

# REGISTER OF EXEMPTIONS

## Section 90 of the Electricity Industry Act 2010



This register contains all current exemptions granted by the Electricity Authority under Part 3 of the Act, as required by s90(6) of the Act.

Number	Applicant	Date received	Date of decision	Brief Description	Status
EA012	Mercury NZ Limited (Mercury), on behalf of Mark Binns	17/07/2023	15/08/2023	<p>Mercury requested an exemption on behalf of Mark Binns from section 73 of Part 3 of the Act. The exemption has been granted, with conditions.</p> <p>This exemption is specific to the cross-involvements created through Mr Binns directorships in both Auckland International Airport Limited and Mercury. It does not extend to any other directorships, interest or future cross-involvement of Mr Binns.</p>	Granted under section 90(1)(b) of the Act
EA011	Meridian Energy Limited (Meridian) and Auckland International Airport (AIAL), on behalf of Mark Cairns	13/04/2022	13/6/2022	<p>Auckland International Airport (AIAL) requested an exemption on behalf of Mark Cairns from sections 75, 77 - 79, and 88 of Part 3 of the Act. The exemption has been granted, with conditions.</p> <p>This exemption is specific to the cross-involvements created through Mr Cairns directorships in both AIAL and Meridian. It does not extend to any other directorships, interest or future cross-involvement of Mr Cairns.</p>	Granted under section 90(1)(b) of the Act
EA010	Meridian Energy Limited (Meridian) and Auckland International Airport (AIAL), on behalf of Tania Simpson	19/07/2021	23/8/2021	<p>Auckland International Airport (AIAL) requested an exemption on behalf of Tania Simpson from sections 75, 77 - 79, and 88 of Part 3 of the Act. The exemption has been granted, with conditions.</p> <p>This exemption is specific to the cross-involvements created</p>	Granted under section 90(1)(b) of the Act

				through Ms Simpson's directorships in both AIAL and Meridian. It does not extend to any other directorships, interest or future cross-involvement of Ms Simpson.	
EA009	Top Energy Limited	20/7/2021	4/10/2021	<p>Related to exemption EA005 for Top Energy Limited.</p> <p>The Authority has granted an exemption from section 76 in respect of 17.87MW of diesel/biodiesel generation installed at Taipā, Bonnetts Road, Kaitāia, Kaitāia Depot, Ōmanaia, and Pukenui with conditions.</p>	Granted under section 90(1)(a) of the Act
EA008	Contact Energy Limited (Contact) and Fletcher Building Limited (Fletcher Building), on behalf of Robert Stuart McDonald	25/1/2021	4/5/2021	<p>Fletcher Building requested an exemption on behalf of Robert McDonald from sections 75, 77 - 79, and 88 of Part 3 of the Act. The exemption has been granted, with conditions.</p> <p>This exemption is specific to the cross-involvements created through Mr McDonald's directorships in both Fletcher Building and Contact. It does not extend to any other directorships, interest or future cross-involvement of Mr McDonald.</p>	Granted under section 90(1)(b) of the Act
EA007	Genesis Energy Limited (Genesis) and Fletcher Building Limited (Fletcher Building), on behalf of Douglas Alexander McKay	25/1/2021	4/5/2021	<p>Fletcher Building requested an exemption on behalf of Douglas McKay from sections 75, 77 - 79, and 88 of Part 3 of the Act. The exemption has been granted, with conditions.</p> <p>This exemption is specific to the cross-involvements created through Mr McKay's directorships in both Fletcher Building and Genesis. It does not extend to any other directorships, interest or future cross-involvement of Mr McKay.</p>	Granted under section 90(1)(b) of the Act
EA006	Genesis Energy Limited (Genesis) and Fletcher Building Limited (Fletcher Building), on behalf of Barbara Joan Chapman	25/1/2021	4/5/2021	<p>Fletcher Building requested an exemption on behalf of Barbara Chapman from sections 75, 77 - 79, and 88 of Part 3 of the Act. The exemption has been granted, with conditions.</p> <p>This exemption is specific to the cross-involvements created through Ms Chapman's directorships in both Fletcher Building and Genesis. It does not extend to any other directorships, interest or future cross-involvement of Ms</p>	Granted under section 90(1)(b) of the Act

				Chapman.	
EA005	Top Energy Limited (Top)	12/12/2019	7/10/2020	<p>Top owns 17.87MW of diesel generation to be used for network support. Because of other generation owned by Top, this diesel generation would be over the 50 MW threshold in the Act and be subject to the corporate separation and arms-length rules of section 76 of the Act.</p> <p>The Authority has granted an exemption from section 76 of the Act for 365 days subject to several conditions designed to provide evidence of competition (or the absence of such competition) in the network support market in Top's network region</p>	Granted under section 90(1)(a) and 90(4) of the Act
EA004	Auckland International Airport Limited (AIAL) and Meridian Energy Limited (Meridian), on behalf of Julia Hoare	27/7/2020	25/8/2020	Ms Hoare is an independent director of AIAL and an independent non-executive director for Meridian. These concurrent appointments are prohibited involvement under Part 3 of the Act.	Granted under section 90(1)(b) of the Act
<b>EA003 Amendment to decision no. EA003 of 12/10/2017</b>	Top Energy Limited (Top), the directors and or equivalent positions of Top	17/08/2019	18/11/2019	Top (a distributor) owns the generation business Ngawha Generation Limited (NGL), which proposes to expand generation at Ngawha Springs from 65 MW to 75 MW (nameplate capacity). It was proposed that Top and NGL continue to share the senior management positions listed in the application. Under Part 3, sharing management between a distributor and generator is prohibited where the related generator has more than 50 MW of generation connected to the distributor's network.	Granted under section 90(5) of the Act

EA003	Top Energy Limited (Top), the directors of Top, Russell Kenneth Shaw, Steven Richard James and Paul Victor Doherty	25/11/2016	12/10/2017	Top (a distributor) owns the generation business Ngawha Generation Limited (NGL), which proposes to expand generation at Ngawha Springs from 35.65 MW to 64 MW (nameplate capacity). It was proposed that Top and NGL continue to share the senior management positions listed in the application. Under Part 3, sharing management between a distributor and generator is prohibited where the related generator has more than 50 MW of generation connected to the distributor's network.	Granted under section 90(1)(b) of the Act  <b>Amended (ref Decision 18/11/2019)</b>
EA002	Auckland International Airport Limited (AIAL) and Dr Patrick Strange (Dr Strange), on behalf of Dr Strange.	5/10/2015	22/10/2015	Dr Strange was a director of Mighty River Power Limited (an electricity generator and retailer). It was proposed that Dr Strange be appointed as a director of AIAL. That appointment would give rise to a prohibited involvement in terms of Part 3 of the Act.	Granted under section 90(1)(b) of the Act  <b>Revoked (ref Decision 24/10/2023)</b>
EA001	Mr James Miller	21/03/2012	30/04/2012		Expired