



24 September 2021

Andrew Doube
Electricity Authority
Level 7 Harbour Tower
2 Hunter Street
PO Box 10041
Wellington 6143
New Zealand

Dear Andrew

Review of competition in the wholesale market

Thank you for your letter of 17 September 2021.

As requested, we have reviewed the limited extracts from both the draft Review and Issues papers that you have provided. Our comments are confined to factual accuracy and are set out in the attachment.

Obviously, we are limited in our ability to assess whether the Authority's papers contain inaccuracies by the fact that we do not have full copies. This means the current exercise is of comparatively limited value and we believe the better approach would have been for all those who have been required to provide information used by the Authority in its review to have been given the opportunity to comment on the Authority's use of that information in its full context. We suggest this would be more consistent with good regulatory practice as otherwise there is a real risk that inaccuracies or errors by the Authority are missed.

s 9(2)(b)(ii) and s9(2)(ba)(i)
[Redacted text block]

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s 9(2)(b)(ii) and s9(2)(ba)(i)

[Redacted text block]

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2)(ba)(i)

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Meridian further explains its confidentiality claims where it seeks appropriate protections in the attachment.

Your letter referred to the Authority’s Information Gathering Guidelines. I note that those Guidelines state that “the Authority must ensure that ... it does not disclose any confidential information received, except to the extent that disclosure is required to enable the Authority or other person to carry out its obligations and duties under the Act, the regulations or the Code, or is otherwise compelled by law”. The Authority is obliged to comply with its own policy guidance, which sets a high bar for disclosure of confidential information. Meridian does not consider disclosure of the confidential information provided to be

“required” to enable the Authority’s review under section 16(1)(g) of the Electricity Industry Act. The Authority can carry out the review without disclosing Meridian’s confidential information to Meridian's commercial competitors and the public.

As well as commercially prejudicing Meridian, disclosure of confidential information would also prejudice the supply of similar information in future as the willingness of the Authority to publish confidential information would be a signal to all market participants that they should not share confidential information with the Authority.

If, despite the above points, the Authority intends to persist with its plans to publicly disclose the confidential information we have supplied, we ask that the Authority gives us advance notice of its planned public release date so that we can consider whether we are obliged to seek injunctive relief from the High Court.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'J Woolley', with a long horizontal flourish extending to the right.

Jason Woolley
General Counsel