

8 July 2024

s9(2)(a)

Tēnā koe s9(2)(a)

Thank you for your request, received on 9 May 2024, under the Official Information Act 1982 (the Act) for the following information:

- *“All internal and external correspondence regarding the finalisation and settlement of prices for 9 August 2021 following the High Court decision earlier this year*
- *All correspondence with the NZX (including in their role as pricing manager, clearing manager, WITS manager, and reconciliation manager) and Transpower including EMS (including in their role as FTR manager) regarding how and when settlement will take place and whether any arrangements have been made for a subsequent restatement of final prices, or to delay settlement while other decisions are made.*  
*[expanded to include the following]:*
- *All internal and external correspondence including notes, emails, reports and recommendations, held by the Authority regarding whether the ASX will resettle their futures and options market to reflect final prices in New Zealand electricity for 9 August 2021.”*

The Authority has identified 63 documents within scope of your request. The Authority has withheld 7 documents in full under section 9(2)(h) of the Act to maintain legal professional privilege. 2 documents are publicly available. The [Authority’s preliminary decision on whether an undesirable trading situation occurred following 16 February 2024](#) paper is available on our website. The [16 February 2024 appeals decision of the High Court](#) is available on the Ministry of Justice website.

54 documents are attached to this letter. Some information has been redacted under:

- section 9(2)(a) of the Act to protect the privacy of natural persons
- section 9(2)(b)(ii) of the Act to protect information where 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
- section 9(2)(g)(i) of the Act to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty, and
- section 9(2)(h) of the Act to maintain legal professional privilege.

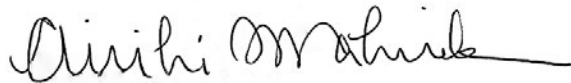
I am satisfied, in terms of section 9(1) of the Act, that the need to withhold the information referred to above is not outweighed by other considerations that render it desirable, in the public interest, to make the information available.

The Authority intends to publish our response to this request as part of our commitment to transparency.

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](http://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 [oa@ea.govt.nz](mailto:oa@ea.govt.nz).

Nāku noa, nā,

A handwritten signature in black ink, appearing to read 'Airihi Mahuika', with a long horizontal flourish extending to the right.

Airihi Mahuika  
**GM Legal, Monitoring and Compliance**