



20 July 2011

Electricity Authority
Level 7, ASB Bank Tower
2 Hunter Street
WELLINGTON 6143

Partner Reference
James Craig - Auckland

Writer's Details
Direct Dial: +64-9-977 5045
Fax: +64-9-307 0331
Email: glen.holm-hansen@simpsongrierson.com

BY HAND

CIV-2011-485-1371: In re Bay of Plenty Energy Limited
CIV-2011-485-1372: In re Contact Energy
CIV-2011-485-1373: In re Genesis Power Limited

1. We **enclose** by way of service, in each of the above three named proceedings, a notice by Mighty River Power Limited of intention to appear and be heard in support of the decision of the Electricity Authority appealed against.
2. Please contact us if you have any questions.

Yours faithfully
SIMPSON GRIERSON



James Craig/Glen Holm-Hansen
Partner/Associate

cc:

Fletcher Building Limited
810 Great South Road
Penrose
Auckland 1061
BY: COURIER

Powershop New Zealand Limited
Level 6
56 Victoria Street
Wellington
BY: COURIER

King Country Energy Limited
King Country Energy Building
Cnr Miriama & Manuaute Streets
Taumaranui
BY: COURIER

Prime Energy Limited
Level 5
8 Commerce Street
Auckland 1143
BY: COURIER

Meridian Energy Limited
33 Customhouse Quay
Queens Wharf
Wellington 6011
BY: COURIER

Switch Utilities Limited
33 Waiake Street
Torbay
Auckland 0630
BY: COURIER

21341716_1.DOC

New Zealand Steel Limited
131 Mission Bush Road
Glenbrook
South Auckland 2681
BY: COURIER

Transpower New Zealand Limited
Level 7, Transpower House
96 The Terrace
Wellington 6011
BY: COURIER

Norske Skog Tasman Limited
C/- Norske Skog Tasman Limited
Fletcher Avenue
Kawerau
BY: COURIER

Trustpower Limited
Truman Lane
RD 5
Tauranga 3143
BY: COURIER

NZX Limited
Level 2, NZX Centre
11 Cable Street
Wellington 6140
BY: COURIER

Vector Limited
Level 4
101 Carlton Gore Road
Newmarket
Auckland
BY: COURIER

**IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

NO. CIV-2011-485-1371

UNDER THE Electricity Industry Act 2010

IN THE MATTER of an appeal under section 64 of the Electricity Industry Act 2010 in respect of a Final Decision of the Electricity Authority that an Undesirable Trading Situation developed on 26 March 2011

IN RE **BAY OF PLENTY ENERGY LIMITED** a company duly registered under The Companies Act 1993 carrying on business as an electricity provider and having its registered offices at Level 15, The Todd Building, 95 Customhouse Quay, Wellington

First Appellant

AND **TODD ENERGY LIMITED** a company duly registered under The Companies Act 1993 carrying on business as an electricity provider and having its registered offices at Level 15, The Todd Building, 95 Customhouse Quay, Wellington

Second Appellant

**NOTICE BY MIGHTY RIVER POWER LIMITED OF INTENTION TO APPEAR &
BE HEARD IN SUPPORT OF DECISION OF THE ELECTRICITY AUTHORITY
APPEALED AGAINST**

Dated 20 July 2011

 **Simpson Grierson**
Barristers & Solicitors

J A Craig / G K Holm-Hansen
Telephone: +64-9-358 2222
Facsimile: +64-9-307 0331
Email: james.craig@simpsongrierson.com
DX CX10092
Private Bag 92518
Auckland

