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12 November 2025

To: The Electricity Authority
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Genesis Energy submission on proposed billing regulations

Genesis Energy Limited **(Genesis)** welcomes the opportunity to comment on the Electricity Authority's **(the Authority)** *Improving electricity billing in New Zealand* consultation paper. Genesis supports measures to aid informed consumer decision-making and "bill consistency" in the retail electricity market, including provisions to achieve a minimum level of standardised billing, as directed by the Minister of Energy in his FY26 Letter of Expectations to the Authority and committed to in the Government's response to Frontier Economics' review of the electricity sector.

Regarding back-billing, Genesis agrees with the Authority's problem statement. Genesis currently limits back-billing to 14 months. We support the Authority's proposals to limit back-billing (D1 and D2) as these are an important regulatory backstop to protect consumers. However, we recommend a limit of 14 months instead of 6 as this will better align to the Code-regulated market settlement process. Moreover, in cases where there are disputes between retailers and customers over back-bills, 6 months will sometimes be insufficient time to allow credit cycles and dispute resolution processes to play out.

In summary, here is our position on each of the Authority's proposals.

Proposal	Genesis position
A1 Mandatory content in all billing channels	Support
A2 Plain language and logical layout requirements	Support
A3 Tiered information approach	Support in principle
B1 Six-monthly reviews on better plans	Oppose
B2 "Risk-free" time-of-use adoption	Oppose proposals to require retailers to contact consumers three months after TOU plan adoption
B3 Prohibit termination fees	Support
C1 Prompt consumers to use the Authority's new comparison and switching tool	Support, provided retailers are given 12-months before implementation

C2 Require retailers to publish catalogue of all available plans	We are unclear on the scope of the proposed obligation – see our comments in response to question 16 in the table below.
C3 Strengthen Consumer Care Obligations	We oppose the requirement on retailers to provide better plan advice whenever a customer contacts a retailer
D1 Limit back-billing of historic usage to maximum of 6 months	Support, but propose timeframes aligned to revision cycles (Code-regulated market settlements process) i.e. 14 months
D2 Proactive measures to manage back-billing	Support

However, we note the proposed options in the consultation paper go well beyond regulatory options that are necessary to solve the problems as defined by the Authority. We strongly oppose some of these measures, specifically proposed six-monthly "better plan" provisions and requirement to review time-varying price plans after three months (our detailed responses to the consultation questions are set out in the table below), and make the following general comments:

Better plan proposals lack clear problem definition or benefit-cost analysis

The Authority's proposed "better plan" provisions (options B1 and B2) will add significant cost to the sector without commensurate additional consumer benefits at a time when delivering energy affordability is a priority for both industry and the Government. It is unclear from the paper why the proposed "better plan" provision (B1) is needed. Two datapoints are relied on as evidence of a problem: switching rates of under 6 per cent, and a completed switch rate of around one-quarter of initiated comparisons on Powerswitch. By no means does this evidence demonstrate there is a problem warranting a "better plan" intervention (however, we accept the evidence does suggest switching could be made easier through improved bill information and standardisation, which we support). Indeed, these datapoints could equally be read as demonstrating the majority of consumers who use Powerswitch (75 per cent) are satisfied with their plan, and that there are not significant barriers to switching. And of course, if implemented, the better plan regulations may not lift the switching rates but may in fact strengthen customer stickiness, which suggests that the prescribed solution is not well-linked to the problem statement and supporting evidence.

Government, including through the Authority, has multiple initiatives underway that will support more seamless and efficient consumer comparison and switching, particularly the new Consumer Data Right for the electricity sector under the new Customer and Product Data Act, the Authority's reform of Electricity Information Exchange Protocols, and the Authority's new comparison and switching platform. Combined, these initiatives will support even more efficient price plan comparison and switching. We urge the Authority to first monitor the efficacy of these initiatives before moving to implement a potentially costly regulatory option ostensibly targeting the same problem.

Ultimately, consumers are best placed to choose the right energy plan for their circumstances and priorities. And retail competition, rather than prescriptive regulation, is the best mechanism for ensuring an optimal level of switching.

