

# THE NEW ZEALAND GAS STORY

THE STATE AND PERFORMANCE OF THE NEW ZEALAND GAS INDUSTRY

February 2013



## Message from the Chief Executive

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Gas Industry Co is pleased to publish the New Zealand Gas Story. The report has two origins, one legislative and one market-based.

As the 'industry body' under Part 4A of the Gas Act 1992, Gas Industry Co is required to report to the Minister<sup>1</sup> on the state and performance of the gas industry. In the past, Gas Industry Co and the Government have issued occasional substantive reviews by external consultants<sup>2</sup>. In the era of websites and e-communication, Gas Industry Co publishes regular updates on market performance<sup>3</sup>. For this next substantive overview assessment, we have developed a new model for a web-based report, which can be updated and added to over time.

The second, market-based driver for this report was a request from industry participants for Gas Industry Co to play a central role in 'stitching together' the New Zealand Gas Story, to assist knowledge and understanding of gas and its role in the New Zealand economy and society. This has become a formal part of the Gas Industry Co's strategy.

The industry is complex and multi-faceted, from the time in which investors enter the upstream exploration market through to the point where gas is used by one of the approximately 260,000 New Zealand consumers. This report is intended to provide a reference for industry stakeholders who have to date only been familiar with the parts of the gas story that are closest to them.

A few things follow from the above:

- The report extends beyond Gas Industry Co's formal jurisdiction, which essentially covers industry governance arrangements from the point at which gas is processed and injected into the transmission system. There is a range of other private and public players involved in the industry chain. In a number of areas the report provides a reference to the work of those other players rather than seeking to express the best or only view from a Gas Industry Co perspective<sup>4</sup>.
- In identifying particular current issues, the report similarly provides signposts to work being undertaken separately by Gas Industry Co or other players, and readers should follow those for the inevitably changing detail of that work.
- There is scope to update, expand and improve the report iteratively over time. Gas Industry Co welcomes ongoing feedback. The report has already benefited from drafting and review by a range of external stakeholders, but authorship responsibility rests with Gas Industry Co.

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<sup>1</sup> The Minister is defined in the Gas Act as the Minister with responsibility for administration of the Gas Act. As at the date of this report, the ministerial warrant for Gas Industry Co was held by the Minister of Energy and Resources. On occasion, decisions in respect of the gas industry have been made under delegation by the Associate Minister of Energy and the Acting Minister of Energy. See [www.beehive.govt.nz/portfolio/Energy-and-Resources](http://www.beehive.govt.nz/portfolio/Energy-and-Resources) for up to date information on the Ministerial portfolio.

<sup>2</sup> ACIL Consulting: *Review of the New Zealand Gas Sector. A Report to the Ministry of Economic Development*, October 2001; Allen Consulting Group: *The New Zealand Gas Industry in 2006. Review of its state and performance – Final Report to the Gas Industry Company*, 15 November 2006

<sup>3</sup> [www.gasindustry.co.nz](http://www.gasindustry.co.nz)

<sup>4</sup> For example, upstream exploration and production activity is also discussed in *Gas Supply and Demand Scenarios 2012-2027*, Concept Consulting Group, December 2012 (available at [http://gasindustry.co.nz/sites/default/files/consultations/254/gas\\_supply\\_and\\_demand\\_study\\_v2.pdf](http://gasindustry.co.nz/sites/default/files/consultations/254/gas_supply_and_demand_study_v2.pdf)) as well as in the subscription-only *2012 New Zealand Petroleum Sector Yearbook* produced by Edison Investment Research. Further detailed information is available through the Ministry of Business, Innovation and Employment (MBIE – formerly the Ministry of Economic Development) at [www.med.govt.nz](http://www.med.govt.nz)

Overall, the New Zealand Gas Story presents a picture of how a gas industry has developed after 40 years. It is small by global standards, but plays a major and often unrecognised strategic role in New Zealand's energy supply mix and economic activity. Compared with other countries, New Zealand is lucky that our forebears had the vision and tenacity to invest in developing a domestic industry, and many New Zealanders have now come to rely on gas supply for their homes and businesses, and to support electricity generation.

The New Zealand Gas Story is about optimising the contribution of gas to New Zealand, both in terms of a legacy of assets and investment, and also the potential arising recently from a remarkable global resurgence in gas exploration and use. Gas is being looked at in a new way both to help address climate issues and drive economic growth in leading economies.

In that context, New Zealand's Gas Story has some unique features and some distance to travel – we continue to be an isolated domestic market (apart from some importing and exporting of LPG) and we have barely scratched the surface of the development of 'unconventional gas', which is the focus of much new overseas development. These recent developments have not come without controversy, with concerns about issues such as 'fracking' and environmental sustainability still being addressed.

The Report identifies a range of areas where New Zealand's regime is fit for purpose, and where there are significant issues and intensive ongoing efforts to find solutions. The Government is rightly leading a focus on upstream investment and development, including through a Petroleum Action Plan and a restructured New Zealand Petroleum and Minerals administration. This is part of the Government's core economic development policies and includes a review of crown minerals legislation and royalty regimes.

The industry also has a core part to play in ongoing reviews of health and safety legislation and development of new environmental management controls, particularly in the Exclusive Economic Zone (EEZ).

The supply side of the gas market has blossomed from a reliance on a couple of large fields to current supply from 15 fields. These remain concentrated in the Taranaki region. Transmission and other infrastructure, some of it funded by Government, from the 1970s faces questions in terms of capacity and a renewed focus on ensuring ongoing high levels of reliability. In increasingly competitive energy markets, the industry needs to make sure that its proposition for gas consumers remains compelling.

An overseas comparison with many aspects of the sector would find that it is fit for purpose, and without some common formal arrangements, such as a wholesale market. To some extent this is appropriate, given the industry's small size and the way it has developed over years. At the same time, the industry in many respects has had to become more sophisticated, and will have to go further, including to meet the demands of modern consumers and investors. Questions such as whether there should be a more formal wholesale gas market, exemplifies the challenges going forward (and it is pleasing to report pending developments in that area).

Currently, relatively flat global and domestic economies have seen a falloff in traditional energy demand growth. However, the developments discussed above in relation to an increased global role for gas and healthy upstream investment levels in New Zealand raise the prospect of increased supply in the near future. Initially this offers the prospect of returning to the levels of supply and demand seen when the Maui gas field was in its heyday in the mid-2000s, with potential to increase beyond that. Unique issues for New Zealand include whether any significant new gas finds will be exported and, if so, whether this may bring international gas price parity to the domestic market. Across the industry, this raises the need for us to be prepared both for the opportunities and the challenges of any significant new finds.

Gas Industry Co's hope is that this report will provide a valuable contribution in terms of understanding the current state and performance of the industry, particularly in terms of dealing with challenges and opportunities for the coming years.

Steve Bielby  
Chief Executive  
Gas Industry Company

Disclaimer

*In preparing this report, Gas Industry Co has relied on information it holds, or has accessed through publicly available sources. While Gas Industry Co has endeavoured to provide accurate information and reliable analysis, it will not be liable for any claim by any party acting on such information. The industry is ever-changing and Gas Industry Co intends to update this report over time. Gas Industry Co welcomes feedback on the current report and notification of changes that will assist in ensuring it remains an up-to-date and valuable resource. However, Gas Industry Co retains authorship responsibility and reserves the right to moderate and/or edit any contributions.*

# Executive Summary

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Gas makes a large and important contribution to New Zealand's energy supply - as a direct fuel source, supporting electricity supply security and providing energy choice for consumers.

With annual market demand of over 155PJ petajoules (PJ), gas accounts for approximately a fifth of New Zealand's total energy supply, around 20% of electricity generation and 11 percent of consumer energy use.

Available only in the North Island, natural gas is used by approximately 258,000 industrial, commercial, community and residential consumers and is supplied from 15 fields. Natural gas is no longer materially represented in the transport sector, with the compressed natural gas (CNG) market and its associated refuelling network essentially disappearing following the removal of subsidies in the mid-1980s.

Most of New Zealand's natural gas is used to generate the high heat required for electricity generation and industrial processes. A significant amount is also used for conversion into petrochemical products. Gas is delivered through 2,528km of high pressure gas transmission pipelines and 16,800km of regional gas distribution systems.

In the past decade, the gas industry in New Zealand has undergone substantial change, transitioning from a substantial reliance on the large Maui field, to drawing supplies from multiple smaller fields. While this change has seen the emergence of new participants, industry activity remains concentrated in a relatively small number of players.

Greater market complexity has been accompanied by commensurately tighter industry governance arrangements. The upstream sector is undergoing a programme of change under the Government's Petroleum Action Plan. New arrangements for the mid- and downstream sectors seek to establish a fit-for-purpose regime, balancing the need for efficient and competitive markets, while avoiding unnecessary hurdles in the development of what is a discretionary<sup>5</sup> fuel option for most consumers (compared with electricity).

Gas continues to be an attractive energy choice for consumers and recent studies into both its competitive positioning against other forms of energy, and supply/demand longevity, indicate it will maintain a significant role in New Zealand's energy mix well into the future.

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<sup>5</sup> With the possible exception of petrochemical producers and some other large end-users, gas is an 'optional' fuel for consumers at the time they make their energy choice/investment. While gas is generally substitutable in many residential, commercial and industrial applications, it is often seen as the best or only choice on the basis of cost and efficiency. Once an investment is made, the consumer is usually committed to the chosen form of energy for the economic life of the plant.

## Gas Industry – Significant Changes 2006-2011

	2006	2011	Change
Annual production (net - PJ)	148	155	+5%
Consumers	241,000	258,000	+7%
Wells drilled (5 years incl)	134	211	+57%
Producing fields	13	15	+2
Remaining gas reserves (P50)(PJ)	1,952 <sup>1</sup>	1,999 <sup>2</sup>	+2%
Total PEPs/PPPs ('granted' status)	79	73	-5
Total PMPs/PMLs ('granted' status)	21	23	+1
PEP/PPP <sup>3</sup> expenditure (5 years incl) (\$m)	\$944	\$1,110	+18%
PMP/PML <sup>4</sup> expenditure (5 years incl) (\$m)	\$1,722	\$5,703	+231%
Gas processing facilities (operating)	9	11	+2
Total transmission pipeline (km)	2,526	2,528	+2
Total distribution networks (km)	15,913	16,816	+903

<sup>1</sup> as at 1 January 2007

<sup>2</sup> as at 1 January 2012

<sup>3</sup> PEPs - Petroleum Exploration Permits; PPPs - Petroleum Prospecting Permits

<sup>4</sup> PMPs – Petroleum Mining Permits; PMLs – Petroleum Mining Licences

## Policy and Regulatory Framework

The gas industry is subject to a range of Government policy measures, which are designed to ensure the development and delivery of gas in a safe, efficient, reliable and sustainable manner. Programmes are in train to address outstanding policy and industry operations issues.

All aspects of the industry, from drilling exploratory wells to the installation of a gas hob in the kitchen, are subject to a form of regulatory oversight. The governance regime involves a variety of regulatory bodies and continues to evolve. Identified issues are addressed through regulated and non-regulated solutions. Among the more significant matters currently occupying industry attention is a new price-quality regime for gas transmission and distribution pipeline owners developed by the Commerce Commission, and to take effect from 1 July 2013.

## Gas Industry Governance – Significant Policy and Regulatory Arrangements

Arrangement	Year	Purpose
Crown Minerals Act <sup>1</sup>	1991	Sets policy for prospecting, exploration and mining of minerals and petroleum <sup>2</sup> .
Gas Act	1992	Repeals the previous legislation (Gas Act 1982), removes exclusive retail franchises and price controls, places a focus on open, competitive markets. Establishes co-regulatory regime.
Health and Safety in Employment Act	1992	Promotes the prevention of harm in or near workplaces. Basis for specific regulations in 1999 relating to gas pipelines and petroleum exploration/extraction.
Gas (Information Disclosure) Regulations	1997	Introduced pursuant to the Gas Act 1992 to introduce information transparency as part of the light-handed regime.
Maui Pipeline Operating Code (MPOC)	2005	Ushers in open access on the Maui pipeline.
Vector Pipeline Code	2007	Code-based regime replaces bilateral contract approach to Vector (formerly NGC <sup>3</sup> ) transmission system.
Commerce Act 1986 Amendment	2008	Part 4 amendments include the economic regulation of gas distribution and transmission.
Government Policy Statement on Gas Governance (GPS)	2008	Updates 2004 GPS (which in turn updated the 2003 GPS). Sets out policy objectives additional to those in the Gas Act 1992.
Gas (Switching Arrangements) Rules	2008	Facilitate customer switching between retailers.
Gas (Downstream Reconciliation) Rules	2008	Prescribe a process for volumes of gas consumed to be attributed to retailers responsible for them.
Gas Governance (Critical Contingency Management) Regulations	2008	Process for industry participants to plan for, respond to and manage a serious incident affecting gas supply.
Gas (Processing Facilities Information Disclosure) Rules	2008	Require information to be provided by owners of gas processing facilities.
Gas Governance (Compliance) Regulations	2008	Determine and settle alleged breaches of the rules and regulations.
Electricity and Gas Complaints Commission	2010	Provides a free and independent complaints resolution process for gas consumers.
Retail Gas Contracts Oversight Scheme	2010	Ensure retailers' supply contracts with small consumers are in the long-term best interests of those consumers.
Gas (Safety and Measurement) Regulations	2010	Prescribe rules and requirements for gas safety and measurement

<sup>1</sup> Currently under review by MBIE

<sup>2</sup> Natural gas is covered by the definition of 'Petroleum'

<sup>3</sup> NGC was acquired by Vector Limited in 2005

## Exploration and Production

Petroleum (including gas) exploration activity is at its highest for many years. New Zealand's gas reserves position has strengthened, improving New Zealand's supply horizon from around six years in 2002 to about 11 years at current production rates.

The Government has implemented a number of policies under the umbrellas of the New Zealand Energy Strategy and Petroleum Action Plan aimed at encouraging the search for, and sustainable development of New Zealand's petroleum resources for the benefit of all New Zealanders.

The long-serving Maui and Kapunui fields are undergoing life-extending development to enhance gas and condensate recovery, while substantial development of the Mangahewa field is being underwritten by a significant supply agreement with Methanex to boost methanol production. In addition, new-entrant explorer/producers have been making their mark with new discoveries, including the Turangi, Kowhai and

Sidewinder fields, and applying advanced production technologies to turn previously non-commercial finds into viable producers.

The commissioning of New Zealand's first underground gas storage facility by Contact Energy at the Ahuroa field has added a new dimension to supply/demand management and flexibility.

Unconventional gas – primarily shale and coal seam gas – that is making a substantial impact on global gas reserves – is seen as having significant potential in New Zealand, but developments here are in their infancy and there is currently no material commercialisation of unconventional gas resources. Policymakers and the industry are addressing environmental concerns associated with exploration and production practices employed in tapping unconventional gas resources.

### Gas Processing

The industry is well served with gas processing facilities, which tend to be built in conjunction with the development of new fields, and tailored to the reserves, wellstream composition and production characteristics of that field. Third party access, when required, is governed by commercial contracts. An information disclosure regime for gas processing facility owners has not identified competition or entry barrier issues.

### Gas Transmission

The main gas transmission pipelines are available to gas shippers under non-discriminatory, open access arrangements, and interconnection arrangements are in place to receive gas from new fields, or deliver gas to users. Accordingly, no significant barriers to entry have been identified.

However, periods of congestion on the transmission North Pipeline led to its owner, Vector, advising in 2009 of limits on its ability to offer new contracts for capacity on this section of the pipeline. Resulting concerns over the competition effects of these constraints, particularly on large users, have prompted an in-depth review of current transmission access arrangements. This includes mechanisms for making better use of existing capacity, for pricing capacity during times of scarcity, and, in the context of the price-quality regime being developed by the Commerce Commission, finding a pathway to new investment when it is required. The picture emerging from the review is that the immediate answer lies more in better use of existing capacity, rather than investing in new pipes. This has been aided by a reduction in utilisation of North Pipeline capacity by gas-fired power stations, and associated arrangements to free up some of this capacity for other users. These factors together with planned improvements to current transmission arrangements, particularly demand side management, should mean capacity on the transmission systems is adequate, even on a 'high case' use scenario. Current indications are that significant new transmission investment is accordingly not required in the short-to-medium term, unless new market developments dictate.

The industry's focus is now on access design improvements, including better harmonisation of the Maui and Vector transmission pipelines which operate under different code arrangements – common carriage on the Maui line; contract carriage on Vector's system – that result in separate transmission and gas offerings. These, plus a range of future gas supply development scenarios, all give scope to the review. Industry support for this is evident in Gas Industry Co's Gas Transmission Investment Programme.

The transmission infrastructure is generally reliable and efficient. A serious Maui pipeline outage in October 2011, affecting a large number of consumers in the upper North Island, provided a reminder of the industry's reliance on these assets and has prompted a review of gas supply emergency response arrangements.



## Gas Distribution

The gas distribution market is well established, with three open network services providers, and one private pipeline owner. No efficiency or competition issues have been identified around the open access networks.

The networks were originally founded in the early days of local manufactured gas operations, or constructed as new towns and cities became serviced following the development of the Maui field. Distributors have continued to invest in network expansion. However, while there is more pipe in the ground, and increasing consumer connections, gas throughput has been declining.

The distribution networks generally operate to a high level of reliability and a downstream gas reconciliation regime is providing an efficient process for allocating to retailers the portion of gas on a distribution network used by their customers. Levels of unaccounted-for gas have declined substantially.

## Wholesale Market

The New Zealand wholesale market is small and relatively concentrated, with no formal spot or similar market. There are a number of producers and wholesalers active in this market, with some of those producers selling gas directly to end-users. Secondary trading is arranged bilaterally between parties, and while there is no transparency of such deals, there have been no substantial concerns expressed in recent times about buying or selling gas.

However, wholesale trading continues to be dominated by bilateral contracts and the industry has yet to develop a formal wholesale trading mechanism. This is an unfulfilled objective set for the industry by the Government, and industry participants continue to be concerned about the opacity of the wholesale market.

While competitive tender processes are common for large end-user contracts, there are compelling reasons for a trading platform to offer wholesale gas price discovery and transparency of other terms, aiding competition and market efficiency for producers and buyers. The Balancing Gas Exchange (BGX) offers only limited trading capability, for gas balancing purposes. Separate proposals for an additional trading platform by Gas Industry Co and the industry in recent years have not been successful. Further proposals to enhance or supplement the BGX are under active consideration by industry participants.

## Retail Market

The retail gas market continues to grow, with around 17,000 new consumers in the past five years. Market contestability has strengthened, and 96 percent of gas consumers have a choice of six or more retailers. Customer switching between retailers has increased from 5 percent to 15 percent over two years. Stronger retail competition is also evidenced by reduced market concentration, reflecting new retailers entering the market and smaller retailers increasing their market share.

The industry is performing well against Government policy objectives for the retail market and the protection of small consumer interests. Most recently, a retail contract evaluation scheme has seen a major improvement in the clarity and detail of retailers' supply arrangements with small consumers. A suite of other market enhancements benefitting small consumers has included a switching regime to enable consumers to efficiently change their retail supplier, and the implementation of a formal consumer complaints scheme through the Electricity and Gas Complaints Commissioner.

## Gas Metering

Gas metering is on the cusp of joining the international movement towards 'smart' metering technologies and is working its way through particular challenges applying to the gas sector. Gas metering is subject to technical regulation, which is reflected in the Reconciliation Rules and industry contracts. No material market failures or issues have been identified that suggest a need for further governance arrangements. The supply of meters is considered to have a degree of contestability, and metering services are specifically excluded from the definition of gas pipeline services under Part 4 of the Commerce Act.

## Gas Pricing

The availability of multiple retailers and low retail margins indicate competitive forces are at work in the retail market. Pricing generally signals the full cost of producing and transporting gas.

In a number of respects, delivered gas costs and prices are subject to "sustained downward pressure", as sought by Government policy objectives. Gas Supply Agreements (GSAs) are reflecting increased competition following the initial post Maui 'reset', and new entrants, new fields and ongoing onshore gas finds have increased short-term gas supply availability with a positive impact on gas price trends. Mechanisms have been put in place to enable consumers to readily compare retailer prices and to switch supplier easily and quickly. Transmission and distribution prices are constrained by regulation and subject to further initiatives currently being developed by the Commerce Commission.

## Gas Safety

Natural gas safety requirements have been strengthened in recent years, through both generic and industry-specific health and safety regulation, which is primarily the responsibility of the Ministry of Business, Innovation and Employment. The Government is concerned about national health and safety performance, and the industry is covered by a current substantial review. In addition, a health, safety and environmental management regime is being developed under the new EEZ legislation, which includes offshore oil and gas exploration.

While the prospects of a serious gas quality-related incident are considered small, there are concerns over gas quality transparency, and questions about whether current arrangements are appropriate. These issues are currently being addressed by the industry.

## Climate Change and Sustainability

As a fossil fuel, gas is part of the global debate on climate change, environmental sustainability and New Zealand's drive towards a greener economy.

Gas has an important part in the sustainability story, acknowledging that the New Zealand economy, and the integrity of its energy supplies, will continue to rely on gas, at least in part, into the future. It is the cleanest burning of fossil fuels, is being widely used internationally to replace more harmful fossil fuels and provide a bridge to an environmentally sustainable future, is helping warm New Zealand homes, and its direct use, through efficient gas technologies, can in fact lower energy emissions.

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# 1 Gas Industry and Policy Evolution

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## 1.1 Industry Development

Natural gas is a substantial component of New Zealand's energy supply make-up. It provides consumers with a direct energy choice, supports electricity supply security and makes an economic contribution in a way that recognises the country's environmental sustainability goals.

Gas is used by about 258,000 industrial, commercial and residential customers. It accounts for approximately 20 percent of total primary energy supply and 11 percent of total consumer energy use.

The energy supply and economic importance of natural gas has grown rapidly since the first commercial discovery at Kapuni in 1959. That discovery led to increased exploration activity and further major gas finds.

The commencement of natural gas deliveries from the onshore Kapuni field in 1970 enabled the replacement of aging town gas works that produced gas from coal. The cleaner, more efficient natural gas was initially distributed through local gas networks in nine communities serviced by a transmission pipeline running north from Kapuni to Auckland, and south to Wellington<sup>6</sup>.

Gas supplies were substantially expanded in 1969 with the discovery of the much larger offshore Maui gas/condensate field. Maui gas deliveries began in 1979, and at their peak accounted for over 85 percent of total gas supply.

The development of the Maui field and the construction of a 308km pipeline from Oaonui to the Huntly power station heralded an era of rapid expansion of the high pressure gas transmission system during the 1980s to Northland, the Bay of Plenty and Hawke's Bay, extending the reach of natural gas into all major populated centres of the North Island. No significant transmission pipeline extensions have been built since the construction burst in the 1980s. The 2,528km of transmission pipelines feed the lower pressure local distribution networks, and directly supply some large users.

The advent of plentiful natural gas enabled existing distribution networks to be upgraded and expanded, and for new networks to be constructed as the high pressure transmission pipeline reached other towns and cities for the first time. Distribution networks in North Island cities and towns now total over 16,000km.

Today, natural gas has a wide range of applications - fuelling thermal electricity generation plants and large industries (including in the key export sectors of meat, dairy and timber processing, and steel manufacture), and providing the feedstock for petrochemical (methanol and ammonia/urea) production. Gas is also used directly in a wide range of small to medium commercial enterprises, in community amenities such as schools and swimming pools, and for cooking and for space and water heating in homes.

In the past decade, as Maui gas reserves have diminished, the gas industry has transitioned from a dependence on that field to drawing on multiple fields for gas supplies. Market demand of approximately 155PJ a year is currently being met from 15 different fields and wells.

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<sup>6</sup> The original 'Kapuni 9' retailers were Wellington Gas Company, Hutt Valley Electricity and Gas Board, Levin Borough Council Gas Department, Wanganui City Council Gas Department, Palmerston North City Council Gas Department, Hawera Gas Limited, New Plymouth City Council Gas Department, Hamilton City Council Gas Department, and Auckland Gas Limited. They were subsequently joined by East Gas Limited (Hawkes Bay) and, as the transmission system was extended to reach new urban areas, NGC.

While there has been exploration activity in many onshore and offshore regions of New Zealand, all gas production so far has been from onshore and offshore Taranaki, on the west coast of the North Island. Natural gas is not available in the South Island. However, LPG (liquefied petroleum gas), a mix of propane and butane extracted from the petroleum wellstream, is available throughout the North and South Islands.

## 1.2 Policy Development

Prior to the discovery of the Kapuni field, New Zealand communities since 1862 had been supplied by 'town gas' plants that manufactured gas from coal and, later, other feedstocks such as naphtha. The manufactured gas was transported to consumers through small community based networks. These operations were owned by either the local government authority, or a local private business.

With the discovery of the Kapuni gas/condensate field, the Government made a strategic policy decision to use the gas as a premium fuel to replace some of the aging and uneconomic coal gas plants in the North Island. It established the Natural Gas Corporation of New Zealand Limited (NGC) as a state-owned company to buy the high carbon dioxide-content Kapuni gas from the joint venture producers (then Shell, BP and Todd), process it to a specification suitable for the retail market (primarily by removing the CO<sub>2</sub>), transport it to market, and wholesale it to existing gas utilities. By 1969 a pipeline had been constructed from Kapuni north to Auckland and south to Wellington and gas supply began with the completion of the Kapuni gas treatment plant in 1970.

Kapuni gas was originally supplied under long-term contracts between NGC and nine gas utility companies, each of which held a Government-sanctioned retail franchise monopoly in the population centre in which it previously manufactured and sold town gas. The new contracts were for 'delivered gas' and did not separately account for transportation services.

The much larger Maui discovery offered far more gas than New Zealand needed for the then size of the domestic market. The development of the Maui field proceeded with the Government (Crown) in 1973 becoming a half owner (through an investment vehicle Offshore Mining Company Limited), meeting half the development costs and agreeing to purchase all Maui gas under take-or-pay arrangements. The contract was to run for 30 years, expiring in June 2009, and the intention was to supply new and proposed gas-fired electricity generators

However, these proposals represented more electricity generation than the country needed. Coincidentally, a substantial change in world oil market dynamics – a series of economically damaging price increases known as the 1970s 'oil shocks' – drove a significant change in the Government's thinking.

A new strategy, to use Maui gas to achieve economic growth and to reduce New Zealand's dependence on imported oil, spawned a number of Government-sponsored 'Think Big' construction projects. They included a number of large gas-based developments - an ammonia-urea plant at Kapuni, a synthetic petrol (or gas-to-gasoline) plant at Motunui (synfuel plant), and a chemical methanol plant in the Waitara Valley (Petrocorp plant).

Other initiatives included encouraging the direct use of gas in large industries, businesses and homes by making gas more widely available, strengthening petroleum exploration activity, expanding the Marsden Point oil refinery, and using gas directly as a transport fuel – as CNG and LPG.

In 1978, the Government consolidated all of its then increasing direct interests in the oil and gas sector into a new company, the Petroleum Corporation of New Zealand Limited (Petrocorp). These interests included NGC, Offshore Mining Company, and an exploration and production activity carried under the then Department of Mines. Petrocorp subsequently expanded its interests to include ownership of the Kapuni ammonia/urea plant



through a subsidiary Petrochemical Corporation of New Zealand Limited (Petrochem), and a majority ownership interest in Petralgas Limited, which owned and operated Petralags plant.

As the gas industry expanded and matured, the Government commenced a process of reducing its direct commercial involvement. In 1987, the Government sold 30 percent of its interest in Petrocorp through the issue of new shares, resulting in Petrocorp briefly becoming listed on the New Zealand Stock Exchange (NZX). Of the total shares issued, 15 percent were sold by tender to Fletcher Challenge Limited (FCL), with the rest offered to the public via a share float. The following year, the Government effectively privatised its energy industry interests by selling its remaining 70 percent shareholding of Petrocorp by tender to FCL. FCL also acquired the shares held by the minority shareholders<sup>7</sup>.

The changing energy scene was also reflected in the evolution of the Crown's Maui contract arrangements. With the change in gas utilisation policy, after it became apparent that the forecasts for electricity demand were overstated and the Crown faced a substantial annual take-or-pay deficit, the Crown committed its Maui gas entitlements to the development of the domestic market and to supplying the petrochemical plants. Gas for the ammonia/urea plant was bought by NGC (then a subsidiary of Petrocorp); and Petralgas - a joint venture between Petrocorp (51 percent) and Canadian-based Petralgas Corporation (49 percent) - bought gas directly from the Crown. The synfuel plant did not buy gas; rather the Crown became a 75 percent owner of the company that owned and operated the plant, and processed the gas into gasoline for the Crown on a tolling fee basis.

During this period, about 40 percent of the Crown's Maui gas was being burned in thermal power stations, directly owned by the Crown and, from 1987, by a state-owned enterprise, the Electricity Corporation of New Zealand (ECNZ). The contractual arrangements with ECNZ were informal until 1990, when the Crown restructured its contracts, and onsold its rights to Maui gas in a series of six contracts. After industry consolidation and sales, three companies held the six 1990 contracts:

- NGC<sup>8</sup> (27.47 percent)
- New Zealand Liquid Fuels Investments Limited (NZLFI)<sup>9</sup> (29.74 percent)
- ECNZ<sup>10</sup> (42.79 percent)

These contracts were further revised in 2004 as a result of a redetermination of Maui reserves. The Maui Mining Companies (Shell, Todd and OMV), the Crown and the parties that held the final delivery rights to Maui gas (Vector, Methanex, and Contact) agreed to amend the terms of the contract, limiting the remaining amount of gas to be delivered under the contract price – which at the time was significantly below the market price for gas – to 367PJ. This was the volume of remaining Maui gas that an independent expert determined to be 'economically recoverable' from the Maui field. Any gas to be recovered in excess of this volume would be sold by Maui Development Limited (MDL) at the market price, thereby providing an incentive for further development of the field. Of any further gas recovered from the field, 40PJ was reserved for Methanex, and Vector and Contact had a right of first refusal for the remaining additional gas (referred to as 'ROFR gas').

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<sup>7</sup> NGC operated as part of Fletcher Challenge until 1992, when FCL floated off two-thirds of NGC, a third to Sydney-based Australian Gas Light Company (AGL), and a third to the public via the NZX. In 1999, AGL acquired FCL's one-third interest to become a two-thirds majority shareholder of NGC. In 2004/05 Vector Limited acquired AGL's shareholding in NGC, and subsequently moved to 100 percent ownership through the acquisition of the minority interests.

<sup>8</sup> Subsequently acquired by Vector

<sup>9</sup> NZLFI was previously the Crown's vehicle for investing in the New Zealand Synthetic Fuels Corporation, and acquired part of the Crown's Maui gas for processing at the synfuel plant. As part of the 1990 transactions, Fletcher Challenge Limited (FCL) acquired the Crown's interest in NZLFI. NZLFI subsequently assigned its gas purchased rights to Methanex, which purchased FCL's methanol operations, including the synfuel plant, in 1993.

<sup>10</sup> Subsequently assigned to Contact Energy, which was separated from ECNZ in 1996.

Natural gas supply was the last activity to be removed from direct price control as part of New Zealand's economic reforms of the late 1980s/early 1990s. An in-depth review of the gas industry in the early 1990s<sup>11</sup> led to the development of new policies for fundamental gas sector reforms that were translated into the Gas Act 1992. These reforms deregulated the market through the abolition of the exclusive retail franchise areas and a move from price control to market-based pricing. At the same time it introduced a light-handed regulatory regime centred on information disclosure, but retained the threat of re-regulation. Government policy thinking at the time was also influenced by infrastructure and competitive markets policy developments in Australia<sup>12</sup>.

With these developments, NGC negotiated new contracts with the gas utility companies, which unbundled the previous delivered gas arrangements into separate gas supply and transport elements. While there was no mandatory separation of gas retailing and distribution functions – as applied to electricity sector companies – some gas utilities chose to separate their retail and network businesses, retaining one or the other, and adding to widespread buying and selling of energy businesses.

The new transport arrangements also introduced open access to NGC's transmission pipelines in 1996 and the development of an industry Pipeline Code in 1998. The Maui pipeline remained dedicated to the delivery of Maui gas until 2005 when it was opened for the transportation of gas from other fields, which were coming onstream as Maui output declined.

The Government continued to periodically review the gas sector, which has fed further policy development. In 2001, the Minister of Energy released a discussion paper prepared by ACIL Consulting<sup>13</sup> that considered whether the gas sector was meeting the Government's objective for natural gas to be delivered to users in an efficient, fair, reliable and sustainable manner.

In a subsequent Policy Statement on Gas Governance in March 2003, the Government stated that, consistent with a self-regulation approach, it favoured industry-led solutions where possible, but that it was prepared to use regulatory solutions if necessary.

A Gas Industry Steering Group (GISG), formed to respond to the Policy Statement, advised that the industry would require some form of regulatory backing to achieve the Government's objectives and outcomes. The Government agreed, and the Gas Act was changed in 2004 to give effect to a co-regulatory model of governance. Gas Industry Co was established as the industry body and co-regulator.

In relation to gas pipelines, the ACIL report pointed to monopoly pricing and access issues in gas transmission and distribution. As a result of these findings, in early 2003 the Minister of Energy asked the Commerce Commission to conduct an inquiry into gas pipeline services under Part 4 of the Commerce Act. In late 2004, the Commission recommended to the Minister that regulatory control over Powerco's pipelines and Vector's distribution networks in Auckland, should be subject to regulatory control, and that other gas pipelines (except those of Nova Gas and 'gas gathering' pipelines in Taranaki, be subject to a thresholds regime similar to the provisions of the Part 4A regime for electricity lines. On 27 July 2005, the Minister of Energy announced the decision to declare control over the gas distribution services of Powerco and the distribution services of Vector in Auckland<sup>14</sup>.

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<sup>11</sup> *Review of the Regulation of the Natural Gas Industry: Report to the State Sector Committee*, March 1991

<sup>12</sup> Professor Frederick G. Hilmer: *National Competition Policy Review*, 25 August 1993 (Hilmer Report).

<sup>13</sup> ACIL Consulting: *Review of the New Zealand Gas Sector. A Report to the Ministry of Economic Development*, October 2001. This report includes details of historic contractual arrangements relating to Maui and Kapuni gas sales and purchases.

<sup>14</sup> Commerce (Control of Natural Gas Services) Amendment Order 2005.

In 2008, Part 4 of the Commerce Act was amended<sup>15</sup> and all suppliers of open access gas pipeline services became subject to new information disclosure and price-quality regulation. The Commerce Commission set information disclosure requirements for gas pipelines on 1 October 2012, and new price-quality control arrangements for all open access transmission and distribution pipeline services take effect on 1 July 2013.

Since the 2001 ACIL report, the Allan Consulting Group in 2006<sup>16</sup> released an industry review commissioned by Gas Industry Co, and in 2011 the industry was reviewed by the New Zealand Institute for the Study of Competition and Regulation (ISCR)<sup>17</sup>.

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<sup>15</sup> Commerce Amendment Act 2008

<sup>16</sup> *The New Zealand gas industry in 2006. Review of its state and performance – Final Report to the Gas Industry Company*, 15 November 2006.

<sup>17</sup> ISCR: *Policy Considerations for the New Zealand Natural Gas Industry*, Stanford L. Levin and Alfred J.M. Duncan, July 2011.

## 2 Gas Contribution to Energy Supply

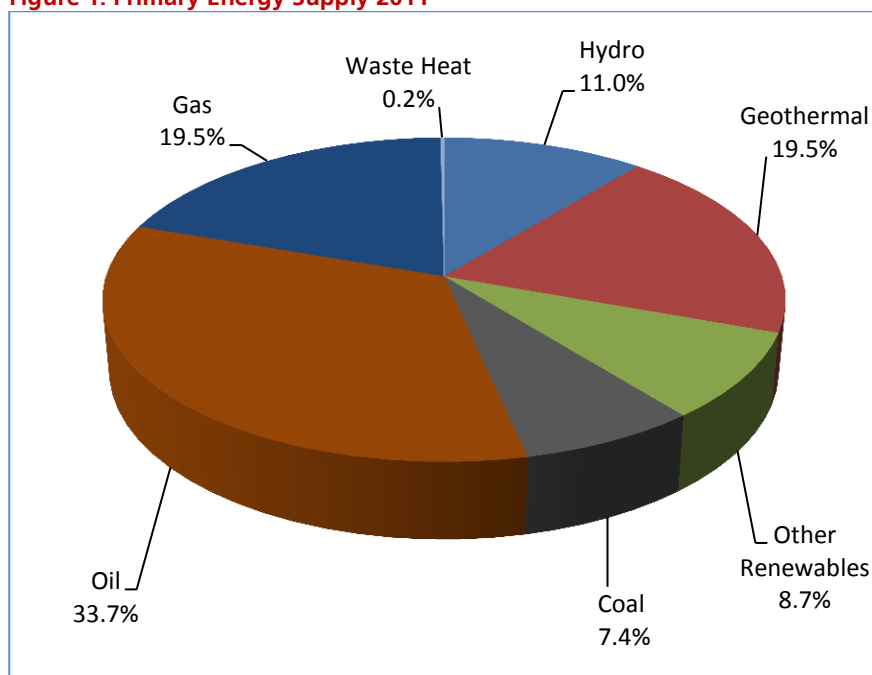
### 2.1 Energy Supply and Demand

New Zealand's primary energy demand amounts to over 800PJ a year<sup>18</sup>. In 2011, gas contributed 155PJ, or 19 percent of the country's primary energy needs. This was down from 173PJ, or 21 percent, in the previous year, illustrating the sensitivity of gas volumes to fluctuating weather conditions, and the consequent volatility in gas-fired electricity generation requirements.

