

21 June 2021

Peter Calderwood
General Manager Strategy and Growth
Trustpower Ltd

By Email

Attention: Peter Calderwood

Dear Peter

**REQUIREMENT TO PROVIDE INFORMATION UNDER SECTION 46(2)(a) OF THE
ELECTRICITY INDUSTRY ACT 2010**

The Authority is requiring Trustpower Ltd to provide information under section 46(2)(a) of the Electricity Industry Act 2010 (Act).

Authority's power to require information

Under section 46(2)(a) of the Act, the Authority may require an industry participant to provide any information, papers, recordings, and documents that are in the possession, or under the control, of the participant for the purposes of carrying out the Authority's monitoring functions.

Reasons for requirement

As you know, the Authority is undertaking a review into competition in the wholesale market covering the period from the 2018 Pohokura outage to early 2021 (the Review). The Review is being undertaken under the Authority's monitoring function in section 16(1)(g) of the Act, which is:

to undertake industry and market monitoring, and carry out and make publicly available reviews, studies, and inquiries into any matter relating to the electricity industry

Part of reviewing the performance and competitiveness of the spot market is to understand the profits of Generator-Retailers. To this end the Authority has been using public data to understand profitability of the five largest Generator-Retailers. We have done as much as we can with the data that is publicly available, but we still have questions about the sources of changes to profit. Therefore, the Authority now requires the specific financial information outlined in the attached spreadsheet. This information will help inform the Review as to the sources of the changes to profits of the Generator-Retailers and thereby provide an indicator of the performance of the spot market during the relevant period.

Information required to be provided

The Authority requires that you make available the specific financial information as outlined in the attached spreadsheet. Companies with March balance dates should provide the information

ADXLetter131

for the last six financial years. Companies with June balances should provide information for the last five full financial years and the six months to December 2020.

Please also see the Guidance notes in the spreadsheet for further explanation of the information requested. The spreadsheet also contains specific technical guidance for those providing the data.

Response to requirement to provide information

Please ensure the required information is provided by 5pm, 7 July 2021.

Please note that the Authority will only extend these deadlines in exceptional circumstances. If you wish to seek an extension of time, please apply for one in writing no later 5pm on 23 June and include your reasons for seeking the extension.

In all cases if it is not possible to provide all or any part of the above information (for example if the information does not exist), please contact Doug Watt (contact details below), and clearly explain what part of the information you are unable to provide and what, if anything, you propose to provide instead. If we agree, then the Authority may allow you to provide only those parts of the requested information that it is practicable for you to provide.

The Authority will treat the information you provide to it as confidential and protect it from unintentional release. However, the Authority may decide to share some or all the information Trustpower provides with the Minister of Energy and Resources and other government agencies, including for example the Treasury, the Commerce Commission and the Ministry of Business, Innovation and Employment. If the Authority decides to share Trustpower's information as described above, the Authority will notify you beforehand.

The Authority may be requested to release the information under the Official Information Act. The Authority needs to consider each request on a case by case basis. If the Authority receives a request and does not consider it is able to withhold the information, staff will consult with you before the Authority makes a final decision as to whether to release any of the information.

Compliance with requirements to provide information

Failure to comply with this requirement to provide information under section 46 of the Act is treated as if it were a breach of the Electricity Industry Participation Code 2010. In the event of such failure to comply, the Authority may apply to the Rulings Panel for any order under section 54 of the Act.

Further information

If you have any questions about this letter, please contact Doug Watt, Manager Market Monitoring at [s9\(2\)\(a\)](mailto:s9(2)(a)@electricity.govt.nz)

Yours sincerely,



James Stevenson-Wallace
Chief Executive