Cumulative regulatory burden will add costs and complexity, could harm competition

While we support most of the Authority's proposals, in its totality the whole package amounts to another significant increase in regulatory burden, coming soon after other significant regulatory changes targeting the electricity retail sector. As a matter of principle, we question whether this approach is consistent with the Government's stated priority of "cutting red tape". Alongside other recent Authority regulatory initiatives, cumulative regulatory burden may weaken retail market competition by unnecessarily elevating costs to do business while also forcing a level of homogeneity amongst retailer price plan offerings. Competition and choice are key features of a thriving retail market, and we question whether this approach is consistent with a competitive retail market.

We also question the timing and sequencing of these proposals, given they expand Consumer Care Obligations and time-varying price plan regulations, the former of which has only recently been implemented, and the latter of which has just been confirmed by the Authority. It is difficult for retailers to plan and implement mandated changes to plans and billing processes, communications material, staff training, and associated administrative infrastructure and processes, when the regulatory framework changes as frequently as is presently the case.

The totality of changes proposed by the Authority would require significant business process change for retailers. If the Authority proceeds with its proposed changes, we will require at least twelve months to implement the changes, including significant training and upskilling for customer service representatives (CSRs) to give effect to "better plan" requirements, re-designing billing information and related communication, contracting changes with relevant third-parties suppliers and contractors, and ensuring internal business processes are aligned.

Yours sincerely,

[redacted]

Mitchell Trezona-Lecomte
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Consultation Questions and Genesis Energy's Response

Questions	Comments
Proposal A – Standardise billing information	
Q1. Should minimum billing standards be compulsory or voluntary?	Similar to the Consumer Care Obligations (formerly Guidelines), the Authority may wish to start with voluntary Guidelines then monitor the effectiveness of these before moving to consideration of regulations. Voluntary standards would be consistent with a principles-based approach which, combined with targeted core information requirements, could strike the best balance between providing consumer protection while avoiding pitfalls of overly prescriptive rules. We see highly prescriptive regulations as at risk of chilling innovation and undermining the Authority's work to encourage greater digitalisation across the sector. That is, if online or in-app billing and communications have to comply with prescriptive regulations, this undermines retailer innovation with regards to billing presentation and communication. Indeed, the prescriptive approach proposed by the Authority may in fact increase complexity rather than lead to simplification. We agree with proposed standardisation of key terms and plain language requirements.
Q2. Would the Authority providing a model bill and guidelines reduce your implementation costs and the time needed to implement these changes?	Yes, we would welcome this, and it would aid implementation for retailers. A template and/or guidance may reduce design costs, but we would still incur costs from needing to implement any changes to bills and associated communications.
Q3. Tiered layout – Do you support adopting a two-tiered approach to information on bills? If not, how should critical and important information be distinguished?	Given Australia's Better Bills Guidelines and associated regulations are being used as an example, we encourage the Authority to engage with the Australian Energy Regulator to ensure New Zealand can benefit from lessons learnt. It is our understanding that prescriptive better bills guidelines led to unintended consequences in Australia. The Australian Energy Council has noted that feedback from customers and retailers suggests that Better Bills Guidelines have in some ways actually increased complexity. For example, restrictions on information and strict tiering rules have reduced flexibility and, in some cases, actually made bills harder to understand. Examples of unintended consequences cited include complaint escalation confusion due to the Ombudsman's number being more prominent than the retailer's number, and "multi-site complexity" wherein businesses with multiple locations struggled to work out which charges related to which site under the regulated bill structure.[1] We therefore caution the

[1] https://www.energycouncil.com.au/analysis/affordability-through-simplicity-why-regulatory-harmonisation-and-streamlining-should-be-a-priority/