Gas use is also significantly affected by the operations of petrochemical manufacturers and the effects of changing economic activity on the productivity of large industrial and commercial users.

The composition of New Zealand's primary energy supply is shown in **Figure 1**. New Zealand produced 39 percent of its primary energy needs from renewable sources in 2011 (up slightly on the 38 percent in the previous year). Internationally, this is the second highest percentage contribution of renewable energy behind Iceland. Since 2000, the contribution of renewables to primary energy has grown from around 30 percent as a result of increased electricity generation from geothermal energy, and reduced coal-fired generation. Geothermal overtook hydro as the single largest renewable energy source in 2006.

**Figure 1: Primary Energy Supply 2011**

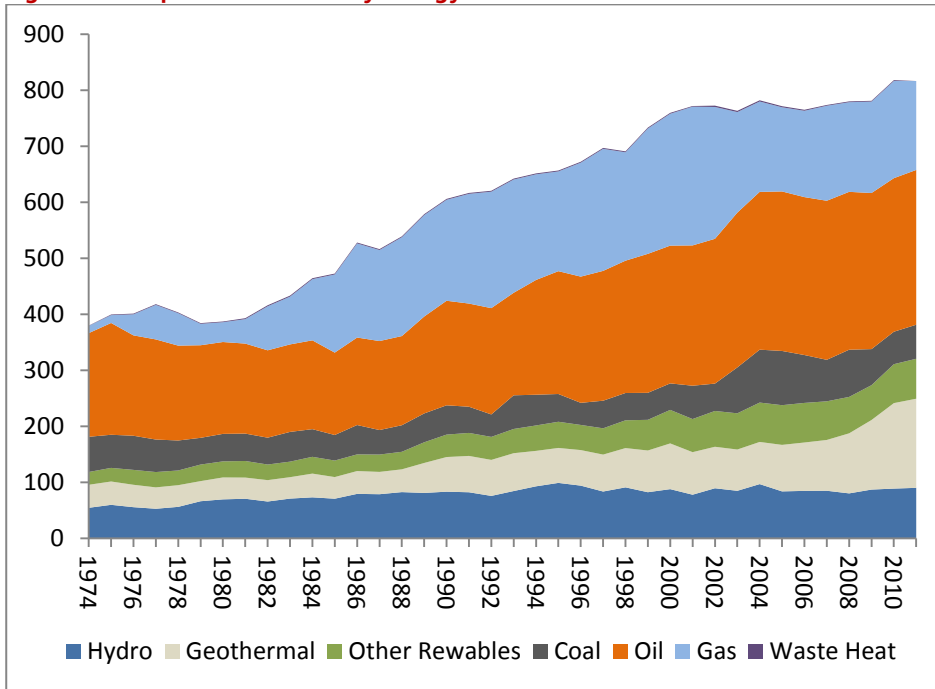


Source: 2011 Energy Data File

**Figure 2** shows historic changes in the composition of total primary energy supply in New Zealand since 1974, and **Figure 3** plots the percentage contribution by gas to primary energy over the same period.

<sup>18</sup> 2011 Energy Data File. Total primary energy supply in 2011 was 817PJ.

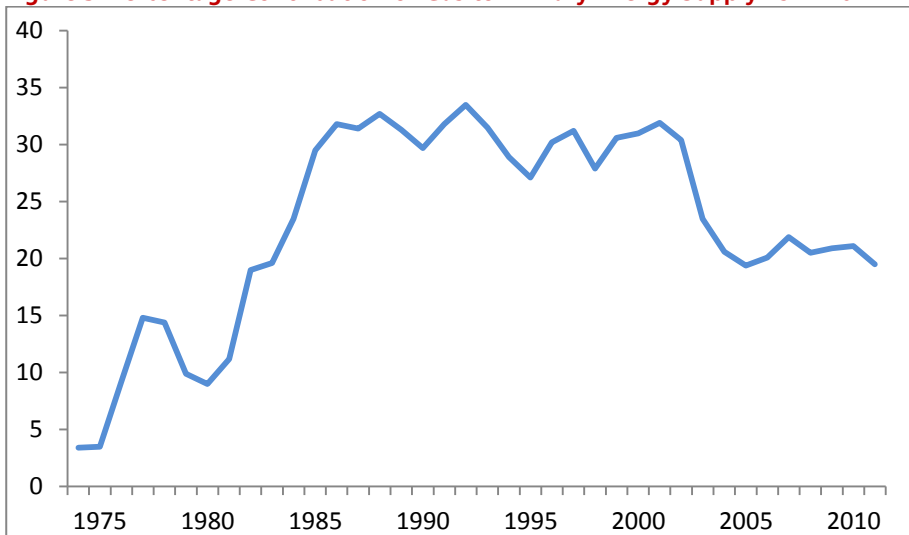
**Figure 2: Composition of Primary Energy 1974-2011**



Source: 2011 Energy Data File

The contribution of gas grew quickly following the commissioning of Maui gas supplies in 1979. The increase in gas use in 1976 reflects the conversion of the New Plymouth power station from oil to generation from Kapuni gas, before it was transitioned to run on Maui gas. Between 1974 and 2011, total primary energy supply more than doubled from 380PJ to 817PJ. The percentage contribution of gas peaked at 33.5 percent in 1992. Gas production volume reached a peak of 247PJ in 2001.

**Figure 3: Percentage Contribution of Gas to Primary Energy Supply 1974-2011**



Source: 2011 Energy Data File

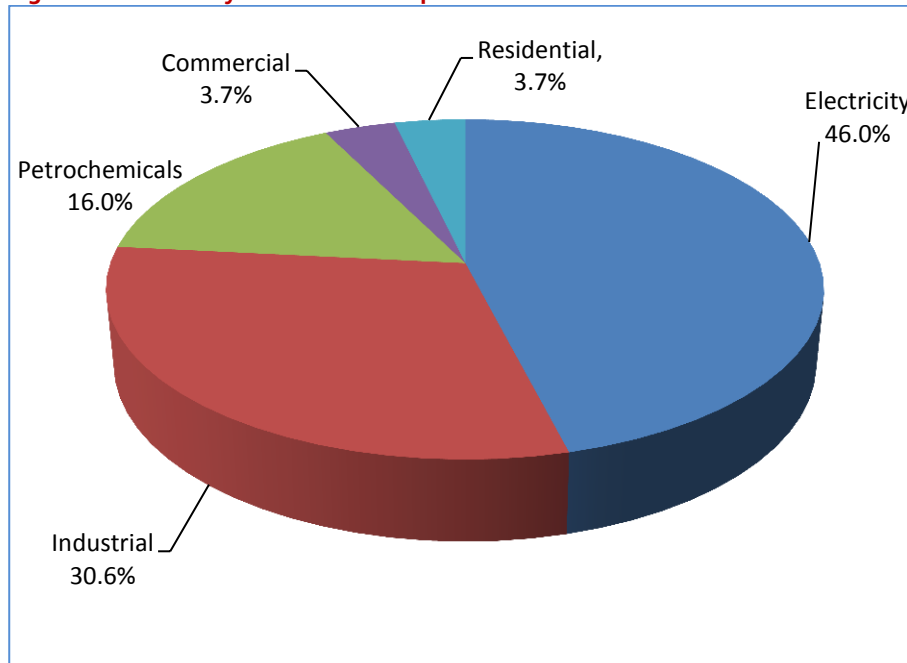
## 2.2 Gas Use by Sector

Natural gas is used by approximately 258,000 consumers. Most of it is used to generate the high heat required for electricity generation and industrial processes, and significant volume is used for conversion into petrochemical products. Accordingly, a small number of consumers use most of the gas.

The industrial sector comprises around 1,300 consumers who used approximately 47PJ of gas in 2011. This volume included process gas used by the petrochemical plants, which also consumed 24.4PJ as feedstock gas for conversion into methanol and ammonia/urea.

Commercial and residential consumer groups respectively account for 5.5PJ and 5.7PJ of gas consumption annually. Commercial sector consumers number about 10,000. In addition to a myriad of business consumers – ranging from restaurants and hotels to horticultural greenhouses and dry cleaners - they include community amenities like hospitals, public swimming pools and schools. There are over 247,000 residential consumers.

**Figure 4: Gas Use by Consumer Group 2011**



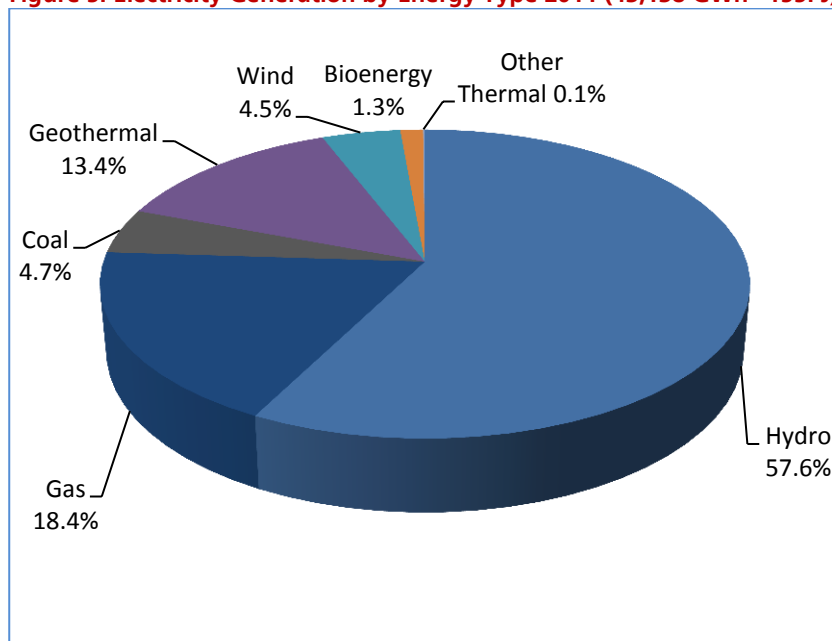
Source: 2011 Energy Data File

## 2.3 Electricity Generation

Gas use for electricity generation commenced in 1976 when the New Plymouth power station, originally built to run on fuel oil, was converted to dual oil/Kapuni gas operations. It was further converted in 1979 to run on Maui gas. The New Plymouth station was decommissioned in 2007 and today the main gas-fired generators are Contact Energy (Otahuhu B, Taranaki Combined Cycle, and Stratford peaker plant), Genesis Power Limited (Huntly, including the e3p combined cycle plant), Mighty River Power (Southdown), and a newly-constructed peaker plant associated with Todd's McKee field.

In 2011, electricity generation demand accounted for over 70PJ of total gas use. In turn, 18.4 percent of total electricity generation was from gas-fired power plants (**Figure 5**). These numbers contrast with the previous year, when a greater call on thermal generation saw 51 percent of gas production being used for electricity generation and 21 percent of electricity generation coming from gas-fired plants.

**Figure 5: Electricity Generation by Energy Type 2011 (43,138 GWh –155PJ)**



Source: 2011 Energy Data File

Record high geothermal generation and good hydro flows enabled New Zealand to generate 77 percent of its electricity from renewable sources in 2011 – the third highest in the OECD and the highest renewables percentage in New Zealand since 1996. New Zealand continues to expand its renewables capabilities, and electricity demand overall is expected to grow by an average of slightly more than 1 percent a year to 2030.

## 2.4 An Ongoing Role for Gas

Gas figures strongly in New Zealand’s future energy supply expectations, underscoring electricity supply security, and as a direct source of energy in industry and homes (see also **New Zealand Energy Strategy, Page 18**). Gas is a factor in key electricity generation scenarios<sup>19</sup>, although there is significant uncertainty over the precise make-up of New Zealand’s future electricity supply. A number of factors could shift it towards, or away from, particular technologies including:

- exchange rates and steel prices, which affect the capital cost of constructing new plants, especially renewables.
- the effect of fuel and carbon prices on the cost of running thermal plants.
- future gas reserves to underpin long-term supply contracts for new gas-fired power stations.

Reference scenarios<sup>20</sup> assume annual electricity demand growth of 1.2 percent to 2030. They envisage over that timespan:

- the installed capacity of geothermal and wind generation will each increase by about 850MW.
- there will be a net 390MW increase in gas baseload capacity.

<sup>19</sup> MBIE: *New Zealand’s Energy Supply Outlook 2011 – Reference Scenario and Sensitivity Analysis*, available at [www.med.govt.nz/sectors-industries/energy/pdf-docs-library/energy-data-and-modelling/modelling/energy-outlook/Energy%20Outlook%202011.pdf](http://www.med.govt.nz/sectors-industries/energy/pdf-docs-library/energy-data-and-modelling/modelling/energy-outlook/Energy%20Outlook%202011.pdf) at\_download/file

<sup>20</sup> New Zealand Energy Outlook 2011

- a large plant is built in Auckland in 2026.
- all existing gas stations are refurbished and remain in operation<sup>21</sup>.
- 600MW of gas and diesel peaker stations are built to replace the dry year backup role of aging units at the Huntly power station, and provide backup for wind generation.

A 2012 study<sup>22</sup> concludes that, as a direct use fuel, gas is an efficient, cost-competitive option for home energy and industrial heat applications. Its main findings are that:

- Instant (or continuous) gas water heating is the most cost-effective energy option in the majority of cases, even if a home doesn't already have a gas connection, because of its low capital cost, and cheaper energy price (compared with electricity).
- while the best space heating options vary significantly depending on house size, insulation, geographic location and consumers' heating preferences, gas is highly competitive with heat pumps, especially if gas is already connected for water heating.
- for new industrial boiler requirements, gas units are currently significantly cheaper than coal and biomass options. An investment in gas boilers is unlikely to become uneconomic unless there is a substantial shift in relative coal and gas prices - a prospect that appears unlikely in the near-to-medium future – and carbon dioxide prices remain low.

LPG provides the same quality advantages as natural gas. Although generally not as cost-effective as natural gas in many North Island centres, it offers a competitive alternative in the South Island and parts of the North Island where there is no natural gas reticulation.

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<sup>21</sup> Comments by major generators subsequently have indicated this may not be the case. For example, a unit at the Huntly power station was closed in December 2012, and a second is likely to close in 2014. However, other capacity is being added, such as Todd Energy's 100MW peaker plant, and Todd's intention to build a second similar plant.

<sup>22</sup> Concept Consulting: *Consumer Energy Options: An Evaluation of the Different Fuels and Technologies for providing Water, Space and Process Heat*, 12 November 2012 available at [www.gasindustry.co.nz](http://www.gasindustry.co.nz)

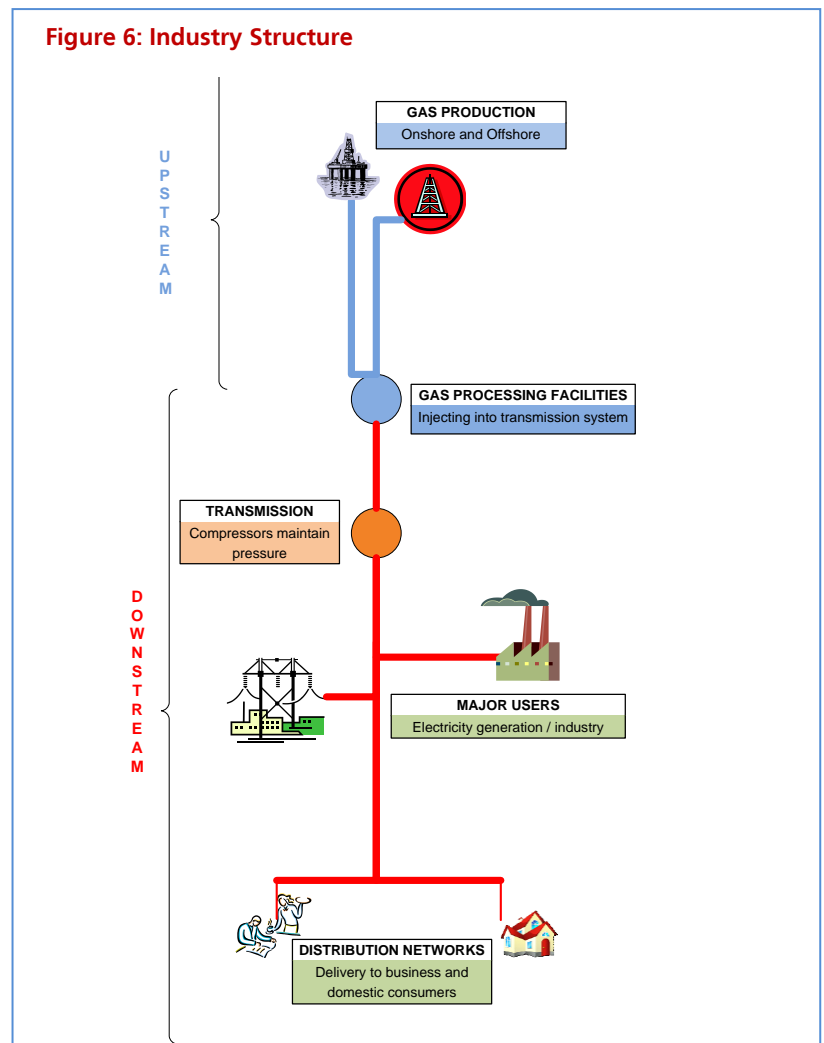


## 2.5 Gas Industry Structure

New Zealand has a conventional gas industry structure (**Figure 6**), with an upstream exploration and production sector, and a downstream sector comprising high pressure (transmission) and lower pressure (distribution) transportation, and wholesale and retail markets. Some large users, notably power stations, petrochemical producers and dairy factories and timber processing plants, are supplied directly from the high pressure transmission pipelines.

Relatively small by international standards – but nonetheless significant in the New Zealand energy market context – the gas industry in New Zealand has a concentration of participants, many of them with interests at more than one level of the value chain. One participant, Todd Energy, has integrated activities from upstream exploration and production, through private pipeline ownership, to wholesale and retail sales.

Industry participants and their operational interests are set out in **Figure 7**.



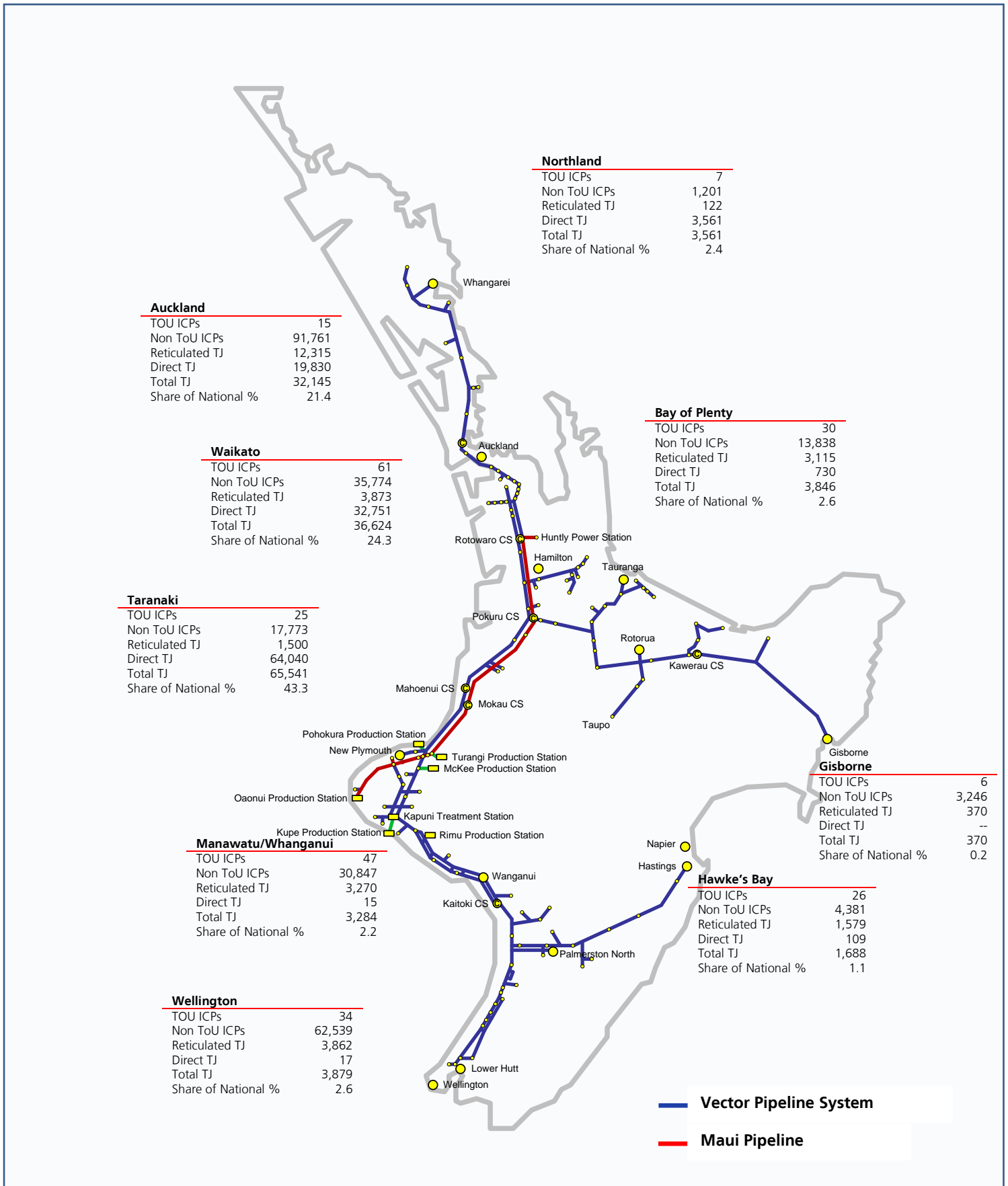
**Figure 7: Industry Participants**

Major Fields % Net Production	McKee 1.3%	Mangahewa 2.9%	Maui 21.4%	Kupe 12.9%	Kapuni 10.1%	Ngatoro 0.4%	Kowhai 2.9%	Turangi 3.2%	Pohokura 44.6%	Rimu/ Kauri 0.3%
<b>Producers</b>	Todd Taranaki		Shell 83.75% OMV 10% Todd Energy 6.25%	Origin Energy 50% Genesis Energy 31% NZOG 15% Mitsui E&P 4%	Shell 50% Todd Energy 50%	Greymouth Petroleum 100%			Shell 48% Todd Energy 26% OMV 26%	Origin Energy 100%
	Operator: Todd Energy		Operator: Shell Todd	Operator: Origin	Operator: Shell Todd	Operator: Greymouth			Operator: Shell	Operator: Origin
<b>Wholesalers</b>	Vector			Todd Energy		Contact Energy			Greymouth Petroleum	
<b>Transmitters</b>	Vector					Maui Development				
<b>Distributors</b>	Vector			Powerco		GasNet (part of Wanganui Gas)			Nova (part of Todd Energy)	
<b>Retailers</b>	Genesis Energy	Energy Online (Part of Genesis)	Nova Energy (part of Todd Energy)	Bay of Plenty Energy (part of Todd Energy)	Contact Energy	Energy Direct NZ (part of Wanganui Gas)	Greymouth	OnGas (part of Vector)	Mercury Energy (part of Mighty River Power)	
<b>Consumers</b>	<b>Electricity generators:</b> Contact Energy Genesis Power Mighty River Power			<b>Direct supply large consumers, including:</b> Methanex (methanol) Ballance Agri-Nutrients (ammonia/urea) New Zealand Steel Carter Holt Harvey Degussa Peroxide Fonterra Refining NZ Tasman Pulp and Paper			<b>Reticulated consumers:</b> Other industrial Commercial Community amenities Residential Transport (as CNG)			

Source: 2011 Energy Data File

On 1 November 2012, Bay of Plenty Energy changed its name to Nova Energy, which is now Todd Energy's sole retail brand.

**Figure 8: Gas Use by Region**

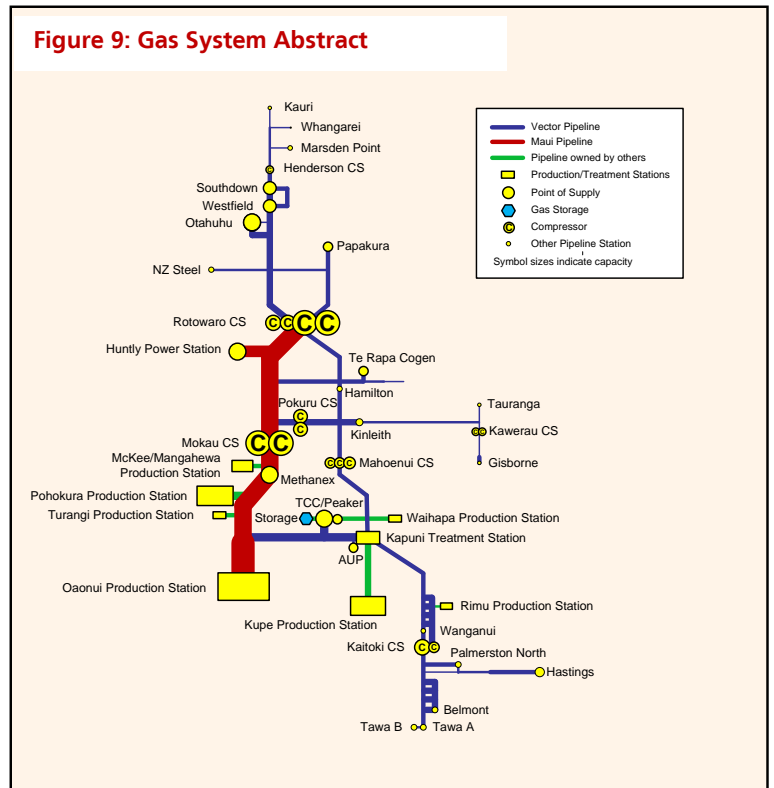


Source: 2011 Energy Data File, Gas Registry 2012

## 2.6 Regional Consumption

By region (**Figure 8**), Taranaki has the highest gas consumption, by virtue of hosting the large gas-based petrochemical plants – Methanex and Ballance Agri-Nutrients – gas fired power plants and a substantial dairy factory near Hawera. Large industrial loads are also located in Waikato (Huntly power station, Te Rapa cogeneration plant, dairy processing), Bay of Plenty (dairy and timber processing), Auckland (Southdown and Otahuhu power stations, Glenbrook steel plant) and Northland (dairy processing and the Marsden Point oil refinery).

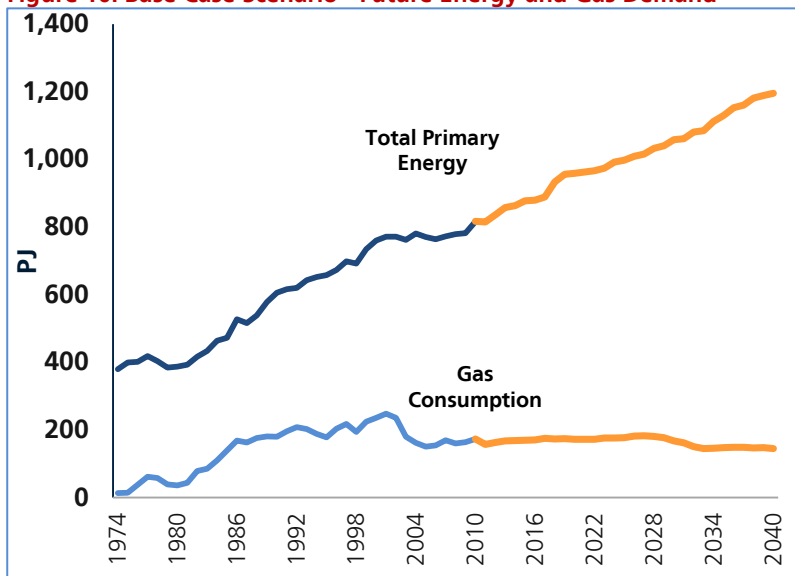
An abstract schematic of onshore gas injection, transmission and major offtake points is shown in **Figure 9**.



## 2.7 Gas Supply and Demand

As globally, continued energy demand growth is expected in New Zealand, consistent with economic growth policies. However, the New Zealand Energy Supply Outlook 2011 base case scenario envisages little change to the current gas market size out to 2040 (**Figure 10**).

**Figure 10: Base Case Scenario - Future Energy and Gas Demand**



Sources: 2011 Energy Data File; New Zealand's Energy Outlook 2011 (reference scenario)

Beyond this base case, a number of broad factors - including the size and location of future discoveries, as well as comparable energy costs - will determine the actual role gas will play in New Zealand's energy future. The New Zealand gas market is isolated and, while gas is transported between international markets in other parts of the world by pipe or as LNG (liquefied natural gas), New Zealand does not currently have natural gas importation capability - although it is able to import LPG. Government scenarios include gas exports following a significant new find, or imports to address any supply shortage.

On the supply side, New Zealand's reserves-to-production trend has strengthened in recent years. Following a period in the early 2000s when the supply horizon dipped to around six years, it has since recovered to its previous trend of around 11 years

Gas use trends (**Figure 11**) have been largely influenced by the varying requirements of the predominant demand sources – electricity generation and petrochemical production. In particular, methanol production (Methanex) has acted as a swing user, lowering or increasing output during times of reserves reduction or growth, the New Zealand gas price compared with other countries with competing methanol facilities, and the international methanol price itself.

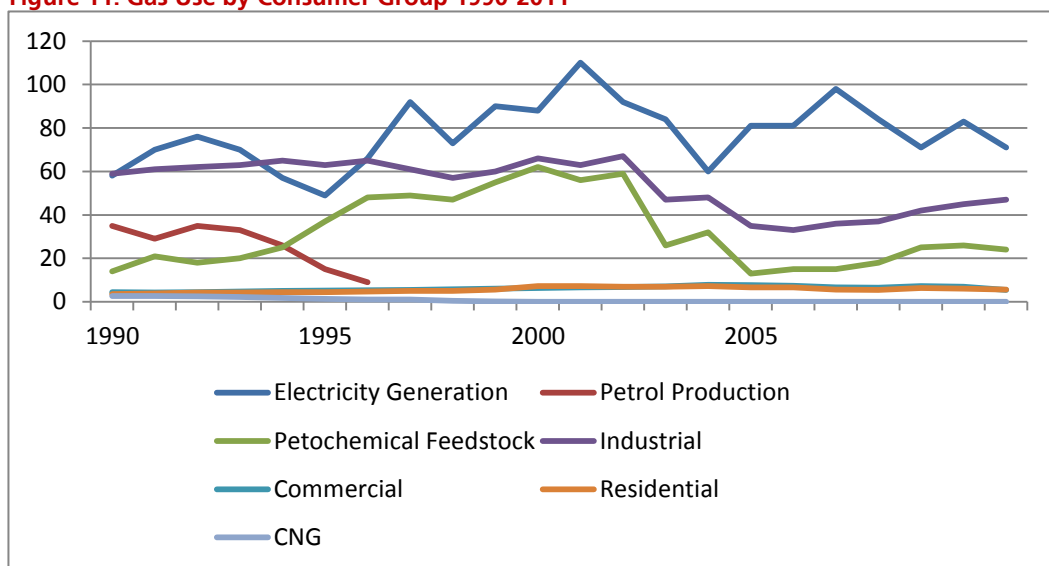
Feedstock gas for methanol production has consequently fluctuated significantly in the past decade. In 2004, the two production trains at Methanex' Motunui methanol plant were shut down, and the company produced only from its Waitara Valley plant. Four years later, Methanex recommissioned one of those trains and closed its Waitara Valley plant. This period of reduced feedstock gas uptake also impacted on the volume of gas – recorded as industrial usage – that these plants separately use for their operational processes.

With an improving reserves outlook and a favourable New Zealand gas price, Methanex reached a 10-year supply agreement with Todd Energy in 2012, under which Todd is further developing and expanding its Mangahewa field gas production capability, and Methanex has restarted the second Motunui production train. Methanex is also contemplating recommissioning of the Waitara Valley plant. The increase in Methanex' demand has attracted some comment about its possible impact on the industry, including whether it could displace other uses for the gas. However, there is no question that the presence of Methanex enhances the domestic market attraction to explorers and – as demonstrated by the arrangement with Todd Energy – it has been successful in unlocking a prospect in a way that others have not been able to achieve. Given the costs of field development, Methanex represents a load that can underpin the market and assist Government objectives to incentivise upstream exploration and development investment.

These developments, and the trend towards a peaking rather than baseload function for gas-fired electricity generation, raise the prospect of methanol production moving from a swing to market setting role.

CNG, which reached a demand peak of 5.8PJ in 1985 as an alternative transport fuel to reduce New Zealand's reliance on imported oil, now barely registers on the usage scale at only 0.05PJ/year. The North-Island wide refuelling network, comprising over 200 outlets, disappeared as CNG use rapidly declined with the removal of subsidies in 1986.

**Figure 11: Gas Use by Consumer Group 1990-2011**



Source: 2012 Energy Data File

Significant events affecting the gas use trends:

- 1996 Southdown power station commissioned
- 1996 Methanex Motunui plant, originally designed to convert crude methanol into petrol, reconfigured to produce chemical grade methanol. Petrol production ceases.
- 1999 Te Rapa cogeneration plant commissioned
- 2000 Otahuhu B power station commissioned
- 2004 (March) First Motunui methanol train shut down.
- 2004 (November) Second Motunui methanol train shut down
- 2007 Southdown power station expanded with third gas turbine
- 2008 Second Motunui methanol train restarted (first train remains shutdown)
- 2008 Waitara Valley methanol plant shut down
- 2011 Contact Energy Stratford peaker plant commissioned
- 2012 Todd Energy McKee peaker plant commissioned
- 2012 Methanex resumes two-train operations

Concept Consulting Group's study of gas supply and demand scenarios to 2027<sup>23</sup> is aimed at helping industry players and large consumers in their energy investment decisions.

Key findings from the report include:

### Gas supply

- New Zealand's gas supply position appears potentially stronger than it has been for many years, driven by the highest level of exploration effort seen for a long time, which in turn is underpinned by high oil prices. Explorers' focus remains predominantly on oil, but as gas and oil are typically found together there are strong potential gas supply-side benefits from the current exploration efforts.
- The physical availability of gas to industrial, commercial and residential consumers is likely to be assured for the foreseeable future. To the extent uncertainty exists, it revolves around the gas price.

<sup>23</sup> Concept Consulting Group: *Gas Supply and Demand Scenarios 2012-2027*, December 2012 (available at [http://gasindustry.co.nz/sites/default/files/consultations/254/gas\\_supply\\_and\\_demand\\_study\\_v2.pdf](http://gasindustry.co.nz/sites/default/files/consultations/254/gas_supply_and_demand_study_v2.pdf))

### *Gas demand*

- long-term gas demand in New Zealand is likely to vary significantly according to different price scenarios - ranging from 250PJ/year in the low price scenario down to 75PJ/year in the high price scenario.
- the sectors most sensitive to changes in wholesale gas prices - and therefore where main changes in gas demand occur - are petrochemical manufacturing (especially methanol production) and power generation. Gas demand for industrial, commercial and residential users is predicted to be relatively steady across different scenarios, reflecting the relatively strong competitive position of gas against alternative forms of energy.

## 3 Government Policy Framework

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The gas industry is subject to a range of Government policy measures, which are designed to ensure the development and delivery of gas in a safe, efficient, reliable and sustainable manner. The industry is meeting many of those objectives. Where it isn't, programmes are in train to address outstanding policy and industry operations issues.

All aspects of the industry, from drilling exploratory wells to the installation of a gas hob in the kitchen, are subject to a form of regulatory oversight. The governance regime involves a variety of regulatory bodies and continues to evolve. Identified issues are addressed through regulated and non-regulated solutions. Among the more significant matters currently occupying industry attention is a new price-quality regime for gas transmission and distribution pipeline owners developed by the Commerce Commission, and to take effect from 1 July 2013.

In the past four decades, the approach of various Governments in the oil and gas sector has transitioned from direct financial involvement, to divestment of those direct interests and, ultimately, oversight of the now privately-owned industry through policy directives and regulation. **Regulatory Framework, Page 24** sets out the regulations and the regulatory bodies governing the industry.

Key policies and objectives for the upstream and downstream sectors of the gas industry are contained in the:

- New Zealand Energy Strategy
- National Infrastructure Plan
- Petroleum Action Plan
- Gas Act 1992 and the 2008 Government Policy Statement on Gas Governance (GPS)
- Part 4 of the Commerce Act

### 3.1 New Zealand Energy Strategy

The New Zealand Energy Strategy 2011-2021 (NZES) ([www.med.govt.nz/sectors-industries/energy/pdf-docs-library/energy-strategies/nzes.pdf](http://www.med.govt.nz/sectors-industries/energy/pdf-docs-library/energy-strategies/nzes.pdf)) details the Government's overall policy aims for the energy sector, and confirms the development of New Zealand's petroleum and minerals resources as a key element in wider economic growth objectives. The policy aim is for 'New Zealand to make the most of its abundant energy potential through the environmentally responsible development and efficient use of the country's diverse energy resources.' The NZES calls for balanced development of New Zealand's energy resources to best position New Zealand for a higher economic growth, lower-emissions future.

It establishes four priorities:

- diverse resource development
- environmental responsibility
- efficient use of energy
- secure and affordable energy



On gas specifically, the NZES comments:

*'Gas is an important feedstock for electricity generation. It is also an important direct source of energy in industry and homes. As the gas and LPG markets continue to develop, it is important to ensure reliable infrastructure and competitive markets as gas has an important role to play in New Zealand's overall energy mix.'*

The NZES discusses the need to develop a mix of energy options, both renewable and non-renewable, to ensure delivery of New Zealand's broader economic development interests, and the need to strike a balance between protecting the environment and economic development.

