

27 February 2023

s9(2)(a)

Dear s9(2)(a)

Thank you for your request, received on 12 February 2023, for the following information under the Official Information Act 1982 (Act):

- “1. How was Consumer awarded funding for their electricity retailer price comparison service, Powerswitch? i.e. was there a formal tender process. If yes - please provide further details of the process / tender. If no - please advise how the decision was made to award to Consumer.*
- 2a. Please provide a copy of the agreement / MoU between EA and Consumer for the provision of Powerswitch.*
- 2b. How does EA fund Consumer for the Powerswitch service (if this was not provided for in the agreement)? What is the amount annually?*
- 2c. Despite funding from the EA, MBIE and others, Consumer continues to ask for funding from electricity retailers which is known as the "retailer success fee scheme". Did the EA anticipate this, provide for it in their original agreement, prohibit it or went ahead with the agreement knowing that Consumer may have done this in any case?*
- 3a. Is there a standardised format that electricity retailers must use in order to supply Consumer with data? Is this data obtained manually or automatically (i.e. programatically)?*
- 3b. Does EA retain any copies of the pricing files supplied by electricity retailers to Consumer? If so, please provide these.”*

Consumer NZ was awarded funding in line with the recommendation of the 2019 Electricity Price Review to merge the Powerswitch website with the Electricity Authority's own 'Whatsmynumber' site. More information about the merge can be found here: [Electricity Authority and Consumer NZ merge price comparison websites whatsmynumber.org.nz and powerswitch.org.nz — Electricity Authority \(ea.govt.nz\)](https://www.electricity.govt.nz/merge-price-comparison-websites-whatsmynumber.org.nz-and-powerswitch.org.nz)

The Electricity Authority (Authority) is withholding the “agreement / MoU between EA and Consumer for the provision of Powerswitch” under section 9(2)(b)(ii) of the Act as the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information and also under section 9(2)(k) to prevent the disclosure or use of official information for improper gain or improper advantage.

The agreement provides for the Authority to provide annual funding of \$1.2m plus GST to Consumer NZ. The Authority has not requested an exclusive funding arrangement with Consumer NZ, and has acknowledged that Consumer NZ is free to receive funding from other sources. The Authority has not prohibited switching or “retailer success” fees.

The Authority understands that there is a standardised format that electricity retailers must use to supply Consumer with data. The process is not completely automatic, as Consumer NZ usually expects to update plans within 10 working days, but that new plans will potentially take longer.

The Authority is withholding copies of the pricing files supplied by electricity retailers to Consumer NZ under section 9(2)(b)(ii) and under 9(2)(k) of the Act.

I am satisfied, in terms of section 9(1) of the Act, that the need to withhold the information referred to above is not outweighed by other considerations that render it desirable, in the public interest, to make the information available.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact us by emailing oiia@ea.govt.nz.

Yours sincerely

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

Peter Kerr
GM Legal, Monitoring and Compliance (Acting)