	Authority against taking an overly prescriptive approach as this increases the risk of unintended consequences and the risk of unintentionally stifling innovation in how retailers engage with customers and communicate/present billing information.
Q4. Content requirements – Do you have any additions or removals to the proposed tier one and tier two content lists?	It may be difficult to fit all proposed tier one information into the front page or first screen of an electricity bill. Retailers should have a level of discretion to determine placement of information while ensuring clarity.
Q5. Implementation – For retailers, how much time would be needed for your organisation to incorporate this content across all billing channels? What challenges or dependencies (e.g. data collection, data standards, IT systems or staff training) need to be factored into timing?	Note our comment above that we would need 12 months to implement the Authority's full package of proposed changes. For billing changes proposed under A1-3 specifically, key dependencies will be with service providers needed to change paper bills. For example, Genesis is changing from NZ Post to a new supplier, meaning there will be complexity around operational change, and the risk of regretful spend if the timing for implementation of the regulations forces us to contract for changes ahead of switching to a new supplier (i.e. we will need to pay twice).
Q6. Future-proofing – What mechanisms would best ensure these standards to evolve with new technologies, plans and AI-enabled billing in future?	To an extent, the Authority's proposed approach will be difficult to "future-proof", insofar as prescriptive and detailed regulatory requirements will necessarily prevent retailers from rapidly or regularly implementing changes to billing presentation or communication. For this reason, we encourage the Authority to adopt a principles-based approach with targeted core information requirements, as this will strike the best balance between ensuring a minimum level of key information while also allowing retailers to innovate and improve billing visualisation and communication.
Proposal B – Introduce better plan	
Q7. Do you agree with the proposed better plan review mechanism?	No, we do not agree with the proposal. The "better plan" proposals duplicate existing protections for consumers in the Consumer Care Obligations. These require retailers to provide substantively similar advice to consumers when they enquire about changing a pricing plan (clause 17), or to customers experiencing payment difficulties (clause 23). These Consumer Care Obligations were carefully calibrated to balance consumer protection with retailer cost and workability. The proposed better plan proposal effectively relitigates the issue within less than one year after the Consumer Care Obligations took effect. Proposing it now is premature and suggests the Authority already believes the Consumer Care Obligations are insufficient (a position we do not agree with). We do not agree the Authority has demonstrated evidence of a problem requiring the proposed six-monthly better plan review mechanism. The paper identifies "poor comparability and visibility of options"

	as one of three major problems to be addressed by the Authority's proposed options. However, the fact that one-quarter of comparisons result in completed switches, and an annual switching rate of under 6% of households, are by no means definitive evidence of major barriers preventing switching. For example, that three-quarters of comparisons do not result in switches could be read as evidence they are already on a suitable plan, suggesting a market in which competition is driving retailers to provide offers that meet consumer needs. Moreover, the fact that one-quarter of comparisons do result in switches suggests there are no unreasonable barriers to switching. To state otherwise is to assume there is a materially higher "natural" or optimal switching rate, although it is unclear what this rate would be. As we have previously argued, consumers are best placed to determine the best plan for the circumstances, based on their own priorities. As noted in our submission on the Electricity Authority's February 2024 consultation paper titled *Options to support consumer plan comparison and switching*, switching rates are influenced by factors other than anticipated financial gains, and partially reflect customer satisfaction with their incumbent retailer. As we noted upfront, the Government, including through the Authority, has multiple initiatives underway that will support more seamless and efficient consumer comparison and switching, particularly the new Consumer Data Right for the electricity sector under the new Customer and Product Data Act, the Authority's reform of Electricity Information Exchange Protocols, and the Authority's new comparison and switching platform. Combined, these initiatives will support even more efficient price plan comparison and switching. We urge the Authority to first monitor the efficacy of these initiatives before moving to implement a potentially costly regulatory option. Beyond our reservations regarding the problem definition, the main problem with better plan regulations will be the difficulty of design, implementation and monitoring. Benefits from adopting a time-varying price plan are highly sensitive to a consumer *changing* their behaviour in response to price signals, therefore changing consumption profiles. Imposing a "better plan" obligation on retailers will create a risk to retailers if customers do not subsequently feel "better off", a risk that is particularly acute for time-varying price plans. This suggests that past electricity consumption may not be suitable as a basis for recommending time-varying price plans as a "better plan", and the result may be that retailers are seldom able to recommend consumers adopt their