Renewables, energy efficiency and reducing greenhouse gas emissions are fundamental to the strategy. A companion strategy, the New Zealand Energy Efficiency and Conservation Strategy document ([www.med.govt.nz/sectors-industries/energy/pdf-docs-library/energy-strategies/nzeecs.pdf](http://www.med.govt.nz/sectors-industries/energy/pdf-docs-library/energy-strategies/nzeecs.pdf)) is specifically focused on the promotion of energy efficiency, energy conservation and renewable energy.

The NZES recognises the importance of the petroleum industry, and what is at stake if New Zealand should see a major reduction in a fuel that makes such a substantial contribution to its primary energy supply. It notes the further development of petroleum resources, already a significant export industry, has the potential to create more skilled jobs, and earn substantial royalty and tax revenues.

To develop New Zealand's energy potential, the NZES considers it vital that New Zealand has world-class environmental regulation for oil and gas exploration, production and transportation<sup>24</sup>.

## 3.2 National Infrastructure Plan

The National Infrastructure Plan (<http://www.infrastructure.govt.nz/plan/2011>) is designed to reduce uncertainty for businesses by outlining the Government's intentions for infrastructure development over a 20-year timeframe. It presents a framework for infrastructure development, rather than a detailed list of projects, and envisages that, by 2030, New Zealand's infrastructure will be resilient, co-ordinated and contributing to both economic growth and increased quality of life.

The Plan's overall message is that New Zealand's infrastructure is performing well, but there are areas where improved performance would accelerate economic performance. One stated success factor is that there will be increased domestic production of oil and gas.

In respect of gas, the Plan includes the Government's vision for energy infrastructure - that the infrastructure will support diverse sources of reliable and renewable energy at competitive prices - and the Government's goals for energy infrastructure<sup>25</sup>.

It highlights that gas infrastructure has been highly reliable, but that capacity constraints on Vector's North Pipeline, serving Auckland and Northland, results in periods where the oil refinery at Marsden Point, Whangarei, 'does not receive as much gas as is optimum, and meaning that no new major load can be added in this area under current contractual arrangements without major new investment'.

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<sup>24</sup> The Government passed the Exclusive Economic Zone and Extended Continental Shelf Act in September 2012 to help achieve this.

<sup>25</sup> The goals for energy infrastructure are to 'promote and develop the country's renewable energy resources, encourage investment in petroleum exploration and production, facilitate swift uptake of new energy technologies, ensure secure and resilient supplies of all major forms of energy, improve energy efficiency for homes, businesses and transport systems, and ensure best-practice environmental management for energy projects, including reducing emissions.

The Government does directly fund energy infrastructure - for example as it does for roads - but with energy infrastructure relies on a combination of private company investment and its own significant involvement through state owned enterprises in the energy sector, including state-owned electricity 'gentailers'<sup>26</sup>, the national grid owner, Transpower, and Solid Energy, which is involved primarily in coal mining. No state owned enterprise is involved with gas infrastructure, and the Plan does not envisage any direct Government investment in gas infrastructure, noting:

*'Investment decisions in gas infrastructure are entirely private...There is an expectation that private sector investment will continue to meet the country's ongoing demand requirements.'*

The reliance on private sector investment in turn raises the importance of:

- having a clear and practical path of such investment.
- a regulatory regime that takes account of 'public benefit'. The rollout of the broadband project in New Zealand is an example of how the Government can intervene where these criteria are not met.

It also notes that industry participants, groups of end-users and the industry co-regulator Gas Industry Co are working to resolve the capacity issues and assess the need for new investment. This is further discussed in **Gas Transmission, Page 75**.

Annual State of Infrastructure reports are produced by the National Infrastructure Advisory Board and the National Infrastructure Unit of The Treasury. *Infrastructure 2012: National State of Infrastructure Report* ([www.infrastructure.govt.nz/plan/2011implementation/2012report/nsir-nov12.pdf](http://www.infrastructure.govt.nz/plan/2011implementation/2012report/nsir-nov12.pdf)) also records the work towards finding short and longer-term solutions to transmission capacity issues, as well as the challenge of providing an appropriate level of energy supply resilience, which gained an increased profile by a Maui pipeline outage in October 2011.

### 3.3 Petroleum Action Plan

The Government released its Petroleum Action Plan (<http://www.med.govt.nz/sectors-industries/natural-resources/oil-and-gas/petroleum-action-plan>) in 2009 to assist the development of New Zealand's petroleum resources and maximise the gains from the responsible development of New Zealand's petroleum resources. The Plan's actions build on prior work of the Government, ongoing management of the Crown's petroleum estate, and initiatives such as the Government's seismic data acquisition programme. It is discussed in more detail in **Exploration and Production, Page 41**.

### 3.4 Gas Act and Government Policy Statement on Gas Governance 2008 (GPS)

The Government's policy objectives for the gas sector are set out primarily in the Gas Act 1992 ([www.legislation.govt.nz/act/public/1992/0124/latest/DLM285412.html](http://www.legislation.govt.nz/act/public/1992/0124/latest/DLM285412.html)) and the GPS<sup>27</sup> ([www.med.govt.nz/sectors-industries/energy/pdf-docs-library/gas-market/government-policy-statement-on-gas-governance-2008.pdf](http://www.med.govt.nz/sectors-industries/energy/pdf-docs-library/gas-market/government-policy-statement-on-gas-governance-2008.pdf))

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<sup>26</sup> Companies that are engaged in both electricity generation and energy retailing activities.

<sup>27</sup> The Government issued its first GPS in 2003. This was revised and updated in October 2004 to coincide with amendments to the Gas Act that provided for a co-regulatory model of gas governance and the establishment of an industry body to recommend improved gas industry arrangements. The GPS was again revised in 2008 to reflect policy directions set out in the 2007 New Zealand Energy Strategy.

Together, the Gas Act and GPS establish an umbrella policy objective for gas ‘to be delivered in a safe, efficient, fair, reliable and environmentally sustainable manner’. Other policy objectives of the Gas Act<sup>28</sup> include:

- the facilitation and promotion of the ongoing supply of gas meets New Zealand’s energy needs, by providing access to essential infrastructure and competitive market arrangements.
- barriers to competition in the gas industry are minimised.
- incentives for investment in gas processing facilities, transmission and distribution, energy efficiency and demand-side management are maintained or enhanced.
- delivered gas costs and prices are subject to sustained downward pressure.
- risks relating to security of supply, including transport arrangements, are properly and efficiently managed by all parties.
- consistency with the Government’s gas safety regime is maintained.

Further objectives and outcomes the Government wants to be taken into account in recommendations for rules or regulations, are established by the 2008 GPS, and include that:

- energy and other resources used to deliver gas to consumers are used efficiently.
- competition is facilitated in upstream and downstream gas markets by minimising barriers to access to essential infrastructure to the long-term benefit of end-users.
- the full costs of producing and transporting gas are signalled to consumers.
- the quality of gas services where those services include a trade-off between quality and price, as far as possible, reflect customers’ preferences.
- the gas sector contributes to achieving the Government’s climate change objectives as set out in the NZES, by minimising gas losses and promoting demand-side management and energy efficiency.

The GPS also notes the need for sound arrangements for the management of any critical gas contingencies and the Government’s expectations for consumer benefits.

### 3.5 Commerce Commission – Economic Regulation

Commerce Act 1986 regulation of gas pipelines is designed to ensure that suppliers of natural monopoly services<sup>29</sup> have similar incentives and pressures as they would have if operating in a competitive market. The regulatory provisions of Part 4 of the Commerce Act 1986 aim to ensure that such businesses are incentivised to keep prices down and have limited ability to extract excessive profits, while also being incentivised to innovate and invest, improve efficiency, and provide goods or services at a quality that reflects consumer demands.

Some regulation of pipeline services under the Commerce Act has been in place since 2005 for Powerco and certain pipelines owned by Vector. Amendments made to the Commerce Act in 2008 extended the scope of the regulation to include all open access pipelines.

In July 2005 as a result of the Commerce (Control of Natural Services) Amendment Order 2005, price control was imposed over the gas distribution pipelines of Powerco, and Vector’s distribution pipelines in Auckland, with significant impact on the distribution services market. For example, the first provisional authorisations required Powerco to ensure that its average price for controlled services as at 1 October 2005 was at least 9 percent

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<sup>28</sup> Section 43ZN

<sup>29</sup> Includes electricity lines, gas pipelines and airports. The regulatory regime for telecommunications is embodied in the Telecommunications Act 2001.

lower than the average price charged at 30 June 2005. For Vector the average price as at 1 October 2005 had to be at least 9.5 percent lower than the average price charged at 30 June 2005. The authorisation also provided for the monitoring of service quality. A final authorisation, made on 30 October 2008 and expiring on 30 June 2012 required further price decreases of 11.1 percent for Powerco, and 3.7 percent for Vector.

At the time of issuing the 2005 Order, the Minister of Energy announced that a thresholds regime (similar to that under Part 4A of the Commerce Act for electricity lines businesses) would be introduced for all gas pipeline businesses. Regulation for all gas pipeline businesses was subsequently introduced via the Commerce Amendment Act 2008 and resulted in significant changes to the scope and role of the Commission in regulating gas pipeline services. The 2008 regime applies to three gas distribution businesses - GasNet, Powerco and Vector - and two gas transmission businesses, Maui and Vector. The Commerce Amendment Act also made amendments to the regulation of electricity lines services and airport services.

Since 2008 the Commission has been developing the regulatory framework for gas pipelines. This has involved setting input methodologies, information disclosure requirements, and default price-quality paths, and the Commission released various papers<sup>30</sup> discussing details of its Part 4 work.

In February 2013, the Commission released its final decision<sup>31</sup> on the first default price-quality paths for gas pipeline services. These set the maximum prices and minimum standard of quality that gas pipeline businesses must comply with from 1 July 2013. The overall price adjustments from that date are a 2 percent increase for Gas Net's distribution business, a 4 percent increase for Powerco distribution, a 1.2 percent reduction for the Maui transmission pipeline, and reductions of 18 percent and 29.5 percent respectively for Vector's distribution and transmission services. The Commission limited future price increases to no more than the rate of inflation from 2014 to 2017.

The Commission notes that in setting the price-quality paths it sought to achieve a balance between providing incentives for suppliers to invest in their infrastructure services, and ensuring that customers are charged prices that are better aligned with the cost of the services they receive.

### *Input Methodologies*

The purpose of input methodologies is to promote certainty for suppliers and consumers in relation to the rules, requirements, and processes applying to the regulation. Input methodologies had to be applied to information disclosure and price-quality regulation, and they include matters such as the valuation of pipeline assets, the allocation of costs, treatment of taxation, and cost of capital. They also set the rules and processes for customised price-quality paths.

The input methodologies were determined in December 2010 and were subsequently the subject of extensive litigation<sup>32</sup>. As well as two judicial reviews, the input methodologies were subject to merits reviews that were heard in the High Court in February 2013. This series of litigation delayed final decisions on the default price-quality path settings<sup>33</sup>. Changes to the information disclosure requirements or default price-quality paths may be

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<sup>30</sup> Available at [www.comcom.govt.nz/initial-default-price-quality-path/](http://www.comcom.govt.nz/initial-default-price-quality-path/)

<sup>31</sup> *Commerce Commission sets prices and quality standards for gas pipeline services*, Media Release, 28 February 2013 <http://www.comcom.govt.nz/media-releases/detail/2013/commerce-commission-sets-prices-and-quality-standards-for-gas-pipeline-services>

<sup>32</sup> In September 2012, as the result of a September 2011 High Court decision, the Commission redetermined the input methodologies to specify how asset valuation, tax and cost allocation apply to default price-quality paths.

<sup>33</sup> See *Commerce Commission v Vector Limited* [2012] NZCA 220 for the Court of Appeal decision. There was also an earlier High Court decision on the process for determining input methodologies. In each case the Commission has updated its processes in light of the Court's decisions. For example, the Court of Appeal concluded the Commission was not required to determine a stand-alone starting price input methodology, which the High Court had directed the Commission to determine. The Court of Appeal finding in favour of the Commission was subsequently confirmed by the Supreme Court of New Zealand, see *Vector Limited v Commerce Commission* SC 46/2012 [2012] NZSC 99]

required depending on the outcome of the merits reviews. The input methodologies must be reviewed within seven years of publication.

### *Price-Quality Regulation*

Under Part 4 of the Commerce Act, all suppliers of gas pipeline services are subject to either a default price-quality path or a customised price-quality path. The 'default' path is the generic form of regulation, which applies to all gas pipelines over the regulatory period (four to five years).

If a gas pipeline business considers the 'default' path does not meet the needs of its business, it can apply for a customised path, which has the same key components as the default path, but uses information more specific to the particular pipeline business. Following the expiry of a customised path the business will move back to the default path, but may apply for a new customised path.

Under this form of regulation each pipeline business is set a maximum price, which is only allowed to increase broadly in line with inflation over the regulatory period<sup>34</sup>. There are substantial penalties<sup>35</sup> for non-compliance.

Key aspects of the price-quality regime relate to:

- the maximum prices that transmission and distribution pipelines may charge for pipeline services.
- the maximum annual rate of change for those prices.
- the minimum service standards that must be met.

### *Gas Information Disclosure*

The Commission has also developed the information disclosure requirements<sup>36</sup> under Part 4 of the Commerce Act to apply to regulated gas pipeline businesses<sup>37</sup>. This information disclosure regime, which was put in place in October 2012, replaced the Gas (Information Disclosure) Regulations 1997 administered by MBIE. The new requirements include improved information on network management, assets, expenditure, prices and quality. They also include, for the first time, disclosures by gas pipeline businesses on how they manage their networks, including the disclosure of asset management plans.

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<sup>34</sup> As well as an inflationary increase an adjustment based on the expected productivity of the industry as a whole is also factored into the annual rate of adjustment.

<sup>35</sup> Part 6 of the Commerce Act

<sup>36</sup> Available at [www.comcom.govt.nz/gas-information-disclosure/](http://www.comcom.govt.nz/gas-information-disclosure/)

<sup>37</sup> Namely Maui Development Limited, Vector Limited, Powerco Limited and GasNet Limited.

## 4 Regulatory Framework

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The gas industry is becoming increasingly regulated. All aspects of the market, from wellhead to end user, are subject to some form of regulatory oversight. This chapter provides a snapshot of the regulatory entities and key governance frameworks that apply to the industry.

### 4.1 Evolution of Regulatory Frameworks

In the two decades since 1990, the regulatory framework is turning full circle – at least for gas transportation services. Significant changes implemented with the new Gas Act in 1992 ushered the industry away from price controls and protected retail franchises into a deregulated era and the opening of competitive gas markets.

Now, 20 years later, with the Government having re-imposed price control over some pipeline owners, the Commerce Commission is moving to formalise a new price and quality control regime on gas transmission and distribution services. Gas wholesaling, retailing and metering services, however, remain a non-regulated market activity.

The new regime introduced in 1992 was billed as an age of ‘light-handed’ regulation, founded on transparency through information disclosure<sup>38</sup> and governed primarily by restrictions on anti-competitive practices (legislated in the Commerce Act), protections against misleading and deceptive conduct in trade (Fair Trading Act) and safety obligations in the Gas Act. The underlying policy assumption at the time was that commercial forces and market competition would ensure appropriate investment in the network and deliver positive outcomes for consumers. In addition, soon after this, a generally applicable piece of consumer protection legislation – the Consumer Guarantees Act - was passed to ensure that core warranties were provided to consumers.

Towards the end of the 1990s, as Maui gas reserves declined and the industry faced transition to a wider range of gas resources, it became increasingly apparent that additional governance measures were required. Moreover, as retail competition intensified, new issues - such as customers switching between retailers, and arrangements for managing supply outages - were also starting to emerge.

The industry took steps towards self-governance. An industry group – known as ‘Gas House’ – was formed in 1995 with voluntary membership from industry participants, including suppliers, pipeline owners and consumers. A key piece of work by the group was the development of the Pipeline Code in 1998, which set out the principle terms for pipeline access. The Pipeline Access Code later gave way to specific codes for the Maui and Vector transmission pipelines.

The industry also introduced a Reconciliation Code for allocating gas between the retailers trading on a given distribution network, and an industry protocol to manage serious supply disruptions<sup>39</sup>.

The Commerce Commission found some merit in the arrangements, but it was not altogether happy. Its views<sup>40</sup> included:

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<sup>38</sup> The Gas (Information Disclosure) Regulations 1997, available at [www.legislation.govt.nz/regulation/public/1997/0127/latest/DLM234022.html](http://www.legislation.govt.nz/regulation/public/1997/0127/latest/DLM234022.html). These regulations were replaced by a new information disclosure regime implemented in October 2012 by the Commerce Commission.

<sup>39</sup> National Gas Outage Contingency Plan

<sup>40</sup> Decision 387, NGC application to acquire TransAlta New Zealand, 17 March 1997

- as a voluntary, non-binding arrangement, there was no legal compulsion of any person or body in the gas industry to formally support, or to abide by, the provisions of the Pipeline Code.
- the Pipeline Access Code, the Reconciliation Code and the information disclosure requirements represented a basic framework that had the potential to facilitate the development of competition, but the Commission was not confident they were sufficient to ensure sustained competition in the residential market within a reasonable period.
- there were weaknesses in Network Services Agreements (NSA), which governed access, including that their terms prevailed over information memoranda in the event the two were in conflict, or were inconsistent. The NSA applied for an indefinite term, and the dispute resolution process gave the network operator sole discretion to make final decisions in relation to the posted price.

Consequently, together with these industry initiatives, regulatory intervention was progressively introduced as Government-sponsored reviews of the industry uncovered increasingly complex issues. In addition to gas-specific policies, the gas sector is also subject to a mix of general government policies and regulatory frameworks that apply to all commercial operators, a variety of industry agreements and general legal principles.

Regulatory and other arrangements continue to be reviewed in the context of changing market dynamics.

## 4.2 Entities Overseeing Gas Industry Arrangements

A number of entities have an oversight role in respect of the gas industry. These are summarised as follows:

### 4.2.1 Minister of Energy and Resources

The Minister of Energy and Resources has various statutory powers to make a wide range of gas governance rules or to recommend regulations.

### 4.2.2 Ministry of Business, Innovation and Employment (MBIE)<sup>41</sup>

MBIE ([www.med.govt.nz](http://www.med.govt.nz)) has primary responsibility for advising the Minister (and the Government) on gas policy. In respect to gas, it is responsible for:

- the safe supply and use of gas, through Energy Safety (ES).
- all gas governance and industry arrangements.
- the role of gas as a thermal fuel.
- recommendations made by Gas Industry Co.
- the Crown Minerals Act 1991.
- the Gas Act 1992.

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<sup>41</sup> MBIE was established on 1 July 2012, as a new Ministry to assume the responsibilities and functions previously performed by the Ministry of Economic Development (MED), the Ministry of Science and Innovation, the Department of Labour, the Department of Building and Housing, and the Ministry of Consumer Affairs. The organisational structure of the Ministry has yet to be finalised and it is expected to take some time before all websites and documentation reflect the new organisation. Much of the MBIE detail is currently located on the [www.med.govt.nz](http://www.med.govt.nz), [www.consumeraffairs.govt.nz](http://www.consumeraffairs.govt.nz) and [www.nzpam.govt.nz](http://www.nzpam.govt.nz) websites.

MBIE has an ongoing role in policy development and maintenance of the legislation to ensure it remains fit for purpose<sup>42</sup>.

#### 4.2.3 Gas Industry Co (Industry Body and Co-regulator)

The co-regulatory model, in which gas industry governance arrangements are developed in a partnership between industry and the Government, is unique in New Zealand. It mirrored a co-regulatory gas body developed in New South Wales at the time, and was specifically requested by the industry, which argued for a 'right-sized' governance body for the smaller New Zealand gas industry, and a regime that recognised the 'challenger' nature of gas as a discretionary fuel in a highly competitive consumer energy market. It is innovative in that it tasks an industry body with performing much of the policy analysis that would usually be performed by a Ministry.

Essentially, the industry is given the opportunity to develop industry practices, with a back up of the force of law through regulation and the ability of the Minister to step in to counter any hold-out behaviour, or an inability of participants to reach an appropriate, workable arrangement.

The co-regulatory model thus encourages the delivery of industry-led solutions for gas industry reform where practicable, and the recommendation of regulatory arrangements where appropriate. In a technically complex industry, the co-regulatory model allows the industry greater opportunity to be involved in the development of regulatory arrangements.

Its uniqueness was observed in a gas industry review conducted in 2011<sup>43</sup>:

*'The system of co-regulation, with the [Government] and the Gas Industry Company sharing regulatory oversight of the industry, is unique to New Zealand. It does, however, seem to be working. While there might be some fear that the Gas Industry Company becomes a trade association rather than a regulator, this does not seem to be the case and there does not appear to be any cause for concern along these lines.'*

Appointed as the industry body under the Part 4 Gas Act in 2004, Gas Industry Co ([www.gasindustry.co.nz](http://www.gasindustry.co.nz)) is owned by industry shareholders and funded by industry via statutory levies. It is incorporated as a company under the Companies Act 1993 and governed by a Board of Directors, a majority of which (including the Chair) are independent of the industry.

Gas Industry Co's regulatory oversight encompasses the wholesale and retail markets, processing facilities, and the transmission and distribution sectors of the industry. Its jurisdiction also encompasses aspects of the LPG sector<sup>44</sup>. Gas Industry Co's assessment is that there are currently no substantial issues in these LPG markets that warrant regulatory intervention<sup>45</sup>.

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<sup>42</sup> Gas-relevant legislation administered by MBIE includes the Gas Act, Commerce Act, Fair Trading Act, Crown Minerals Act, Plumbers, Gasfitters and Drainlayers Act, and Health and Safety in Employment Act.

<sup>43</sup> New Zealand Institute for the Study of Competition and Regulation Inc: *Policy Considerations for the New Zealand Natural Gas Industry*, Stanford L. Levin and Alfred J.M. Duncan, July 2011

<sup>44</sup> Gas Industry Co's jurisdiction covers the bottled LPG markets and gaseous LPG supplied via reticulated networks. It does not extend to the bottles themselves, the supply and bulk storage of LPG, or to pipelines carrying LPG in liquid form between transport depots and bulk storage facilities.

<sup>45</sup> Gas Industry Co: 2012 Annual Report.



#### 4.2.4 Commerce Commission

As New Zealand's primary competition regulatory agency, the purpose of the Commerce Commission ([www.comcom.govt.nz](http://www.comcom.govt.nz)) is to achieve the best possible outcomes in competitive and regulated markets for the long-term benefit of New Zealanders.

The Commission is an independent Crown entity established under section 8 of the Commerce Act 1986, and is not subject to direction from the Government in carrying out its enforcement and regulatory control activities.

As the Commission and Gas Industry Co have some overlap of jurisdiction in respect of gas pipeline services, the two entities entered into a Memorandum of Understanding (MoU) in August 2011 that sets out how they will coordinate their respective roles under the Gas Act and the Commerce Act<sup>46</sup>.

#### 4.2.5 Electricity and Gas Complaints Commissioner

The Electricity and Gas Complaints Commissioner (EGCC- [www.egcomplaints.co.nz](http://www.egcomplaints.co.nz)) provides a free and independent complaints resolution process for small gas consumers. Originally established as an unincorporated joint venture of a number of electricity retailers committed to a common dispute resolution scheme, the EGCC was approved by the Minister of Energy and Resources as the consumer complaints resolution scheme for the electricity and gas industries on 1 April 2010. This is an outcome of a GPS policy objective for all small gas consumers to have effective access to a free and independent complaints resolution system, and a Government expectation that consumers' best interests are served by a joint gas and electricity scheme. Further information on the EGCC can be found under **Retail Market, Page 118**.

#### 4.2.6 Standards New Zealand

Standards New Zealand ([www.standards.co.nz](http://www.standards.co.nz)) is the operating arm of the Standards Council, an autonomous Crown entity established under the Standards Act 1988. Standards New Zealand publishes 'New Zealand Standards', which prescribe specifications for products, processes, services, and performance, including for the gas industry.

#### 4.2.7 Environmental Agencies

There are a number of agencies with an environmental focus whose functions and operations impact on the gas sector. They include:

- Government departments which advise Government and implement Government policy:
  - Ministry for the Environment (MfE - [www.mfe.govt.nz](http://www.mfe.govt.nz)) which advises on environmental laws, policies, standards and guidelines, including providing advice on the Resource Management Act 1991 (RMA).
  - Department of Conservation ( [www.doc.govt.nz](http://www.doc.govt.nz)), which has an oversight and advisory role in respect of any pipelines running through the conservation estate.
- Statutory Crown Entities that perform regulatory functions, such as:
  - Energy Efficiency and Conservation Authority (EECA - ([www.eeca.govt.nz](http://www.eeca.govt.nz)), established under the Energy Efficiency and Conservation Act 2000 and subject to the Crown Entities Act 2004. EECA encourages, promotes and supports energy efficiency, energy conservation and the use of renewable energy sources.

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<sup>46</sup> The MOU is available at [http://gasindustry.co.nz/sites/default/files/u254/com\\_com\\_and\\_gic\\_mou\\_173247\\_0.pdf](http://gasindustry.co.nz/sites/default/files/u254/com_com_and_gic_mou_173247_0.pdf)

- Environmental Protection Authority (EPA - [www.epa.govt.nz](http://www.epa.govt.nz)), established as a Crown Agent under the Environmental Protection Authority Act 2011. It is responsible for various regulatory environmental management functions, including:
  - consenting under the RMA for major infrastructure projects of national significance.
  - management of the New Zealand Emissions Trading Scheme (ETS) and New Zealand Emission Unit Register.
  - regulation of hazardous substances, including gas (under the Hazardous Substances and New Organisms Act).
  - being the consenting authority for activities in the Exclusive Economic Zone and Continental Shelf.
- Local authorities, including local, regional and unitary government bodies, which are responsible for the day-to-day management of the RMA, and whose district plans include provision for such utilities as gas pipelines.
- Parliamentary Commissioner for the Environment (PCE - [www.pce.parliament.nz](http://www.pce.parliament.nz)) an independent officer of Parliament, who reviews and provides advice to Parliament on environmental issues. The office was set up under the Environment Act 1986.

### 4.3 Regulatory Arrangements

The regulation of the gas industry, as with other industries, includes general legislative requirements (for example, consumer protection, health and safety, and environmental sustainability) as well as industry-specific regulation.

The following summary focuses on legislation of most relevance to the gas sector. It does not include very general legislation (such as tax legislation) that also has an impact on the industry and its participants. Aspects of the legislation are discussed in more detail in relevant sections of this report.

While key policy objectives are often similar to those in other countries, the regulatory arrangements in many respects differ from other international gas markets, reflecting that they have been developed specifically for the characteristics of the New Zealand market.

#### 4.3.1 Gas Act 1992

As suggested by its title, the Gas Act<sup>47</sup> is the primary piece of legislation in respect of the regulation and use of gas in New Zealand. The purposes of the Gas Act are to:

- provide for the regulation, supply, and use of gas in New Zealand.
- protect the health and safety of members of the public in connection with the supply and use of gas.
- promote the prevention of damage to property in connection with the supply and use of gas.

Inter alia, it:

- sets out the roles and responsibilities of MBIE, including its powers to carry out enquiries, tests, audits or investigations to determine compliance with the Gas Act and to ensure the safe supply and use of gas.

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<sup>47</sup> [www.legislation.govt.nz/act/public/1992/0124/latest/DLM285412.html](http://www.legislation.govt.nz/act/public/1992/0124/latest/DLM285412.html)

- grants owners, operators and other relevant persons powers such as rights of entry and prescribes conditions in respect of the exercise of those powers.
- establishes duties, such as requirements to inform MBIE of key gas activities, especially in respect of gas operators and other owners of gas fittings.
- allows for the issuance of industry codes of practice;
- includes various arrangements in respect of the governance of the gas industry, including mandating the co-regulatory model.
- mandates various requirements in respect of gas safety, including a requirement for all owners or operators of gas supply systems to have a safety management system that addresses the prescribed requirements.
- includes broad regulation making powers.
- establishes various offences for breaches of the Gas Act.

Specific policy objectives of the Gas Act are also discussed under **Government Policy Framework, Page 20**.

In addition to the provisions in the Gas Act itself, there is a variety of regulations and rules which sit under the umbrella of the Gas Act. They include the following regulatory arrangements administered by MBIE and by Gas Industry Co:

*Gas (Information Disclosure) Regulations 1997*

Under these Regulations<sup>48</sup> owners of gas pipelines are required to disclose prescribed financial and other information annually.

*Gas (Statistics) Regulations 1997*

MBIE prepares various energy data and modelling reports to keep track of and report on the New Zealand energy sector. Reports include the annual New Zealand Energy Data File , the New Zealand Energy Quarterly, and New Zealand's Energy Outlook . These Regulations<sup>49</sup> enable MBIE to collect quarterly gas statistics, and annual LPG statistics from participants to inform its energy data and modelling work.

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<sup>48</sup> [www.legislation.govt.nz/regulation/public/1997/0127/latest/DLM234022.html](http://www.legislation.govt.nz/regulation/public/1997/0127/latest/DLM234022.html). These regulations were replaced by a new information disclosure regime implemented in October 2012 by the Commerce Commission – see **Government Policy Framework, Page 21**.

<sup>49</sup> [www.legislation.govt.nz/regulation/public/1997/0128/latest/DLM235059.html](http://www.legislation.govt.nz/regulation/public/1997/0128/latest/DLM235059.html)

### Gas (Safety and Measurement) Regulations 2010

These Regulations<sup>50</sup> set out responsibilities and obligations for the safe supply of gas and include:

- generic rules and requirements about safety
- the point of supply for the delivery of gas
- requirements for safety management systems (SMS)
- the third party certification regime for gas appliances
- the joint New Zealand/Australian gas appliance label
- offences

### Gas (Downstream Reconciliation) Rules 2008

These Rules<sup>51</sup> superseded the Reconciliation Code and provide a set of uniform processes to enable the fair, efficient, and reliable allocation and reconciliation of downstream gas quantities. The Rules took effect from 2 October 2009, and allow for an allocation agent to:

- gather information about gas injection and consumption
- allocate daily gas quantities to retailers at gas gates
- reconcile downstream gas quantities

### Gas (Processing Facilities Information Disclosure) Rules 2008

These fixed-term Rules<sup>52</sup> require information to be made publicly available about gas processing facilities' capability and capacity, and requests by third parties for access to processing facilities. The information will be used by Gas Industry Co to report to the Minister of Energy and Resources on whether permanent regulation is required.

### Gas (Switching Arrangements) Rules 2008

These Rules<sup>53</sup> codified existing arrangements that enable consumers to choose, and alternate efficiently, between competing retailers. They provide for a centralised Gas Registry that stores key information about every consumer installation, facilitates the switching process, and monitors switching timeframes from initiation through to completion.

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<sup>50</sup> [www.legislation.govt.nz/regulation/public/2010/0076/latest/DLM2359501.html](http://www.legislation.govt.nz/regulation/public/2010/0076/latest/DLM2359501.html)

<sup>51</sup> [www.gasindustry.co.nz/sites/default/files/u21/Gas\\_Downstream\\_Reconciliation\\_Rules\\_2008\\_-\\_official\\_version\\_post\\_2\\_Oct\\_09\\_151201.1.pdf](http://www.gasindustry.co.nz/sites/default/files/u21/Gas_Downstream_Reconciliation_Rules_2008_-_official_version_post_2_Oct_09_151201.1.pdf). These Rules are being reviewed by Gas Industry Co

<sup>52</sup> [www.gasindustry.co.nz/sites/default/files/u13/Gas\\_Processing\\_Facilities\\_Information\\_Disclosure\\_Rules\\_2008.pdf](http://www.gasindustry.co.nz/sites/default/files/u13/Gas_Processing_Facilities_Information_Disclosure_Rules_2008.pdf) These Rules expire in 2014 and Gas Industry Co is required to report to the Minister by 27 June 2013. In a Statement of Proposal dated 26 November 2012, Gas Industry Co advises that its proposed recommendation is that regulated access is not required and that the information disclosure regime should be allowed to lapse.

<sup>53</sup> [www.gasindustry.co.nz/sites/default/files/u14/Switching\\_Rules\\_15\\_Sept\\_2010\\_154446.1\\_not\\_scan.pdf](http://www.gasindustry.co.nz/sites/default/files/u14/Switching_Rules_15_Sept_2010_154446.1_not_scan.pdf)

### Gas Governance (Critical Contingency Management) Regulations 2008

The purpose of these Regulations<sup>54</sup> is to achieve the effective management of critical gas outages and other security of supply contingencies without compromising long-term security of supply. They provide for the appointment of a Critical Contingency Operator (CCO)<sup>55</sup>, which is responsible for determining, managing, and terminating critical contingencies, as well as associated activities, such as training and conducting exercises.

### Gas Governance (Compliance) Regulations 2008

These Regulations<sup>56</sup> establish a number of compliance processes and key compliance roles, including the Market Administrator, an independent Investigator and the Rulings Panel, and allow for the following rules and regulations to be monitored and enforced to ensure the integrity of key markets:

- Gas (Switching Arrangements) Rules 2008
- Gas (Processing Facilities Information Disclosure) Rules 2008
- Gas (Downstream Reconciliation) Rules 2008
- Gas Governance (Critical Contingency Management) Regulations 2008

The role of Market Administrator is performed by Gas Industry Co. The independent Investigator function has a range of powers under the Gas Act to investigate and report on allegations of breaches of the rules and regulations. The Rulings Panel, an independent body appointed by the Minister of Energy and Resources, approves or rejects settlements referred to it by the Investigator and determines breach allegations that are unable to be settled, or in respect of which a settlement has not been approved.

### Gas (Levy of Industry Participants) Regulations 2012

These Regulations<sup>57</sup> allow Gas Industry Co to collect levies from the gas industry to fund its work.

Gas Industry Co is required to consult annually on development of a strategic plan/Statement of Intent and associated costs met through a combination of levies and market rules.

### 4.3.2 *Commerce Act 1986*<sup>58</sup>

#### Restrictive trade practices

There are general provisions in the Commerce Act to promote competition and protect against the inappropriate exercise of market power, such as price fixing.

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<sup>54</sup> [www.gasindustry.co.nz/sites/default/files/u14/Regulations.pdf](http://www.gasindustry.co.nz/sites/default/files/u14/Regulations.pdf)

<sup>55</sup> The current CCO is Vector Gas Limited

<sup>56</sup> [www.gasindustry.co.nz/sites/default/files/u12/Gas\\_Governance\\_Compliance\\_Regulations\\_2008\\_as\\_at\\_4\\_Dec\\_08.pdf](http://www.gasindustry.co.nz/sites/default/files/u12/Gas_Governance_Compliance_Regulations_2008_as_at_4_Dec_08.pdf)

<sup>57</sup> [www.gasindustry.co.nz/sites/default/files/publications/gas\\_levy\\_of\\_industry\\_participants\\_regulations\\_2012.pdf](http://www.gasindustry.co.nz/sites/default/files/publications/gas_levy_of_industry_participants_regulations_2012.pdf)

<sup>58</sup> [www.legislation.govt.nz/act/public/1986/0005/latest/DLM87623.html](http://www.legislation.govt.nz/act/public/1986/0005/latest/DLM87623.html)

### Control under Part 4 of the Commerce Act

Provides for the regulation of the price and quality of goods or services in markets where there is little or no competition, and little or no likelihood of a substantial increase in competition.

### *4.3.3 Crown Minerals Act 1991*

Since 1 January 1938, all petroleum resources in New Zealand have been owned by the Crown on behalf of all New Zealanders. Natural gas is covered by the definition of 'Petroleum' (as a naturally occurring hydrocarbon in a gaseous state) and thus covered by the Crown Minerals regime.

The Crown Minerals Act<sup>59</sup> sets the broad legislative policy for prospecting, exploration and mining of Crown-owned minerals in New Zealand. It governs the allocation of rights to, and the management of, all Crown-owned minerals in their natural state. A person or company wanting to prospect, explore or mine Crown-owned minerals in New Zealand must obtain a permit from New Zealand Petroleum & Minerals. Associated regulations and programmes include:

#### Minerals Programme for Petroleum 2005<sup>60</sup>

The Minerals Programme for Petroleum establishes the policies, procedures, and provisions to be applied to petroleum under the Crown Minerals Act. It includes details of the permitting and royalty regimes. The programme was revised by Order in Council on 25 January 2012, with effect from 1 January 2012.

#### Crown Minerals (Petroleum) Regulations 2007<sup>61</sup>

The Petroleum Regulations, made pursuant to s105(l) of the Crown Minerals Act, specify the requirements and procedures for explorers and developers. They include provisions relating to documents, permit applications, notices, mining operations, activity reporting, the provision of samples, and royalty statements and returns.

#### Crown Minerals (Petroleum Fees) Regulations 2006<sup>62</sup>

The Petroleum Fees Regulations, made pursuant to s105 (l)(i), (j), and (k) of the Crown Minerals Act, outline fees payable in respect of various matters specified under the Crown Minerals Act. Permits granted under the Crown Minerals Act before 1 January 2005 are generally subject to the Minerals Programme for Petroleum.

As foreshadowed in the Government's Petroleum Act Plan, the Crown Minerals Act is currently being reviewed to encourage the development of Crown-owned petroleum and minerals so they contribute more to New Zealand's economic development; improve the coordination of health, safety and environmental matters; streamline processes; accommodate emerging technologies and resources; and ensure there is greater clarity for participants and greater public transparency in the development of new petroleum and minerals opportunities.

