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Hellene Wallwork  
Electricity and Gas Complaints Commission  
PO Box 6144  
Wellington

Email: [h.wallwork@egcomplaints.co.nz](mailto:h.wallwork@egcomplaints.co.nz)

**Proposal for changes to the scheme documents to comply with the proposed scheme requirement from the Electricity Commission and Gas Industry Co for approval of a scheme**

Unison Networks Limited (Unison) welcomes the opportunity to provide the Electricity and Gas Complaints Commission (Commission) with a response to the Consultation Paper and attached documents (Scheme Documents).

Unison is the fifth largest Electricity Lines Business (ELB) in New Zealand, providing electricity services to over 105,000 consumers in the Taupo, Rotorua and Hawke's Bay regions. The scheme documents will be an important element of Unison's business in respect to complaints, where the internal complaints resolution scheme is unable to result in a satisfactory solution for the customer.

Unison presents the following views for the Commission to consider in relation to the Scheme Documents.

Question 1: Which changes to the scheme documents listed below do not:

(c) otherwise improve the efficiency and effectiveness of the scheme?

Schedule A:

Unison agrees that "the purpose of the Commission is to provide an independent, timely and cost-effective complaints resolution scheme that is in the long-term interests of gas and electricity sector consumers (including potential consumers) and owners and occupiers of land"<sup>1</sup>. However, Unison believes that there needs to be clarity around the concept that the scheme is not biased towards the consumers, by amending the purpose to reflect it is also in the long-term interest of the industry members. Unison agrees it should be clear that the benefit of the scheme to consumers is that it is cost-effective, timely and independent. But not that it is one sided towards the consumers side of the complaint.

Unison agrees in principal with the proposed amendments in A2.2. By the duties of the Commission being expanded upon, we believe there will be an improvement in respect to

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<sup>1</sup> "Schedule A: Rules of the Electricity and Gas Complaints Commission; A1.1A"

the efficiency and effectiveness of the scheme. Unison also welcomes the additional clauses in respect to the Commission commissioning an independent review under A6.1 and A6.1B.

In respect to A3.1 to A3.3, we seek clarity on the role of the special levy going forward.

Unison agrees with A2.2(f) that the Commission should have the right to identify and report on member compliance, particularly if there is persistent and material non-compliance by a member. Other stakeholders have a right to know on the basis that the scheme will be member funded, and will improve the effectiveness of the scheme.

Schedule B:

By B2.5B, the Commission will encourage but cannot compel Complainants to provide information about a Complaint. The document then provides, that if a Council Member does not provide information requested by the Commissioner, because the Complainant has not waived any duty of confidence owed to them in respect to information, the Commissioner may decide not investigate (B1.10 (e)). However, this is only a "may", which raises the concern of how can a fair decision be reached when information is withheld by the complainant.

In respect to B5.1(l) "Identifying, registering and investigating systemic issues, and referring systemic issues to Council Members and the Electricity Commission and the Gas Industry Co". Unison requests clarity around what action the Electricity Commission and Gas Industry Co would propose for non-compliance, would this result in the non-compliant company's actions being regulated in some form, or penalties imposed?

Schedule C:

In respect to C3.1(ca), consumers do not always know what they need. Unison suggests that this clause is qualified so companies, consumers and their electricity advisors must ensure that the most appropriate contracts are entered into for the Consumer needs. The reason for this suggestion is that future capacity can be over engineered by the Consumer due to expansion plans that do not eventuate. A company will ensure that the most appropriate contract is entered in to, however is limited in this role by the information provided to them by the Consumer.

Unison supports the inclusion of health and safety in the scheme, as this is an integral part of good working practices. However, suggests that CB2.1(a) is changed to "Lines Companies dealing with Land Owners and Land Occupiers should be fair and respect the interests of Land Owners and Land Occupiers, and take into account ~~be sensitive to~~ their health and safety".

Appendix 4:

Unison is concerned how the definition of "Complainant" in Appendix 4 is widened by the term "person" replacing "consumer". Unison would like further clarification of how this will improve the efficiency and effectiveness of the scheme. Our concern is that this could lead to any person making a complaint, whether or not they are in fact a current or potential consumer. Unison is concerned that this could lead to more general complaints being made to the Commission, for example employee: driving, safety, attire and behaviour. As the scheme is free to complainants, caution is needed that general complaints do not rise as this will have cost and efficiency implications for the industry.

At the present time we believe there is an incentive for the company to settle with the consumer, even where the company believes the consumer is in the wrong. This is due to

the cost of a complaint going through the present scheme no matter what the outcome is. The scheme should be encouraging of stakeholders to take a particular stance on principle. Therefore, in respect to 4.1D, it is important that the materiality of the complaint is taken into account.

Question 4: Given that membership of an approved scheme will be mandatory, is it appropriate to retain the Board's power to refuse to accept an application to join the scheme on the basis that the Board believes the applicant:

- (a) does not have the ability to carry out its obligations under the Constitution? (see clause 3.9(b))
- (b) does not have the ability to pay any entry fee or the annual levy the Board requires? (see clause 3.9(c))

Unison's concern would be the impact on the efficiency and effectiveness of the scheme. It could result in adding a financial burden to other members, plus resultant inefficiencies from constant non-compliance.

Thank you for the opportunity to submit on the Scheme Documents. Should you require further information or have the need to consult with Unison further, please contact Amanda Reid, Regulatory Affairs Analyst on (06) 873 9372 ([amanda.reid@unison.co.nz](mailto:amanda.reid@unison.co.nz)).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A Reid', written in a cursive style.

Amanda Reid

Regulatory Affairs Analyst