	offered TOU plan, which may cut against the objectives of the Authority's recently published related time-varying price plan regulations due for implementation from 1 July 2026. If implemented, we do not agree that what counts as "relevant information" (paragraphs 3.26-3.28) should include a requirement on retailers to record "household composition or work from home arrangements affecting the household's ability to shift load". There may be privacy implications, and it is unclear to us that consumers would welcome this line of questioning which could be viewed as invasive or inappropriate.
Q8. Is six months the right frequency for a better plan review?	No. If implemented, better plan reviews should be required every 12 months to match current industry practice for price plan review. Given the sensitivity of electricity consumption patterns to seasonal changes, six months could lead to unintended consequences. Summer usage patterns differ significantly from winter usage patterns, meaning comparisons could be quite misleading.
Q9. Is three months an appropriate time frame for time-of-use trials? If not, what period would you suggest?	See response to question 10 – we do not support the proposal to require retailers to proactively contact customers three months after TOU plan adoption. See our response to question 7 above for further comment, as our main concerns stem from how the requirement to offer TOU plans will interact with the requirement to offer best plan advice. If implemented, three months would likely be too soon to properly assess whether time-varying price plans are working well for customers. We recommend the timing for this be twelve-months to align to established industry price plan cycles and to reduce costs. The paper also proposed adding yet another contact attempt requirement on retailers, suggesting that retailers would be required to make at least three attempts to contact the customer using the customer's preferred or most recent communication channels (paragraph 3.50). Again, this adds yet further regulatory requirements on retailers, in addition to the Consumer Care Obligations.
Q10. Do you have any feedback on the risk-free time of use proposal, requirement to inform customers whether they are saving on a time-of-use plan and type of guidance given on how to shift consumption?	We oppose the proposal to require retailers to proactively engage customers on time of use plans after three months. It will be costly, complex and unworkable. Consumers are best placed to determine which price plans are most suitable for their circumstances, based on their own priorities and values. "Risk-free" is a misnomer – rather, "risk-shifting" would be a more appropriate title. The Authority should consider the extent to which this proposal is consistent

	with the policy intention and rationale behind the time-varying price-plan regulations. To the extent the Authority proposes "risk-free" adoption for consumers, the inverse of this is that retailers will need to absorb all risk, thereby impacting incentives for retailers to offer these plans at the same time as regulations are mandating their promotion. We note the paper also proposes allowing customers to revert to their previous plan, even if that pricing plan is no longer being offered to the public by the retailer. We do not agree with this requirement, as it will introduce unnecessary complexity for retailers. Moreover, we also note third-party (i.e. network costs) that are outside a retailer's control may have subsequently changed since the customer switched plans. If progressed, the Authority should also consider whether it needs to prevent consumers from regularly switching in and out of time-varying price plans. We also question the desirability of introducing an additional time-varying price plan regulation within months of concluding consultation on these regulations. There is an apparent tension between the Authority mandating retailers to provide TOU plans on the one hand, and also requiring retailers to check TOU plan adoption is not causing consumer harm on the other hand. In any case, such risks would ideally have been considered and canvassed during consultation on time-varying price plan regulations. The argument against implementing three monthly reviews is even stronger in the case of small business customers, which should be well-placed to determine whether time-varying price plans are suitable for their needs and circumstances.
Q11. Do you support prohibiting termination fees when switching between plans with the same retailer?	Yes, we support this in principle. Note Genesis does not charge termination fees in this scenario. However, the Authority should satisfy itself this is necessary given the Consumer Care Obligations require all retailer fees to be reasonable, that is, cost reflective. Assuming any termination fees are cost-reflective, banning them will simply force the cost to be either absorbed by retailers or passed onto consumers elsewhere.
Q12. For retailers, what costs do you anticipate in implementing this change and what implementation support would reduce such costs?	See comments elsewhere.
Q13. Do you agree with our proposed transitional	As noted, we strongly recommend a 12-month phase-in period to give retailers time to plan and efficiently minimise transition costs.