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<sup>59</sup> [www.legislation.govt.nz/act/public/1986/0005/latest/DLM87623.html](http://www.legislation.govt.nz/act/public/1986/0005/latest/DLM87623.html). As foreshadowed in the Government's Petroleum Action Plan the Crown Minerals Act is currently being reviewed.

<sup>60</sup> [www.nzpam.govt.nz/cms/pdf-library/petroleum-legislation-1/Minerals%20Programme%20for%20Petroleum%20-2005-%20Amendment%20-PIT%20Removal-%202012.pdf](http://www.nzpam.govt.nz/cms/pdf-library/petroleum-legislation-1/Minerals%20Programme%20for%20Petroleum%20-2005-%20Amendment%20-PIT%20Removal-%202012.pdf)

<sup>61</sup> [www.legislation.co.nz/regulation/public/2007/0138/latest/DLM437863.html?search=ts\\_all%40act%40bill%40regulation\\_Crown+Minerals+\(Petroleum\)+Regulations+2007\\_resel&sr=1](http://www.legislation.co.nz/regulation/public/2007/0138/latest/DLM437863.html?search=ts_all%40act%40bill%40regulation_Crown+Minerals+(Petroleum)+Regulations+2007_resel&sr=1)

<sup>62</sup> [www.legislation.co.nz/regulation/public/2006/0227/latest/DLM403197.html?search=ts\\_regulation\\_Crown+Minerals+Petroleum+Fees+Regulations+2006\\_resel&sr=1](http://www.legislation.co.nz/regulation/public/2006/0227/latest/DLM403197.html?search=ts_regulation_Crown+Minerals+Petroleum+Fees+Regulations+2006_resel&sr=1)

The review does not include, and the Government is not considering changes to, fundamental aspects of the Crown Minerals regime, such as:

- Crown ownership, on behalf of all New Zealanders, of petroleum, gold, silver and uranium.
- the right of the Government to be the ultimate decision-maker in allocating permits to develop Crown-owned petroleum and minerals.
- the right for the Crown to collect royalty payments from Crown-owned petroleum and minerals, Crown ownership of any royalty payments, and the right to use such funds in any way the Crown sees fit, on behalf of all New Zealanders.

#### *4.3.4 Plumbers Gasfitters and Drainlayers Act*

The Plumbers, Gasfitters and Drainlayers Act 2006<sup>63</sup> established a Plumbers, Gasfitters and Drainlayers Board (PGDB – [www.pgdb.co.nz](http://www.pgdb.co.nz)) and is aimed at protecting the health and safety of members of the public by ensuring the competency of persons engaged in the provision of sanitary plumbing, gasfitting, and drainlaying services, and regulating those persons. The Act, which came into full force on 1 April 2010, incorporates a number of significant changes to improve public health and safety.

#### *4.3.5 New Zealand Standards*

There is a variety of official standards relevant to the gas industry. They include

- AS/NZS 4645:2008, gas distribution networks.
- AS/NZS 5601:2010, gas installations (which in time will replace NZS 5428: 2006 in respect of LPG installations for non-propulsive purposes in caravans and boats; and 5261:2003, gas installations).
- NZS 5255 (Int):2011, safety verification of existing gas installations.
- NZS 5257.1:2004, gas industry audit protocol.
- NZS 5259:2004, gas measurement.
- NZS 5262:2003, gas appliance safety.
- NZS 5263:2003, gas detection and odourisation,
- NZS 5266 (Int):2011, safety of gas appliances.
- NZS 5442:2008, specification for reticulated natural gas.
- NZS 7901:2008, electricity and gas industries - safety management systems for public safety.

In general, standards when published do not themselves carry the force of law. This occurs through other mechanisms, such as when contracts, statutes or regulations specifically require compliance with a standard. For example, the Gas (Safety and Measurement) Regulations 2010 cites over 20 different standards.

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<sup>63</sup> [www.legislation.govt.nz/act/public/2006/0074/latest/DLM396778.html](http://www.legislation.govt.nz/act/public/2006/0074/latest/DLM396778.html)

#### 4.3.6 Submarine Cables and Pipelines Protection Act 1996

Submarine cables and pipelines are protected under the Submarine Cables and Pipelines Protection Act 1996<sup>64</sup> and include pipelines used or intended to be used for the conveyance of gas, petroleum, or oil.

The Act provides for the creation of protected areas for the pipelines and prohibits ships from fishing or anchoring in those areas. It also defines the liability and offences for damage done to cables and pipelines. Protected areas are in place in respect of a few significant underwater gas pipelines<sup>65</sup>.

#### 4.3.7 Emissions Trading Scheme

The Climate Change Response Act 2002 was enacted in order for New Zealand to ratify the Kyoto Protocol and meet its obligations under the United Nations Framework Convention on Climate Change. In 2008, the Climate Change Response (Emissions Trading) Amendment Act 2008 amended the Climate Change Act to establish the New Zealand Emissions Trading Scheme (ETS) as the Government platform to assist New Zealand meet its Kyoto Protocol obligations in respect of greenhouse gas emissions<sup>66</sup>.

In November 2012, the Government decided that, for the transition period 2013-2020, New Zealand will take the option of aligning its climate change efforts with the UN Framework Convention, rather than sign up to a Second Commitment Period (CP2) under the Kyoto Protocol. It remains committed to its existing Kyoto Protocol Commitment, and will set a formal target for New Zealand's future emissions track to 2020 to sit alongside its conditional offer to reduce emissions between 10 percent and 20 percent below the 1990 level<sup>67</sup>.

When fully implemented the ETS will be a national, all-sectors, all-greenhouse gases, uncapped internationally linked emissions trading scheme. However, full implementation will take a considerable period due to lengthy transitional arrangements.

Under the ETS, a participant is someone who carries out a greenhouse gas-producing activity listed in the Act. There are two types of participants: mandatory and voluntary. In respect of natural gas, each person that mines natural gas or imports more than 10,000 litres of natural gas a year is a mandatory participant. Industry participants who purchase more than 2PJ of natural gas in a year from one or more participants who mine natural gas are voluntary participants, but all requirements are mandatory if they opt into the Scheme.

All mandatory gas sector participants entered the scheme on 1 July 2010<sup>68</sup>, although a transitional period operated for the gas sector from 1 July 2010 to 31 December 2012. During this period participants had the option of buying New Zealand Units at a fixed price and one unit may be surrendered for two tonnes of carbon dioxide equivalent emissions, effectively setting a price ceiling for units in the transition period.

Natural gas default emission factors (DEFs) are specified in Regulations passed under the Climate Change Act and it is envisaged the factors will be reviewed for each reporting year, and updated as necessary<sup>69</sup>. In addition

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<sup>64</sup> [www.legislation.govt.nz/act/public/1996/0022/latest/DLM375803.html](http://www.legislation.govt.nz/act/public/1996/0022/latest/DLM375803.html)

<sup>65</sup> See Submarine Cables and Pipelines Protection Orders for the Kupe Gas Project (2008), Maari Development (2008), and the Tui Area Development (2007).

<sup>66</sup> The legislation and regulations, particularly the transition provisions, are complex. Additional information is available on the Ministry for the Environment ([www.mfe.govt.nz](http://www.mfe.govt.nz)) and EPA ([www.epa.govt.nz](http://www.epa.govt.nz)) websites.

<sup>67</sup> Media release: Hon Tim Grocer, Minister for Climate Change: *New Zealand Commits to UN Framework Convention*, 9 November 2012

<sup>68</sup> Different sectors of the economy have different 'entry dates', being the date when their obligations to report emissions and surrender emission units have effect. The last industry does not enter the scheme until 1 January 2015. The gas industry along with other stationary energy, industrial processes and liquid fossil fuel sectors entered the ETS on 1 July 2010. Landfill operators will enter the scheme on 1 January 2013 and agricultural emissions from 1 January 2015.

<sup>69</sup> Updates may have retrospective effect, to allow them to be applied for the reporting year in which the changes are made.



to the DEFs the Regulations establish field-specific factors, as well as a national average, which are used by participants when reporting their emissions. Reporting by gas miners is based on actual data for the current year<sup>70</sup>.

#### 4.3.8 Fair Trading Act

The Fair Trading Act<sup>71</sup> protects against misleading and deceptive conduct in trade, and promotes fair competition to contribute to the economic wellbeing of all New Zealanders. It prohibits certain conduct, provides for the disclosure of consumer information relating to the supply of goods and services, and promotes product safety.

The Consumer Law Reform Bill currently before Parliament proposes a number of amendments to the Fair Trading Act. For example, businesses cannot currently contract out of their obligations under the Act, but some exceptions to this are proposed in the Bill.

#### 4.3.9 Consumer Guarantees Act

The Consumer Guarantees Act<sup>72</sup> is a key piece of consumer protection legislation, providing consumer rights through a number of 'guarantees' that the seller automatically makes to a consumer when the consumer buys any goods or services purchased for personal use.

While the Act applies regardless of who acquires the goods or services, it allows businesses to contract out of it. Most business and industry gas supply contracts exclude the Consumer Guarantees Act where permitted by law. The Act applies to 'goods and services'. The definition of 'good' expressly includes gas, and the definition of 'services' includes a contract for or in relation to the supply of gas.

The Consumer Law Reform Bill also proposes amendments to the Consumer Guarantees Act, some of which directly relate to the gas industry.

#### 4.3.10 Health and Safety in Employment Act 1992

The Health and Safety in Employment Act<sup>73</sup> promotes the prevention of harm to all persons at work and other persons in, or in the vicinity of, a place of work. The Act includes a number of general obligations (such as the general duty of employers to ensure the safety of employees) and allows regulations to impose additional duties providing for any other matters contemplated by, or necessary for giving full effect to the Act. Various regulations have consequently been introduced by the former Department of Labour (now part of MBIE) relating to the oil and gas sector, including the Health and Safety in Employment (Pipelines) Regulations 1999<sup>74</sup> and the Health and Safety in Employment (Petroleum Exploration and Extraction) Regulations 1999<sup>75</sup>.

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<sup>70</sup> Proposed modifications to New Zealand's ETS are currently before Parliament with the Climate Change Response (Emissions Trading and Other Matters) Amendment Bill. [www.legislation.govt.nz/bill/government/2012/0052/latest/versions.aspx](http://www.legislation.govt.nz/bill/government/2012/0052/latest/versions.aspx)

<sup>71</sup> [www.legislation.govt.nz/act/public/1986/0121/latest/DLM96439.html](http://www.legislation.govt.nz/act/public/1986/0121/latest/DLM96439.html)

<sup>72</sup> [www.legislation.govt.nz/act/public/1993/0091/latest/DLM311053.html](http://www.legislation.govt.nz/act/public/1993/0091/latest/DLM311053.html)

<sup>73</sup> [www.legislation.govt.nz/act/public/1992/0096/latest/DLM278829.html](http://www.legislation.govt.nz/act/public/1992/0096/latest/DLM278829.html)

<sup>74</sup> [www.legislation.govt.nz/regulation/public/1999/0350/latest/DLM298848.html](http://www.legislation.govt.nz/regulation/public/1999/0350/latest/DLM298848.html)

<sup>75</sup> New regulations covering petroleum exploration and extraction to take effect in June 2013 will strengthen the management of oil wells over the life of the wells, including managing hazards that could cause a major accident, and minimising the likelihood of an uncontrolled release of oil and gas – Media release, Acting Minister of Labour: *Health and safety a priority in oil and gas production*, 27 November 2012.

#### 4.3.11 Hazardous Substances and New Organisms Act 1996

The Hazardous Substances and New Organisms (HSNO) Act<sup>76</sup> 1996 aims to protect the environment and the health and safety of communities, by preventing or managing the adverse effects of hazardous substances and new organisms<sup>77</sup>. The provisions of the Act apply to gas, as a flammable and potentially hazardous substance, and dovetail with the safety requirements in the Gas Act<sup>78</sup>.

#### 4.3.12 Resource Management Act 1991

The Resource Management Act (RMA)<sup>79</sup> is the main piece of legislation that protects New Zealand's environment. It is wide-reaching and at times controversial as it is seen by some as a costly impediment to timely project development. It is administered by the Ministry for the Environment, but a number of other agencies, including local and regional government bodies, are also responsible for considering environmental impacts under the RMA.

The Act is based on a principle of 'sustainable management', a purpose that directs all other policies, standards, plans and decision-making.

Virtually all significant uses of land, air, coastal, or water-related resources are regulated by provisions of the RMA, or by rules in regional or district plans, or by decisions on consent applications. Accordingly, any gas field production facility, and downstream infrastructure installation – such as processing plants and pipelines – require numerous RMA consents for their construction, and for their ongoing operations. Operational consents can include water abstraction, treatment and use, waste treatment and discharges, air emissions, landscaping requirements, noise levels, traffic movements and parking amenities.

#### 4.3.13 Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012

The Exclusive Economic Zone (EEZ) and Continental Shelf (CS) Act (the EEZ Act)<sup>80</sup> was passed in September 2012 to manage the environmental effects and potential risks of activities in New Zealand's oceans, such as petroleum exploration, seabed mining, marine energy generation and carbon capture developments<sup>81</sup>.

The Ministry for the Environment is developing the policy and regulations associated with the EEZ Act. These need to be fully developed before the Act comes into force. The EPA has been identified as the proposed consenting authority for activities within New Zealand's Exclusive EEZ and, once the EEZ Act is in force, undertake the day-to-day operations of the legislation, including the information management, decision making, monitoring and enforcement.

The Government has established voluntary measures to manage the risks in the interim.

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<sup>76</sup> [www.legislation.govt.nz/act/public/1996/0030/latest/DLM381222.html](http://www.legislation.govt.nz/act/public/1996/0030/latest/DLM381222.html)

<sup>77</sup> The HSNO Act is administered by the EPA, and the Labour branch of MBIE ensures that the HSNO Act is complied with in places of work. MBIE carries out this role in conjunction with a number of other agencies, including Maritime New Zealand, Civil Aviation Authority, Land Transport Safety Authority and territorial authorities.

<sup>78</sup> s97 makes plain that the provisions of the HSNO Act are to be enforced in, on, at, or around any distribution system, gas installation, or gas appliance. Energy Safety within MBIE administers the Gas Act, which controls safety in the supply and use of fuel gases, such as natural gas and LPG, supplied to appliances from containers, installations or distribution systems. The Gas Act does not, however, control the safety of the containers themselves. The HSNO Act controls potentially harmful effects of flammable or toxic gases, including fuel gases. The HSNO Act requires Energy Safety to consult with the EPA on regulations under the Gas Act. Energy Safety, however, remains the regulatory authority responsible for administering controls over the safety and quality of fuel gases under the Gas Act.

<sup>79</sup> [www.legislation.govt.nz/act/public/1991/0069/latest/DLM230265.html](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM230265.html)

<sup>80</sup> [www.legislation.govt.nz/act/public/2012/0072/latest/DLM3955428.html](http://www.legislation.govt.nz/act/public/2012/0072/latest/DLM3955428.html)

<sup>81</sup> The EEZ Act fills a perceived gap as the Resource Management Act only regulates natural resource management activities on land and in the territorial sea out to 12 nautical miles. It does not override existing controls over fishing and shipping.

# 5 Exploration and Production

Petroleum (including gas) exploration activity is at its highest for many years. New Zealand's gas reserves position has strengthened, improving New Zealand's supply horizon from around six years in 2002 to about 11 years at current production rates.

The Government has implemented a number of policies under the umbrellas of the New Zealand Energy Strategy and Petroleum Action Plan aimed at encouraging the search for, and sustainable development of New Zealand's petroleum resources for the benefit of all New Zealanders.

The long-serving Maui and Kapuni fields are undergoing life-extending development to enhance gas and condensate recovery, while substantial development of the Mangahewa field is being underwritten by a significant supply agreement with Methanex to boost methanol production. In addition, new-entrant explorer/producers have been making their mark with new discoveries, including the Turangi, Kowhai and Sidewinder fields, and applying advanced production technologies to turn previously non-commercial finds into viable producers.

The commissioning of New Zealand's first underground gas storage facility by Contact Energy at the Ahuroa field has added a new dimension to supply/demand management and flexibility.

Unconventional gas – primarily shale and coal seam gas – that is making a substantial impact on global gas reserves – is seen as having significant potential in New Zealand, but developments here are in their infancy and there is currently no material commercialisation of unconventional gas resources. Policymakers and the industry are addressing environmental concerns associated with exploration and production practices employed in tapping unconventional gas resources.

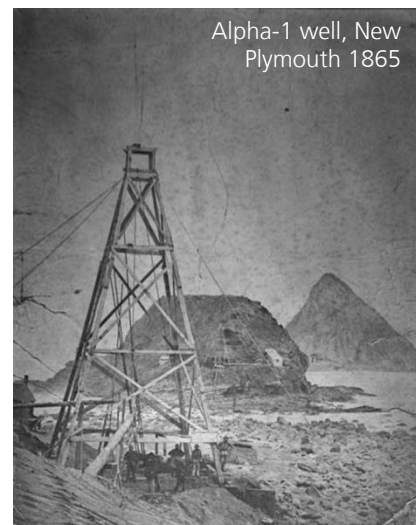
## 5.1 Background

Naturally occurring oil and gas seeps have testified to the presence of petroleum resources in New Zealand for centuries. Attempts to tap these resources began in 1865, when the Alpha 1 well, the first in the British Commonwealth, was drilled on the New Plymouth foreshore into what came to be called the Moturoa field.

The Encyclopaedia of New Zealand<sup>82</sup> records:

*Seepages (places where oil seeps out of the ground) were the first sites that oil drillers targeted in New Zealand. Known seepages occur on the New Plymouth foreshore, Kotuku on the West Coast, and Waitangi, north of Gisborne. At New Plymouth, bubbles of gas were seen along the coast, and on calm days an oily sheen could be seen on the sea water. In early 1865, gunsmith Edward M. Smith collected samples of oil he found among boulders at Ngamotu Beach, on the New Plymouth foreshore. He sent them to Britain for analysis. Following this, the Taranaki provincial government offered £400 for the discovery of a commercial find of petroleum.*

The Alpha-1 well struck shallow oil and gas but, although further wells were drilled, only a few barrels of oil were recovered in the early years.



<sup>82</sup> Encyclopaedia of New Zealand: *Oil and Gas – Early petroleum exploration, 1865-1960* [www.teara.govt.nz/en/oil-and-gas/4](http://www.teara.govt.nz/en/oil-and-gas/4)

The arrival of the first steel drilling rig in 1904 provided an impetus to the search and greater success was achieved in 1906. By 1913, crude oil was being stored in New Plymouth and a local refinery was built. However, this could not be sustained due to spasmodic field production. A second refinery built in the late 1920s was more successful. It produced locally-branded Peak Petrol (named after Mt Taranaki) and the local council used Taranaki diesel in its vehicles. The refinery operated until 1975 and the Moturoa field continues to produce small quantities of oil and gas today.

The Petroleum Act of 1937 was designed to encourage the search for oil and gas. Spurred by the need for oil during World War II, considerable exploration was conducted in various regions of the North Island and the West Coast of the South Island. No discoveries were made.

In 1951, government consultants, D'Arcy Exploration, declared New Zealand to be gas prone, with little chance of finding what explorers really wanted – oil. This impression persisted for several decades.

In 1954, the Todd Brothers company, having obtained government leases to explore large areas of the North Island, joined with two overseas oil companies, Shell and BP, for the work. The first large-scale seismic surveys, carried out in Taranaki farmland, revealed a promising underground structure near Kapuni. In 1959, a drilling rig struck gas at 4,000 metres, ushering in the modern era of natural gas supply in New Zealand.

The Maui field discovery in 1969 provided substantial momentum to the industry's development.

## 5.2 Recent Developments

In the past decade there has been a quantum shift from a reliance on Maui, to drawing supplies from a variety of fields. Significant developments have included:

### *Pohokura Field*

The offshore North Taranaki Pohokura field has eclipsed Maui as the largest contributor to New Zealand's gas supply, in terms of both remaining reserves and annual production.

Discovered in 2000, Pohokura commenced gas and condensate production in 2006. An unmanned, onshore production station processes the wellstream from an offshore platform, and treated gas is fed into the Maui pipeline for delivery into the gas market.

The largest petroleum discovery in New Zealand since Maui in 1969, Pohokura contained ultimate recoverable reserves of 1,222PJ<sup>83</sup>. It accounts for 44 percent of New Zealand's net gas production and continues to be developed. In 2011, work commenced on installing an additional compressor at the production station to reinject gas and enhance liquids extraction.

Also in 2011, Pohokura joint venture company, Todd Energy, commissioned a new LPG gas extraction plant at its McKee field in eastern Taranaki, to take gas from the Pohokura and Mangahewa fields for LPG removal.

### *Kupe Field*

Production from the Kupe oil and gas field, located off the South Taranaki coast, commenced in December 2009, 22 years after its discovery in 1987. Field complexity, choosing the optimum development option, and market conditions all contributed to the development time lag. Kupe infrastructure comprises an unmanned

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<sup>83</sup> P50, 2011 Energy Data File

offshore platform, a 30km pipeline to shore, an onshore production station near Hawera, and oil storage facilities at New Plymouth.

The decision to proceed with the Kupe development was made in June 2006, and was based on a budget of \$980 million. The project scope was subsequently expanded and the final development cost was approximately \$1.3 billion<sup>84</sup>. At the time of the investment decision, P50 gas reserves were estimated at 254PJ. A detailed reserves review in 2010 re-evaluated these to 273PJ. Kupe contributes 13 percent of total net gas production.

### *Development of Existing Fields*

Further development of the Maui, Kapuni and Mangahewa fields is also adding to New Zealand's gas reserves position.

The life of the Maui field has been extended using new technologies and drilling techniques to tap areas where new modelling indicated the presence of natural gas pockets that had been bypassed in conventional extraction processes. The gas pockets are relatively small and difficult and costly to drill. However drilling is the only means of verifying their existence.

After seven years of reviewing data using the latest 3D and 4D computer modelling, and determining the best approach to safely and economically accessing the gas pockets, operator Shell New Zealand concluded they could be successfully unlocked and produced through existing facilities.

Accessing the pockets began in 2011 by re-entering existing wells and horizontally drilling 'slim hole sidetracks' using precise geosteering techniques. The programme involves the drilling of 14 sidetrack wells, seven each from the Maui and Maui B platforms.

A programme to extend the life of the Kapuni field by taping 'tight' gas began in 2012. It involves the workover of an existing well, and the drilling of two new wells.

Following its gas supply agreement with Methanex, Todd Energy is spending more than \$100 million doubling the size of its McKee/Mangahewa production station to process the gas from the Mangahewa field development, which involves the drilling of more than 20 further wells.

### *Turangi, Kowhai Discoveries*

Since its formation in 2000 and its acquisition of the Kaimiro/Ngatoro field assets from Shell in 2002<sup>85</sup>, Greymouth Petroleum has emerged as a significant explorer/producer. Through further acquisitions and its own exploration efforts Greymouth has interests in 14 percent of remaining P50 gas reserves and accounts for around 10 percent of annual gas sales.

Greymouth's exploration programme includes using new techniques and research to revisit existing, but undeveloped, gas discoveries previously considered too difficult to exploit<sup>86</sup>. In 2011, Greymouth was reported<sup>87</sup> to have flowed gas and condensate from the Onaero-1 well, originally drilled more than 30 years previously by the then Petrocorp.

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<sup>84</sup> Kupe joint venture partner, NZ Oil & Gas [www.nzog.com](http://www.nzog.com)

<sup>85</sup> Divestment by Shell of some oil and gas assets acquired from Fletcher Challenge – Commerce Commission decision 411, 17 November 2000

<sup>86</sup> Rob Brady, exploration general manager, ENEX oil and gas conference, New Plymouth 2011.

<sup>87</sup> Taranaki Daily News, 2 September 2011

Turangi was declared a discovery in 2006 and a production facility, completed in 2007, is connected to the Maui pipeline.

In 2007, Greymouth acquired a majority shareholding in Bridge Petroleum Limited, which held interests in the Radnor mining permit and an adjacent exploration permit. The same year, it also acquired the Surrey and Windsor leases from Energy Corporation of America, operating in New Zealand as Westech Energy. In 2008, Greymouth acquired Swift Energy's 80 percent working interest in the Kowhai gas/condensate discovery located adjacent to Greymouth's Turangi mining permit, having earlier acquired Petrochem Limited, holder of the other 20 percent working interest.

Kowhai field production facilities, including an interconnection with the Maui pipeline, were completed in 2009. Ultimate recoverable gas reserves in the Turangi and Kowhai fields are recorded at approximately 248PJ and 74PJ respectively<sup>88</sup>.

### *Sidewinder Discovery and Cheal Development*

In 2011, Canadian-based production and exploration company, TAG Oil, confirmed three Sidewinder wells as light oil and gas discoveries<sup>89</sup>. Commercial production from the Sidewinder field began in September 2011 following the commissioning of production facilities and an interconnection with Vector's Frankley Road-Kapuni pipeline. TAG entered an agreement to sell 3.5PJ a year of Sidewinder gas to Vector until December 2014.

TAG is also improving oil and gas production from further development of the Cheal field, in central Taranaki, following its acquisition in 2009 of Austral Pacific's 69.5 per cent stake for \$2 million. It is also exploring permits on the East Coast of the North Island.

### *Copper Moki Discovery*

Canada-based New Zealand Energy Corporation (NZEC) was formed in 2010 and acquired interests in two South Taranaki permits. In an ongoing drilling programme it has declared its Copper Moki wells to be commercial producers, and has also declared wells in the adjoining Waitapu field to be discoveries. NZEC is also active in the East Coast Basin, where it is interested in conventional and unconventional petroleum plays.

In 2012, NZEC bought the Waihapa production station and related assets, including four Petroleum Mining Licences, and gathering and export pipelines, from Origin Energy. A natural gas pipeline connecting the Copper Moki site with the Waihapa production station has been completed.

### *Gas Storage*

The first large-scale gas storage facility was commissioned in 2011. Developed by Contact Energy and using the depleted Ahuroa reservoir near Stratford, the facility primarily supports Contact's nearby 200MW gas peaking electricity generation plant, also completed in 2011 in a combined \$400 million investment. The underground gas storage facility provides Contact with flexibility in managing its gas portfolio, allowing it to take and store natural gas during off peak times, and using it when most needed.

Contact acquired the rights to the Ahuroa field from Swift Energy in 2008. The underground storage facility has involved the installation of a large injection compressor and the drilling of three injection/extraction wells. A capacity expansion is under consideration.

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<sup>88</sup> P50, 2011 Energy Data File

<sup>89</sup> TAG media release 5 April 2011.

Contact is able to inject gas at up to 32TJ a day, and to withdraw gas at up to 45TJ a day. During 2011, 5PJ of gas was pumped into the storage facility<sup>90</sup>.

### 5.3 Government Policy Initiatives to Encourage Gas Exploration

Since 2005, the Government has introduced a range of policy initiatives to encourage petroleum (including gas) exploration in New Zealand.

A package of measures effective from 1 January 2005 and applying to discoveries made between 30 June 2004 and 31 December 2009, included:

- reduced royalties.
- prospecting and exploration cost deductibility for calculating the Accounting Profit Royalty on a mining permit granted during the period.
- Government backing for a \$15 million seismic data acquisition project, involving approximately 3,000km of two-dimension (2-D) data over the central and northern parts of the East Coast Basin, and 3,160km of 2-D data over northern parts of the Great South Basin. A further 8,000km of existing 2-D data was reprocessed by the Institute of Geological and Nuclear Sciences (GNS Science). The data acquired, or reprocessed, was released to the industry free of charge.
- exemption from New Zealand tax levy income for non-resident offshore rig operators and seismic vessels carrying out exploration work in New Zealand.

The tax exemption was extended from 31 December 2009 to 31 December 2014. All of the other 2005 initiatives were allowed to lapse following expiry.

#### *Petroleum Action Plan*

The Government's Petroleum Action Plan, introduced in November 2009, aims to help achieve its overarching strategic objective of ensuring the New Zealand is an attractive global destination for petroleum exploration and production investment so that the country is able to develop the full potential of its petroleum resources.

The Action Plan has seven core components:

- a sustained communications strategy to raise the profile of the petroleum sector and signalling Government support for exploration and development activity.
- developing a co-ordinated investment strategy to improve knowledge of New Zealand's petroleum resources.
- a review of its own capability and resources to manage, and maximise the returns from, New Zealand's petroleum estate.
- improving the quality of information provided to the Government by industry participants of the Crown's petroleum resources, particularly to address oil and gas reserves data.
- reviewing the regulatory, royalty and taxation arrangements for petroleum.
- reviewing and, where necessary, amending the legislative framework of the petroleum sector, including existing permitting regimes.
- undertaking further work to develop a pathway for realising the potential of New Zealand's gas hydrates resources.
- a review of health, safety and environmental legislation for offshore petroleum operations.

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<sup>90</sup> 2011 Energy Data File.

### *Government-funded seismic data acquisition and reinterpretation*

In May 2010, the Government announced a further two-year work programme to further promote oil and gas exploration around New Zealand<sup>91</sup>. New Zealand Petroleum & Minerals (formerly Crown Minerals<sup>92</sup> and part of MBIE), contracted with GNS Science to deliver a \$7.6 million Petroleum Exploration and Geosciences Initiative (PEGI), funded by the Crown Minerals data acquisition fund.

PEGI supplements the Crown's seismic data acquisition programme. It involves a range of evaluations of upgrades to knowledge about the Taranaki region, which in turn assists understanding of other, less explored areas. The project uses Google Earth to display information about New Zealand's offshore geological, geophysical and geographical datasets to provide ready, freely available information to potentially interested parties around the world.

### *New approach to allocating exploration rights*

In August 2011, the Government announced an overhaul of the way petroleum exploration permits will be offered to oil and gas companies. Through exclusive use of the competitive Block Offer method – as used in other countries including Australia, Vietnam, India and Indonesia - the new approach takes a more proactive and strategic management approach to the allocation of petroleum exploration rights, compared with the primarily reactive first-in, first-served 'priority in time' method it replaced from 2012.

The new approach involves the offer by tender of a set number of specific exploration permits with applicants for each block selected on the strengths of their technical and financial capability, as well as their proposed work programme.

It is also designed to add transparency to the process of granting permits by giving other stakeholders including communities and iwi the chance to provide input on where and when acreage will be offered.

Compared with the 'priority in time' system, which required any application to be processed by New Zealand Petroleum & Minerals, the new method gives the Government more control over where, when and to whom exploration rights are granted.

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<sup>91</sup> Press Release, Minister of Energy, 25 May 2010.

<sup>92</sup> Crown Minerals was renamed New Zealand Petroleum & Minerals in May 2011



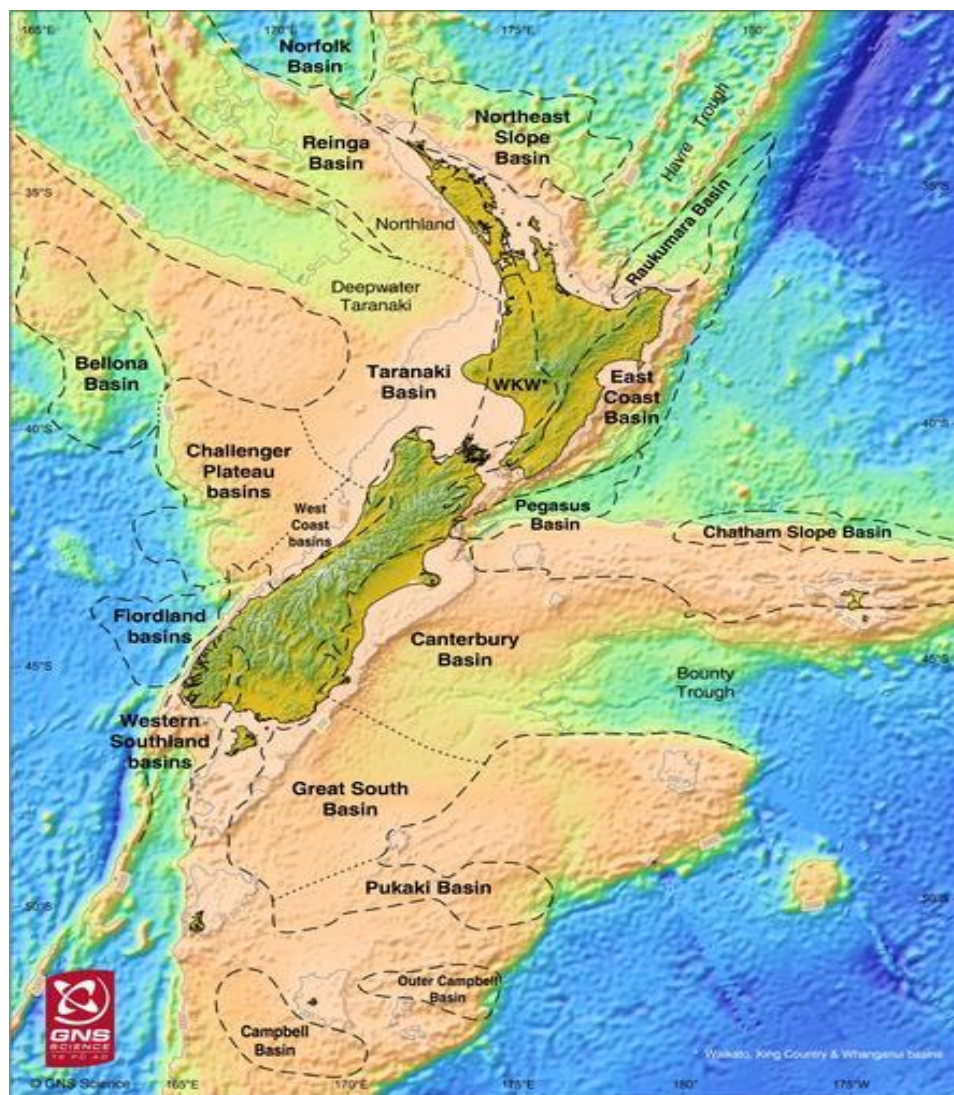
## 5.4 Current State of Exploration and Production

New Zealand relies on indigenous production for its natural gas needs. Buying natural gas from the international market is currently not an option. Although equipped to import LPG, New Zealand has no LNG importation capability and, as an isolated island nation, cannot tap into other countries' natural gas resources through cross-border pipelines.

Indigenous gas production has so far proved sufficient for the New Zealand market, albeit with Methanex taking a swing purchaser role.

The 18 sedimentary basins (Figure 12) in New Zealand's extensive EEZ, including the currently sole producing basin, Taranaki, are considered under-explored. Some have seen no exploration at all. Those that have exhibit a variety of geological formations – from porous sandstones to cracked limestone – and a range of hydrocarbon-bearing zones – some as shallow as 200 metres; others more than 5,000 metres deep.

Figure 12: New Zealand's Sedimentary Basins

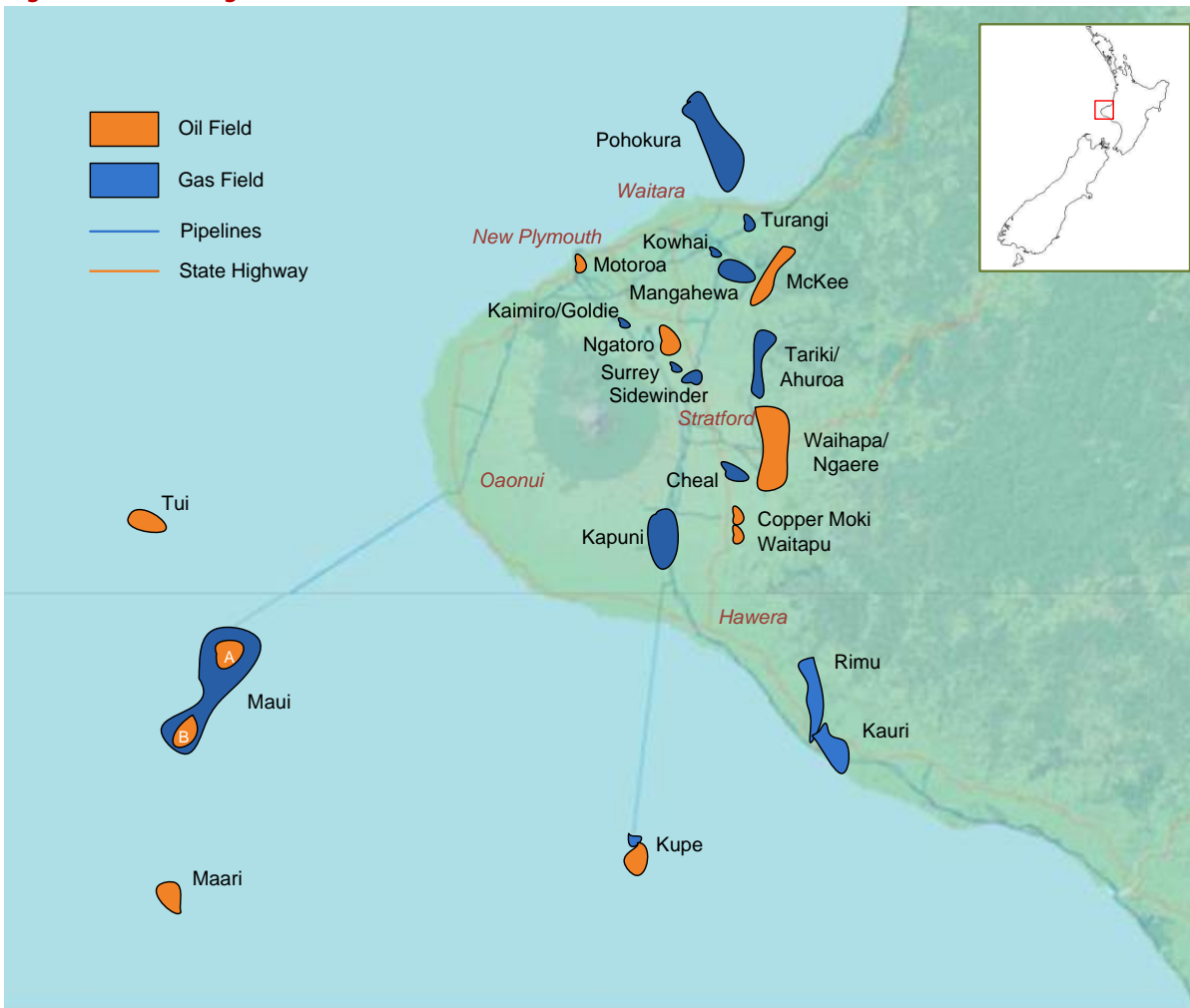


Source: GNS Science

'At present the country is lightly explored, but, based on scientific information, more regional success stories are highly possible...' – (then) Energy and Resources Minister, Hon Phil Heatley - *Business Growth Agenda: Building Natural Resources Progress Report*, speech 11 December 2012

The Taranaki region (Figure 13), with its production history and proven prospectivity remains the central focus for providing the country's gas reserves, through new exploration and reserves enhancement on existing fields. Gas is currently produced from 15 fields. Two offshore fields, Tui and Maari, are not connected to the domestic gas market and the gas they produce – approximately 1.6PJ and 7PJ a year respectively – is either flared or used for operational purposes.

