

**From:** Tim Rudkin <tim@onebigswitch.co.nz>

**Sent:** Tuesday, 3 December 2019 4:54 PM

**To:** Winbacks Submission <Winbacks.Submission@ea.govt.nz>

**Subject:** Consultation Paper - Saves and win-backs Code amendment consultation paper 2019

Dear Sir, Madam

Thank you for the opportunity to submit on the Saves and Win-backs Code Amendment consultation. We are supportive of the proposed amendments to the Code and provide answers to the requested questions below.

Yours sincerely



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Q1. Do you agree the issues identified by the Authority are worthy of attention? **Yes**

Q2. Do you agree that prohibiting win-backs for a period of time will foster competition? **Yes** How long should any win-back prohibition period be? **The proposed 180 day period appears to strike an acceptable balance across the issues noted in the consultation document.**

Q3. Do you agree that losing retailers should be prohibited from passing information to third parties? Why or why not? **Yes to ensure the proposed changes are not circumvented.**

Q4. Do you agree that good conduct obligations are required? Why or why not? **Yes – as it ensures the ethical practices of the industry are aligned with regulatory obligations.**

Q5. Do you agree that the win-backs prohibition should apply to retailers? Why or why not? **We do not mind if prohibition applies to retailers or retailers and traders. We however would like to see a prompt implementation of the proposals so we would prefer decisions to widen scope to unintended parties are limited to avoid delays.**

Q6. Do you agree that a win-back prohibition period should only terminate after a given period of time (eg, 180 days)? Why or why not? **We support Option 1 as there could be unintended consequences to Option 2 – like circumventing the intent of the proposed changes.**

Q7. Do you agree that a losing retailer's win-back prohibition period should not be terminated if the departing customer subsequently shifts to a new ICP? Why or why not? **Yes for the same reasons as noted in Q6.**

Q8. Should the save/win-back protection scheme apply to all consumers? If not, which consumers should the scheme apply to? And how should such consumers be identified (eg, by the meter category at their ICP or by their ANZSIC code)? **As noted in Q5 our preference is for a timely implementation of the proposals. We anticipate this will be targeted at type 1 and 2 meters as noted in the proposal but we would not oppose the widening of the targeted consumers.**

Q9. What changes to the registry should be made to facilitate monitoring and enforcement of the proposed amendment? **We do not support reactive compliance regimes. We support option (b) as a minimum as this creates a level of transparency for the Authority and potentially the wider market if the results are published.**

Q10. Do you agree with the objectives of the proposed amendment? If not, why not? **Yes**

Q11. Do you agree the benefits of the proposed amendment would outweigh its costs? **Yes**

Q12. Do you agree the proposed amendment is preferable to the other options? **Yes** If you disagree, please explain your preferred option in terms consistent with the Authority's statutory objective.

Q13. Do you agree the Authority's proposed amendment complies with section 32(1) of the Act? **Yes**

Q14. Do you have any comments on the drafting of the proposed amendment? **We support the Authority's proposed amendments and encourage the Authority to implement the changes so improvements can be based on evidential information. We would however recommend interim reviews are conducted prior to the proposed two-year post implementation review. We do not want to see changes, that are obviously regrettable with hindsight, locked in stone until the review and potential subsequent consultation / implementation can rectify any such changes.**