arrangements? If not, how would you change them?	
Proposal C – Encourage consumers to compare plans across all retailers and switch where it will save them money	
Q14. Do you agree with the proposed wording of the prompt?	
Q15. For retailers, what lead-in period would you need to implement this prompt across all channels?	Twelve months. This amount of time will be needed to make changes to all relevant communications material, including paper bills. Many of these changes require input from third-parties, including NZ Post.
Q16. Do you agree that each retailer should be required to maintain a catalogue to allow customers to compare their full range of plans and costs?	This proposal is somewhat unclear to us. From our understanding of the proposal, this would require us to publish or provide a significant amount of detailed and complex information anytime we are contacted by a customer with a billing query. For example, we have tens of thousands of price points across different plans, pricing networks, load groups, meter types. Attempting to publish this information and provide it anytime we are contacted would be difficult. Based on our understanding of the proposal, we expect this could add significant costs without proportionate benefits. It is unclear why the current Code requirement on retailers to provide this information on request is insufficient.
Q17. For retailers, do you already have a catalogue in which you show your current and any prospective customers your generally available plans and tariffs? If not, why not?	
Q18. Do you agree that the annual check-in should also include telling customers about the retailer's channels for comparing and accessing better plans?	We agree this requirement could be added to current retailer annual check-ins, as required under the Consumer Care Obligations.
Q19. Do you agree that retailers should offer information about better plans whenever a customer contacts them about their bill or plan, not only when the customer explicitly asks to change plans?	No. This proposal (C3) will create significant cost and complexity without creating proportionate benefits. The level of training required to upskill Customer Service Representatives (CSRs) to provide this type of better plan advice will be significant in terms of cost. Even with training, there are significant risks associated with requiring CSRs to provide "better plan" advice. We estimate adding "better plan" would increase the length of our calls by between 25 and 50 per cent, which would materially add to costs (call times have recently increased by 30 per cent as a result of requirements under the Consumer Care Obligations).

	We also question how this requirement would interact with the ban on win-backs. To avoid ambiguity, retailers would need clear regulations and guidance, to give CSRs clarity about how to provide better plan advice without breaching the prohibition on win-backs. Also see our objections to the "better plan" proposals above.
Proposal D – Limit back-billing to protect residential and small business consumers from bill shock	
Q20. Do you agree with this proposal to limit back-billing with justifiable exceptions?	Yes, we agree with the proposal to impose regulatory limits on back-billing as a valid consumer protection against "bill shock". What counts as "back-billing" will need to be carefully defined. For example, we assume the Authority does not intend for this to capture invoice adjustments. These can occur for example where a smart meter may be blocked temporarily. In some cases, we do not receive the correct data for many months. We agree with the Authority that there needs to be an exemption where back-billing is due to "customer fault". A common case will be unresponsive customers. We recommend the Code drafting provide exemptions where customers have not responded to retailer communications.
Q21. Is a six-month cap reasonable?	No, we recommend aligning this to the regulated revision cycle (the Code-regulated market settlements processes), currently 14 months. In cases where customers are unresponsive or there are disputes between retailers and customers over back-bills, 6 months may be insufficient time to allow credit cycles and dispute resolution processes to play out.
Q22. Do you agree that customer should be allowed to pay back bills in instalments matching the period of the back bills? If not, what alternative do you propose?	Yes, in principle we agree with this.
Q23. What additional proactive measures (beyond those listed) would best prevent back bills from accruing?	As retailers typically only read legacy meters every 2 months, we suggest a minimum of 4 months would be more appropriate instead of the proposed 3 months.
Q24. For retailers, taking into account any operational requirements, is the proposed transition period sufficient to implement these obligations?	As noted, we recommend giving retailers a minimum of 12 months from the Authority's date of decision to when retailers are required to comply with the Code amendment. This will minimise unnecessary costs by giving retailers sufficient time to plan and embed changes organically into BAU business processes.
Next steps and proposed implementation	