**Figure 13: Producing Oil and Gas Fields, Taranaki**



- Gas produced at the offshore Tui and Maari fields is flared or used for operational purposes.
- The fields are defined by their predominant product – oil or gas. Those shown as oil fields also produce gas, which is separated and processed for market consumption.
- The Copper Moki wells are producing small quantities of oil and a natural gas pipeline connecting the field to the Waihapa production station has been completed. The Waitapu wells were declared commercial producers in late 2012 and the discovery is still being developed.

Other sedimentary basins have produced hydrocarbons and, although yet to yield them in commercial quantities, continue to attract attention from explorers. In recent years, drilling has occurred onshore East Coast, Waikato, West Coast and Southland, and interest remains strong in the challenging offshore Great South Basin, the Canterbury Basin and deepwater Taranaki Basin.

Although geographically remote, New Zealand is considered a desirable exploration destination. A 2011 global survey of petroleum companies, conducted by the Fraser Institute of Canada, ranked New Zealand as the fifth best country for investment in oil and gas exploration. The annual survey focuses on barriers to oil and gas investment, and is referenced by petroleum companies when deciding on investment locations.

The survey findings are echoed by NZEC, which sees the following advantages in New Zealand<sup>93</sup>:

- proactive Government approach to exploration and development.

<sup>93</sup> NZEC Corporate Presentation 2012 available at [www.newzealandenergy.com/Investor-Centre/Presentations/default.aspx](http://www.newzealandenergy.com/Investor-Centre/Presentations/default.aspx)

- favourable royalty and tax structure.
- Brent pricing<sup>94</sup> environment with top-tier netbacks.
- proven hydrocarbon systems with multi-zone potential.
- established infrastructure with capacity.
- significant in-country demand for both oil and gas.

In addition to the continuing presence of major explorer/producers such as Shell, Todd, OMV and Origin Energy, large international newcomers to the New Zealand petroleum exploration scene recently have included the US-based Anadarko Petroleum and Apache Corporation. Brazil's Petrobras, having conducted initial seismic surveying over parts of the unexplored Raukumara Basin of the East Coast of the North Island since 2010, decided on economic grounds to relinquish the licence in 2012. Similarly, in January 2013, Apache decided to end its exploration activity in New Zealand.

The industry and Government officials have looked at potential implications of new gas discoveries, particularly outside Taranaki. MBIE's modelling considers scenarios<sup>95</sup> as diverse as additional 'Goldilocks' discoveries in the Taranaki Basin, in which gas prices would remain low, to a substantial oil and gas find in the Great South Basin. In that case, it envisages oil and gas would be exported – making New Zealand a net exporter – as the cost of delivering gas into the New Zealand market would involve a prohibitive, uncompetitive gas price.

Detailed planning in anticipation of a future major discovery has not been carried out because of the extreme variability of scenarios – in particular the location and size of such a find. These factors are important even with a find in Taranaki. The flaring, or limited operational use of gas produced at the offshore Tui and Maari discoveries fields demonstrates that field economics kick in if the discovery is too small or remote to deliver the gas to market profitably.

From the perspective of regulatory arrangements, the framework is in place and no obvious issues are seen. Given the long lead times from discovery to development and delivery, there is sufficient time to fully assess regulatory and related requirements against the characteristics and needs of the discovery.

New Zealand's work on assessing and developing potential unconventional gas resources – including coal seam gas, shale gas and coal gasification - is in its infancy when compared with countries, notably Australia and the United States, where these sources are now making a substantial contribution to gas supplies (see

**Unconventional Gas, Page 51).**

New Zealand is also looking into the possibility of tapping reportedly abundant methane hydrates on the ocean floor off the east coast of the North Island, and off the south coast of Fiordland. Internationally, the economics of extracting hydrate resources, however, are currently not known and the technology for doing so is commercially unproven (See **Gas Hydrates, Page 56).**

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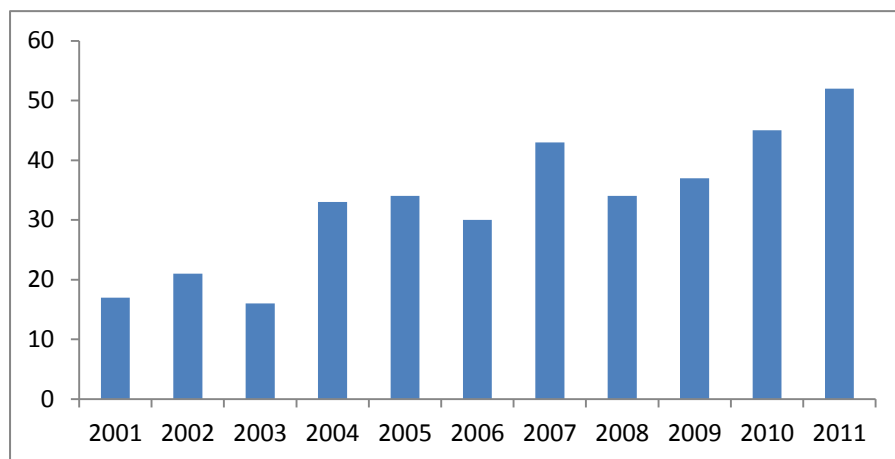
<sup>94</sup> Brent Crude. A major oil trading classification and international oil pricing benchmark.

<sup>95</sup> MBIE presentation to the 2012 Downstream Energy Conference: *New Zealand Energy Fuel Scenarios*, Bryan Field, Acting Manager, Energy Information & Modelling.

## 5.5 Exploration Activity

Exploration and field development activity is at a very high level. In the five-year period 2007-2011 inclusive, 211 wells were drilled, compared with 134 in the previous five-year period (2002-2006 inclusive) (**Figure 14**). In 2011, 52 wells were drilled - the highest yearly total in a decade.

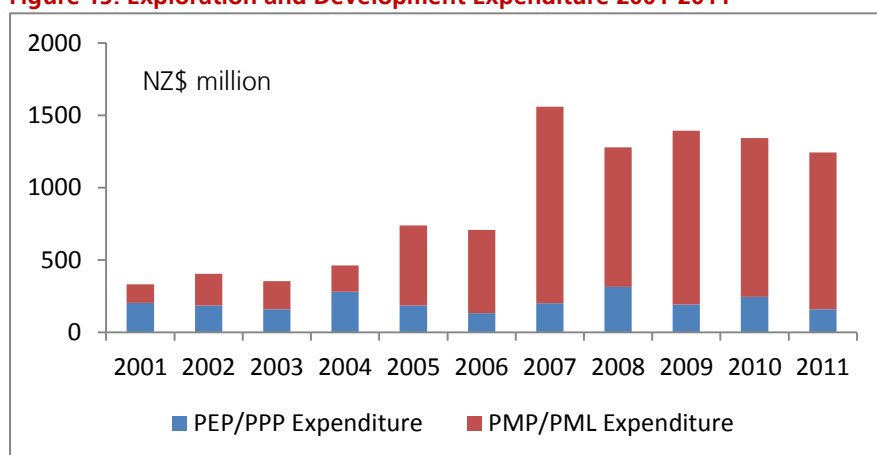
**Figure 14: Wells drilled 2001-2011**



Source: 2011 Energy Data File

Annual investment in exploration and prospecting activity has been relatively even over the past 10 years, but mining permit development investment has soared (**Figure 15**). In 2007-2012, total expenditure of \$6.8 billion was more than double the \$2.7 billion spent in the preceding five-year period. Of the \$6.8 billion spent in 2007-2011, \$5.7 billion – almost 84 percent – was applied to mining licence development.

**Figure 15: Exploration and Development Expenditure 2001-2011**



Source: 2011 Energy Data File

PEP = Petroleum Exploration Permits

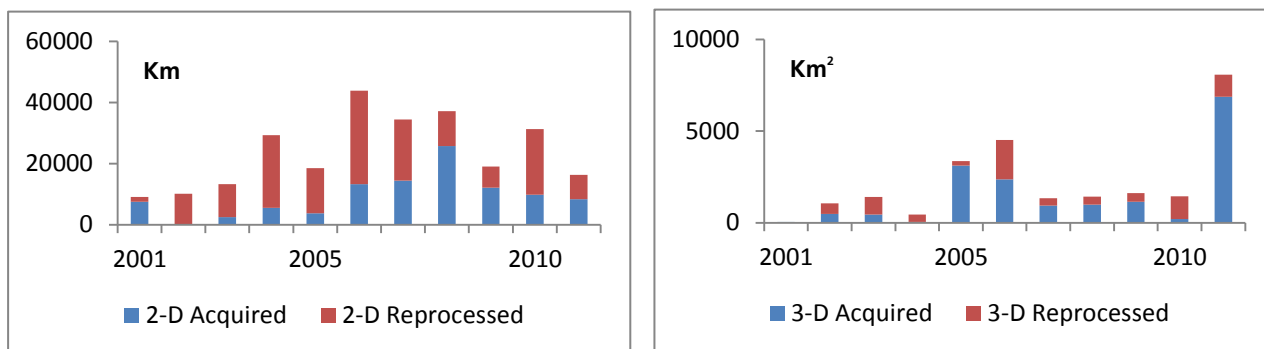
PPP = Petroleum Prospecting Permits

PMP = Petroleum Mining Permits (production permits)

PML = Petroleum Mining Licences (production permits)

Seismic data acquisition and reprocessing to identify potential hydrocarbon-bearing formations – an important precursor to drilling activity – was boosted in the past five years by the Government-backed seismic acquisition projects described above (**Figure 16**). In that time, new and reprocessed 2-D and 3-D seismic data covered 152,000km, compared with 126,000km in the 2001-2006 period.

**Figure 16: Seismic Data Acquisition 2001-2011**



Source: 2011 Energy Data File

## 5.6 Gas Production

Annual gas production fluctuates depending on thermal electricity generation requirements and the level of petrochemical feedstock gas.

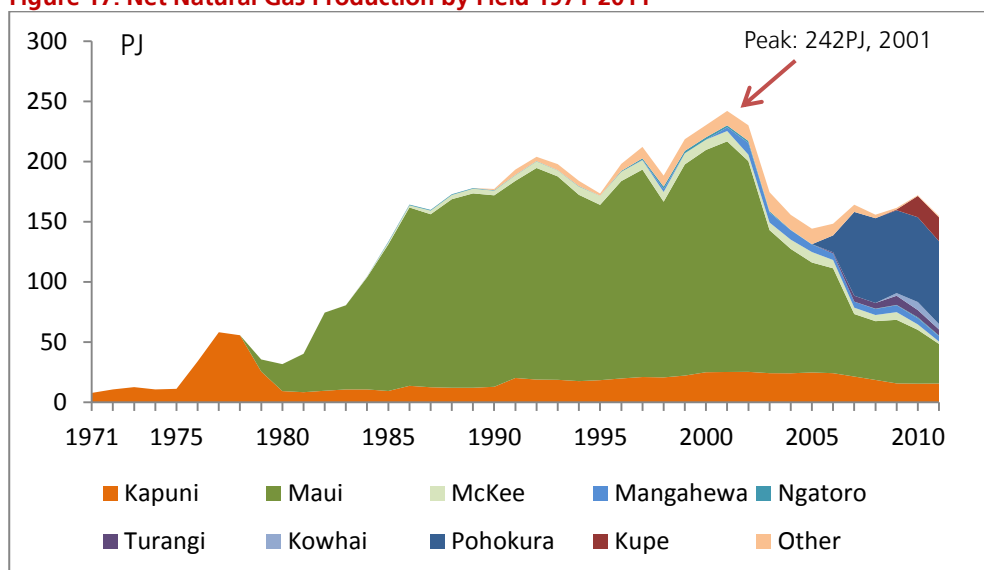
**Figure 17** tracks gas production by field since 1971, the first year of Kapuni gas supply. Production accelerated with the commencement of Maui gas supply in 1979 and grew exponentially as transmission system expansion grew the market. The total annual production peak of 242PJ in 2001 which coincided with the Maui production peak of 191PJ was followed by a sharp fall-off. Since 2001, net gas production from Maui has steadily declined to 33PJ in 2011.

However, Maui was still the second highest producer, with a contribution of 21.2 percent of the total 155PJ net production in that year (**Figure 18**).

The sharp drop in net annual gas production is mirrored in the substantial decline in petrochemical feedstock uptake evident in **Figure 11 (Page 16)**. After reaching a peak of 62PJ in 2000, petrochemical feedstock demand dropped to 13PJ in 2005 (most of it for urea production) before the commissioning of new fields enabled a resumption of methanol production and a recovery of petrochemical volumes to around 25PJ/year from 2009. The trends illustrate the production 'absorber' role played by the methanol plants.

Total annual net production since the first full year of Pohokura gas production in 2007 has fluctuated in a range of 155PJ (2011) to 172PJ (2010), with year-on-year changes primarily reflecting thermal electricity generation and petrochemical requirements.

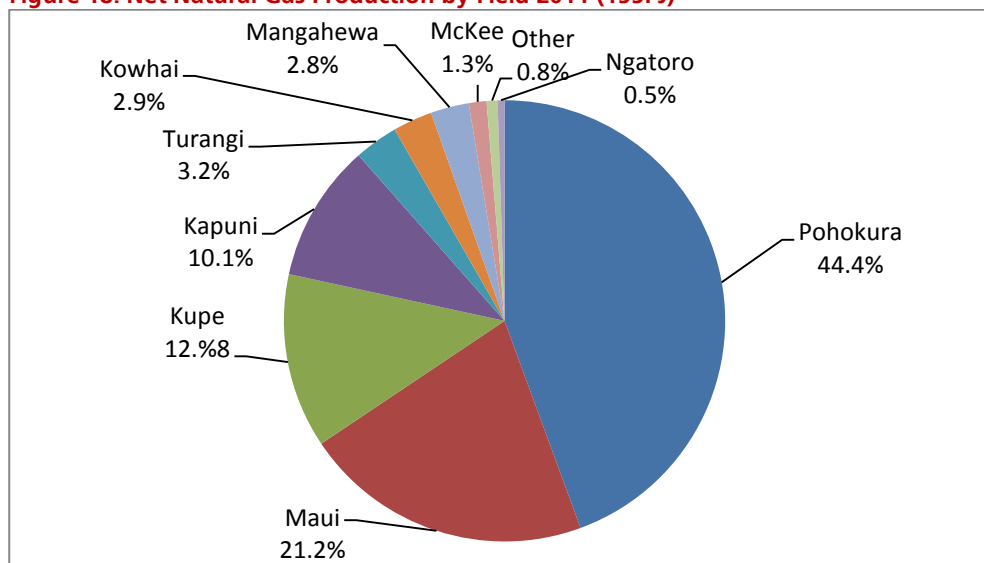
**Figure 17: Net Natural Gas Production by Field 1971-2011**



Source: 2011 Energy Data File.

- Ngatoro includes gas from the Goldie, Moturoa and Kaimiro wells. Gas from the Ngatoro field was flared from 1992-1998.
- Moturoa field gas is used for operational purposes.
- Other includes Tariki/Ahuroa, Waihapa/Ngaere, Rimu, Cheal, Copper Moki, Sidewinder, and Surrey wells.
- Excludes Tui and Maari fields, where gas is flared or used for own purposes.

**Figure 18: Net Natural Gas Production by Field 2011 (155PJ)**



Source: 2011 Energy Data File

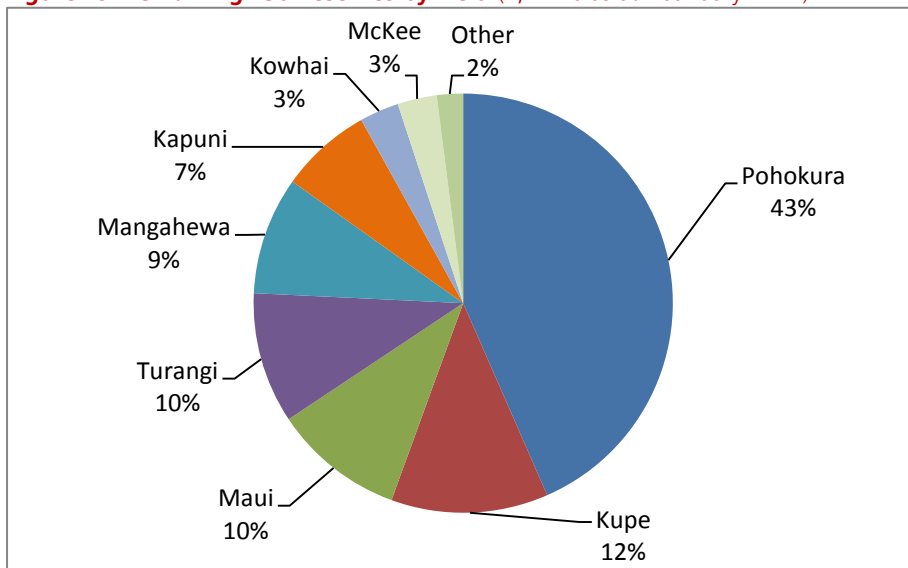
- Excludes Gas produced from the Maari and Tui fields, where gas is flared or used for operational purposes.
- Ngatoro includes production from the Goldie. Gas from the Moturoa wells is used for operational purposes.
- Other includes Tariki/Ahuroa, Waihapa/Ngaere, Cheal, Surrey, Sidewinder and Copper Moki wells.

## 5.7 Gas Reserves

**Figure 19** sets out the current remaining gas reserves by field, while **Figure 20** illustrates the remaining gas reserves, and supply longevity position, since 2005. Remaining gas reserves (P50) in producing fields have remained comparatively stable over the past five years, fluctuating in a range of 1,952PJ (2007) and 2,195PJ (2008) according to production levels and reserves replacement activity, and providing a consistent reserves/gross production ratio in a band of between around 10 and 12 years. As at 1 January 2012, New Zealand had

approximately 2,000PJ of remaining total gas reserves (P50) giving a supply horizon based on gross production of around 11 years.

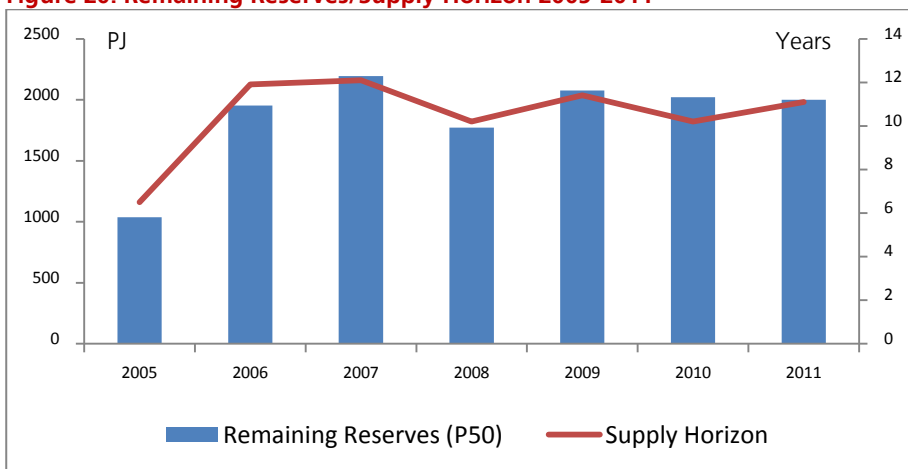
**Figure 19: Remaining P50 Reserves by Field (1,999PJ as at 1 January 2012)**



Source: 2011 Energy Data File

- Other includes Ngatoro, Kauri, Moturoa, Cheal and Rimu.

**Figure 20: Remaining Reserves/Supply Horizon 2005-2011**



Source: 2011 Energy Data File

Supply Horizon = annual reserves/gross production ratio. Gross production includes gas flared, gas injected, gas used for operational purposes, losses, and LPG extraction

There have been some concerns about the accuracy of New Zealand’s reserves reporting, and in 2010, MBIE (then MED) released an options paper<sup>96</sup> for improving the quality of information about available petroleum reserves.

The paper was in response to Ministerial directives arising from a review of the electricity market, and from the Government’s Action Plan to maximise the gains from New Zealand’s petroleum resources. The directives were to:

<sup>96</sup> *New Zealand Petroleum Reserves*, August 2010

- report on measures to improve the quality of published information on gas reserves.
- improve the quality of information provided by the industry to Government of the Crown’s petroleum resources.

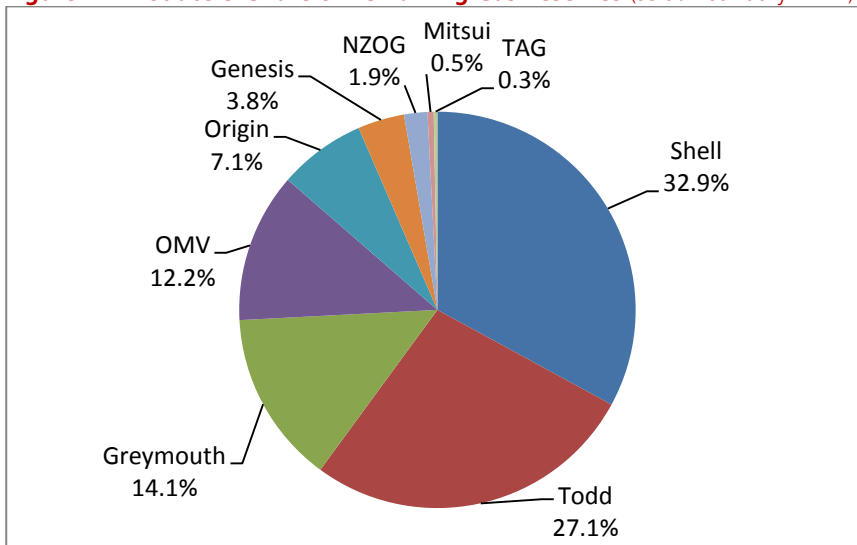
The paper commented on a perceived lack of confidence in the accuracy, precision and consistency of reserves information and, based on a review of reporting rules in Australia, the United States, the United Kingdom and Norway, proposed a number of options to reform the petroleum reporting and disclosure regime.

After considering submissions, MBIE has proposed a suite of reporting improvement measures as part of its wider review of the Crown Minerals Act regime<sup>97</sup>, which will be translated into regulations and issued for further public consultation in 2013.

## 5.8 Reserves Ownership

The transition to multi-field gas supplies has resulted in some dilution of a historical concentration of reserves ownership in a small number of large producers. While original Maui and Kapuni producers Shell and Todd, and their Maui and Pohokura partner OMV remain core investors in New Zealand’s gas sector, newcomer explorer/producers – among them Origin Energy, Greymouth Petroleum, TAG Oil and NZEC – are establishing a strengthening foothold in the market as they find and develop new resources. **Figure 21** sets out the ownership of remaining gas reserves as at 1 January 2012, with a more detailed ownership breakdown presented in **Table 1**.

**Figure 21: Producers’ Share of Remaining Gas Reserves** (as at 1 January 2012)



Source: 2011 Energy Data File

<sup>97</sup> MBIE: *Review of the Crown Minerals Act 1991 Regime - Discussion Paper*, March 2012



**Table 1: Gas Reserves Ownership**

Company	Field	% Interest	Remaining Reserves (PJ) - as at 1 January 2012	Reserves Ownership (PJ)	Ownership of total Reserves (%)
<b>Shell</b>	Maui	83.7	208	174.1	
	Kapuni	50	143	71.5	
	Pohokura	48	860	412.8	
				<b>658.4</b>	<b>32.9</b>
<b>Todd</b>	McKee	100	52	52.0	
	Maui	6.25	208	13.0	
	Kapuni	50	143	71.5	
	Mangahewa	100	180	180	
	Pohokura	26	860	223.6	
				<b>541.1</b>	<b>27.1</b>
<b>Greymouth</b>	Turangi	100	201	201.0	
	Kowhai	100	57	57.0	
	Ngatoro	100	23	23.0	
	Moturoa	98	1.2	1.2	
				<b>282.2</b>	<b>14.1</b>
<b>OMV</b>	Maui	10	208	20.8	
	Pohokura	26	860	223.6	
				<b>244.4</b>	<b>12.2</b>
<b>Origin</b>	Kupe	50	248	124	
	Kauri	100	18	18	
	Rimu	100	0.3	0.3	
				<b>142.3</b>	<b>7.1</b>
<b>Genesis</b>	Kupe	31	248	<b>76.8</b>	<b>3.8</b>
<b>NZOG</b>	Kupe	15	248	<b>37.2</b>	<b>1.9</b>
<b>Mitsui</b>	Kupe	4	248	<b>9.9</b>	<b>0.5</b>
<b>TAG</b>	Cheal	100	6	<b>6</b>	<b>0.3</b>

Source: Compiled from 2011 Energy Data File

- Excludes Maari and Tui fields where gas is flared or used for operational purposes.
- Remaining reserves in the Tariki/Ahuroa, Waihapa/Ngaere and Surrey fields are recorded as zero.
- Reserves in the Sidewinder, Copper Moki and Waitapu discoveries have yet to be reported.

## 5.9 Unconventional Gas

'Unconventional' gas is producing a global supply bonanza, underpinning the so-called 'golden age of gas' and seen as a global energy market game-changer.

Australia and the United States are leading the way in the development and production of unconventional gas resources, and have reported substantial increases in their national gas reserves in the past five years as a result. By comparison, it is in its infancy in other parts of the world, including New Zealand.

### What is it?

'Unconventional' gas is contained in tight, low permeability formations and is difficult to access. There are a number of forms of unconventional gas, but two common types are coal bed methane (primarily methane and also known as coal seam gas (CSG) or 'firedamp' to miners), and shale gas, derived from source rock that has matured. These tight formation gas deposits require advanced extraction techniques such as hydraulic fracturing – commonly referred to as 'fracking' - and horizontal drilling, to produce. Fracking involves pumping sand, chemicals and water at high pressure into the formation.

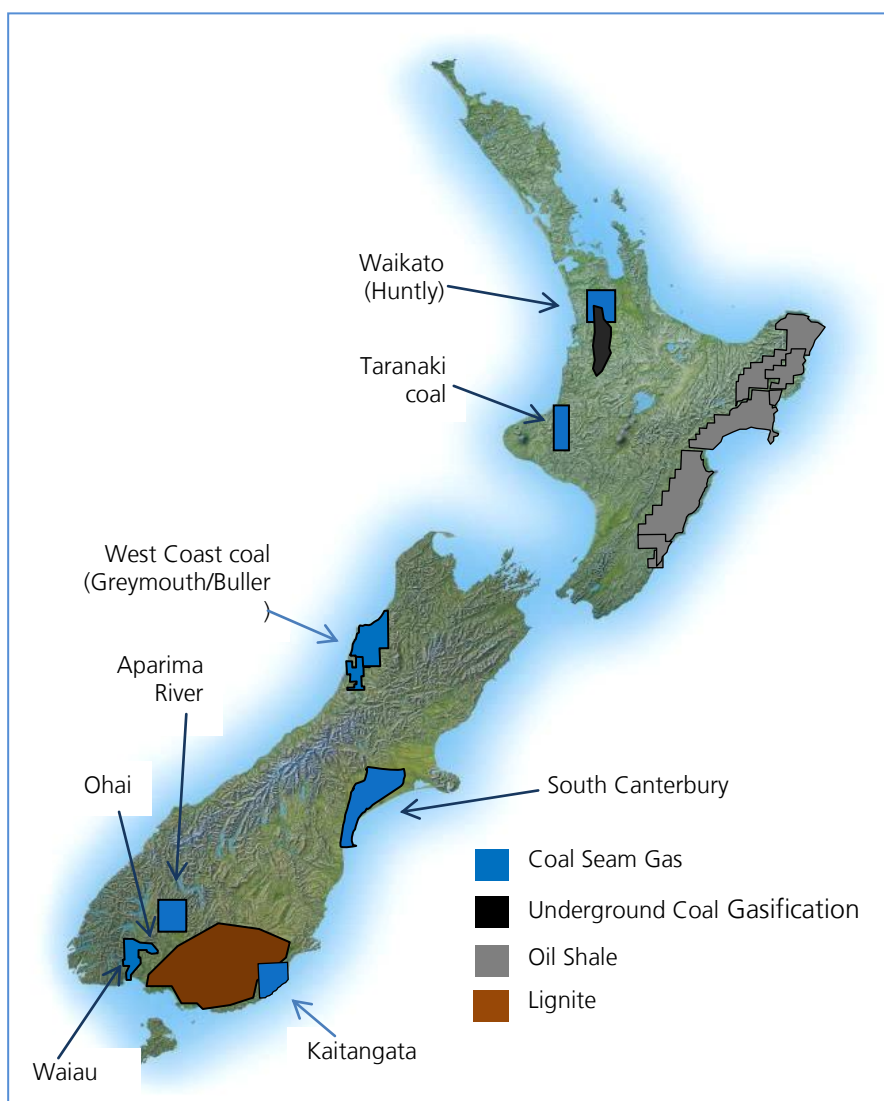
By contrast, 'conventional' gas deposits are contained in porous reservoirs, often limestone or sandstone, which have interconnected spaces that allow the gas to migrate to the well bore and to generally flow freely to the surface, often under the natural pressures of the reservoir.

## 5.10 Unconventional Gas Developments in New Zealand

New Zealand has an estimated 15 billion tonnes of in-ground coal resource. Much, although not all, is thought to be conducive to CSG production<sup>98</sup>. Limited activity in CSG exploration and development to date is therefore considered to be more a reflection of the under-explored nature of New Zealand's petroleum and mineral basins and the abundance of conventional gas, rather than a perceived lack of resource.

**Figure 22** shows the significant areas of interest in New Zealand for the main types of unconventional gas – CSG, fractured shale and coal gasification. It also shows a large area of lignite deposits in Southland, where interest is more towards conversion into briquettes, fertiliser and possibly petroleum liquids<sup>99</sup>.

**Figure 22: Unconventional Gas in New Zealand – Areas of Interest**



Source: PEPANZ

While contingent reserves estimates, particularly for CSG, are reported by some companies, they are not sufficiently firm to be included in New Zealand's formal gas reserves position.

<sup>98</sup> Minister of Energy, address to the inaugural coal seam gas industry briefing, 30 June 2009.

<sup>99</sup> Solid Energy 2012 Annual Report. Solid Energy has constructed a \$29 million briquette plant using lignite to produce higher-energy coal briquettes. It is also progressing feasibility work on preferred sites for a proposed coal-to-fertiliser plant and a new lignite mine to supply it. This work has been prioritised ahead of coal-to-liquids development.

CSG exploration began in New Zealand in the early 1980s, when RC Macdonald Limited commenced projects in the Ohai coalfield and Greymouth coalfields. Neither project yielded commercial quantities of CSG, but today both coalfields continue to be subject to CSG interest, albeit by different parties.

Seismic and drilling activity associated with unconventional gas exploration has increased substantially in recent years. CSG accounted for 16 of the 52 petroleum wells drilled in 2011, 16 of 45 wells 2010, and 19 of 37 wells in 2009.

As the search for large, commercially viable unconventional gas resources continues, Solid Energy has demonstrated the potential for unconventional gas through a pilot project that is producing gas from Waikato coal.

Initial work indicated that the North Huntly coalfield could contain between 25PJ and 200PJ of gas. In 2008, Solid Energy produced sufficient CSG from an exploratory project to power a 1 megawatt (MW) turbine. Four years later, in April 2012, Solid Energy<sup>100</sup> started up a \$22 million underground coal gasification (UCG) pilot plant near Huntly, which is successfully producing synthesis gas (syngas)<sup>101</sup> from coal. Solid Energy believes it is the first in the world to access energy from a single coal field using four different technologies – underground mining, opencast mining, CSG, and UCG<sup>102</sup>. The gas is reported to contain 98 percent methane, and just 1 percent carbon dioxide.

In May 2012, on the back of ‘proving’ the technology at its Huntly plant, Solid Energy announced a refocusing of its CSG development work on Taranaki, where its CSG acreage in the Tahora/Tangarakau area indicates contingent resources of more than 900PJ of gas, based on exploration results to 31 December 2011<sup>103</sup>. In 2010 it had reported its contingent CSG resources at 190PJ. With the focus on its Taranaki acreage, Solid Energy relinquished less prospective areas in the South Island and the Counties region of the North Island.

Wellington-based L&M Energy has interests in conventional petroleum licence plays in Taranaki, as well as unconventional prospects with Ohai, Aparima River and Waiau (western Southland), Kaitangata (south Otago), and South Canterbury. It also has a permit over part of the Waikato coal deposits which it intends to investigate for UCG. L&M is conducting pilot production testing on the Ohai licence area which it reports has estimated contingent CSG reserves of about 270PJ<sup>104</sup>.

Brisbane-based CSG specialist company, Comet Ridge Limited, is active in Waikato and the West Coast of the South Island. Its work to date has focused on gathering and analysing data, including from airborne surveys undertaken in 2010, and updating its geological models. Comet has reported independently certified contingent resources of 244PJ of CSG over the Greymouth coal fields<sup>105</sup>.

Oil shale deposits on the East Coast of the North Island, believed by some to be the source rocks for the basin’s entire hydrocarbon system<sup>106</sup>, provide unconventional as well as conventional prospects for explorers. In 2011, US-based Apache Corporation farmed into East Coast acreage held by TAG Oil to jointly explore and potentially develop oil and natural gas resources in this region in a three phase programme. Amongst projects by its

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<sup>100</sup> Via Coal Bed Methane Limited, a joint venture with US-based Resource Development Technology LLC.

<sup>101</sup> Syngas has several component gases, including hydrogen, carbon monoxide, methane, carbon dioxide and nitrogen. It is suitable for methanol and ammonia/urea production, but otherwise can be used only in equipment made specifically for syngas. By contrast, CSG typically comprises 95 percent or more methane and less than 2 percent carbon dioxide, and can be used more generally as a consumer energy. Solid Energy website [www.soldienergy.co.nz](http://www.soldienergy.co.nz)

<sup>102</sup> Solid Energy media release: *Solid Energy begins Underground Coal Gasification successfully*, 16 April 2012.

<sup>103</sup> Solid Energy media release: *Solid Energy to refocus coal seam gas development in Taranaki*, 30 May 2012.

<sup>104</sup> L&M Energy 2011 Annual Report; 2012 Annual General Meeting Managing Director’s Presentation.

<sup>105</sup> Comet Ridge Limited 2011 Annual Report - [http://www.cometridge.com.au/Investors\\_AnnualReports.htm](http://www.cometridge.com.au/Investors_AnnualReports.htm)

<sup>106</sup> New Zealand Energy Corporation: Website comment at [www.newzealandenergy.com/operations/east-coast-basin/default.aspx](http://www.newzealandenergy.com/operations/east-coast-basin/default.aspx)

reservoir engineers, Apache had listed an evaluation of potential well performance for an oil shale project in New Zealand. However, in January 2013 partner TAG Oil announced that Apache had decided to end its venture in New Zealand and would not undertake phase 2 of the programme. Apache had already committed to paying all costs of the first phase involving four wells to be drilled in 2013.

New Zealand Energy Corporation NZEC, describing the East Coast Basin as an 'unexplored area of vast resource potential', refers to 'enormous shale beds up to 600 metres thick' and reports it is keen to be among the first companies to unlock the potential of these oil shales<sup>107</sup>. It holds permits in four regions of the East coast, stretching from East Cape to Castlepoint. Westech Energy also holds prospecting acreage in this region.

## 5.11 International Developments in Unconventional Gas

In Australia, the contribution of CSG to total gas production has increased from 2 percent in 2003 to 11 percent in 2011, when it accounted for around 240PJ of Australia's total annual gas production of 2,091PJ. Currently, most of Australia's CSG is produced in Queensland, and the rest in NSW. In this eastern Australia market, CSG made up 38 percent of total production in 2011, and in Queensland it accounted for about 98 percent of production. CSG production is expected to grow, and a number of development projects, including three CSG-based export projects in Queensland – representing a combined investment of close to \$50 billion<sup>108</sup> – are due for completion in the middle of this decade. Australia's economic demonstrated gas resources as at 31 December 2010 totalled 148,000 PJ, of which 35,000PJ (24 percent) is CSG<sup>109</sup>.

