

## **Notification of the Commission's Decision Pursuant to Regulation 91(1)**

Under regulation 91(1) of the Electricity Governance Regulations 2003 (Regulations), the Electricity Commission (Commission) must publicise every decision made under regulation 86(2) or regulation 90(2) or regulation 90(3), together with the reasons for the Commission's decision. This notice relates to a decision made under regulation 90(2) not to lay a formal complaint against the System Operator.

### **Investigation**

On 5 September 2007, the Commission appointed an investigator under regulation 69 of the Regulations to investigate the following alleged breaches of the Electricity Governance Rules 2003 (Rules) by Kiwi Income Property Trust (KIPT) in its role as an embedded network owner:

- Rule 5.5.2 of section VI of part G for failing to deliver or cause to be delivered to the Reconciliation Manager, metering information for the network supply points SYL0111 and SYL0112 during the reconciliation months of May and June 2007.

### **Matters Considered by the Commission**

On 28 January 2008, the Commission considered the investigator's report prepared under regulation 88 because a settlement between the parties to the investigation had not been obtained.

During the course of the investigation, the investigator obtained a copy of an email sent by KIPT on 22 February 2007, notifying the Market Administrator of an agency agreement with Genesis Energy in accordance with rule 8 of part E. Under rule 5.5.2, the responsibility for ensuring metering information for network supply points is delivered to the Reconciliation Manager may be passed from the embedded network owner to its agent in accordance with rule 8 of part E.

Therefore, the investigator was of the view that KIPT had not, in fact, breached the rule, and recommended that the Commission not lay a formal complaint to the Rulings Panel.

### **The Commission's Decision**

In respect of the alleged breaches of rule 5.5.2 of section VI of part G, the Commission decided, in accordance with regulation 90, that no formal complaint should be laid.

## **Reasons for the Commission's Decision**

Due to the agency agreement notification that KIPT submitted to the Market Administrator on 22 February 2007, the Commission did not believe KIPT had breached rule 5.5.2 of section VI of part G. Therefore, the Commission decided that no formal complaint should be laid to the Rulings Panel.