To: The Registrar of the High Court at Wellington

And to: The appellants and all other parties listed for service in Schedule One

This document notifies you that –

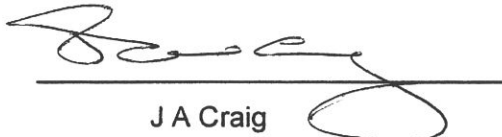
1. Mighty River Power Limited (**Mighty River Power**), a duly incorporated company having its registered offices at Level 14, ANZ Centre, 23-29 Albert Street, Auckland, gives notice that it intends to appear and be heard in support of the final decision (**Decision**) of the Electricity Authority (**Authority**) on 15 June 2011 regarding the Undesirable Trading Situation (**UTS**) of 26 March 2011 under Part 5 of the Electricity Industry Participation Code 2010 (**Code**), insofar as the Decision is challenged by the appellants, and Genesis Power Limited (**Genesis**) in proceeding CIV-2011-485-1373 and Contact Energy Limited in proceeding CIV-2011-485-1372.
2. Mighty River Power reserves its position at present on whether it will support the Authority's Decision on other additional grounds beyond those relied upon by the Authority in its Decision.
3. Mighty River Power is:
 - (a) an industry participant under the Electricity Industry Act 2010;
 - (b) a party that made a claim to the Authority that a UTS under the Code existed on 26 March 2011 as a result of the offer behaviour of Genesis on that date;
 - (c) a party that was issued with statutory information requests by the Authority requiring it to provide information to the Authority for the purposes of the Authority's investigation of the UTS on 26 March 2011;
 - (d) a party that was invited to, and that did, make written submissions and cross submissions to the Authority in relation

to the Authority's investigation of the UTS on 26 March 2011;
and

- (e) a party affected by the Decision of the Authority released on 15 June 2011 in which the Authority found that a UTS developed on 26 March 2011.

This notice is given under Part 20 of the High Court Rules.

DATED this 20th day of July 2011



J A Craig
Solicitor for Mighty River Power

This document is filed by **JAMES ANDREW CRAIG** solicitor for Mighty River Power Limited of the firm of Simpson Grierson.

The address for service of Mighty River Power Limited is at the offices of Simpson Grierson, Level 27, 88 Shortland Street, Auckland.

Documents for service on Mighty River Power Limited may be left at that address for service or may be -

- (a) posted to the solicitor at Private Bag 92518, Auckland; or
- (b) transmitted to the solicitor by facsimile to +64-9-977 5046.
- (c) emailed to the solicitor at james.craig@simpsongrierson.com / glen.holm-hansen@simpsongrierson.com

Documents for service should be marked to the attention of James Craig / Glen Holm-Hansen

SCHEDULE ONE

Service Details

	Parties	Address for Service
1.	Bay of Plenty Energy Limited	Level 15, The Todd Building, 95 Customhouse Quay, Wellington, New Zealand
2.	Contact Energy Limited	Level 1, Harbour City Tower, 29 Brandon Street, Wellington, New Zealand
3.	Electricity Authority	Level 7, ASB Bank Tower, 2 Hunter Street, Wellington 6143.
4.	Fletcher Building Limited	810 Great South Road, Penrose, Auckland, 1061, New Zealand
5.	Genesis Power Limited	Level 3, The Genesis Building, 602 Great South Road, Greenlane, Auckland, New Zealand
6.	King Country Energy Limited	King Country Energy Building, Cnr Miriama & Manu aute Streets, Taumaranui, New Zealand
7.	Meridian Energy Limited	33 Customhouse Quay, Queens Wharf, Wellington, New Zealand
8.	New Zealand Steel Limited	131 Mission Bush Road, Glenbrook, South Auckland, New Zealand
9.	Norske Skog Tasman Limited	C/- Norske Skog Tasman Limited, Fletcher Avenue, Kawerau, New Zealand
10.	NZX Limited	Level 2, NZX Centre, 11 Cable Street, Wellington, 6140, New Zealand
11.	Powershop New Zealand Limited	Level 6, 56 Victoria Street, Wellington, New Zealand
12.	Prime Energy Limited	Level 5, 8 Commerce Street, Auckland City, Auckland 1143, New Zealand
13.	Switch Utilities Limited	33 Waiake Street, Torbay, Auckland, New Zealand
14.	Todd Energy Limited	Level 15, The Todd Building, 95 Customhouse Quay, Wellington, New Zealand
15.	Transpower New Zealand Limited	Level 7, Transpower House, 96 The Terrace, Wellington, New Zealand
16.	Trustpower Limited	Truman Lane, Rd 5, Tauranga, 3143, New Zealand
17.	Vector Limited	Level 4, 101 Carlton Gore Road, Newmarket, Auckland, New Zealand

**IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

NO. CIV-2011-485-1372

UNDER THE Electricity Industry Act 2010

IN THE MATTER of an appeal under section 64 of the Electricity Industry Act 2010 in respect of a Final Decision of the Electricity Authority that an Undesirable Trading Situation developed on 26 March 2011

IN RE **CONTACT ENERGY LIMITED** an incorporated company having its registered office at Level 1, Harbour City Tower, Brandon Street, Wellington

Appellant

**NOTICE BY MIGHTY RIVER POWER LIMITED OF INTENTION TO APPEAR &
BE HEARD IN SUPPORT OF DECISION OF THE ELECTRICITY AUTHORITY
APPEALED AGAINST**

Dated 20 July 2011

 **Simpson Grierson**
Barristers & Solicitors

J A Craig / G K Holm-Hansen
Telephone: +64-9-358 2222
Facsimile: +64-9-307 0331
Email: james.craig@simpsongrierson.com
DX CX10092
Private Bag 92518
Auckland

To: The Registrar of the High Court at Wellington

And to: The appellant and all other parties listed for service in
Schedule One

This document notifies you that –

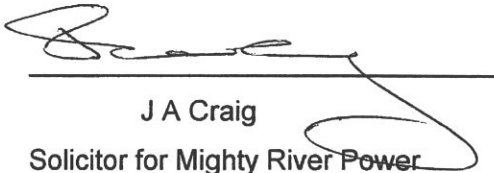
1. Mighty River Power Limited (**Mighty River Power**), a duly incorporated company having its registered offices at Level 14, ANZ Centre, 23-29 Albert Street, Auckland, gives notice that it intends to appear and be heard in support of the final decision (**Decision**) of the Electricity Authority (**Authority**) on 15 June 2011 regarding the Undesirable Trading Situation (**UTS**) of 26 March 2011 under Part 5 of the Electricity Industry Participation Code 2010 (**Code**), insofar as the Decision is challenged by the appellant, and Genesis Power Limited (**Genesis**) in proceeding CIV-2011-485-1373 and Bay of Plenty Energy Limited/Todd Energy Limited in proceeding CIV-2011-485-1371.
2. Mighty River Power reserves its position at present on whether it will support the Authority's Decision on other additional grounds beyond those relied upon by the Authority in its Decision.
3. Mighty River Power is:
 - (a) an industry participant under the Electricity Industry Act 2010;
 - (b) a party that made a claim to the Authority that a UTS under the Code existed on 26 March 2011 as a result of the offer behaviour of Genesis on that date;
 - (c) a party that was issued with statutory information requests by the Authority requiring it to provide information to the Authority for the purposes of the Authority's investigation of the UTS on 26 March 2011;
 - (d) a party that was invited to, and that did, make written submissions and cross submissions to the Authority in relation

to the Authority's investigation of the UTS on 26 March 2011;
and

- (e) a party affected by the Decision of the Authority released on 15 June 2011 in which the Authority found that a UTS developed on 26 March 2011.

This notice is given under Part 20 of the High Court Rules.

DATED this 20th day of July 2011



J A Craig
Solicitor for Mighty River Power

This document is filed by **JAMES ANDREW CRAIG** solicitor for Mighty River Power Limited of the firm of Simpson Grierson.

The address for service of Mighty River Power Limited is at the offices of Simpson Grierson, Level 27, 88 Shortland Street, Auckland.

