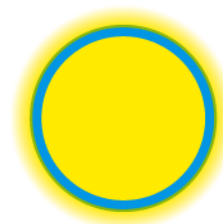


04 April 2014

Hon Heather Roy  
Independent Chair  
Electricity and Gas Complaints Commissioner Scheme  
WELLINGTON 6011

[Sent by e-mail to: [submissions@egcomplaints.co.nz](mailto:submissions@egcomplaints.co.nz)]



Dear Heather

**Powerco's submission on *Amendments to the Scheme document – Indemnity Disputes under the Consumer Guarantees Act***

*Introduction*

Powerco welcomes the opportunity to comment on the Electricity and Gas Complaints Commission (EGCC) consultation paper, *Amendments to the Scheme document – Indemnity Disputes under the Consumer Guarantees Act* ("Consultation Paper"), published on 24 March 2014.

None of the content of this letter or attachment are confidential.

The inclusion of a defined indemnity disputes process and the associated rules in the EGCC Scheme document increases the certainty of how indemnity disputes related to the amendments of the Consumer Guarantees Act 1993 (CGA) will be managed.

Powerco supports the proposed EGCC approach of making the necessary changes in a manner that least affects the Scheme document, while delivering a workable mechanism. We consider the use of an advisory panel of industry experts as an efficient and effective way to consider the issues and this has provided a well thought out proposal that we broadly support.

Our feedback to the amendments is provided in the attached template as requested.

Thank you for the opportunity to make this submission. Please contact Jemma Stevenson at [jemma.stevenson@powerco.co.nz](mailto:jemma.stevenson@powerco.co.nz) (tel. (06) 759 6631) in the first instance if you wish to discuss any aspect of this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read "Richard Fletcher", enclosed in a thin black rectangular box.

Richard Fletcher  
General Manager Regulation and Government Affairs

## 2014 EGCC consultation – preferred form for submissions

Your name/company name: Powerco Limited

Questions for submitters	Yes/No	Comment
1. Do you agree that the EGCC indemnity dispute process should be mandatory for both parties if one party refers the indemnity dispute to the EGCC and it meets the criteria for the Commissioner to consider it	Yes	We support the approach of having a clear and simple mechanism for resolving disputes under a framework that provides certainty. However the decision to mandate both parties does place constraints that may not consider all scenarios. This is discussed further in question 5.
2. Do you agree that the existing financial limits for complaints should apply to Indemnity Disputes?	Yes	Disputes over \$50k are unlikely to be covered by the EGCC in the first instance therefore the complainant consumer would go to court against (say) the retailer who would then join the lines company.
3. Do you agree with the Board's proposed levy system for indemnity disputes?	Yes	This provides a fair and easily manageable framework for participants. Additionally it also reduces the need for further Scheme amendments, which is our preference due to associated costs and time factors.
4. Do you agree that reporting of Indemnity Disputes to the responsible Minister should be limited to the number of cases considered?	Yes	We support keeping the proposed amendments in line with the existing complaints process where possible as this provides consistency and certainty.
5. Do you have any other comments or concerns about the proposed changes you would like the Board to consider?	Yes	How will the EGCC manage situations that it deems it more appropriate that the dispute be heard in another forum?