The United States is described as having 'won the lottery on natural gas'<sup>110</sup>. Thanks to newly-discovered and potentially huge reserves of unconventional gas – primarily from shale deposits, but also CSG – the US has turned from a significant gas importer, to having domestic reserves estimated by some to last for the next 100 years. The US Energy Information Administration (EIA) acknowledges that natural gas from shale formations has rejuvenated the natural gas industry there, and records that proved reserves in America rose in 2010 by the highest level since the EIA began publishing proved reserves estimates in 1977<sup>111</sup>. Proved shale gas reserves in the USA increased from 24,470PJ in 2007, to 102,321PJ in 2010. CSG proved reserves totalled 18,380PJ in 2010. Together, these unconventional sources accounted for 36 percent of America's total proved gas reserves. The US Department of State is sharing its industry and regulatory experience with other countries through an Unconventional Gas Technical Engagement Programme<sup>112</sup> created in 2010 as the Global Shale Gas initiative, but subsequently renamed to reflect a focus on all forms of unconventional gas.

China and India are pursuing shale gas resources, and significant potential is seen in areas of South America and Africa. Russia's Gazprom, a major supplier of conventional gas to Europe and likely to be seriously affected by market change caused by an influx of cheaper gas, is interested in acquiring shale gas assets in the US to gain expertise, and is developing a CSG business within Russia. The sleeping giant is China. The IEA has estimated China's total recoverable unconventional gas resources at 1.8 millionPJ, of which more than 70 percent is in shale beds and the rest in CSG<sup>113</sup>. China produced around 370PJ of coal bed methane in 2011, is investing \$16 billion to double its output and is looking to increase CSG output to over 1,100PJ by 2020. Shale gas production on a major scale in China could change the international market by reducing LNG demand, and poses a major

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<sup>107</sup> [www.newzealandenergy.com/Operations/East-Coast-Basin/default.aspx](http://www.newzealandenergy.com/Operations/East-Coast-Basin/default.aspx)

<sup>108</sup> LNG developments by Origin Energy, Santos and BG Group.

<sup>109</sup> Australian Government, Bureau of Resources and Energy Economics: *Energy in Australia 2012*

<sup>110</sup> Yale Environment360, 13 August 2012.

<sup>111</sup> EIA, *US Crude Oil, Natural Gas, and NG Liquids Proved Reserves*, 1 August 2012.

<sup>112</sup> [www.state.gov/s/ciea/ugtep/index.htm](http://www.state.gov/s/ciea/ugtep/index.htm)

<sup>113</sup> Reported, *The Economist*, 14 July 2012.

problem for large gas exporters, like Australia, which nationwide has more than a dozen LNG projects – underway or proposed – representing a total investment of over \$200 billion<sup>114</sup>.

Europe is currently looking at what the unconventional gas potential is for member States and the EU as a whole, with an eye to replicating the US success story. Currently there are no proven, economically recoverable reserves, although there is some active exploration in locations such as Poland. A number of projects are underway to map out unconventional gas resources, including the Shale Gas Research Initiative, an interdisciplinary research project aimed at developing a black shale database<sup>115</sup>.

A 2011 study concluded that while unconventional gas is likely to strengthen the long-term security of some countries, especially in Central and Eastern Europe, the EU as a whole 'will not experience the type of bounty created by additional domestic gas resources in the United States'<sup>116</sup>.

There are a number of obstacles to unconventional gas achieving its potential contribution to world energy. For instance, estimating reserves is uncertain as the gas sits in complex formations that often cover a very large area. Production rates, particularly from shale, are initially high, then decline rapidly before reaching a long-term production rate that can be long-lived compared with conventional gas wells. Such is the uncertainty that questions have been raised about the accuracy of shale reserves estimates in the United States and whether they have been overstated<sup>117</sup>. Other obstacles include:

- environmental impact, primarily water contamination, but also fugitive methane leakage from wells.
- public resistance and the shape of regulations as legislators seek to catch up with unconventional gas developments.
- the extent and cost of extraction<sup>118</sup>.
- supply saturation and price impact as increasing production puts downward pressure on international gas prices, affecting the economics of unconventional gas production.
- population density and land access<sup>119</sup>.
- relative lack of water for water-intensive fracking operations.

## 5.12 Environmental Management Concerns

The fracking technology and concerns over its effect on water quality is at the centre of resistance to unconventional gas developments, and behind moves in some overseas jurisdictions to curtail or control that activity.

An interim report from a Parliamentary Commissioner for the Environment investigation into fracking<sup>120</sup> concluded that a moratorium is not justified at present, and refers to a UK government finding that

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<sup>114</sup> A\$175 billion. Australian Trade Commission, Investor Update *Australian LNG attracts new \$30 billion investment*, 30 January 2012.

<sup>115</sup> [www.gas-shales.org/index.php/en.html](http://www.gas-shales.org/index.php/en.html)

<sup>116</sup> Atlantic Council: *European Unconventional Gas Developments, Environmental Issues and Regulatory Challenges in the EU and the US*, June 2011.

<sup>117</sup> Reported, New York Times 25 June 2011: *Insiders Sound an Alarm Amid a Natural Gas Rush*; Arthur E. Berman, Labyrinth Consulting Services, in *US Shale Gas: Magical Thinking & The Denial of Uncertainty*, 9 January 2012, Duke University Nicholas School of the Environment, suggests the US shale reserves are overstated by 100 percent.

<sup>118</sup> Over 15,000 wells have been drilled in the Barnett Shale in Texas and Oklahoma since the first well in 1981. In 2009, 1,121 wells were drilled in the Marcellus Shale in Pennsylvania and West Virginia.

<sup>119</sup> For example, Europe is more densely populated than North America, where many successful shale gas plays are in very sparsely populated areas.

<sup>120</sup> *Evaluating the environmental impacts of fracking in New Zealand: An Interim Report*, November 2012, available at <http://www.pce.parliament.nz/assets/Uploads/Fracking-interim-web.pdf>

environmental risks associated with fracking can be managed effectively, provided operational best practices are implemented and enforced through regulation. The Parliamentary Commissioner, however, expresses concern about whether New Zealanders can be confident operational best practices are actually being implemented and enforced. The next stage of the Parliamentary Commissioner's investigation will focus on how well the environmental risks associated with fracking are being regulated and monitored.

### 5.13 Gas Hydrates

New Zealand has potentially massive resources of gas hydrates – a mixture of methane and water frozen into an ice – under the seabed along its deep-water continental margins.

Research into these resources – also known as methane hydrates – has been conducted since 1993, and in April 2012 research institute GNS Science concluded a two-year \$1.01million gas hydrates programme funded by the Foundation for Research, Science, and Technology (MBIE). Gas hydrate presence has been observed in the Hikurangi margin, east of the North Island, the deep-water Taranaki and Northland basins to the west of the North Island, and regions of Fiordland (**Figure 23**).

The recently completed two-year research programme was led by GNS in collaboration with the National Institution of Water and Atmospheric Research (NIWA), the University of Otago and the University of Auckland. The study had a particular focus on the Hikurangi Margin due to its large area and proximity to major population centres, making it economically the most attractive for potential production. The Hikurangi margin contains a gas hydrate region of more than 50,000 sq km, with initial estimates of some 20 trillion cubic feet (20,000PJ) of gas<sup>121</sup>.

GNS Science reports that even if only a fraction of New Zealand's gas hydrates become commercially recoverable, they could provide the main source of natural gas for the country for several decades.

The objectives of the study were to assess the regional distribution of gas hydrates and characterise individual gas hydrate reservoirs. It included analysis of seismic data to improve understanding of gas hydrate reservoir rocks, investigation of gas hydrate formation mechanisms, initial production modelling, and an assessment of production impact on the seafloor environment.

A number of countries, including Japan, the United States, Canada, India, and South Korea are carrying out national gas hydrate research and development programmes aimed at commercial production. The American Geological Institute<sup>122</sup> cites reports estimating the natural gas potential of methane hydrates as approximately 400 million trillion cubic feet (400 billionPJ), compared to the world's currently known gas reserves of 5,000 trillion cubic feet (5 millionPJ).

Methane, the main component of natural gas, is a gaseous hydrocarbon at standard temperatures and pressures. It is generally recovered during conventional oil and gas drilling and production.

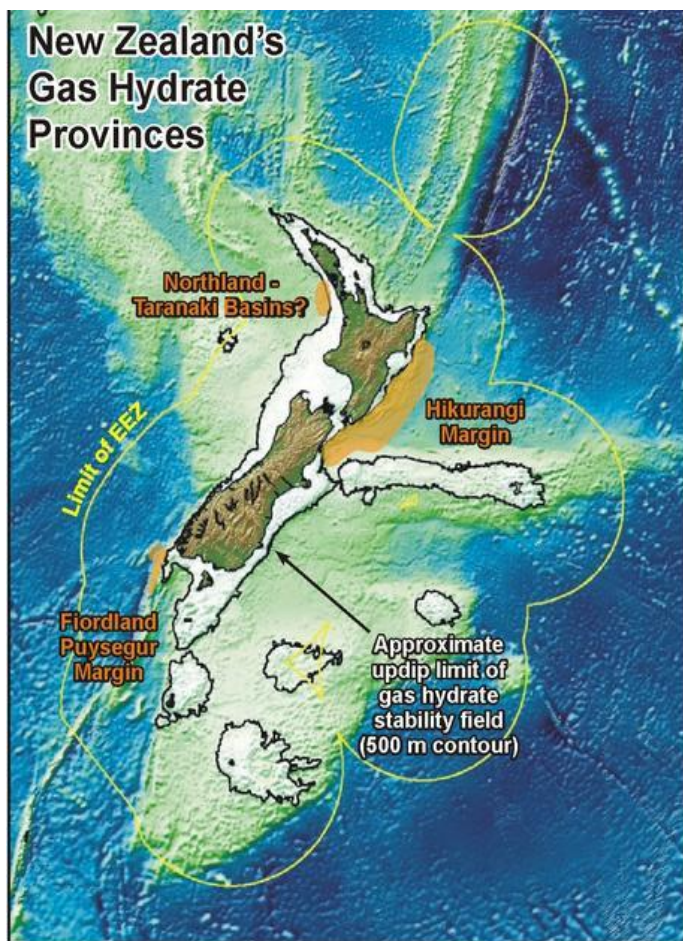
It can also occur 'unconventionally' under conditions of high pressure and very low temperatures. It has been found beneath the Arctic permafrost and beneath the sea floor, particularly in deep water continental margins. The methane doesn't bond with the water; rather it is found as a highly compressed crystalline solid encased within an ice structure.

When liberated from the ice as it reaches warmer temperatures and lower pressures, the volume of methane gas is 160 times greater than that of the hydrate form.

<sup>121</sup> Petcher and Henrys 2003: *Potential gas reserves in gas hydrate sweet spots on the Hikurangi Margin, New Zealand*, Science Report, Institute of Geological and Nuclear Sciences.

<sup>122</sup> American Geological Institute: Update on Methane Hydrate Research and Development Act (5-8-00)

**Figure 23: Gas Hydrates Areas of Interest**



Source: GNS Science

Oil, Gas and Metals National Corporation, is testing whether methane molecules can be exchanged with carbon dioxide molecules within the hydrate in-situ, by pumping waste carbon dioxide from conventional wells into a hydrate deposit. If the carbon dioxide-methane exchange technique works, it will remove the need to add or dispose of fluids and avoid destabilising the seafloor.

International research is generally limited in scale and breadth. For some countries there is no urgent need to look to mine methane hydrates as they have access to much cheaper natural gas and coal seam/shale gas resources for many years. Other countries are looking to commercialisation of gas hydrates earlier, with Japan planning to open a short-term production well in the offshore Nankai Trough in 2013, and to conduct longer tests in 2015.

As there is no immediate gain from gas hydrate research and development, petroleum companies internationally are generally putting their R&D funds into technology that better exploits currently producing resources.

While trials to produce methane hydrates have met with some success, technologies to produce them are not yet proven. Gas hydrate production tests in northern Canada in 2002 and 2008 trialled hot water injection and depressurisation techniques, with depressurisation producing more methane than expected through modelling.

However, the American Geological Institute reports there are many technological problems and safety hazards that must be addressed before methane hydrates can be economically and safely extracted.

Recovery methods, such as steam or hot water injection and depressurisation, are aimed at causing the methane to sublime – transition from a solid to gas without passing through an intermediate liquid phase - to allow production. Once transitioned to gaseous form, there is a high risk of methane leakage with associated environmental and safety risks. Additionally, geologists suspect that gas hydrates may play an important role in stabilising the seafloor, and that drilling these deposits on a large scale could cause underwater landslides.

The US Department of Energy, in conjunction with US oil company ConocoPhillips and Japan

## 6 Gas Processing

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The industry is well serviced with gas processing facilities, which tend to be built in conjunction with the development of new fields, and tailored to the reserves, wellstream composition and production characteristics of that field. Third party access, when required, is governed by commercial contracts. An information disclosure regime for gas processing facility owners has not identified competition or entry barrier issues.

### 6.1 Background

In the underground reservoirs from which it is produced, natural gas exists in association with oil, condensate (a light hydrocarbon liquid), water and other compounds and impurities such as carbon dioxide and hydrogen sulphide. Together, these components form the well stream that flows to the surface.

The well stream is processed to separate the oil and other hydrocarbon liquids (condensate, natural gasoline) and to remove the water, leaving a raw gas stream comprising mainly methane, but also heavier hydrocarbons including propane, butane and ethane, as well as carbon dioxide and other impurities.

To achieve technical specifications<sup>123</sup> for transmission and general market use, the heavier hydrocarbons and impurities must be removed, or reduced. In some cases, non-specification gas is transported by private pipelines to petrochemical and certain large end-users.

Propane and butane are often extracted – as liquid petroleum gases (LPGs) - as valuable products in their own right for supply to the domestic and/or export LPG markets.

### 6.2 Current State of the Gas Processing Market

Gas processing facilities in New Zealand are generally built in conjunction with the development of a newly-discovered producing field, and are tailored to the size, well stream composition and current and predicted production characteristics of that field. They can range from relatively simple, skid-mounted facilities, to much larger and more complex treatment plants.

The previous (2004) Government Policy Statement on Gas Governance (2004 GPS) recognised access to processing facilities as a potential barrier to entry as production from the Maui and Kapuni fields declined and the New Zealand gas market became more dependent on supplies from multiple smaller fields, with potentially shorter production lives.

This hasn't proved the case to date. The willingness of gas processing owners to make their facilities available was demonstrated in a 2004 proposal by NGC (now Vector) to establish a gas gathering network centred on its Kapuni gas treatment plant (KGTP) in Taranaki. The intention was to tie small gas discoveries directly into the KGTP, thereby making more efficient use of that facility, while avoiding potentially unnecessary development costs for marginal fields. The invitation to developers to utilise the KGTP was extended to the large offshore Kupe field owners who, after considering a range of options, decided to construct their own dedicated

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<sup>123</sup> The New Zealand Standard: Specification for reticulated natural gas NZS 5442:2008



processing facilities. Earlier, Swift Energy had opted to build its own production facilities for the Rimu field. No small producers took up NGC's offer and the concept appears to have lapsed.

Since then, new processing facilities, such as for TAG's Sidewinder field, have been developed from scratch, and TAG is now also looking to build gas processing facilities on its Cheal field, onshore Taranaki.

A reason that producers are opting for field-dedicated processing facilities may be that the treatment of new discoveries has been relatively straight forward and without the complexities of high carbon dioxide levels that characterises the Kapuni field.

A short-term gas processing information disclosure regime<sup>124</sup> was introduced in 2008 to monitor gas processing availability and the outcome of any third party demand for access – with a view to ascertaining whether a permanent regulatory regime is required. No access issues have emerged and the few calls for access by third parties are either currently subject to discussion or have been arranged through commercial negotiations. Accordingly, co-regulator Gas Industry Co is proposing to recommend to the Minister that regulated access to processing facilities is not required, and that the disclosure regime should be allowed to lapse<sup>125</sup>.

A report on the effectiveness of this regime and a recommendation on whether there is a need for permanent rules will go to the Minister of Energy and Resources by the end of June 2013.

### 6.3 Gas Processing Facilities

There are currently 11 gas processing facilities operating in New Zealand, with an indicative combined capacity of approximately 280PJ per annum. A 12<sup>th</sup>, a small, skid-mounted separation facility on the Kahili field onshore Taranaki, is mothballed. A disclosure notation advises a recommissioning period of three to six months for existing Kahili facilities and that a compressor is needed to enable gas export.

Significant new processing capacity has been commissioned in the past five years as new fields, including Pohokura and Kupe, have come on stream. NZEC recently reached an agreement to acquire the Waihapa facility from Origin Energy as it looks to expand into midstream operations in Taranaki. That transaction is due to be settled in early 2013. **Table 2** lists the gas processing facilities and their reported processing capacity.

In other cases, existing processing plants have been expanded to accommodate new production. In September 2011 Todd Energy commissioned a new \$75 million LPG plant at the McKee production station. This development is described by Todd Energy<sup>126</sup> as the first straddle-type plant in New Zealand, in which it is fed by propane and butane-rich pipeline specification gas from the Mangahewa and Pohokura fields, extracts these LPGs, and returns the lean gas back to the pipeline.

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<sup>124</sup> Gas (Processing Facilities Information Disclosure) Rules 2008

<sup>125</sup> Gas Industry Co: *Proposed Recommendation on the Gas (Processing Facilities Information Disclosure) Rules 2008*, 26 November 2012.

<sup>126</sup> Todd Energy media release: *Prime Minister Opens Todd Energy McKee LPG Plant*, 15 September 2011.

**Table 2: Gas Processing Facilities**

Facility Name	Facility Operator	Indicative Capacity (PJ pa)	Forecast Spare Capacity as a % of Capacity		
			0-24 months	2-5 years	5+ years
Kahiri Separation Facility	Vector Gas Limited	Nil	Nil	Nil	Nil
Kaimiro Production Station	Greymouth Petroleum Limited	1.8	●	●	●
Kapuni Gas Treatment Plant	Vector Gas Limited	25	●	●	●
Kowhai A Wellsite	Greymouth Petroleum Limited	5	●	●	●
Kupe Production Station	Origin Energy Resources NZ Limited	25	●	●	●
Maui Production Station	Shell Todd Oil Services	86	●	●	●
McKee-Mangahewa Production Station	Todd Taranaki Limited	McKee: 6 Managahewa 5-12	●	●	●
Pohokura Production Station	Shell Exploration New Zealand Limited	83.2	●	●	●
Rimu Production Station	Origin Energy Resources NZ Limited	8.5	●	●	●
Sidewinder Production Station	TAG Oil NZ Limited	4	●	●	●
Turangi A Wellsite	Greymouth Petroleum Limited	10.95	●	●	●
Waihapa Production Station	Origin Energy Resources NZ Limited	14.9	●	●	●

Forecast Spare Capacity Legend	
●	>25% Spare Capacity
●	5-25% Spare Capacity
●	<5% Spare Capacity

Source: information provided under the Gas (Processing Facilities Information Disclosure) Regulations 2008 (as at August 2012)  
Waihapa production is being acquired by NZEC in a transaction due to be settled in the first quarter of 2013..

With five processing facilities operating at greater than 95 percent capacity, and most others advising spare capacity of between 5percent and 25 percent, these facilities appear to be appropriately-sized for their purpose, with consequent production and economic efficiencies.

The spare capacity reported for the Maui production station at Oaonui and the Kapuni gas treatment plant reflects the declining production from those fields in the past decade. However, further drilling on both of these fields is expected to enhance gas production levels and higher utilisation of the processing facilities.

The Maui production station has historically had a high capacity relative to throughput, as it has acted essentially as a swing producer for the New Zealand gas market. The operator, Shell Todd Oil Services, notes that a rationalisation of facilities has been completed, with redundant equipment being disconnected and preserved in place for sale.

Current spare capacity of 35 percent at the KGTP is expected to reduce to less than 25 percent in the next year due to development of the Kapuni field. Depending on further field development, spare capacity will remain at

less than 25 percent for 2 to 5 years, before increasing in the longer term. The Gas Conditioning Plant (GCP) adjoining the KGTP is currently mothballed, with an estimated 12-15 month recommissioning timeframe to return it to service. The GCP has capacity of 18PJ/year of 43 percent CO<sub>2</sub> gas (or greater for low CO<sub>2</sub>/high calorific value (CV) gas). It was originally built to deliver high CO<sub>2</sub> gas to Methanex as a feedstock for methanol production, which cut back production, as well as a smaller volume to Ballance Agri-nutrients. It is not clear whether the recommissioning of the second train at Motunui will result in the GCP resuming operations<sup>127</sup>. The KGTP's Benfield CO<sub>2</sub> removal process is nominally capable of removing concentrations of hydrogen sulphide (H<sub>2</sub>S) but resource consents are not held for this activity.

Other significant disclosure commentary by processing facility owners include:

*Pohokura Production Station:* Gas dehydration capacity is being expanded to allow gas cycling and acceleration of condensate production.

*TAG Sidewinder Production Station:* Capacity increase to 10PJ/pa is possible, but plant upgrades would be required. The plant design caters for the Sidewinder gas stream. Any other gas streams would have to undergo plant simulation to ensure mixed gas streams meet pipeline specifications.

*McKee-Mangahewa Production Station:* The McKee and Mangahewa facilities are highly integrated. The Mangahewa facilities are constrained by condensate stabilisation capacity, due to LPG richness. No ullage due to ongoing exploration, appraisal and development activities.

*Kupe Production Station:* No spare capacity is foreseen in the next five years.

*Kaimiro Production Station:* Gas facilities are fully utilised due to gas lift/reinjection operations.

## 6.4 Reliability

The information disclosure regime does not require the disclosure of information relating to outages, planned or unplanned. The Pohokura production station has been the subject of two relatively brief outages in 2011 and 2012 that triggered the industry's critical contingency management processes. Overall, processing facilities' operational reliability record is strong.

## 6.5 Regulatory Performance

The term 'gas processing facility' is not specifically defined in the Gas Act or GPS, but commonly refers to the equipment, located at or near wells and/or further downstream, which processes raw gas or gas condensate streams. Equipment can also include on-site liquid storage where that is an integral part of a gas processing facility, and any protocols for accessing gas processing facilities could extend to associated gas gathering pipelines. The short-term disclosure regime, however, defines a gas gathering facility only as 'a facility which separates the various constituents of the fluid from a well so as to remove impurities and provide specification gas and gas liquids.'

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<sup>127</sup> This may mean reverting the LTS pipeline, currently being used as storage facility, to its original role of transporting high CO<sub>2</sub> gas to Methanex.

Gas processing policy objectives	Performance status
<ul style="list-style-type: none"> <li>Gas industry participants and new entrants are able to access third party gas processing facilities and related services on reasonable terms and conditions.</li> <li>Barriers to competition are minimised.</li> <li>Energy and other resources used to deliver gas to consumers are used efficiently.</li> <li>Incentives for investment in gas processing facilities is maintained or enhanced.</li> <li>The full costs of producing gas are signalled to consumers.</li> </ul>	<p>Access to gas processing facilities is subject to commercial negotiations between owners and access seekers. Apart from a gas gathering proposal by the then NGC centred on its Kapuni gas treatment plant in 2004, gas processing facility owners do not appear to actively seek third party gas into their plants. However, the response to the NGC proposal, and disclosures by facility owners on the outcome of approaches to them for access, indicate very little demand for such access.</p> <p>To date, no issues relating to gas processing facility access have arisen and there is no evidence that the facilities are operating inefficiently, or that their owners are posing barriers to competition.</p> <p>Investment in gas processing facilities is directly driven by discoveries, field and production characteristics, as well as producers' field development programmes. Processing costs will generally be reflected in the producers' gas price to their wholesale customers</p>

## 6.6 International Gas Processing Access Practices

The New Zealand gas processing market, like the industry generally, is small by international standards. Access arrangements in overseas jurisdictions, while similar in some respects, do not have direct application to New Zealand's circumstances.

Access to gas processing facilities in other countries is generally by way of commercial negotiation. In some countries, notably the UK and Canada (Alberta), industry codes for access to gas processing facilities have been developed, with regulatory oversight and provisions for intervention in certain circumstances to resolve any access issues.

A review of access protocols in Australia, the United Kingdom, United States and Canada – all relatively large gas markets - shows that while they directly regulate access to transmission pipelines, they have differing approaches to gas processing.

Around 30 percent of Alberta's gas production is sour gas (containing significant amounts of hydrogen sulphide), which is processed in around 250 gas processing plants. For environmental reasons, the development and location of sour gas processing facilities is subject to tight regulatory controls.

The regulatory regime in Alberta in fact seeks to minimise the proliferation of sour gas processing plants. The industry there has developed voluntary guidelines for oil and gas processing tariffs to promote commercial negotiations for processing agreements<sup>128</sup>. Model agreements are also widely used.

The USA has over 8,000 gas producers, many of them very small, and approximately 600 gas processing plants. Restructuring has led to a number of large dedicated gas gathering and processing businesses being

<sup>128</sup> Called Custom Agreements in Canada, and referred to as Access Protocols in other jurisdictions.

established<sup>129</sup>, with gas being gathered over hundreds of kilometres in some instances. A variety of gas processing facility access arrangements are negotiated, including fees for service, percentage of proceeds, and 'keep whole', in which processed gas returned to the third party equals the energy content of the raw gas delivered into the plant.

In the UK, as the large North Sea reserves diminish there is significant spare pipeline and processing capacity, and a focus on smaller, less economic developments. Owners of gas processing facilities or pipelines connecting to the transmission system or large users are required to publish annually their main commercial conditions for access. Information to be provided includes advice on how to apply for access, sample tariffs and/or pricing methodology, expected capacity and constraints, terms and conditions on use of the infrastructure, technical, operating, environmental protection, and safety requirements. Access disputes can be resolved by the Secretary of State.

There appear to be two key drivers – the UK government's desire to maximise hydrocarbon recoveries from the North Sea (and an associated desire to maximise the utilisation of existing infrastructure and ensure it remains in place as smaller reserves are developed), and an EU directive<sup>130</sup> which requires the UK to ensure third party access to gas infrastructure and facilities.

A non-statutory industry code<sup>131</sup>, first introduced in 1996, provides for facility owners to publish data on a web portal, the provision of key information by access seekers to demonstrate a bona fide application, and notification of an agreed work plan and of concluded agreements to the Secretary of State. The Secretary can intervene after six months if the parties are unable, or unwilling, to reach agreement, and has powers to determine access terms.

In Australia, the need for regulation of upstream facilities, including gas processing, has been examined on a number of occasions. A 1998 review concluded that a mandatory access scheme was not necessary and the Australia Petroleum Production and Exploration Association (APPEA) subsequently issued a statement of best practice principles for the commercial negotiation of third party access to upstream facilities.

Overall, no overseas jurisdiction matches New Zealand's circumstances, although some parallel may be seen in the UK's concern to ensure upstream facilities are retained in the context of developing reserves that, without the existence of nearby infrastructure, may not be economic.

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<sup>129</sup> Following a FERC order (636) in 1992, many companies restructured so that their gathering, processing and transportation functions were placed into affiliated companies, spun off or sold.

<sup>130</sup> European Second Directive on Gas.

<sup>131</sup> Code of Practice on Access to Upstream Oil and Gas Infrastructure on the UK Continental Shelf.

# 7 Gas Transmission

The main gas transmission pipelines are available to gas shippers under non-discriminatory, open access arrangements, and interconnection arrangements are in place to receive gas from new fields, or deliver gas to users. Accordingly, no significant barriers to entry have been identified.

However, periods of congestion on the transmission North Pipeline led to its owner, Vector, advising in 2009 of limits on its ability to offer new contracts for capacity on this section of the pipeline. Resulting concerns over the competition effects of these constraints, particularly on large users, have prompted an in-depth review of current transmission access arrangements. This includes mechanisms for making better use of existing capacity, for pricing capacity during times of scarcity, and, in the context of the price-quality regime being developed by the Commerce Commission, finding a pathway to new investment when it is required. The picture emerging from the review is that the immediate answer lies more in better use of existing capacity, rather than investing in new pipes. This has been aided by a reduction in utilisation of North Pipeline capacity by gas-fired power stations, and associated arrangements to free up some of this capacity for other users. These factors together with planned improvements to current transmission arrangements, particularly demand side management, should mean capacity on the transmission systems is adequate, even on a 'high case' use scenario. Current indications are that significant new transmission investment is accordingly not required in the short-to-medium term, unless new market developments dictate.

The industry's focus is now on access design improvements, including better harmonisation of the Maui and Vector transmission pipelines which operate under different code arrangements – common carriage on the Maui line; contract carriage on Vector's system – that result in separate transmission and gas offerings. These, plus a range of future gas supply development scenarios, all give scope to the review. Industry support for this is evident in Gas Industry Co's Gas Transmission Investment Programme.

The transmission infrastructure is generally reliable and efficient. A serious Maui pipeline outage in October 2011, affecting a large number of consumers in the upper North Island, provided a reminder of the industry's reliance on these assets and has prompted a review of gas supply emergency response arrangements.

## 7.1 Background

Transmission pipeline systems transport gas at high pressure from production stations to delivery points supplying end-users and lower pressure local area gas distribution networks.

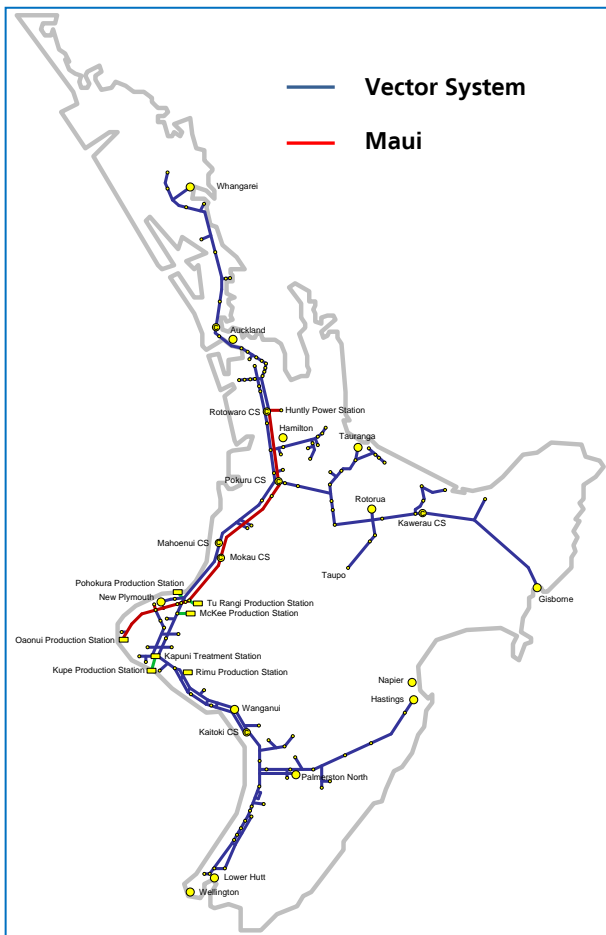
There are two open access pipeline systems in New Zealand (**Figure 24**):

- the 308km Maui pipeline (mostly 750mm diameter), extending from Oaonui, in south west Taranaki, to Huntly, owned by Maui Development Limited (MDL).
- the 2,220km Vector pipeline system (mostly from 100mm to 200mm diameter), generally radiating from the Maui pipeline and delivering gas throughout the North Island.

Open access to gas transmission pipelines began in the mid-1990s when NGC (now Vector) introduced an open access regime for its transmission system. Open access on the Maui pipeline was introduced in 2005.

Natural gas pipelines benefit from large economies of scale that allow the unit cost of gas transportation to decline as volumes increase. This means that it is generally not economically efficient to provide alternative

**Figure 24: Open Access Transmission Pipelines**



transmission pipeline services, although there is some local by-passing. For this reason, gas transmission pipelines are regarded as natural monopolies.

Increasing transmission capacity involves large, lumpy, sunk investments, which, in the New Zealand context, must be contemplated against a backdrop of fluctuating gas supply and demand.

## 7.2 Current State of the Transmission Market

The transmission sector has evolved with the growth of the industry. The transmission system, initially developed by the Government and its agencies to transport gas from a single onshore field, Kapuni, to Auckland and Wellington, underwent substantial expansion in the 1980s to deliver the benefits of the huge Maui gas discovery to the rest of the North Island. Until recently, the system has largely met the needs of consumers and, in the absence of major new discoveries in other parts of the country, there has been little new transmission investment since the 1980s.

Although gas has grown in 40 years to a substantial contributor to New Zealand’s primary supply, the New

Zealand gas industry itself is small by international comparison. Transmission sector governance has consequently been built on fit-for-purpose codes and contracts, rather than the formal regulations generally found in larger jurisdictions.

The adequacy of industry arrangements, however, is under scrutiny in the light of substantial and fundamental changes that have occurred in the gas industry over the last decade. The previously Government-owned pipelines that, with the construction of the privately owned Maui pipeline, spearheaded the transmission system expansion in the 1970s and 1980s have transferred to private ownership; economic regulation has seen a move to formal controls over transmission pricing and investment returns; and declining production from the predominant Maui field has been replaced by multiple smaller fields.

The evolution of transmission arrangements accelerated in response to the shift from dependence on long-term contracts based on the supply of gas from the Maui field, to more varied and shorter term supply arrangements from multiple fields. In particular, arrangements for access, connection, pipeline balancing and critical contingency management have all become more sophisticated, with greater service definition, and formal rules around gas supply emergency management.

However, part of the legacy of the industry’s historic development is the existence of two transmission systems, where just one might be considered appropriate for a market of this size. Further complexity for an industry coming to grips with changing market dynamics is presented by the differing access regimes for the two main transmission systems. A common carriage regime applies to the Maui pipeline, while access to Vector’s system is by contract carriage arrangements.

It is apparent that transmission arrangements, notably access, balancing and critical contingency management, could be simplified and made more efficient if the two systems operated under a unified regime, and with an independent system operator.

The adequacy of current governance arrangements is facing other challenges:

- although the total gas market has declined, due to reduced overall field production, changes in demand profiles have seen periods of capacity scarcity on Vector's North Pipeline, which services New Zealand's largest region, Auckland. Concerns have been raised over the effects this congestion is having on market competition. The industry is giving this matter priority attention. Solutions have yet to be found, but it is evident the constraints relate more to improved utilisation of existing physical capacity, than a need for immediate investment in new physical capacity. The industry so far has taken a gradual, rather than radical, change approach, with a focus on redesigning current market arrangements to make better use of existing infrastructure.
- fundamental issues for gas transmission as identified by NERA<sup>132</sup> are the lack of a price signal for capacity, little clarity around the effectiveness of a capacity secondary market, and uncertainty about the effect of new default/customised price-quality regulation on gas pipeline investment. (The default/customised price quality regulation is discussed in more detail under Government Policy Framework, **Page 22**). There is also a belief that the point-to-point capacity definition on which the current access regime is predicated is inherently complex and inefficient<sup>133</sup>.
- a major five-day gas outage on the Maui pipeline in 2011 highlighted the gas market's heavy reliance on that pipeline, and raised questions over transmission pipeline integrity generally. The incident confirmed the general effectiveness of the formal critical contingency management processes, but pointed to areas of improvement.

The transmission-related issues of capacity congestion, its associated impacts on market competition, the adequacy of existing industry arrangements to resolve them, and the willingness of pipeline owners to invest under what they perceive to be a less than ideal economic regulatory regime, are also the leading governance issues for the wider industry.

### 8.2.1 Transmission Market Structure

Transmission services and wholesale gas trading are interlinked, as arrangements for trading gas must be accompanied by an ability to transport it from a field to the end-user. The wholesale market in New Zealand is discussed separately in **Wholesale Market, Page 99**.

Transmission market participants are:

- the pipeline owners and operators.
- owners of facilities physically interconnected with the transmission system (interconnected parties, or Welded Parties), who operate under the terms and conditions of an Interconnection Agreement (ICA) with the pipeline owner. They are involved in the physical transfer of gas into, or out of, the pipeline.
- Shippers, who buy transmission services to transport gas for consumption or onsale in the downstream wholesale and retail markets. They fall into three categories: electricity generators, petrochemical

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<sup>132</sup> NERA Consulting: *Efficiency of Existing Vector gas pipeline governance arrangements; Problem definition*, March 2012

<sup>133</sup> Larry E. Ruff, Special Advisor, Market Reform: Comments on PEA advice to Gas Industry Co on Transmission Access and Capacity Pricing in New Zealand.



manufacturers, and retailers supplying end-users connected to the transmission and reticulated gas distribution networks.

In addition to the open access pipelines, there are smaller pipelines owned by gas producers, and in some cases end-users, that do not offer open access. This chapter focuses on the Maui pipeline and Vector system as the open access transmission facilities and which together convey over 80 percent of all gas. For completeness, smaller private pipelines that are generally only available for use by the owner or end user are listed on **Page 74**.

The Maui and Vector pipelines are operated under a complex structure involving a total of six operator roles. MDL and Vector each has three operators – Commercial, System, and Technical. Five of these roles are undertaken by business units within Vector, and the sixth by an independent contractor, Transact Management Limited. **Table 3** sets out the functions of each operator role for the Vector and Maui pipelines.

The potential for the operators to face conflicts of interest, due to their affiliation with gas shipping or production businesses, is recognised, and managed through ring-fencing protocols in the Maui Pipeline Operating Code (MPOC) and the Vector Transmission Code (VTC). A provision in the VTC for the physical separation of its transmission and gas trading staff where practicable, is aimed at addressing concerns over a lack of clarity around how the ring-fencing protocols operate.

There is also a view that the contractual obligations of these operators leave them with substantial discretion which could, potentially, be used to favour affiliates and that the best protection against this is transparency in pipeline operations<sup>134</sup>. MDL has moved to improve the amount of information available, particularly through the introduction of the Balancing Gas Exchange (BGX).

