

Investigation of alleged breaches of the Electricity Industry Participation Code 2010 by Summersby Holdings Limited and Power House 23 Limited

On 20 October 2021, a party who is not an industry participant reported to the Electricity Authority (Authority) that Summersby Holdings Limited (Summersby) and Power House 23 Limited (Power House) breached clauses 11.32A, 11.32B and 11.32C of the Code by refusing to provide consumer information to customers who reside at the Orange Grove Retirement Village.

On 13 October 2022, under regulation 12 of the Electricity Industry (Enforcement) Regulations 2010 (Regulations), the Authority appointed an investigator to investigate the alleged breaches.

Under regulation 16 of the Regulations, the investigator must promptly notify the industry participant alleged to have breached the Code of the allegations that are being investigated. On 20 October 2022, the investigator gave Summersby and Power House such notice.

Under regulation 17 of the Regulations, 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 who considers that 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 on 3 November 2022).

The investigator can be contacted, citing the reference **2208NPAP1** in the subject line, by email at compliance@ea.govt.nz, or at:

Compliance Investigator
Electricity Authority

Level 7, AON Centre

1 Willis Street
PO Box 10041
Wellington

NOTICE UNDER REGULATION 16 OF THE ELECTRICITY INDUSTRY (ENFORCEMENT) REGULATIONS 2010

Date:	20 October 2022
Addressee:	Summersby Holdings Limited / Power House 23 Limited
Subject:	Summersby Holdings Limited / Power House 23 Limited is alleged to have refused to provide requested consumption data to consumers since about 16 October 2021.
Investigator:	Investigator appointed under regulation 12 of the Electricity Industry (Enforcement) Regulations 2010 (Regulations).
Notifying party:	The Authority became aware of the alleged breaches by notification from a party who is not an industry participant.
Clauses allegedly breached:	11.32A, 11.32B and 11.32C of the Code
Circumstances of alleged breaches:	<p>On 20 October 2021, a party who is not an industry participant reported to the Authority that Summersby Holdings Limited and Power House 23 Limited had, since about 16 October 2021, failed to provide a number of consumers with information about their consumption of electricity after receiving written requests from those consumers for that information.</p> <p>It is alleged that Summersby Holdings and Power House 23 breached clauses 11.32A, 11.32B and 11.32C of the Code, which require retailers to provide consumption information to consumers with whom they have a contract to supply electricity, no later than five business days after the date on which the request is made by the consumer, and to give written notice once a year to each consumer of the consumer's ability to make such request.</p>

Date and time of alleged breaches:	From about 16 October 2021
<p><i>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).</i></p> <p><i>Please provide your response by return email to the investigator, citing the reference 2208NPAP1 in the subject line, at compliance@ea.govt.nz</i></p>	

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 breach***
- ***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).***