

Notice of the Authority's decision under regulation 29 of the Electricity Industry (Enforcement) Regulations 2010

Under regulation 29(1) of the Electricity Industry (Enforcement) Regulations 2010 (Regulations) the Electricity Authority (Authority) must publicise every decision made under regulation 23(3) of the Regulations, together with the reasons for the Authority's decision.

Investigation

On 27 June 2019, the Authority appointed an investigator under regulation 12 of the Regulations to investigate the alleged breach of clause 11.15AB(4) of the Electricity Industry Participation Code 2010 by Genesis Energy Limited (Genesis). The breach was alleged by Future Energy New Zealand Limited trading as Energy Club.

Genesis breached clause 11.15AB(4) by approaching a customer during the switch save protection period in an attempt to persuade the customer to terminate their arrangement with a switch save protected trader. The attempt was successful, and the customer cancelled the switch to Energy Club.

On 2 December 2020, the Authority received and considered a report and a recommendation from the investigator to discontinue the investigation under regulation 23(3)(a) of the Regulations.

The Authority's decision

On 2 December 2020, the Authority decided under regulation 23(3)(a) of the Regulations to discontinue the investigation.

Reasons for the Authority's decision

The reasons for the Authority's decision to discontinue the investigation were that:

- Genesis took steps to prevent recurrence and ceased winback attempts to save protected retailers from this part of its business due to the manual processes involved.
- Genesis could have contacted the customer the next day without being in breach. This is because by that date the save protection period would then have ended and Genesis would have achieved the same result.
- On 31 March 2020, the Code was amended to provide for a switch protected period of 180 days.