Documents for service on Mighty River Power Limited may be left at that address for service or may be -

- (a) posted to the solicitor at Private Bag 92518, Auckland; or
- (b) transmitted to the solicitor by facsimile to +64-9-977 5046.
- (c) emailed to the solicitor at james.craig@simpsongrierson.com / glen.holm-hansen@simpsongrierson.com

Documents for service should be marked to the attention of James Craig / Glen Holm-Hansen

SCHEDULE ONE

Service Details

	Parties	Address for Service
1.	Bay of Plenty Energy Limited	Level 15, The Todd Building, 95 Customhouse Quay, Wellington, New Zealand
2.	Contact Energy Limited	Level 1, Harbour City Tower, 29 Brandon Street, Wellington, New Zealand
3.	Electricity Authority	Level 7, ASB Bank Tower, 2 Hunter Street, Wellington 6143.
4.	Fletcher Building Limited	810 Great South Road, Penrose, Auckland, 1061, New Zealand
5.	Genesis Power Limited	Level 3, The Genesis Building, 602 Great South Road, Greenlane, Auckland, New Zealand
6.	King Country Energy Limited	King Country Energy Building, Cnr Miriama & Manuaute Streets, Taumaranui, New Zealand
7.	Meridian Energy Limited	33 Customhouse Quay, Queens Wharf, Wellington, New Zealand
8.	New Zealand Steel Limited	131 Mission Bush Road, Glenbrook, South Auckland, New Zealand
9.	Norske Skog Tasman Limited	C/- Norske Skog Tasman Limited, Fletcher Avenue, Kawerau, New Zealand
10.	NZX Limited	Level 2, NZX Centre, 11 Cable Street, Wellington, 6140, New Zealand
11.	Powershop New Zealand Limited	Level 6, 56 Victoria Street, Wellington, New Zealand
12.	Prime Energy Limited	Level 5, 8 Commerce Street, Auckland City, Auckland 1143, New Zealand
13.	Switch Utilities Limited	33 Waiake Street, Torbay, Auckland, New Zealand
14.	Todd Energy Limited	Level 15, The Todd Building, 95 Customhouse Quay, Wellington, New Zealand
15.	Transpower New Zealand Limited	Level 7, Transpower House, 96 The Terrace, Wellington, New Zealand
16.	Trustpower Limited	Truman Lane, Rd 5, Tauranga, 3143, New Zealand
17.	Vector Limited	Level 4, 101 Carlton Gore Road, Newmarket, Auckland, New Zealand

**IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

NO. CIV-2011-485-1373

UNDER THE Electricity Industry Act 2010

IN THE MATTER of an appeal under section 64 of the Electricity Industry Act 2010 in respect of a Final Decision of the Electricity Authority that an Undesirable Trading Situation developed on 26 March 2011

IN RE **GENESIS POWER LIMITED** an incorporated company trading as Genesis Energy and having its registered office at Level 3, The Genesis Building, 602 Great South Road, Greenlane, Auckland

Appellant

**NOTICE BY MIGHTY RIVER POWER LIMITED OF INTENTION TO APPEAR &
BE HEARD IN SUPPORT OF DECISION OF THE ELECTRICITY AUTHORITY
APPEALED AGAINST**

Dated 20 July 2011

 **Simpson Grierson**
Barristers & Solicitors

J A Craig / G K Holm-Hansen
Telephone: +64-9-358 2222
Facsimile: +64-9-307 0331
Email: james.craig@simpsongrierson.com
DX CX10092
Private Bag 92518
Auckland

