



2 March 2009

Hellene Wallwork  
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Office of the Electricity and Gas Complaints Commissioner  
PO Box 6144  
WELLINGTON

Dear Hellene

**Proposal for further changes to the scheme documents to comply with the Achievement Standards set by the Electricity Commission and Gas Industry Co for approval of a scheme**

I now enclose a submission on behalf of Powershop New Zealand Limited. We have no objections to our submission being posted on the Electricity and Gas Complaints Commission website. If you have any queries please contact me.

Yours sincerely

Monique Greene  
**General Counsel**

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**Submission to the EGCC from Powershop New Zealand Limited regarding further changes to the scheme documents to comply with the Achievement Standards set by the Electricity Commission and Gas Industry Co for approval of a scheme**

**Question 1:**

Which changes to the Scheme documents listed in Appendix I do not meet the regulators' Achievement Standards listed in Appendix I?

None.

**Question 2:**

Are there any other amendments that need to be made to the Scheme documents in order to meet the regulators' Achievement Standards listed in Appendix II?

No.

**Any other relevant comments:**

1. Although the proposed clauses 7.10A- F technically meet the Achievement Standards, there are a couple of areas where they could be improved:
  - Clause 7.10D- although the wording of this clause exactly mirrors the Achievement Standards, it would make more sense for the Electricity Commission and the Gas Industry Co to only intervene when they consider approved amendments would have a material *negative* impact or a substantial *negative* impact. Although this is likely to be used only in practice if amendments are considered negative, it is also important to clearly define the situations in which the rights of members to govern as they consider appropriate will be overturned.
  - Clause 7.10E - 7.10F- these clauses deal with the situation where the Electricity Commission and/ or the Gas Industry Co subsequently approve proposed amendments, but not the situation where they don't. Once they issue their notice the amendments don't take effect but they still exist, having been approved. In other words, there is a limbo about what happens. Perhaps there should be a drop-dead date where if the Electricity Commission and/ or the Gas Industry Co haven't subsequently approved it within a particular period of time the amendment is deemed to have been withdrawn or unapproved?
  - Also, the way the clauses are currently worded both the Electricity Commission and the Gas Industry Co must issue a notice and/ or subsequently approve them- is this what was intended, or was it intended that either could intervene?
2. Clause A2.2:
  - subclause (faa)(ii) looks as if it should run directly on from (i); i.e. that it should read "*widely distributed to all stakeholders and contain a report on Member compliance with the Scheme rules including a list of Council Member breaches of the Scheme rules as set out in clause A2.2(fb)*";
  - there is no subclause A2.2(fb) that we can see; and



- we suggest the word “any” is added before “*Council Member breaches of the Scheme rules...*”. Otherwise the wording effectively pre-suppose there will be breaches.
3. Clause CC4.1(a): the words “*from a Consumer*” need to be inserted after the words “*any expression of dissatisfaction or concern*”. Otherwise any expression of dissatisfaction from a supplier or other retailer would be caught by the complaints handling process, which we assume is not intended.