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29 November 2013

Richard Janes

Independent Chair

Electricity and Gas Complaints Commissioner Scheme

PO Box 5875 Lambton Quay

WELLINGTON 6145

By email: [submissions@egcomplaints.co.nz](mailto:submissions@egcomplaints.co.nz)

Dear Richard

## Submission on amendments to EGCC Scheme

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Genesis Energy Limited welcomes the opportunity to provide a submission to the Electricity and Gas Complaints Commissioner (EGCC) Scheme Board ("Board") on the consultation document "Amendments to the Scheme document".

Our response to the consultation document questions are set out in **Appendix A**. In brief, we agree with the proposed amendments subject to some minor comments. We also recommend that, if possible, the Board align its consultation timeframes with the Ministry of Business, Innovation and Employment's (MBIE's) consultation on exemptions to the EGCC Scheme. While not critical, such alignment could avoid the potential for a further round of consultation once any exemptions are granted.

If you would like to discuss any of these matters further, please contact me on 04 495 3340.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Jeremy Stevenson-Wright".

Jeremy Stevenson-Wright

Regulatory Affairs Manager

## Appendix A: Responses to Consultation Questions

QUESTION	YES/NO	COMMENT
<p>Q1: Do you agree with the Board's proposal that the Commissioner have jurisdiction to consider complaints about bottled LPG?</p>	<p>Yes</p>	<p>Our understanding is that, under the Gas Act 1992:</p> <ul style="list-style-type: none"> <li>• LPG is included in the definition of "gas";</li> <li>• retailers of LPG, including of bottled LPG, must be members of the Scheme; and, accordingly, the Scheme must provide for resolution of complaints against retailers of bottled LPG; and</li> <li>• given the above, the Scheme must be amended to include bottled LPG in order to be compliant with the Gas Act.</li> </ul> <p>In any event, we agree that bottled LPG should be included in the Scheme.</p> <p>The Ministry of Innovation, Employment and Business (MBIE) is consulting on exemptions from the Scheme, including for retailers of LPG gas in small bottles of less than 10kg. We support that exemption.</p> <p>We also recommend that:</p> <ul style="list-style-type: none"> <li>• If and when an exemption is granted, the Scheme reflect the exemption so that it is clear to members and consumers that the Scheme does not apply, say, to LPG in bottles of less than 10 kg (noting that the exemption would apply whether or not it was referred to in the Scheme).</li> </ul>

QUESTION	YES/NO	COMMENT
		<ul style="list-style-type: none"> <li>Given the above, if practicable, the Board align its consultation timeframes with MBIE's consultation on the exemptions. This would avoid the potential for a further round of consultation once any exemption is granted.</li> <li>The drafting refer to "cylinders" rather than "bottles" as this better aligns with industry terminology.</li> </ul>
<p>Q2: Do you agree with the Board's proposal that would allow the Board to appoint a consumer representative as acting Chair when the Chair is unavailable?</p>	<p>See comment</p>	<p>In our view, the requirement that the Chair be independent is an important feature of the Scheme. While we understand that it is efficient to enable the Board to appoint an acting Chair, our preference would be for the Board to appoint a consumer or member representative as the acting Chair. Allowing the Board to decide would be more consistent with the independent status of the Chair and would enable the Board to agree and appoint the most suitable person.</p>
<p>Q3: Do you agree with the other minor changes proposed?</p>	<p>Yes</p>	