



11 July 2012

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Dear Jacki

## **Amendments to the Gas Governance (Compliance) Regulations 2008**

### **Introduction**

1. Mighty River Power welcomes the opportunity to respond to the Gas Industry Company's Statement of Proposal: Amendment to the Gas Governance (Compliance) Regulations 2008. No part of this submission is confidential and Mighty River Power is happy for it to be publicly released.

### **Comments**

2. Our responses to the questions raised by the Gas Industry Company are attached in the Appendix provided by the Gas Industry Company below.

### **Concluding remarks**

3. If you would like to discuss any of our above comments directly with Mighty River Power, then please do not hesitate to me on 06 348 7926 or [jim.raybould@mightyriver.co.nz](mailto:jim.raybould@mightyriver.co.nz).

Yours sincerely

A handwritten signature in black ink that reads "Jim Raybould".

**Jim Raybould**  
Gas Manager

# Appendix A Template for Submissions

Name of organisation: **Mighty River Power**

Contact person: **Jim Raybould**

Email address:

**Jim.Raybould@mightyriver.co.nz**

Phone: **06 348 7926**

Could you please provide comment as to whether you agree with the amendment proposals? If not, please indicate which specific proposal or proposals you disagree with and provide reasons why.

PROPOSAL	COMMENT
Q1: The proposal to amend regulation 10(2) to remove the words 'by other means'.	Agreed
Q2: The proposal to amend regulation 11 so that the heading refers to 'certain service providers'.	Agreed but seems vague – better way of expressing this might be to use "Industry service provider/ participants etc
Q3: The proposal to clarify that the notice requirements in regulation 12(1)(b) apply to the notice issued under regulation 13(1).	Agreed but seems almost unnecessary
Q4: The proposal to amend regulations 13(2) and (3) so that a participant becomes a party to a breach and not a breach notice.	Agreed
Q5: The proposal to include the industry body as a party from who information can be sought, and to who will be provided with all notices and documents that are circulated to industry participants, and parties joined.	Agreed
Q6: The proposal to amend regulation 19(1)(k) to include reference to orders of the Rulings Panel.	Agreed
Q7: The proposal to amend the mandatory requirement on the Allocation Agent and Gas Registry Operator to agree to a settlement under regulations 21 and 32.	Agreed
Q8: The proposal to amend regulation 46 to remove the requirement for the Investigator who investigated the alleged breach to speak to his or her report if requested by the Rulings Panel.	Agreed so long as the requirement remains that an Investigator may still be required by the Rulings panel to speak to a report, but not necessarily the Investigator who wrote the report.

PROPOSAL	COMMENT
Q9: The proposal to delete wording in regulation 49 to ensure correct cross-referencing.	Agreed
Q10: The proposal to remove the references to 'internet site' from regulations 81(4), 82(2) and (4) and 83(2).	Agreed
Q11: In relation to the proposal to include a new power for the Market Administrator and Investigator to amend breach notices in very limited circumstances.	Agreed
Q12: The proposal to include a new power for the Market Administrator and Investigator to be able to consolidate breach notices in very limited circumstances.	Agreed
Q13: The proposal to modify the interrelationship between the definition of participant, the Gas Governance (Critical Contingency Management) Regulations 2008, and the notice requirements in regulation 13.	Agreed
Q14: The proposal to include a new provision that would enable a participant to join a matter at a later stage than the Regulations currently provide for under regulation 13.	Agreed
Q15 The proposal to include a new threshold regime for otherwise mandatory reporting of alleged breaches by the Allocation Agent and the Gas Registry Operator.	Agreed
STATUTORY CLASSIFICATION	COMMENT
Gas Industry Co is seeking submissions on whether or not submitters see the proposal to introduce a threshold regime as a minor change that will not adversely affect the interests of any person in a substantial way, and thus is an amendment that properly falls under section 43N(3).	Mighty River Power supports the GIC's proposal to introduce a threshold regime for minor non-material breaches of the Gas Switching and Gas Downstream Reconciliation Regulations. We agree with the GIC that these type of breaches are both time consuming and costly and provide no apparent benefit to the industry.