

Exemption Under Section 90(1)(a) of the Electricity Industry Act 2010 in Connection With Distributed Diesel/Bio-Diesel Generation by Top Energy Limited Amendment Notice 2026

In accordance with section 11(4) of the Electricity Industry Act 2010 (“Act”), the Electricity Authority (“Authority”) gives the following notice.

Notice

1. Principal exemption and commencement

(1) This notice amends the exemption granted by the Authority, and published in the [New Zealand Gazette, 12 October 2021, Notice No. 2021-au4423](#), under the Act entitled “Exemption Under Section 90(1)(a) of the Electricity Industry Act 2010 in Connection With Distributed Diesel/Bio-Diesel Generation by Top Energy Limited (“Top Energy”)” (“principal exemption”).

(2) This notice comes into force on the day after the date it is notified in the *New Zealand Gazette*.

2. Amendments to principal exemption

(1) Delete and replace clause c. of the principal exemption with the following:

- a. The exemption expires on the day that additional generation is purchased or otherwise obtained by Top Energy, or 30 October 2031, or the day any amendments to the Code or the Act come into force which remove the need for the exemption, whichever occurs first.

(2) Delete clauses d. and e. of the principal exemption.

3. Reasons for this amendment

(1) The amendment to the principal exemption meets the requirements of section 11(4) of the Act for the following reasons:

- a. Top Energy requested these amendments and has had reasonable opportunity to comment; and
- b. the Authority is satisfied that granting these amendments is necessary and desirable for meeting the Authority’s objectives because competition and reliability is not expected to be affected by the granting of the amendments, and efficiency is expected to be improved by the granting of the amendments.

Dated at Wellington this 16th day of March 2026.

For and on behalf of the Authority:

PAULA ROSE QSO, Member, Electricity Authority.