone: 04 233-0717

Mobile: 021 470-308

Fax: 04 233-0716

## **BASIS OF CLAIM**

### **Definition of “undesirable trading situation”, clause 1.1 of the Code**

*Specify relevant paragraphs under which Participant claims a UTS*

We believe that the situation that arose on Saturday 26<sup>th</sup> of March meets the definition of an undesirable trading situation under Clause 1.1 of the code as follows;

- (b) (i) manipulative or attempted manipulative trading activity;
- (b) (iii) unwarranted speculation or an undesirable practice;
- (b) (v) any exceptional or unforeseen circumstance that is at variance with, or that threatens or may threaten, generally accepted principles of trading or the public interest.

Describe why in your view the claimed UTS is a contingency or event that threatens, or may threaten, trading on the wholesale market for electricity and that would, or would be likely to, preclude the maintenance of orderly trading or proper settlement of trades.

We believe the market events of 26 March 2011 have advantaged a generator at the disadvantage of consumers of spot electricity. This creates an environment which deters consumers from assisting the market place by taking spot exposure. This is an important management tool for some consumers and they usually do so with the objective of controlling demand where possible. However these prices could not have been forecast and as such they would not have been in a position to take sufficient action. Prices at these levels severely harm consumers confidence and will result in less being willing to participate..

In addition we believe that it is likely that this type of pricing will have flow on effects to the hedge and ultimately the fixed price market which will have direct undesirable financial effects on consumers both large and small.

Describe why, in your view, the claimed UTS could not be satisfactorily resolved by any other mechanism available under the Code.

1. We do not believe that there is any other mechanism under the code that can satisfactorily resolve this issue.

## **SOLUTION SOUGHT BY APPLICANT**

### **Clause 5.2 of the Code**

Describe how in your view the claimed UTS could be resolved by the Board, bearing in mind the following powers of the Board should it find that a UTS does exist

- suspending, or limiting or curtailing, an activity on the wholesale market for electricity, either generally or for a specified period:
- deferring completion of trades for a specified period:
- directing that any trades be closed out or settled at a specified price:
- giving directions to any participant to act in a manner (not inconsistent with the Code, any regulations, the Act, or any other law) that will, in the Board's opinion, correct or assist in overcoming the undesirable trading situation:

1. **If the Authority finds that a UTS exists, then the Authority could direct that interim prices do not stand as final prices and direct that any trades during the relevant periods be settled at specified final prices. This would send a clear message to the generators and solve the problem for those consumers who are exposed to the spot market.**

## **WHEN CLAIMED UTS OCCURRED**

Date: 26 March 2011

Time: 10:30 to 17:30

### **DESCRIPTION CIRCUMSTANCES AND IMPACT**

*Please provide description of the circumstances surrounding the claim and include a detailed description of the impact the notifying participant suffered as a result of the claimed UTS.*

It is our understanding that maintenance to transmission circuits between Waikato and Auckland took place on March 26<sup>th</sup>, and may have created the opportunity for a single generator to control market prices. Prices on the 26<sup>th</sup> were significantly higher than the previous day when the maintenance was not taking place.

This undermines consumers confidence in using spot market purchases as part of there management of energy costs. We have significant concerns that it will flow through into hedge pricing and ultimately fixed prices.

**We understand this submission will be published, please keep all financial information confidential**

Please send completed form to [compliance@ea.govt.nz](mailto:compliance@ea.govt.nz)