

## Dispensation notice

### Dispensation under clause 6A.9(6) of Part 6A of the Electricity Industry Participation Code 2010 amending an exemption in connection with the expansion of Ngāwhā Springs Generation Plant

In accordance with clause 6A.9(6) of Part 6A of the Electricity Industry Participation Code 2010 (“Code”) the Electricity Authority gives the following notice:

#### Notice

#### 1 Principal dispensation and commencement

(1) This notice amends the exemption granted by the Authority on 7 October 2017, and amended on 13 November 2019 under section 90(1)(b) of the Act, entitled ‘Exemption Under Section 90(1)(b) of the Electricity Industry Act 2010 in Connection With Expansion of Ngāwhā Springs Generation Plant’ (“principal exemption”).

(2) This notice comes into force on the day after the date it is published on the Authority’s website, <https://www.ea.govt.nz>.

**2. Dispensation** – The following persons are granted a dispensation from the requirement in clause 6A.3(2) of the Code to comply with rules 9 and 10 in schedule 6A.1 of the Code:

- a. the directors, from time to time, of Top Energy Limited (“TEL”);
- b. the directors, from time to time, of Ngāwhā Generation Limited (“NGL”);
- c. the chief executive officer of TEL, or person holding an equivalent position;
- d. the chief financial officer of TEL, or person holding an equivalent position; and
- e. the general manager corporate services of TEL, or person holding an equivalent position.

**3. Conditions** – This dispensation is subject to the following conditions:

- a. This dispensation applies in relation to the expansion of Ngāwhā Springs Power Station for geothermal generation up to a nameplate capacity of 117MW.
- b. The dispensation from the requirement to comply with rule 10 only applies to the appointment of persons identified in clause 2(c) to (e) to positions of material influence over NGL.
- c. The dispensation only applies while TEL and NGL are wholly owned by the Top Energy Consumer Trust.
- d. The dispensation expires on the close of 31 July 2052 or the day that any additional generation (other than generation installed for the purpose of providing network support) owned by TEL, NGL any of TEL’s subsidiaries, or any “connected generators” as defined in clause 6A.3 of the Code in relation to TEL, is connected to TEL’s network, whichever date is earlier.

(4) **Reasons for this amendment**—The reasons for amending the principal exemption are:

- a. amending the principal exemption meets the requirements in section 6A.9(6) of Part 6A of the Code;
- b. competition and reliability is expected to be either not affected or improved by the granting of the amendment, and efficiency is expected to be improved by the granting of the amendment.

Dated at Wellington this 12<sup>TH</sup> day of December 2023.

For and on behalf of the Electricity Authority:

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

Anna Kominik, Chair.