Q25. Are these the right outcome measures to track success?	In principle, we agree that consumer confidence and comprehension, fewer bill shocks and disputes, better competition and innovation, and inclusive outcomes are all generally desirable outcomes. However, there is little evidence provided to suggest there are problems relevant to these outcomes, which in turn will make it hard to assess the extent to which any new regulations lead to improvements. We do not agree with the proposed outcome "improved switching rates". As noted, it is unclear what an "optimal" switching rate would be, and the paper does not provide evidence on this point. A suggested alternative outcome would be "consumers who wish to switch are able to efficiently", or something to that effect.
Q26. Do you agree with these implementation principles?	See comments elsewhere.
Q27. How could we best support smaller retailers during the transition?	
Q28. Are there other interdependencies we should factor into the timetable?	
Q29. Do you agree with our preferred timing?	As noted, we recommend giving retailers 12 months from publication of the Authority's decision to when the Code amendments take effect.
Q30. If you prefer option 3, which elements should be delayed to 2027?	See our response to questions 29 and 31.
Q31. How much lead time do you need to implement these proposals, should they proceed?	12 months from the date on which the Authority publishes its decision, as noted above.
Regulatory statement for the proposed amendment	
Q32. Do you agree with the objectives of the proposed amendment?	We agree with the following objectives: • Enabling consumers to easily understand their electricity bills and compare retailer plans • Protecting consumers from bill shocks • Ensuring there aren't any material or unreasonable barriers to consumer switching However, as we have noted, we do not agree the proposed options B1 or B2 will address these problems.
Q33. Do you agree that the benefits of the proposed Code amendment outweigh its costs?	The proposals will add costs. See our comments above in the front section. We do not believe the costs of proposals B1, B2 or C3 will be outweighed by the benefits. The costs of the totality of the Authority's proposals will likely be significant. We recommend the Authority undertake quantitative cost-benefit analysis before proceeding.

Q34. Do you have any feedback on these criteria for weighing options?	The proposed criteria are reasonable. We would suggest adding an explicit test of alignment with existing regulatory programmes, including the Consumer Data Right and time-of-use initiatives, to avoid overlap.
Q35. Do you agree with our assessment of the four options presented?	See comments elsewhere.
Q36. Do you agree with our proposal to introduce mandatory billing improvements, rather than voluntary guidelines?	As noted in our response to question 1, we recommend a voluntary, principles-based approach to billing improvements.
Q37. Which elements of standardisation (if any) could remain voluntary without undermining consumer outcomes?	Design elements such as colour schemes, layout style, and whether information appears in "tier 1" or "tier 2" positions should remain voluntary. The focus should be on outcomes, not identical templates.
Q38. Do you agree with our proposed approach regarding small businesses?	Yes. Extending the back-billing protections to small businesses is appropriate, but the other proposals should continue to focus on residential consumers.
Q39. Do you agree with our assessment on alternatives to proposal B?	As noted, we recommend the Authority first implement and monitor the efficacy of initiatives such as the Consumer Data Right and new switching platform before progressing to "better plan" regulations. We agree with the Authority's assessment of estimated savings messages and that these should not be included. On time-varying price plan tariffs, see our comments above. If progressed, we would recommend 12 months rather than 3.
Q40. Do you agree with our assessment on alternatives to proposal C?	
Q41. Do you agree with our assessment on alternatives to proposal D?	As noted, we recommend limiting back-billing to 14 months to align with review cycles. There needs to be a carve-out for situations where the consumer has contributed to a lack of data to inform accurate billing.
Q42. Do you agree the proposed amendment is preferable to the other options? If you disagree, please explain your preferred option in terms consistent with the Authority's statutory objectives in section 15 of the Electricity Industry Act 2010.	See our earlier comments above.
Q43. Do you agree the proposals are overall better than the alternative considered? If you disagree, please explain your preferred option in terms	See our earlier comments above.

consistent with the Authority's statutory objectives in section 15 of the Electricity Industry Act 2010.	
Proposed Code amendment	
Q44. Do you have any comments on the drafting of the proposed amendment?	See our earlier comments above.
Q45. Do you have any comments on the transitional provisions?	See our earlier comments above.
Q46. Do you have any other feedback on this consultation paper or proposed Code amendment?	See our earlier comments above.