

Notice of the Electricity Industry Participation Code Amendment (Code Review Programme) 2024

1. Under sections 38 and 39(3) of the Electricity Industry Act 2010 (“Act”) and having complied with section 39 of that Act, the Electricity Authority (“Authority”) gives notice of making the Electricity Industry Participation Code Amendment (Code Review Programme) 2024 (“amendment”).

2. The amendment comes into force on **1 March 2024**.

3. The amendment makes a variety of independent and relatively minor amendments as part of the Authority’s Code review programme to improve the operation of the Electricity Industry Participation Code 2010 (“Code”).

4. The amendment amends Parts 1, 2, 3, 6A, 7, 8, 9, 10, 11, 12, 12A, 13, 14, 15, 16A, and 17 of the Code. The changes include:

- a. updating and clarifying definitions including “at risk HVDC transfer”, “business day”, “configuration”, “electrical installation”, “embedded network”, “national holiday”, “reconciliation participant” and “shared unmetered load”;
- b. enabling profiles which fail an audit to remain on the list of approved profiles if corrective action is agreed;
- c. providing for a longer maximum certification validity period for certain category 1 metering installations;
- d. removing the clearing manager’s obligation to provide monthly divergence reports to the Authority;
- e. clarifying several aspects of the Code mechanisms for publishing invoices by the clearing manager;
- f. improving clearing manager processes by requiring participants to provide certain information to the clearing manager and amending the definition of an event of default;
- g. reducing the minimum period before a participant can assume rights and obligations of another participant under the Code;
- h. prohibiting installation control points (“ICPs”) being connected in series;
- i. clarifying obligations on a metering equipment provider (“MEP”) to retain and, when ceasing to be an MEP, to pass on metering records for metering installations;
- j. clarifying obligations on each approved test house (“ATH”) to retain and, when ceasing to be an ATH, pass on metering installation records and metering component records;
- k. limiting traders’ ability to remove an ICP from a shared unmetered load;
- l. clarifying that the timeframes for distributors and traders to update the registry when dependent on MEPs updating the registry;
- m. enabling the clearing manager to disburse interest from its bank accounts to generators;
- n. clarifying the Authority can require an audit to be completed and submitted under Part 16A if an audit has not been submitted by the previously specified date;
- o. clarifying two clauses in the technical codes in Schedule 8.3;
- p. enabling distributors and traders to agree to backdate changes in chargeable capacity and installation information;
- q. clarifying certain terms and provisions in the three hedge settlement agreement forms in Schedule 14.4 of the Code; and
- r. changing the date the default transmission agreement schedules take effect once accepted, amended by Transpower New Zealand Limited, or determined by the Rulings Panel.

5. The amendment also amends a number of clauses to correct typographical errors and cross-referencing, and to reflect legislative amendments including those introduced by the Electricity Industry Amendment Act 2022.

6. Where the amendment makes a change to the Code under section 39(3)(a) of the Act, the Authority has not prepared and publicised a regulatory statement, or consulted on a regulatory statement, because it is satisfied that the relevant change is technical and non-controversial.

7. This amendment is secondary legislation for the purposes of the Legislation Act 2019 and is administered by the Authority.

8. A copy of the amendment and the Code is available on the Authority’s website: <http://www.ea.govt.nz/code-and-compliance/the-code/>.

9. A copy of the amendment and the Code may also be inspected free of charge or purchased from the Electricity Authority, Level 7, AON Centre, 1 Willis Street, Wellington.

NEW ZEALAND GAZETTE

Dated at Wellington this 23rd day of January 2024.

ANNA KOMINIK, Chair, Electricity Authority.

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