

IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY

CIV-2011-486-1371
CIV-2011-486-1372
CIV-2011-486-1373

Under Electricity Industry Act 2010

In the matter of an appeal of the decision of the Electricity Authority

Between **BAY OF PLENTY ENERGY LIMITED**
First Appellant

And **TODD ENERGY LIMITED**
Second Appellant

Between **CONTACT ENERGY LIMITED**
Appellant

And **GENESIS POWER LIMITED**
Appellant

**NOTICE OF INTENTION BY PULSE UTILITIES NEW ZEALAND LIMITED TO
APPEAR AS INTERVENER**
Dated: 8 August 2011

Next event: Interlocutory hearing on 16 August 2011

Duncan Cotterill
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To: The Registrar of the High Court at Wellington.

And to: The appellants and all other interested parties.

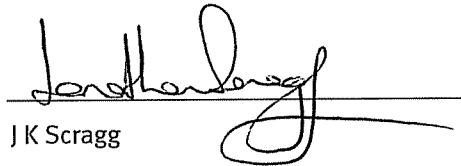
This document notifies you that –

1. Pulse Utilities New Zealand Limited (“Pulse”), a duly incorporated company having its registered offices at 201 Hobson Street, Auckland 1010, New Zealand, gives notices that it intends to seek leave of the Court to appear as an intervener in support of the final decision of the Electricity Authority (“Authority”) under Part 5 of the Electricity Industry Participation Code 2010 (“Code”) regarding the undesirable trading situation (“UTS”) of 26 March 2011 delivered in Wellington on 15 June 2011 (“Decision”), in so far as the decision is challenged by Bay of Plenty Energy Limited (“BOPE”)/ Todd Energy Limited CIV-2001-486-1371; Contact Energy Limited CIV-2011-485-1372; and Genesis Power Limited CIV-2011-485-1372 (“Appeals”).
2. Pulse:
 - a. is an industry participant under the Electricity Industry Act 2010 (“Act”) and is required to comply with the Act, Code and any decision issued by the Authority;
 - b. 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;
 - c. did provide information to the Authority in response to the Authority’s information requests;
 - d. is affected by the Decision of the Authority and will be affected by the decision of this Court on the Appeals; and
 - e. will suffer detriment if the relief sought by the appellants is granted.
3. Pulse supports the Decision and wishes to appear as an intervener to provide the Court with submissions on the following issues on appeal:

- a. The statutory objective of the Authority and the proper scope of the Authority's powers and role under the Act and Code;
 - b. The Authority's interpretation of a UTS and its findings in respect of conduct that threatens orderly trading, in particular:
 - i. The Authority's findings regarding access to hedge cover.
 - ii. The Authority's findings regarding price forecasting/signalling.
 - iii. The Authority's findings that the events of 26 March 2011 threaten to undermine the reputation, confidence and integrity of the wholesale market for electricity.
4. Pulse does not seek to be a respondent to the appeals.

This notice is made in reliance on rules 4.56, 7.9 and Part 20 of the High Court Rules.

8 August 2011



Jonathan Scragg

Counsel for the Pulse Utilities New Zealand Limited

This document is filed by Jonathan Scragg of Duncan Cotterill, solicitor for Pulse Utilities New Zealand Limited.

The address for service of Pulse Utilities New Zealand Limited is:

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Documents for service on Pulse Utilities New Zealand Limited may be:

- Left at the address for service.
- Posted to the solicitor at PO Box 10-376, Wellington
- Transmitted to the solicitor by fax on +64 4 499 3308

- Emailed to the solicitor at WellingtonLitigation@duncancotterill.com.

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