

22 May 2020

S 9(2)(a)

Dear S 9(2)(a)

Thank you for your recent correspondence including your request under the Official Information Act 1982 (the Act) dated 8 May 2020 for the following information:

S 9(2)(a) requests all documents and communications, including any briefing papers, board papers, draft decisions, aide memoires, emails, reports, memoranda, advice received, and minutes of meetings on the topics of:

- bad debts incurred by retailers due to Covid-19; and
- any initiatives, including proposed initiatives, to respond to the impact of COVID-19 on electricity market participants.

Please also provide information on:

1. the process followed by the Authority in reaching the decision announced on 5 May to urgently amend the Code;
2. whom the Authority consulted with in reaching that decision, when, and what feedback it received;
3. why the Authority considered the decision needed to be made under urgency and without consultation under s 39 of the Electricity Industry Act 2010;
4. why the Authority considered it was unable to seek feedback from affected distributors before making the decision;
5. any advice the Authority received in connection with the decision;
6. any analysis undertaken, or evidence gathered, supporting the Authority's conclusion that this Code amendment is in the interests of consumers;
7. any analysis undertaken, or evidence gathered, supporting the Authority's conclusion that this Code amendment will apply to the six participating distributors and not other market participants; and
8. any alternatives the Authority considered and why the Authority did not adopt those alternatives.

We request all documents dated between 1 March 2020 and 7 May 2020.

As per your discussion with Rob Bernau – General Manager Market Design, the Authority is providing you with all documents that we consider are within scope of the first part of your request and are readily available. I understand that once you have had a chance to review these documents, you will be in a better position to consider whether to refine your original

request. As Rob will have explained, your request in its current form is very broad and encompasses a large quantity of documents that would need to be collated and reviewed. This could result in the Authority needing to consider extending the time for responding to your request.

Please find attached 11 documents of readily available information related to the Electricity Authority's proposal to provide debt relief for qualifying retailers. In addition to the attached documents, we have identified a further Board paper from the 29 April 2020 that is within scope of your request. We are still preparing this document for release and will provide you with a copy as soon as practicable.

I am withholding a small amount of information in the released documents, in accordance with the provisions of the Act. Redactions are clearly marked in the documents, with reasons for the redactions provided.

I am satisfied, in terms of section 9(1) of the Act, that the need to withhold the information referred to above is not outweighed by other considerations that render it desirable, in the public interest, to make the information available.

Should you not be satisfied with the response provided, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

The Authority intends to publish its response to this request on our website with your personal details removed. Consistent with the Act, we are publishing responses in the interests of transparency and accountability, and to improve access to official information.

If you wish to discuss your request further, please contact Caroline Sides – Senior Advisor Ministerial and Compliance by emailing caroline.sides@ea.govt.nz.

Kind regards

A handwritten signature in black ink, appearing to read 'SG', followed by a long horizontal line extending to the right.

Sarah Gillies
General Manager – Legal, Ministerial and Compliance