

02 December 2019

Electricity Authority  
PO Box 10041  
Wellington 6143

**By email:** winbacks.submission@ea.govt.nz

**Saves and Win-backs Code Amendment: Consultation paper**

Contact Energy believes there is some value in prohibiting saves and win-backs, however, we have a number of concerns with the proposed Code amendment specifically with regards to:

*Multiproduct firms:* The Authority notes retailers who provide multi-product offerings may still retain a relationship with a customer but will be prohibited from initiating electricity win-backs for the switch protected period. We support this in principle, however envisage consumers may find it difficult to separate out multi-product offerings and differentiate conversations on electricity services and other services offered. There is a need to ensure any contact with consumers is ethical and legitimate. We query how this will be monitored in practice, whilst still taking account of privacy concerns.

*Different ICPs:* We agree with the preferred approach that the win-back prohibition period with respect to a given customer continues even if the consumer moves away from the ICP.

*Businesses:* We recommend that the proposal should apply to residential and small business consumers only based on category 1 metering installations. In cases where customers have both a mixture of category 1 and 2 metering installations the ban should not apply. We do not believe it should apply to large consumers of electricity (industrial and other large commercial entities) due to the number of different contract options available and long fixed term contracts.

*Monitoring:* We have concerns with the proposed changes to the registry's operational procedures and do not consider they will assist the Authority with monitoring and enforcement as anticipated. We recommend monitoring be conducted through the Authority's existing audit requirements, using the regular Regulatory Audits and a sampling based methodology. However, if changes to monitoring are agreed, retailers need to be informed early on to ensure cost implications are taken account of and sufficient time for implementation. We recommend details of the two year review and how the impact of the ban will be measured should also be publicised well in advance.

*Level Playing field:* We anticipate retailers will take a variety of approaches in response to the saves and win backs ban and that the Authority will need practical monitoring requirements in place to ensure all retailers have a fair, transparent and level playing field.

We are happy to discuss and provide further information on the matters raised in this letter. Please don't hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read "MLH".

Merinda-Lee Hassall