**Table 3: Transmission Operator Roles**

<b>Vector</b>	
Commercial Operator	<ul style="list-style-type: none"> <li>• owning Vector transmission assets</li> <li>• managing relationships between Vector and its shippers</li> <li>• negotiating new Transmission Services Agreements</li> <li>• negotiating and managing Interconnection Agreements</li> <li>• arranging and managing other commercial agreements, including balancing gas and fuel</li> <li>• formulating transmission services</li> <li>• setting transmission prices</li> <li>• preparing instructions to the System Operator on the general operating conditions of the transmission networks</li> <li>• billing of shippers for transmission services</li> <li>• carrying out the role of the Gas Transfer Agent</li> <li>• dealing with regulatory authorities and other gas industry interests</li> </ul>
System Operator	<ul style="list-style-type: none"> <li>• analysing and scheduling nominated gas quantities</li> <li>• monitoring and controlling the transmission system</li> <li>• providing data to the Commercial Operator, MDL and other parties, and to OATIS<sup>135</sup>.</li> </ul>
Technical Operator	<ul style="list-style-type: none"> <li>• planning and monitoring of capital and maintenance works on transmission system</li> <li>• operation and maintenance of the SCADA system<sup>136</sup></li> <li>• pipeline modelling</li> </ul>

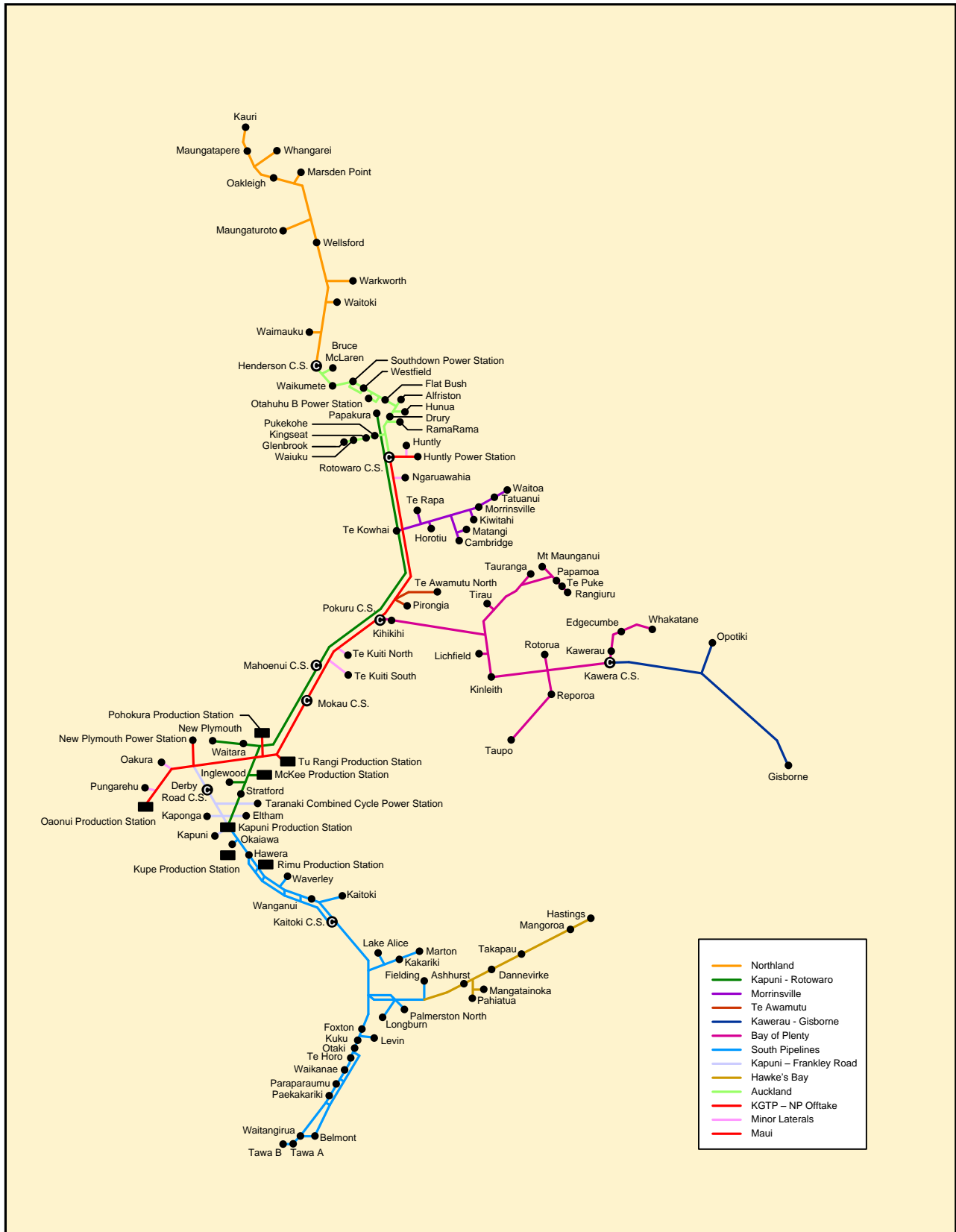
<sup>134</sup> Gas Industry Co Consultation Paper: *Gas Transmission Access Issues Review*, June 2006

<sup>135</sup> Open Access Transmission Information System. OATIS is also a public platform through which the general public is able to access information on some operational aspects of the transmission pipelines. It is also the communication point for critical contingency management notices.

<sup>136</sup> System Control and Data Acquisition operating system

<b>Maui</b>	
Commercial Operator (Transact Management Limited)	<ul style="list-style-type: none"> <li>• negotiating and managing contracts</li> <li>• administering MPOC</li> <li>• setting tariffs</li> <li>• invoicing customers</li> <li>• managing relationships between MDL and its shippers</li> <li>• negotiating new Transmission Services Agreements</li> <li>• negotiating and managing Interconnection Agreements</li> <li>• Arranging and managing other commercial agreements, including balancing gas and fuel</li> <li>• formulating transmission services</li> <li>• setting transmission prices</li> <li>• preparing instructions to the System Operator on the general operating conditions of the transmission networks</li> <li>• dealing with regulatory authorities and other gas industry interests</li> <li>• administering the Incentive Pool</li> </ul>
System Operator (Vector)	<ul style="list-style-type: none"> <li>• managing day-to-day running of Maui pipeline</li> <li>• administering nominations</li> <li>• managing OATIS processes</li> <li>• calculating Maui line pack and pipeline capacity</li> <li>• managing contingency events</li> </ul>
Technical Operator (Vector)	<ul style="list-style-type: none"> <li>• monitoring and controlling Maui pipeline flow</li> <li>• monitoring gas metering, pipeline pressures and gas quality</li> <li>• pipeline engineering and maintenance</li> </ul>

**Figure 25: Transmission Pipeline Schematic**



## 7.3 Maui Pipeline

The Maui pipeline (**Figure 26**) is New Zealand's largest diameter high pressure gas transmission pipeline. Ranging from 750mm to 850mm in diameter, it runs from the onshore Maui production station at Oaonui in South-west Taranaki north through areas of rugged terrain to the Huntly Power station, south of Auckland. Gas from the Maui pipeline generally flows into interconnected pipelines owned by Vector. The one exception is where Vector's Frankley Road pipeline meets the Maui pipeline at New Plymouth. There, the interconnection facilities allow for bidirectional flow, and since the Kupe field was commissioned in December 2009 gas normally flows from Vector's Frankley Road pipeline into the Maui pipeline.

The Maui pipeline has operated under a common carriage open access regime since October 2005, allowing all Shippers to use the pipeline under standard arrangements. The MPOC has a contract carriage element called Authorised Quantity (AQ). An AQ would give the Shipper priority to have gas transported in the event of capacity restrictions. To date, capacity has not been a concern to users, so no AQ has yet been requested.

The pipeline transports gas from the Maui field and from fields owned by other parties. Currently, six producers (Receipt Welded Parties) directly inject gas into the Maui pipeline and 18 gas consumers (Delivery Welded Parties) take direct delivery of gas. Twelve Shippers use the pipeline.

After carrying approximately 18PJ of gas in its first year of operation in 1979, the Maui pipeline now carries well over 110PJ of gas annually – more than 70 percent of New Zealand's total gas supply. Volume variability primarily reflects gas requirements for electricity generation and petrochemical production.

From the commencement of deliveries in 1979 until the start of the Maui Open Access Regime in 2005, this pipeline was used only by the Maui Mining Companies and for the sole purpose of transporting gas from the Maui field. However, a Government policy statement in 2003 requiring an open access regime across gas transmission pipelines, together with the progressive depletion of the Maui field from the early 2000s, drove initiatives to create the physical and commercial conditions to allow non-Maui gas to be transported on the pipeline.

Today, gas from the Maui field accounts for around 30 percent of the gas carried by the Maui pipeline.

Shippers and Welded Parties conduct their daily pipeline operations using the OATIS pipeline management system. Shippers input daily flow nominations and forecasts and Welded Parties monitor the metered flow of gas through their Welded Point against the quantity they are scheduled to flow.

**Figure 26: Maui Transmission Pipeline**



**Table 4: Maui Pipeline**

Pipeline Segment	Nominal Bore		Length (km)
	mm	inches	
Oaonui-Frankley Road	850	34	43.9
Frankley Road-Huntly offtake	750	30	246.7
New Plymouth power station lateral <sup>1</sup>	500	20	9.1
Huntly power station lateral	400	16	8.7
			<b>308.4</b>

<sup>1</sup> The New Plymouth power station was decommissioned in 2007

**Table 5: Maui Pipeline statistics**

	2007	2008	2009	2010	2011
Gas conveyed (GJ)	137,116,559	133,152,233	134,266,062	128,637,477	113,652,355
Gas conveyed for wholesalers or retailers (GJ)	81,278,360	82,889,762	104,170,089	66,179,474	61,168,381
Total customers	13	13	12.5	12	12
Direct line costs per km (\$)	41,429	38,858	46,603	32,349	35,015
Load factor (%)	84.5	85.1	89.6	88.3	81.2

Information provided pursuant to the Gas (Information Disclosure) Regulations 1997

### 8.3.1 Access and pricing

The terms and conditions governing access to the Maui pipeline are set out in the MPOC<sup>137</sup>. The MPOC contains the detailed rules governing the operation of the Maui pipeline, processes, responsibilities, and the timing of key information exchanges.

There are two tariffs. Tariff 1, to recover the cost of and return on capital, is a charge on each gigajoule transported one kilometre (gigajoule kilometre, or GJ.km), with the total representing the quantity of gas shipped multiplied by the distance that gas travels. Tariff 2, to recover operating costs, is levied on each GJ of gas transmitted. **Table 6**, which sets out the tariffs in the period 2007-2011, shows that Tariff 2 has declined significantly while Tariff 1 has increased during the past five years.

**Table 6: Maui Pipeline tariffs**

	June 2007- May 2008	June 2008 – June 2009	July 2009 – June 2010	July 2010 – Dec 2010	July 2011 – June 2012
Tariff 1 (cents.GJ.km)	0.1341	0.1492	0.1346	0.1675	0.1875
Tariff 2 (c/GJ)	9.2	9.7	9.4	3.9	3.9

Information provided pursuant to the Gas (Information Disclosure) Regulations 1997

### 8.3.2 Ownership and operation

The Maui assets are held on behalf of the Maui Mining Companies - Shell (including subsidiaries) which holds an 83.75 percent interest in the MDL joint venture, OMV New Zealand Limited (10 percent), and Todd Petroleum Mining Limited (6.25 percent). MDL, a bare nominee company, contracts with all parties wanting to transport gas through, or connect with, the Maui pipeline.

## 7.4 Vector System

Vector's transmission system consists of six main sub-systems for the purposes of capacity reporting under the Gas (Information Disclosure) Regulations 1997 – North, Central (North), Central (South), Bay of Plenty, South,

<sup>137</sup> The MPOC is published at [www.oatis.co.nz](http://www.oatis.co.nz) under the Public Domain Information Exchange.

and Frankley Road-Kapuni. These are consolidated to four systems – North and Central, Bay of Plenty, Frankley Road-Kapuni, and South – for statistical reporting under the Information Disclosure Regulations. Each system comprises numerous sections with varying pipe sizes. The system delivers gas to over 130 delivery points that supply distribution networks and individual consumers, such as power stations and industrial plants.

Essentially, Vector’s system is made up of the original Kapuni pipelines - built in 1968/69 to transport gas from the Kapuni field in South Taranaki to Auckland and Wellington – and new pipelines installed during the substantial system expansion in the mid-1980s. The Kapuni pipeline was reinforced by looping between Huntly and Auckland in 1981 and extended to Tauranga in 1982, Hastings and Whangarei in 1983, and Gisborne in 1984. This construction programme extended gas availability to Hawke’s Bay, Bay of Plenty, and Northland. Construction of pipeline loops has improved deliverability, particularly to Auckland and Wellington.

**Table 7: Vector Pipeline System**

Pipeline Segment	Nominal Bore		Length (km)
	mm	inches	
North & Central	80-350	3-14	829.5
Bay of Plenty	80-300	3-12	610.3
Frankley Road-Kapuni	100-500	4-20	83.1
South	80-200	3-8	696.8
			<b>2,219.7</b>
<b>Looped sections</b>			
Hawera-Kaitoke	300	12	87.3
Otaki-Belmont	300	12	55.7

**Table 8: Vector Pipeline Statistics**

	2007	2008	2009	2010	2011
Gas conveyed (GJ)					
North & Central	56,198,219	64,426,662	48,979,436	49,639,637	49,878,815
Bay of Plenty	10,215,074	9,736,411	8,941,627	8,896,534	8,433,746
Frankley Rd-Kapuni	15,466,920	20,580,125	23,483,527	25,072,109	25,538,592
South	10,799,716	10,505,779	10,643,670	10,661,819	10,409,572
<b>Total gas conveyed</b>	<b>92,679,929</b>	<b>105,248,977</b>	<b>92,048,260</b>	<b>94,270,089</b>	<b>94,260,725</b>
Gas conveyed other than for Vector (GJ)	69,721,189	81,612,482	68,571,466	71,431,492	72,729,132
Total customers	16	14	14	12	11
Direct line costs per km (\$)¹	3,239	3,170	4,366	3,708	4,765
Load factor (%)					
North & Central	77.9	85.3	67.9	78.9	75.0
Bay of Plenty	79.3	84.0	83.6	87.4	81.7
Frankley Rd-Kapuni	67.0	75.7	74.2	66.1	69.3
South	73.2	76.3	73.2	73.4	72.3

Information provided pursuant to the Gas (Information Disclosure) Regulations 1997

¹ Excludes fuel gas and unaccounted-for gas

The figures show significant load attrition of over 11 percent on the North and Central systems during the five-year period, reflecting reduced economic activity, and increased fuel efficiency and substitution. They also illustrate volume sensitivity to climatic effects on gas-fired power station demand and a changing operational role – from base to peak load - of thermal electricity generation plants supplied from this pipeline. Demand is therefore more ‘peaky’ than previously, leading to the short periods of capacity congestion. Over the same period, throughput on the Bay of Plenty system has dropped by over 17 percent, while demand on the South system has remained relatively steady.

Overall throughput on Vector's system has been boosted by a substantial increase, of over 10PJ, or 65 percent, in gas conveyed on the Frankley Road-Kapuni pipeline as a result of the Kupe field coming on stream.

#### 8.4.1 Access terms and conditions

Vector has operated a policy of non-discrimination, in which the same service (including terms) is available to all customers in the same circumstances, since the mid-1990s. It operates a contract carriage regime, with the multi-lateral terms and conditions set out in the VTC, introduced in November 2007 to replace bilateral contract arrangements. The standard offering is an annual block of point-to-point capacity, including an option to buy the same amount of capacity in the subsequent year (a 'grandfathered right').

Shippers are required to enter into a Transmission Services Agreement (TSA). Supplementary Agreements are available to meet special needs, such as long-term arrangements for electricity generators.

#### 8.4.2 Pricing methodology

Vector is currently consulting with the industry on a new gas transmission pricing methodology<sup>138</sup> in light of significant changes to the regulatory framework and capacity congestion on its North Pipeline. Following industry feedback, interim changes commenced on 1 October 2012, with the next phase involving the development of a detailed methodology to take effect in 2014.

To date, Vector has continued the pricing methodology it inherited when buying NGC<sup>139</sup> in 2004. Designed by NGC in the mid-1990s, it is based on an optimised system cost allocation model with two main pricing elements:

- capacity reservation fees, expressed as \$/GJ of reserved capacity/year, to recover a return on, and costs of fixed system assets. Capacity reservation fees reflect the distance gas is transported and are recovered in 12 equal monthly payments. Overrun fees apply to deliveries made in excess of reserved maximum daily quantity (MDQ) and are charged each month to overruns made in the previous month.
- throughput fee, expressed as \$/GJ of gas taken at a delivery point, to recover variable costs. This is applied each month to deliveries made in the previous month and is the same across the system.

Subsequent changes to the throughput fee, taking account of Shippers' requests for less fixed and more variable components in transmission fees, have moved it away from being a cost-reflective variable charge. In 1996/97 the throughput fee was adjusted to include the recovery of other network costs, including a return on fixed assets other than pipelines and stations, as well as maintenance and operating costs. That move increased the throughput fee from \$0.03/GJ to \$0.41/GJ. In 2011/12, it stood at \$1.014/GJ and in conjunction with higher capacity reservation fees in 2012/13 the throughput fee will drop to \$0.956/ GJ

Since 2008, Vector's capacity reservation fees have been frozen, and the throughput fee has been adjusted annually to ensure that expected total transmission revenues for a year do not exceed the current year's revenues, plus a weighted average CPI<sup>140</sup> adjustment. For the 2012/13 year the CRF is to increase by a uniform \$25/ GJ MDQ across all parts of the pipeline up to a maximum of \$600/GJ MDQ.

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<sup>138</sup> Vector: *Transmission Pricing Methodology Position Paper – proposed framework & interim prices for PY2013*, 31 May 2012)

<sup>139</sup> NGC Holdings Limited (formerly the Natural Gas Corporation of New Zealand Limited).

<sup>140</sup> Consumer Price Index

With prices including a distance component, Vector’s transmission charges vary considerably between delivery points. Full pricing information is available under the Vector Information Exchange on the OATIS website<sup>141</sup>.

## 7.5 Other Transmission Pipelines

Smaller gas transmission pipelines are special purpose lines or are used to transport gas from producing fields to connect with the Maui or Vector pipelines, or with end-user facilities. Where they do not connect with the Maui or Vector pipelines, their flow rates are not metered into, and not included in the throughput information disclosed by, those open access systems. Their flow information is therefore known only to the owners.

The following pipelines are listed in Schedule 6 of the Commerce Act 1986 as exemptions from Part 4 of that Act. They are not subject to open access, or to the information disclosure requirements and price-quality paths that apply to the Maui and Vector pipelines.

**Table: 9: Other (non open access) Pipelines**

Owner	Pipeline
Todd Taranaki Limited	<ul style="list-style-type: none"> <li>McKee Production Station-Tikorangi gas pipelines.</li> </ul>
Vector	<ul style="list-style-type: none"> <li>Low Temperature Separator (LTS) pipeline (50km), originally used to supply non-specification, high CO<sub>2</sub> content gas from Vector’s Kapuni gas treatment plant to the Faull Road mixing station (where it was blended with Maui gas for providing a CO<sub>2</sub>-rich feedstock gas to Methanex). Now used as line pack storage.</li> </ul>
Nova Gas Limited	<ul style="list-style-type: none"> <li>All gas pipelines.</li> </ul>
NZEC	<ul style="list-style-type: none"> <li>Waihapa production station to New Plymouth (45km) (formerly owned by Origin Energy, and originally owned by Swift Energy New Zealand).</li> <li>Rimu production station to Mokoia mixing station (Vector’s south system) (1km).</li> </ul>
Methanex	<ul style="list-style-type: none"> <li>Bertrand Road to Waitara Valley methanol plant, via Faull Road mixing station.</li> <li>Tikorangi (Maui pipeline welded point) to Faull Road mixing station.</li> <li>Faull Road mixing station to Motunui plant (minor gas pipeline).</li> <li>Faull Road mixing station to Waitara Valley methanol plant main process gas pipeline.</li> </ul>
TAG Oil	<ul style="list-style-type: none"> <li>Sidewinder production station to Vector pipeline at Durham Road (3.5km)</li> </ul>
Energy Infrastructure and Petroleum Infrastructure	<ul style="list-style-type: none"> <li>Pipeline from the Maui pipeline to the Pohokura production station and the Methanex methanol plant.</li> </ul>

Nova Gas distribution pipelines are discussed in **Gas Distribution Page 87**

## 7.6 Transmission Capacity Services

MDL and Vector offer different capacity services on their pipelines. MDL’s common carriage service requires no advance bookings and shippers have no specific contract rights to capacity. Because it is open to all-comers, there is no guarantee of availability should demand for capacity exceed supply.

By contrast, Vector’s contract service regime offers a ‘firm’ service that is guaranteed to be available under all but emergency and *force majeure* conditions. Capacity is booked in advance and paid for a full year, irrespective of the extent to which it is to be used.

Vector also offers a higher cost non-booked service (primarily through authorised or unauthorised overruns) for shippers requiring capacity at short notice or for a short period, as well as an interruptible service, although interruptible contracts are infrequent and their terms are confidential.

<sup>141</sup> [www.oatis.co.nz/Ngc.Oatis.Ui.Web.Internet/Common/Publications.aspx](http://www.oatis.co.nz/Ngc.Oatis.Ui.Web.Internet/Common/Publications.aspx)



Contractual congestion – when demand for capacity exceeds the technical availability – may lead to underutilised capacity if shippers who have booked it neither use it for themselves nor release it to the market, thus making it unavailable to other shippers who are willing, but unable, to access it. Such ‘hoarding’ of capacity is not possible under MDL’s common carriage approach, but there is potential for it to occur if capacity on Vector’s pipelines becomes fully booked<sup>142</sup>.

## 7.7 Potential Capacity Constraints

In October 2009 Vector announced that its North Pipeline, supplying gas to Auckland and Northland, was constrained<sup>143</sup> and that it was unable to sell any more reserved capacity<sup>144</sup>.

In addition to the reserved capacity held by users under the VTC, Vector commits firm capacity under non-code or supplementary agreements, primarily for gas-fired power stations. This capacity accounts for around 60 percent of the total capacity of the North Pipeline.

The fact that Vector’s transmission pipeline is approaching its reserved capacity limits has raised capacity allocation and investment issues, which has prompted an urgent review of transmission pipeline capacity allocation and pricing arrangements.

Following Vector’s announcement, large gas consumers supplied from the pipeline complained that, when tendering their gas supply, they received fewer competitive bids from retailers and that bids from non-holders of capacity entitlements were conditional on securing capacity. The reduced competition occurred because of the nature of existing access arrangements on the North Pipeline, and concerns were raised over lack of transparency on how Vector determines the level of the pipeline’s commercial capacity.

A number of industry participants took the view that, while a capacity-constrained pipeline may not be able to accommodate new demand, it need not affect competition among retailers to supply an existing consumer. The industry is addressing long-term transmission capacity and pricing issues through a Gas Transmission Investment Programme (GTIP)<sup>145</sup> established in 2011 and aimed at:

- ensuring existing and future gas transmission assets are used efficiently.
- establishing the need for gas transmission investment.
- laying an effective pathway for efficient gas transmission investment to take place.

Short-term issues are being addressed through a series of seven commitments – known as the ‘Bridge Commitments’<sup>146</sup> - which were adopted by Vector and the majority of shippers on the North Pipeline in August 2011.

The Bridge Commitments have not completely resolved the perceived competition issues for existing users looking to switch suppliers, with concerns raised that capacity offerings are often less than required, and at a price above the posted price schedule.

Other initiatives have included the establishment of an online Gas Trading Exchange (GTX)<sup>147</sup> to facilitate the trading of capacity rights, and agreements to free up spare capacity held for electricity generation through

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<sup>142</sup> Gas Industry Co Gas Transmission Access Issues Review, 2006.

<sup>143</sup> A pipeline is ‘constrained’ when it cannot reliably transport additional gas without breaching operational parameters.

<sup>144</sup> Reserved capacity sets the limit on the amount of gas a user can have transported without incurring overrun charges.

<sup>145</sup> [www.gasindustry.co.nz/work-programme/gas-transmission-investment-programme](http://www.gasindustry.co.nz/work-programme/gas-transmission-investment-programme)

<sup>146</sup> [www.gasindustry.co.nz/sites/default/files/u254/the\\_bridge\\_commitments\\_172942.1.pdf](http://www.gasindustry.co.nz/sites/default/files/u254/the_bridge_commitments_172942.1.pdf)

<sup>147</sup> [www.thegtx.co.nz](http://www.thegtx.co.nz)

changes to Supplementary Agreements that previously prohibited such trading. From the work to date, it has become apparent that:

- events of physical capacity scarcity are rare, are limited to only a few days and do not necessarily occur annually.
- the capacity market in New Zealand is thin.
- non-transparency may be hindering secondary trading.
- notwithstanding the initial concerns of large users, there has been little demand from them for additional capacity – in requesting capacity from incumbent Shippers, seeking additional capacity on the GTX, or requesting any spare capacity held under Supplementary Agreements. This may be because of currently difficult global economic conditions and challenging business environment.

Overall, as at February 2013, the work has confirmed that, for at least the next year, there is sufficient unused capacity in the existing pipeline at peak times. Significant new investment is not required in the medium term, and the industry's focus has turned to designing improvements to the access arrangements – including better harmonisation between the Maui and Vector systems' access arrangements – to provide the most efficient use of the existing assets until a new investment is justified. Short-term priority issues are seen as demand management, capacity nomination, and transparency.

While major users suggest that vertical separation of transmission system ownership from other gas industry activity should not be ruled out, there is no broad call for such separation. Strengthened arrangements however are seen as desirable to ensure transmission system operator independence, competitive neutrality and transparency.

The final shape of revised access and pricing arrangements are expected to be decided in 2013.

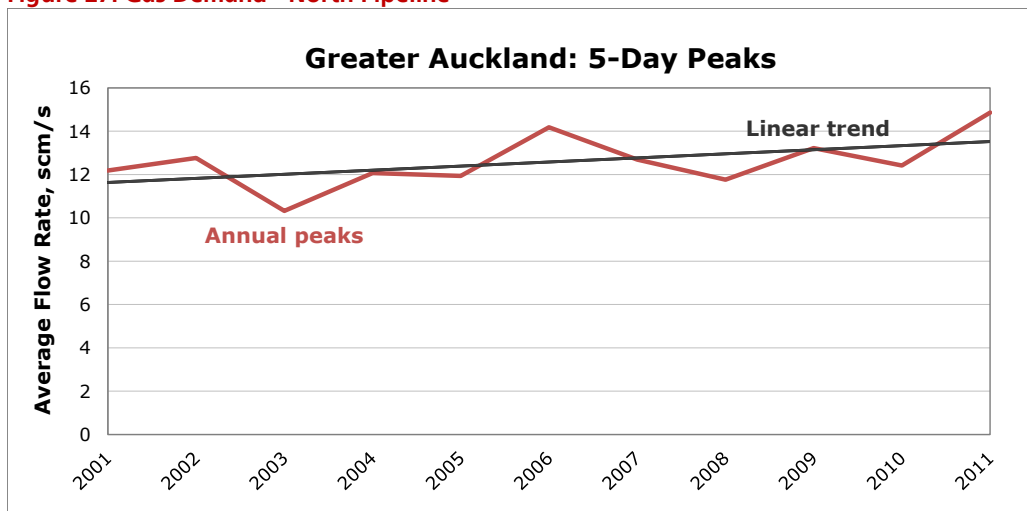
#### *8.7.1 Gas Demand on the North Pipeline*

While there has been an increasing trend in peak demand on the North Pipeline in the past 10 years (**Figure 27**) due to the changes in gas-fired power stations' operating practices, non-power station demand has exceeded reserved capacity on only one day in recent times (**Figure 28**). That was on 19 August 2011, when an extraordinary cold snap brought an extremely rare snow fall to Auckland.

The graph shows there is sufficient capacity to meet Auckland's demand for most of the year. Accordingly the view being formed by the industry is that capacity scarcity is best addressed at this time by making more efficient use of existing capacity. This will require changes to current arrangements and the introduction of a transparent pricing mechanism to ensure that when capacity is scarce it goes to the party that values it most highly. The composition of firm capacity on the North Pipeline is:

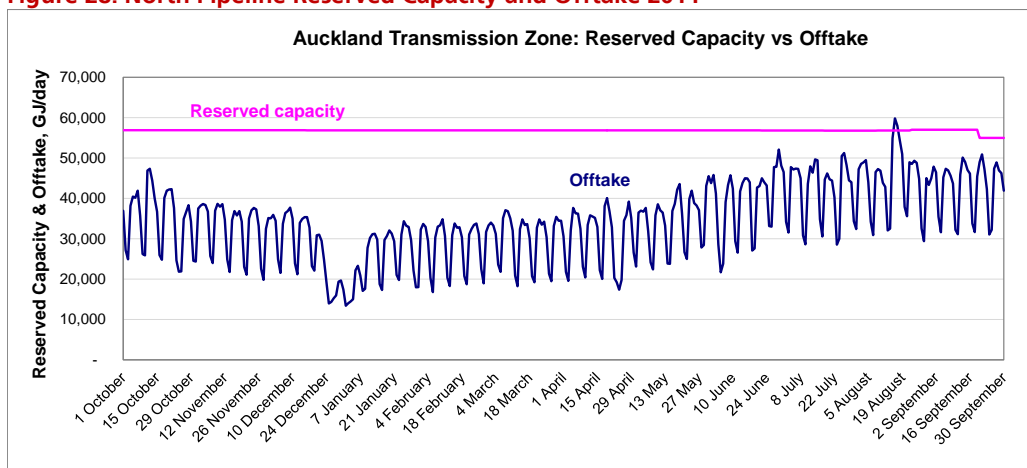
- power stations (56 percent)
- Auckland zone demand (33 percent)
- demand outside Auckland (11 percent)

**Figure 27: Gas Demand - North Pipeline**



There are a number of gas gates servicing Auckland. This graph shows gas demand at the Greater Auckland gas gate, which includes supply to thermal power stations.

**Figure 28: North Pipeline Reserved Capacity and Offtake 2011**



### 8.7.2 Vector capacity consultation

In parallel with, but separate to, the GTIP, Vector is conducting its own programme of consultation with industry participants on its transmission regime, including capacity modelling and pricing methodology. In December 2011, Vector released a report<sup>148</sup> which provides commentary on current issues and options for North Pipeline utilisation.

<sup>148</sup> Vector: *North Pipeline Review as at 1 October 2011*. More information on Vector's consultation project and papers can be found on its website: [www.vector.co.nz/gas/pipeline-capacity-consultation](http://www.vector.co.nz/gas/pipeline-capacity-consultation)

### 8.7.3 Maui pipeline capacity constraints

Although there has been no effect on deliveries to date there is a potential capacity constraint on the Maui pipeline's ability to deliver gas north of the Mokau compressor station<sup>149</sup>. The pipeline section south of Mokau collects gas from a number of fields. It also has a number of large delivery points, which are close to, or contiguous with, receipt points. Operating pressures in this section of the line are designed to be between 42 and 48 bar to allow production stations to inject gas into the pipeline.

The pipeline's ability to deliver gas north of Mokau is influenced by the flow through the Mokau compressor station. This station has two compressors in order to provide a n+1 reliability standard. The maximum guaranteed flow at this location is 330 terajoules (TJ) a day, based on one compressor in operation. MDL reserves the right to curtail nominations when this level is exceeded. The two compressors can be operated together to achieve increased flow, but this will reduce reliability. There have been no curtailments north of Mokau for capacity reasons since the commencement of open access. However, MDL notes that additional electricity generation north of Mokau in dry years, or through increased gas-fired capacity, could lead to capacity constraints on some days. It also notes that decisions on capacity enhancements depend on the service level required, and that expenditure on additional equipment would need to be balanced against the value of removing the constraints.

Curtailement processes and procedures are set out in the MPOC and MDL's Standard Operating Procedures.

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<sup>149</sup> Presentation: *Maui Pipeline Capacity*, Don Gray, to GTIP meeting, March 2012 [www.gasindustry.co.nz/work-programme/advisory-panels/panel-expert-advisers](http://www.gasindustry.co.nz/work-programme/advisory-panels/panel-expert-advisers)

## 7.8 Gas Balancing

The industry is making progress towards improving transmission pipeline balancing arrangements since the introduction of the MPOC in 2005.

The latest initiative involves changes to the MPOC, which MDL contends will better target balancing charges to causers, improve balancing efficiency, enhance transparency, provide industry participants with greater certainty about their exposure to balancing charges and, through tighter compliance incentives, put downward pressure on balancing gas volumes with savings to end-users.

The changes do not offer a complete solution and MDL has agreed not to implement them until 1 June 2013, so that other improvements can be developed and implemented in the same timeframe. These include improved balancing gas trading arrangements and implementation of daily allocation and gas flow nominations.

The MPOC changes are likely to affect arrangements on Vector's transmission system, and are the subject of discussions between MDL and Vector to ensure the interface between their respective access regimes remains as seamless as possible.

Notwithstanding the time taken to address balancing issues, it is evident that transmission customers are more closely managing their gas positions, and reducing balancing costs.

Historically, the MDL and Vector pipelines were operated as a single system, using Maui as the balancing gas source. Separate balancing of the Maui pipeline and Vector pipelines commenced with the introduction of Maui open access. With Vector initiating further separate balancing arrangements for its main transmission pipeline system, a previously single balancing 'pool' became four. This proved to be complex, and Vector subsequently ceased balancing arrangements on its pipelines in favour of Maui again becoming the balancing system.

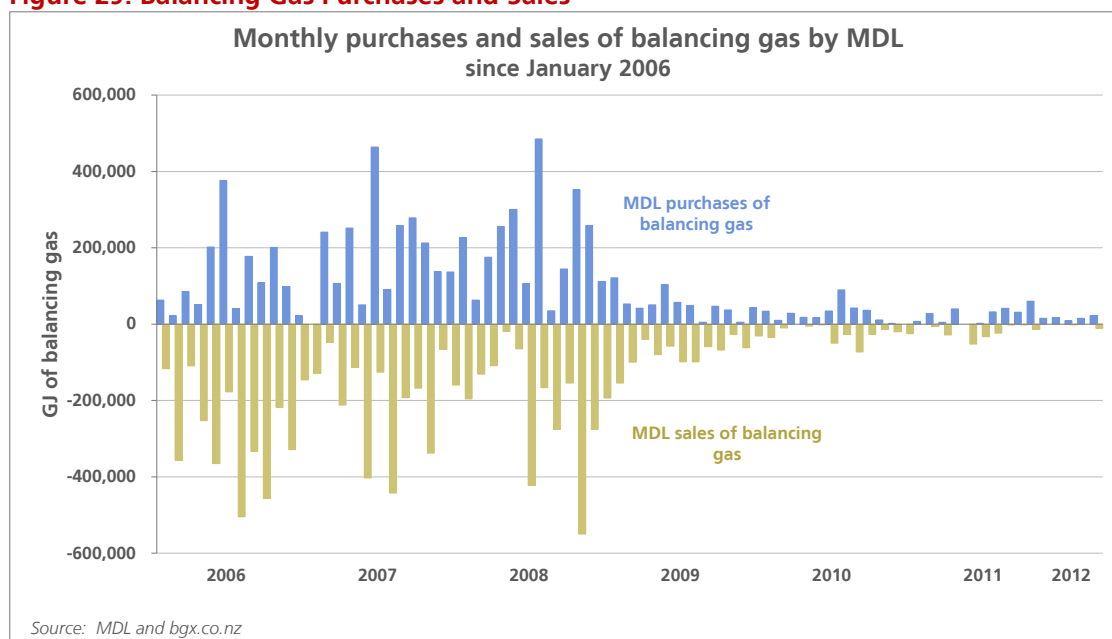
Prior to 2009, balancing services were essentially free to holders of legacy Maui gas contracts, but following the expiry of these contracts in 2009 interconnected parties and gas Shippers became fully responsible for imbalances they create.

In 2009, MDL instituted the BGX, an online platform that displays pipeline balance conditions and enables gas producers and wholesale gas consumers to post offers to buy and sell balancing gas. These changes in particular have incentivised transmission customers to self-balance, and provided them with better information on which to base their balancing decisions.

The outcome is significantly reduced volumes of gas needed to be purchased or sold by MDL to balance the Maui pipeline (**Figure 29**). In each of the calendar years 2006, 2007, and 2008, over 4,600,000GJ of balancing gas was bought and sold by MDL. In 2009, balancing gas volumes totalled less than 1,500,000GJ; and in 2010 they were just over 600,000GJ – a decrease of 87 percent from 2008 volumes. In calendar 2011, balancing volumes further declined to less than 440,000GJ. These low volumes continued in 2012, with a monthly average volume of around 33,000GJ.

The volume of gas in a pipeline relates to the gas pressure in the pipeline. Operating conditions must be maintained below the upper safe pressure limit for the pipeline, and above the minimum required to maintain the supply of gas to consumers. On the Maui pipeline, pressures will rise or fall as parties who inject gas into the pipeline over- or under-inject, and as parties who receive gas from the pipeline under- or over-take relative to their respective scheduled volumes. Managing the gas inventory in a pipeline is referred to as balancing. MDL buys and sells balancing gas in order to manage gas volumes and maintain gas pressure within safety and operational limits. When pipeline systems get out of balance and balancing costs are incurred to remedy the situation, those costs currently are largely socialised among pipeline users, rather than directed to the users responsible for them.

