

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

Date 9 December 2025

Addressee Nova Energy Limited

On 9 September 2025, Nova Energy Limited (Nova) self-reported an alleged breach of clauses 37(1) and 37(3) of Schedule 11A.1 of the Electricity Industry Participation Code (Code) when it disconnected a customer's premises on 5 May 2025 and 26 June 2025 at which it had knowledge a medically dependent consumer may reside.

Subject

Nova subsequently self-reported additional alleged breaches of clauses 22(3)(a), 22(3)(b), 22(5), 31(1)(e) and 38(1)(a) of Schedule 11A.1 of the Code relating to retailers' obligations if a customer fails to pay an invoice, conditions for disconnection for non-payment and restrictions for disconnecting premises.

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

Notifying industry participant

Nova Energy Limited

Clauses allegedly breached

Clauses 37(1), 37(3), 22(3)(a), 22(3)(b), 22(5) 31(1)(e) and clause 38(1)(a) of Part 11A Schedule 11A.1 of the Electricity Industry Participation Code 2010 (Code).

Circumstances of alleged breaches

At approximately 10.55am on 5 May 2025, Nova trading as Megatel, disconnected customer's premises for non-payment at which it had knowledge a medically dependent consumer may reside.

A manual reconnection was required in order for power to be restored. The premises was reconnected at 7.31pm on 7 May 2025, meaning the premises where the medically dependent consumer resided was without power for over 57 hours.

The second disconnection occurred at approximately 1.52pm on 26 June 2025 and was reconnected at approximately 4.48pm when Nova noted a medically dependent consumer may

reside at the premises.

On 9 September 2025 Nova sent the Authority the self-notification of the disconnections of a medically dependent consumer, when they were discovered during an internal audit.

Nova is alleged to have breached clause 22(3)(a) and 22(3)(b) when it did not include in the the reminder notice it issued to the customer for non-payment of an invoice a statement that it had a consumer care policy and a copy of the consumer care policy or direct hyperlink to it.

Nova is alleged to have breached clause 22(5) when it did not make at least 3 separate contact attempts under subclause (2)(b), spread over 7 or more days.

Nova is alleged to have breached clause 31(1)(e) when it did not use its best endeavours to satisfy itself that the customer is not a medically dependent consumer.

Nova is alleged to have breached clause 38(1)(a) when it failed to comply with the relevant obligations in Part 7 of the Consumer Care Obligations.

Date and time of alleged breaches

For the alleged breaches of clauses 37(1) and 37(3)

- From 10.55am on 5 May 2025 when the power was disconnected the first time until 7.31pm on 7 May 2025 when the power was reconnected.
- From 1.52pm on 26 June 2025 when the power was disconnected the second time until 4.48pm the same day when the power was reconnected.

For the alleged breaches of clauses 37(3), 22(3)(a), 22(3)(b), 22(5) 31(1)(e) and clause 38(1)(a), on various dates and times between the date a reminder notice was issued under clause 22(2)(a) and the date of disconnections on 5 May 2025 and 26 June 2025.

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 Nova Energy Limited

On 9 September 2025, Nova Energy Limited reported to the Authority that it had breached Clauses 37(1), 37(3), 22(3)(a), 22(3)(b), 22(5) 31(1)(e) and clause 38(1)(a) of Part 11A Schedule 11A.1 of the Electricity Industry Participation Code 2010 (Code).

On 4 December 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 9 December 2025, the investigator gave Nova Energy Limited 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, 23 December 2025).

The investigator can be contacted, citing the reference **2509TODD2** in the subject line, by email at compliance@ea.govt.nz, or at:

Compliance Investigator

Electricity Authority - Te Mana Hiko

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