To: The Registrar of the High Court at Wellington

And to: The appellant and all other parties listed for service in
Schedule One

This document notifies you that –

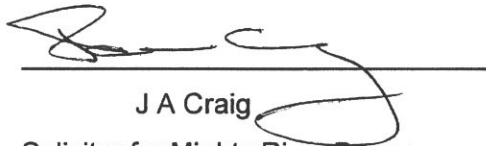
1. Mighty River Power Limited (**Mighty River Power**), a duly incorporated company having its registered offices at Level 14, ANZ Centre, 23-29 Albert Street, Auckland, gives notice that it intends to appear and be heard in support of the final decision (**Decision**) of the Electricity Authority (**Authority**) on 15 June 2011 regarding the Undesirable Trading Situation (**UTS**) of 26 March 2011 under Part 5 of the Electricity Industry Participation Code 2010 (**Code**), insofar as the Decision is challenged by the appellant, Genesis Power Limited (**Genesis**), and by Bay of Plenty Energy Limited/Todd Energy Limited and Contact Energy Limited in proceedings CIV-2011-485-1371 and CIV-2011-485-1372.
2. Mighty River Power reserves its position at present on whether it will support the Authority's Decision on other additional grounds beyond those relied upon by the Authority in its Decision.
3. Mighty River Power is:
 - (a) an industry participant under the Electricity Industry Act 2010;
 - (b) a party that made a claim to the Authority that a UTS under the Code existed on 26 March 2011 as a result of the offer behaviour of Genesis on that date;
 - (c) a party that was issued with statutory information requests by the Authority requiring it to provide information to the Authority for the purposes of the Authority's investigation of the UTS on 26 March 2011;
 - (d) a party that was invited to, and that did, make written submissions and cross submissions to the Authority in relation

to the Authority's investigation of the UTS on 26 March 2011;
and

- (e) a party affected by the Decision of the Authority released on 15 June 2011 in which the Authority found that a UTS developed on 26 March 2011.

This notice is given under Part 20 of the High Court Rules.

DATED this 20th day of July 2011



J A Craig
Solicitor for Mighty River Power

This document is filed by **JAMES ANDREW CRAIG** solicitor for Mighty River Power Limited of the firm of Simpson Grierson.

The address for service of Mighty River Power Limited is at the offices of Simpson Grierson, Level 27, 88 Shortland Street, Auckland.

Documents for service on Mighty River Power Limited may be left at that address for service or may be -

- (a) posted to the solicitor at Private Bag 92518, Auckland; or
- (b) transmitted to the solicitor by facsimile to +64-9-977 5046.
- (c) emailed to the solicitor at james.craig@simpsongrierson.com / glen.holm-hansen@simpsongrierson.com

Documents for service should be marked to the attention of James Craig / Glen Holm-Hansen

SCHEDULE ONE

Service Details

	Parties	Address for Service
1.	Bay of Plenty Energy Limited	Level 15, The Todd Building, 95 Customhouse Quay, Wellington, New Zealand
2.	Contact Energy Limited	Level 1, Harbour City Tower, 29 Brandon Street, Wellington, New Zealand
3.	Electricity Authority	Level 7, ASB Bank Tower, 2 Hunter Street, Wellington 6143.
4.	Fletcher Building Limited	810 Great South Road, Penrose, Auckland, 1061, New Zealand
5.	Genesis Power Limited	Level 3, The Genesis Building, 602 Great South Road, Greenlane, Auckland, New Zealand
6.	King Country Energy Limited	King Country Energy Building, Cnr Miriama & Manu aute Streets, Taumararui, New Zealand
7.	Meridian Energy Limited	33 Customhouse Quay, Queens Wharf, Wellington, New Zealand
8.	New Zealand Steel Limited	131 Mission Bush Road, Glenbrook, South Auckland, New Zealand
9.	Norske Skog Tasman Limited	C/- Norske Skog Tasman Limited, Fletcher Avenue, Kawerau, New Zealand
10.	NZX Limited	Level 2, NZX Centre, 11 Cable Street, Wellington, 6140, New Zealand
11.	Powershop New Zealand Limited	Level 6, 56 Victoria Street, Wellington, New Zealand
12.	Prime Energy Limited	Level 5, 8 Commerce Street, Auckland City, Auckland 1143, New Zealand
13.	Switch Utilities Limited	33 Waiake Street, Torbay, Auckland, New Zealand
14.	Todd Energy Limited	Level 15, The Todd Building, 95 Customhouse Quay, Wellington, New Zealand
15.	Transpower New Zealand Limited	Level 7, Transpower House, 96 The Terrace, Wellington, New Zealand
16.	Trustpower Limited	Truman Lane, Rd 5, Tauranga, 3143, New Zealand
17.	Vector Limited	Level 4, 101 Carlton Gore Road, Newmarket, Auckland, New Zealand