**Figure 29: Balancing Gas Purchases and Sales**



## 7.9 Interconnection with Transmission Pipelines

Open access effectively allows any party meeting prudential requirements of a transmission system owner to have gas transported through the system on posted terms and conditions. The Commerce Act 1986 allows access seekers, or the Commerce Commission, to take action against a pipeline owner that acts in an anti-competitive manner in respect to access.

Both the MPOC and VTC provide interconnection arrangements where it is necessary for a party wishing to inject or withdraw gas from the system to first construct a connection point.

MDL allows parties to connect to its pipeline if they meet the requirements of the MPOC, ensure there is no interference with the safe operation of the pipeline, and indemnify MDL for loss arising from the installation of the welded point. These provisions do not appear in the VTC. Interconnection references relate mainly to the relationship between Vector and parties who own, or wish to develop, facilities that interconnect with Vector's pipelines. However, as with the Maui pipeline, interconnecting parties must satisfy minimum standards set by Vector.

Both MDL and Vector publish technical, procedural and general requirements for new welded points.

The arrangements have evolved as several new connections to the transmission systems since open access began have enabled MDL and Vector to refine their technical requirements and develop more detailed interconnection processes.

In the past, problems had arisen with interconnections to both the Maui and Vector pipeline, including unscheduled delays, confusion over roles, perceived financial barriers, and unresolved complaints. These issues

led to the development of guidelines<sup>150</sup>, which set out principles, procedures, documentation requirements and dispute resolution procedures expected to be included in transmission system owners' interconnections policies.

MDL and Vector arrangements generally align well with the guidelines, and new connections are monitored and evaluated by the industry regulator against them.

The guidelines are designed for open access pipelines and do not apply to private pipelines.

## 7.10 Transmission Pipeline Integrity

New Zealand's main gas transmission systems cross some of the North Island's most rugged terrain and have a strong reliability record over their 30 to 40 years of operation. In that time, there have been five significant outages, two of them caused by third party damage, one by severe flooding and two by landslips:

- The rupture of the Kapuni North pipeline at Pukearuhe on the North Taranaki coast in 1977, due to a slow moving landslip.
- The rupture of the Kapuni North pipeline near Inglewood, Taranaki, circa 1985, due to being struck by a mechanical digger.
- The rupture of the Kapuni South pipeline at Himatangi in the lower North Island in 2003, due to being struck by a bulldozer.
- The forced shutdown of the pipeline supplying Hawke's Bay in 2004, when a section of pipe became detached from a bridge at Awapuni that was swept away during severe flooding.
- The rupture of the Maui pipeline at Pukearuhe, near the 1977 Kapuni pipeline failure site, in 2011, due to a slow moving landslip.

The five-day Maui pipeline failure in October 2011, caused by a 95mm crack in the pipeline wall near a seam weld, resulted in an estimated gross economic loss of \$200 million<sup>151</sup> and demonstrated the extent of the industry's dependence on this pipeline. Curtailment instructions were initially issued to all gas consumers, excluding households, but including essential service providers.

Supply, however, was managed by use of line pack, curtailment, and reconfiguring the smaller adjacent Vector pipeline which was unaffected. Small commercial and industrial consumers were progressively allowed to resume careful use of gas as the supply position stabilised and as progress was made on the pipeline repair and recommissioning.

This event has raised questions about the integrity of the Maui and Vector pipelines, particularly as they traverse narrow, erosion-prone coastal terraces in North Taranaki, where erosion rates of around a metre a year in some areas are reported. It is an area that has seen a number of mitigation measures to protect the pipelines that deliver gas to the northern and eastern regions of the upper North Island.

In 2005 Vector completed the replacement and relocation inland of a 1.2 km section of the original Kapuni-Auckland pipeline, which had become exposed to coastal erosion<sup>152</sup>. Around the same time, another length of

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<sup>150</sup> Gas Industry Co: *Guidelines on Interconnection with Transmission Pipelines*, November 2009

<sup>151</sup> MBIE: Review of the Maui Pipeline Outage of October 2011, October 2012, available at <http://www.med.govt.nz/sectors-industries/energy/pdf-docs-library/gas-market/review-of-the-maui-pipeline-outage/outage-review.pdf/view>

<sup>152</sup> Vector Annual Report 2006

the Kapuni-Auckland pipeline was relaid inland when it came under threat from accelerating erosion caused by the partial collapse of a protective headland in an area known as Twin Creeks<sup>153</sup>.

In addressing broader coastal erosion issues in the area, the Taranaki Regional Council sought to work collaboratively with Vector with respect to erosion and gas pipelines in the Twin Creeks area. In October 2011, the Taranaki Regional Council issued a resource consent for the relocation of a 2 km section of the Vector and Maui pipelines just south of the Tongaporutu River<sup>154</sup>.

The landslide damage to the Kapuni pipeline in 1977 occurred while the Maui pipeline was being built. Construction of the Maui line was suspended and the route redesigned to clear the landslip zone. Investigations into the October 2011 Maui pipeline outage, however, established that 25 metres of the pipeline was within the edge of the landslide. It was unclear to investigators whether the landslide zone had since increased, or its exact extent was not fully understood in 1977<sup>155</sup>. The investigations concluded the gas leak was caused by a section of the pipeline failing due to a sudden overload caused by a landslide. Metallurgical investigations found that no property, defect or flaw in the pipe itself contributed to the failure.

The section of pipeline has been stabilised through a range of measures and a programme established to implement longer-term solutions for the pipeline in the area.

Gas pipelines, like other infrastructure facilities, are subject to unplanned interruptions of various durations from time to time. Often these are rectified quickly and pass unnoticed by the other industry participants and consumers. **Table 10** sets out unplanned transmission system outages in the period 2007-2011.

**Table 10: Unplanned Transmission System Interruptions**

	2007		2008		2009		2010		2011	
	Number	Hours	Number	Hours	Number	Hours	Number	Hours	Number	Hours
Maui Pipeline	-	-	-	-	-	-	-	-	1	138
Vector System	-	-	6	30.5	-	-	-	-	1	2

*Information provided pursuant to the Gas (Information Disclosure) Regulations 1997*

## 7.11 Critical Contingency Management

Critical gas supply emergencies are managed under the Gas Governance (Critical Contingency Management) Regulations 2008 (CCM Regulations)<sup>156</sup>, which replaced a voluntary industry arrangement, the National Gas Outage Contingency Plan (NGOCP).

The CCM Regulations were introduced in light of the growing complexity of the gas industry and the need for greater certainty around the industry's response, including demand curtailment, during a serious supply disruption. They were also the result of a request to Gas Industry Co by industry participants to review the NGOCP arrangements due to:

- A general view among participants that the arrangements were no longer appropriate.

<sup>153</sup> Taranaki Regional Council, *Coastal Erosion Information, Inventory and Recommendations for State of Environment Monitoring*, November 2009.

<sup>154</sup> Reported: Taranaki Daily News, 29 October 2011

<sup>155</sup> Vector: *2011 Maui Pipeline Failure Technical Investigation Report*, April 2012.

<sup>156</sup> [www.legislation.govt.nz/regulation/public/2008/0426/latest/DLM1683495.html](http://www.legislation.govt.nz/regulation/public/2008/0426/latest/DLM1683495.html)



- The absence of a contingency pricing regime in respect on non-compliance and/or gas supply imbalances during gas outage and contingency situations.
- The lack of certainty in voluntary arrangements, as evidenced by a large participant withdrawing from the arrangements and committing only to 'acting reasonably and responsibly' during gas contingencies<sup>157</sup>.

The purpose of the CCM Regulations is to 'achieve the effective management of critical gas outages and other security of supply contingencies without compromising long-term security of supply.' They provide for the appointment of a Critical Contingency Operator (CCO), which is responsible for determining, managing, and terminating critical contingencies, as well as associated activities, such as training and exercises. Vector performs the CCO role.

The Maui pipeline failure in October 2011 was the first substantial test of the CCM Regulations, although they had been triggered briefly on two other occasions. The regulations have generally proved to be effective, and improvements highlighted by the contingency events are being implemented.

## 7.12 Regulatory Performance

Government policy objectives for gas transmission are focussed primarily on access, efficiency, pricing, investment, and security of supply. Until recently, the existing transmission arrangements largely fulfilled these objectives. However, industry events and market changes are forcing a review of many aspects of the current arrangements to ensure their ongoing effectiveness and relevance.

The industry has identified areas requiring improvement and, in keeping with a policy preference for industry-led, non-regulated solutions ahead of regulatory intervention where possible, it has initiated programmes to achieve stronger policy alignment. The primary areas of attention are:

- transmission capacity congestion, affecting access to infrastructure, efficient infrastructure use and competitive activity.
- transmission investment uncertainty, affecting investment incentives, and the desirability of signalling the full costs of transportation to consumers.
- improvements to upstream gas balancing arrangements.
- refinements to critical contingency management processes.

Gas transmission policy objectives	Performance status
<ul style="list-style-type: none"> <li>• Gas industry participants and new entrants are able to access transmission pipelines and related services on reasonable terms and conditions.</li> <li>• Barriers to competition are minimised.</li> <li>• Energy and other resources used to deliver gas to consumers are</li> </ul>	<p>The open access arrangements on the two major transmission systems provide non-discriminatory access to transmission infrastructure. They are generally operating satisfactorily, but periodic capacity constraints on the North Pipeline have presented potential access and competition barriers. These are being addressed with the aim of making better use of existing capacity.</p> <p>The introduction of Interconnection Guidelines, prompting transmission system owners to formalise their policies and processes for interconnection, has largely resolved problems previously encountered by parties wishing to connect to transmission pipelines. While there should no longer be difficulties for parties in understanding the interconnection process and documentation, new interconnections are being monitored to see if any further improvements are necessary.</p>

<sup>157</sup> Gas Industry Co: *Statement of Proposal – Gas Outage and Contingency Management Arrangements*, August 2007.

Gas transmission policy objectives	Performance status
used efficiently.	The Interconnection Guidelines do not apply to private pipelines. An information sharing protocol existing between regulators, and any access issues arising on private pipelines will be reviewed.
<ul style="list-style-type: none"> <li>• Incentives for investment in gas transmission is maintained or enhanced.</li> <li>• The full costs of producing and transporting gas are signalled to consumers.</li> <li>• Delivered gas costs and prices are subject to sustained downward pressure.</li> </ul>	<p>Laying a pathway for efficient future investment in new transmission capacity is a key component a programme to address the North Pipeline capacity issues.</p> <p>Objectives of Part 4 of the Commerce Act also include that there are incentives for efficient investment. The investment climate however is uncertain, with transmission system owners concerned about the effects of economic regulation of their business, and their willingness to invest.</p> <p>There are currently no mechanisms for pricing scarce capacity and consequently for sending pricing signals to owners or users. Such signals are considered desirable, and mechanisms for developing them are currently the subject of industry discussion. The introduction of scarcity or peak pricing is, in turn, problematic due to the application of revenue or price cap controls on transmission system owners.</p> <p>Finding a solution that balances economic regulation objectives, the policy of sustained downward pressure on delivered gas costs, and an environment conducive to transmission system investment when needed will be challenging.</p> <p>It can be expected that Maui and Vector transmission pricing will be adjusted from 1 July 2013 to reflect the final price-path pricing announced by the Commerce Commission in February 2013.</p>
<ul style="list-style-type: none"> <li>• Risks relating to security of supply are properly and efficiently managed by all parties.</li> <li>• Sound arrangements for the management of critical gas contingencies.</li> </ul>	<p>The introduction of the CCM Regulations, replacing an industry code, significantly improved the industry's arrangements for responding to serious supply emergencies.</p> <p>The Maui pipeline outage in 2011 proved the CCM Regulations to be generally effective, but highlighted areas of improvements. These are being addressed by the industry, and changes to the CCM Regulations and related arrangements are expected during 2013/14.</p>
<ul style="list-style-type: none"> <li>• Accurate, efficient and timely arrangements for the allocation and reconciliation of upstream gas quantities.</li> </ul>	<p>Measures implemented over the past 5 years, including a BGX, have seen pipeline users improve their balancing performance. More are needed to achieve an efficient, unified arrangement for managing pipeline imbalances. These should occur from 1 June 2013 when a suite of changes to Maui pipeline access arrangements and other parallel changes take effect. The changes will address a primary concern that balancing costs are directed at the user(s) responsible for them and not socialised among all users.</p>

## 7.13 International Transmission Market Practices

Transmission access arrangements in New Zealand are to a degree in step with those of other jurisdictions. A comparison of international practices requires caution, as each gas market has evolved in its own unique environment, influenced by supply/demand characteristics, ownership arrangements, political imperatives, and geography. There is no 'off the shelf' solution that works in all circumstances.

Transmission market trends internationally are towards open access, the structural separation of transmission systems, transparency, and private ownership. Regulatory roles are clearly defined, and regulatory objectives centre on efficiency and competition.

New Zealand's policy objectives for gas transmission are largely consistent with those overseas, especially around open access, efficiency and competition. A number of overseas market practices, aimed at achieving these objectives, are currently not found in the New Zealand context and are being addressed by the industry. They include:

- market mechanisms, such as auctions, for allocating scarce transmission capacity.
- a secondary market for capacity trading.
- full transparency of capacity reservations, gas flows, and contract information.
- vertical separation of transmission system owners.
- widespread use of interruptible contracts.

In the United States, gas transmission operations are characterised by private ownership, with common interstate regulation following the formation of the Federal Energy Regulatory Commission (FERC) in 1930. The structural separation of gas transmission from other gas market interests began in 1992, and was completed in 2000.

A critical element of the competitive pipeline market in the United States is the free and transparent flow of information. A FERC order<sup>158</sup> requiring full transparency was issued in 2000. The disclosure of transactional information includes the shipper's identity as, in FERC's determination, other shippers would not otherwise be able to assess whether they are similarly situated to the transacting shipper for the purposes of revealing undue discrimination or preference.

Interstate services for natural gas must be unbundled, although many companies provide retailing and marketing services via legally separate entities.

Transmission services are provided on an open access basis, with pricing for interstate services being set by FERC. Capacity is sold under long-term contracts specifying receipt and delivery points for the capacity in question. Pipeline owners require that a shipper's total injections at a receipt point equal total off-takes at the delivery point specified (that is, they are balanced).

Capacity on the system can be purchased on an interruptible or firm basis. Firm has the highest priority in terms of transmission rights for specified receipt and delivery points and contracts typically are for 10 to 20 year periods. The differentiation between interruptible and firm helps the system operators to manage capacity where constraints occur.

In the EU, regulations cover individual countries and the EU collectively. Non-discriminatory third party access to gas transmission systems has been mandated by the EU since 2003. There is a mix of public and private ownership of transmission infrastructure, with vertical structural separation of ownership. Carriage regimes vary, but tend towards entry-exit<sup>159</sup>.

The Council of European Energy Regulators (CEER) has defined a 'Target Model' for the European gas market. The market consists of interconnected entry-exit zones with virtual hubs, allowing shippers to freely trade gas within each entry-exit zone.

The EU also has a strong focus on system planning and development. Transmission operators draw up a 10-year network development plan each year, and regional investment plans every two years. The European Network of

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<sup>158</sup> FERC Order 637

<sup>159</sup> An entry/exit regime is one where capacity can be booked at both entry and exit points. Gas enters the system at any entry point and leaves the system at any exit point, at prices independent of distance of transport, and with no need to define a flow route.

Transmission System Operators for Gas (ENTSOG) prepares a 10-year network development plan for the entire EU every two years, and this is reviewed by the Agency for the Cooperation of Energy Regulators (ACER).

New Zealand is moving towards this type of forward planning disclosure under the new information disclosure regime administered by the Commerce Commission.

Transmission pipelines have been under private ownership in the UK since the floating of Government-owned British Gas in 1986. Vertical separation of transmission system owners commenced in the same year and was completed in 1990.

Fully connected to the EU, the UK operates an entry-exit regime, with a capacity auctioning mechanism governed by a 2001 Network Code.

Private ownership is also a strong feature of the Australian transmission sector. Apart from Victoria, which has a 'market carriage' regime<sup>160</sup>, access is via contract carriage arrangements. All States except Western Australia operate under a single regulatory and operational regime introduced in 2008 by the National Gas Law and National Gas Rules.

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<sup>160</sup> Under the Victorian market carriage regime, transmission system users are not required to enter contracts. Instead, a party's daily gas flow is determined by its bids into the wholesale gas market. The bids are despatched according to price, with the lowest bids clearing first. Pipeline charges are then based on actual gas flows following the dispatch process.

## 8 Gas Distribution

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The gas distribution market is well established, with three open network services providers, and one private pipeline owner. No efficiency or competition issues have been identified around open access gas distribution networks.

The networks were originally founded in the early days of local manufactured gas operations, or constructed as new towns and cities became serviced following the development of the Maui field. Distributors have continued to invest in network expansion. However, while there is more pipe in the ground, and increasing consumer connections, gas throughput has been declining.

The distribution networks generally operate to a high level of reliability and a formal downstream gas reconciliation regime is providing an efficient process for allocating to retailers the portion of gas on a distribution network used by their customers. Levels of unaccounted-for gas have declined substantially.

### 8.1 Background

Gas distribution networks were originally developed to transport gas to local consumers from coal-based manufactured gas plants that were established in most major New Zealand towns and cities in the late 19<sup>th</sup> Century. With the demise of town gas plants and the advent of natural gas from the Kapuni field in 1970, gas networks gradually became confined to the North Island<sup>161</sup>. New networks were established during the 1980s as the substantial transmission system expansion of the 1980s opened previously unserved regions to natural gas, particularly in Northland, East Cape, the Bay of Plenty, Waikato, Manawatu and Hawke's Bay.

Odourised high pressure gas passes from the transmission system into the local area gas distribution networks via gate stations, where the pressure is reduced for reticulation to commercial businesses, offices, community facilities, such as hospitals and swimming pools, and to residential homes.

Distribution networks generally comprise intermediate, medium and low pressure pipelines. The intermediate and medium pressure mains form the backbone of the network, supplying larger users, and feeding into lower pressure pipes supplying smaller-volume end-users. Distributors use regulator stations within their networks to further adjust pressure for delivery to end-users. Distribution networks terminate at the various gas measurement systems (GMS) located at end-user premises. The GMS owner may be a distributor, a retailer or another party.

The networks may be open access providing non-discriminatory transport and interconnection to all suppliers or retailers, or private bypass pipelines, where the pipes are laid parallel with, or as an extension of, open access networks. Private pipelines are not available for access by other parties and are typically owned and operated by, and for the exclusive benefit of, the party that owns all gas transported on the system.

Distribution networks typically have economies of scale - where average costs reduce as throughput increases - and scope, where providing a combination of services is less expensive than supplying them individually. Other characteristics include:

- gas distribution has a high proportion of shared inputs, as gas is supplied through a single pipeline for multiple suppliers and end-users.
- there are many low volume users.

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<sup>161</sup> In the past decade localised reticulated LPG networks have been established in a number of South Island centres.

- investment in gas distribution are largely 'sunk', in that they have no alternative uses.
- the assets are long-lived, as much as 80 years.

## 8.2 Current State of the Distribution Market

There are four gas distribution companies in New Zealand. Three own and operate open access networks:

- Vector, which also retails gas through its subsidiary OnGas, has six distinct distribution networks throughout the North Island. Together these are the longest, and carry the highest volume of gas.
- Powerco is the second largest distributor, with five networks in the lower half of the North Island.
- GasNet, a subsidiary of Wanganui Gas, covering the Wanganui and Rangitikei regions.

The fourth distributor, Nova Energy, a subsidiary of Todd Energy, owns the only smaller networks that bypass existing networks.

In the electricity industry, the separation of lines and retail businesses was enforced with the electricity sector reforms of 1999<sup>162</sup>. Although there was no similar requirement for gas industry participants, there has been a natural and voluntary drift away from common ownership of gas retail and network operations since the exclusive area franchise model was abandoned as part of the industry's deregulation in 1992.

Vector retains a relatively small number of larger customers, after NGC (which it acquired in 2005) exited mass market retailing in 2001. Powerco, formerly also a retailer, is now solely a network company, and Wanganui Gas structurally separated its retail<sup>163</sup> and network businesses in 2008.

For the purposes of competition law, the Commerce Commission sees the networks as separate regional markets, and therefore views each as a natural monopoly. Against this backdrop, Nova Energy has constructed bypass networks to deliver natural gas directly to its customers. This began by tapping and piping landfill gas in the Wellington and Porirua areas and, following acquisition by Todd Energy, extended to include bypass networks in Hutt Valley, Hastings, Hawera, Papakura, East Tamaki and Manakau City.

Distribution pipeline owners primarily contract, in the form of Network Service Agreements (also called Use of System Agreements – UoSA), with gas retailers to provide distribution services to end-users, and in some cases have direct contractual relationships with larger consumers.

In support of the provision of non-discriminatory transport and interconnection, open access distributors contribute to various associated processes, including customer switching, gas reconciliation, the reduction of unaccounted-for gas (UFG) through leak surveys and repairs, and disconnections and reconnections.

Periodic reviews of distribution arrangements have found the open access arrangements for distribution networks are well understood and practiced by system users. An assessment<sup>164</sup> found no access issues relating to open access networks.

Concerns were raised, however, about the quality of contractual arrangements between distributors and retailers. These related particularly to slowness on the part of distributors to update their contracts with retailers to reflect changing roles and responsibilities of parties, as well as provisions of new gas safety rules introduced in 2010<sup>165</sup>. This has led to the development of a set of industry-agreed contract principles under a Gas Distribution

<sup>162</sup> The 'Bradford Reforms', introduced by the then Minister of Energy, Hon Max Bradford.

<sup>163</sup> Energy Direct New Zealand Limited.

<sup>164</sup> Gas Industry Co: *Gas Governance Issues in Distribution: Issues Paper*, 7 September 2010.

<sup>165</sup> Gas (Safety and Measurement) Regulations 2010.

Contracts Oversight Scheme (Distribution Scheme), introduced in February 2013, and which includes an assessment regime by independent assessors<sup>166</sup>. In this regard, it is similar to a Retail Gas Contracts Oversight Scheme (Retail Scheme) introduced in 2010, with the exception that the Distribution Scheme recognises that parties to distribution arrangements are commercial entities and better able to represent their interests than residential consumers.

The lack of access to private networks has been of concern for some retailers, and an issue regarding access to private transmission pipelines was raised in 2010 by the then Minister of Energy and Resources. A review concluded that private pipeline owners were deemed to be outside the provisions of the voluntary Transmission Interconnection Guidelines, which were designed for open access systems.

Efficiency issues arising from the lack of access to a private pipeline are considered to be minor where it runs in parallel to an open access network, and where it has provided end-users with a choice they previously did not have. In the absence of evidence that private pipeline owners hold market power, or have abused any power, there is no move to regulate them<sup>167</sup>.

There is nonetheless recognition that significant issues can arise where there is no parallel open access network and the private network is the only means of supplying end-users, or where end-users cannot easily change from the private network to the open access network. Regulatory agencies are sharing any information on private pipeline access concerns or disputes and will review any issues that arise.

In an adjudication<sup>168</sup> on alleged breaches of the Reconciliation Rules and Switching Rules by Nova Gas with respect to its bypass network – and a challenge by Nova as to whether its private pipelines made it a ‘gas distributor’ as defined by the Gas Act, and therefore not subject to these Rules – the Rulings Panel found that Nova was not a gas distributor in terms of the definition. However, the Rulings Panel recommended that the regulator urgently consider a necessary legislative amendment to bring the closed bypass network within the definition of ‘gas distributor’ so that the relevant regulations applied to it. This was effected with a change to the Gas Act in 2012.

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<sup>166</sup> [www.gasindustry.co.nz/work-programme/distribution-access](http://www.gasindustry.co.nz/work-programme/distribution-access)

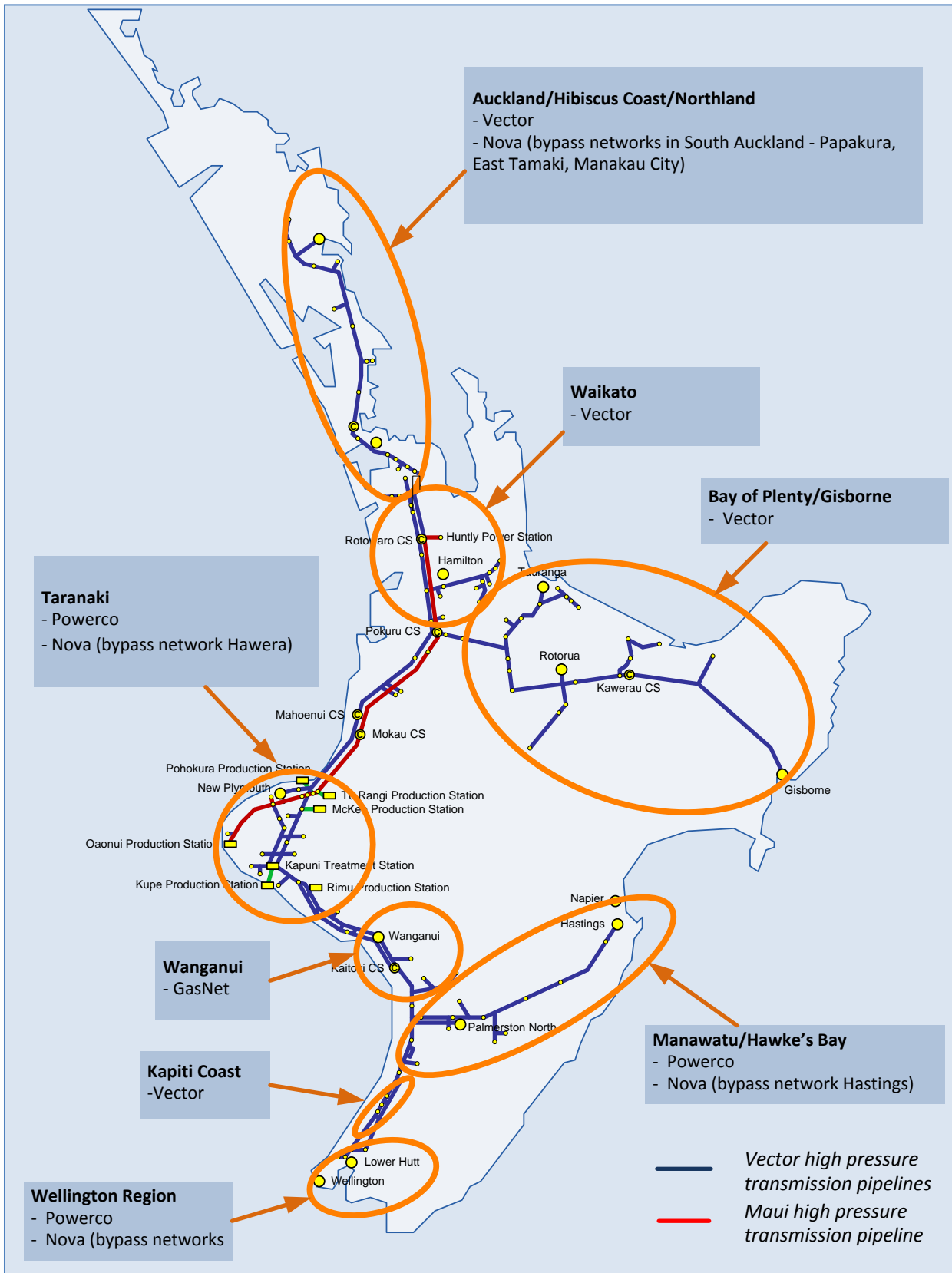
<sup>167</sup> Gas Industry Co: *Interconnection to Private Transmission Pipelines: Advice to the Associate Minister of Energy and Resources*, May 2010.

<sup>168</sup> Rulings Panel Decision 18 May 2010 [http://gasindustry.co.nz/sites/default/files/u24/Nova\\_Bypass\\_Rulings\\_Panel\\_Decision\\_2.pdf](http://gasindustry.co.nz/sites/default/files/u24/Nova_Bypass_Rulings_Panel_Decision_2.pdf)

### 8.3 Gas Distribution Market in New Zealand

Figure 30 shows the geographical location of distribution networks in the North Island.

Figure 30: Gas Distribution Networks





**Table 11: Gas Distributors – Physical Characteristics (as at 30 June 2012)**

Distributor	Network Length (km)	Region	Connections	Proportion of connections (%)	Density (customers /km)
Vector	10,326	Northland, Greater Auckland, Waikato, Bay of Plenty (including Rotorua, Taupo), Gisborne, Kapiti	153,585	57.6	14.9
Powerco		Greater Wellington, Hawke's Bay, Manawatu, Horowhenua, Taranaki	102,696	38.5	16.5
Gasnet	388	Wanganui, Rangitikei	10,338	3.9	26.6
Nova <sup>1</sup>	100 <sup>1</sup>	Wellington, Porirua, Hutt Valley, Hastings, Hawera, Papakura, Manukau City.	Not known	Not known	Not known
<b>Total</b>	<b>16,930<sup>2</sup></b>		<b>266,619</b>	<b>100</b>	<b>15.7</b>

Information provided pursuant to the Gas (Information Disclosure) Regulations 1997.

<sup>1</sup> Nova Gas is not subject to the Gas (Information Disclosure) Regulations 1997, and does not otherwise publish information about its Distribution networks. The Commerce Commission Gas Control Inquiry, Final Report, November 2004, records the length of Nova's Distribution network as 100km as at 30 June 2003.

<sup>2</sup> Total of open access networks only. Excludes Nova.

**Table 12: Gas Distributors – Operational Characteristics (year ended 30 June 2012)**

Distributor	Total gas conveyed (GJ)	Share of gas conveyed (%)	Load factor <sup>1</sup> (%)	Maximum monthly gas entering system (GJ)
Vector	21,997,886	68.2	79.1	2,319,093
Powerco	9,067,142	28.1	70.9	1,052,456
Gasnet	1,175,061	3.7	76.9	113,352
Nova <sup>1</sup>	Not known	Not known	Not known	Not known
<b>Total</b>	<b>32,240,089</b>	<b>100</b>	<b>(average) 79.1</b>	<b>3,484,901</b>

Information provided pursuant to the Gas (Information Disclosure) Regulations 1997

<sup>1</sup> Load Factor is calculated as the annual amount of gas entering a distribution system against the annualised maximum monthly amount of gas entering the system.

<sup>2</sup> Nova Gas is not subject to the Gas (Information Disclosure) Regulations 1997, and does not otherwise publish information about its Distribution networks.

### 9.3.1 Network Development

**Table 13** sets out reported network lengths in each of the five years to 2012. It shows that distributors have made year-on-year investments in network expansion, notwithstanding their concerns over pricing and allowable returns on investment. The total length of open access natural gas distribution networks expanded by over 760km to 16,930km during the five-year period. At 30 June 2012<sup>169</sup>, they had a combined reported book value of \$818 million.

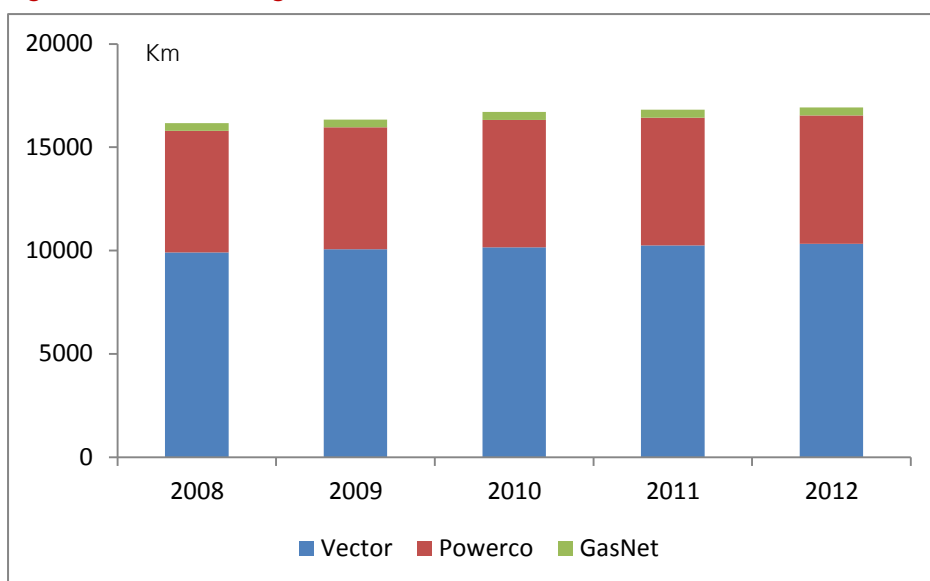
**Table 13: Network length (km) (as at 30 June)**

Distributor	2008	2009	2010	2011	2012
Vector	9,911	10,061	10,155	10,252	10,326
PowerCo	5,890	5,901	6,170	6,177	6,216
GasNet	366	384	386	387	388
<b>Total</b>	<b>16,167</b>	<b>16,346</b>	<b>16,711</b>	<b>16,816</b>	<b>16,930</b>

Information provided pursuant to the Gas (Information Disclosure) Regulations 1997.

<sup>169</sup> In 2012, Powerco changed its statutory balance date from 30 June to 31 March.

**Figure 31: Network Length 2008-2012**



### 9.3.2 Connections and Throughput

The number of gas distribution network connections increased by over 7,500, to more than 266,000 in the past five years (**Table 14**) due mainly to connection growth on Vector's networks, particularly in the expanding Auckland region. Powerco's connections were below those for 2008, but it has recorded modest year-on-year increases in the past two years.

Despite the overall increase in connections, the 32.2PJ total gas volume conveyed through the distribution networks in 2012 was slightly lower than in 2008, although it had recovered considerable ground lost in the intervening years (**Table 15**). The softening in volume demand may be explained by a combination of improved energy efficiencies, and the loss of some larger load consumers, including through switching to other forms of energy supply, closure, or consumers transferring to Nova and supply via Nova's private pipelines.

Energy Data File information records an increase in commercial consumers from 9,635 in 2007, to approximately 10,000 in 2011<sup>170</sup>.

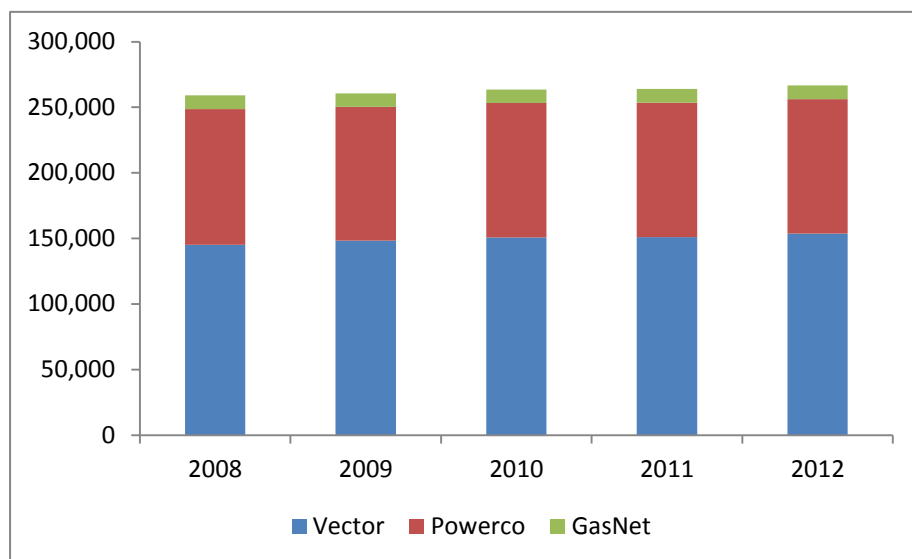
**Table 14: Distribution Connections (as at 30 June)**

Distributor	2008	2009	2010	2011	2012
Vector	145,122	148,357	150,892	151,104	153,585
PowerCo	103,602	102,011	102,346	102,482	102,696
GasNet	10,331	10,287	10,309	10,353	10,338
<b>Total</b>	<b>259,055</b>	<b>260,655</b>	<b>263,547</b>	<b>263,939</b>	<b>266,619</b>

*Information provided pursuant to the Gas (Information Disclosure) Regulations 1997.*

<sup>170</sup> Energy Data File tables setting out consumer numbers by category were discontinued from the 2010 calendar year. Subsequent Energy Data File publications include customer estimates in the text.

**Figure 32: Distribution Connections 2008-2012**



**Table 15: Gas Conveyed (GJ) (year ended 30 June)**

Distributor	2008	2009	2010	2011	2012
<b>Vector</b>					
Own retail	10,118,023	9,001,786	8,104,460	6,846,374	6,183,747
Other parties	11,999,196	12,605,677	13,121,726	14,286,380	15,814,139
<b>Total</b>	<b>22,117,219</b>	<b>21,607,463</b>	<b>21,226,186</b>	<b>21,132,754</b>	<b>21,997,886</b>
<b>PowerCo</b>					
Own retail <sup>1</sup>	--	--	--	--	--
Other parties	9,204,033	9,316,465	9,268,755	8,887,622	9,067,142
<b>Total</b>	<b>9,204,033</b>	<b>9,316,465</b>	<b>9,268,755</b>	<b>8,887,622</b>	<b>9,067,142</b>
<b>GasNet</b>					
Own retail <sup>2</sup>	492,292	447,162	352,127	222,735	252,204
Other parties	542,665	514,832	742,414	952,133	922,857
<b>Total</b>	<b>1,034,957</b>	<b>961,994</b>	<b>1,094,541</b>	<b>1,174,868</b>	<b>1,175,061</b>
<b>Total</b>	<b>32,356,209</b>	<b>31,885,922</b>	<b>31,589,482</b>	<b>31,195,244</b>	<b>32,240,089</b>

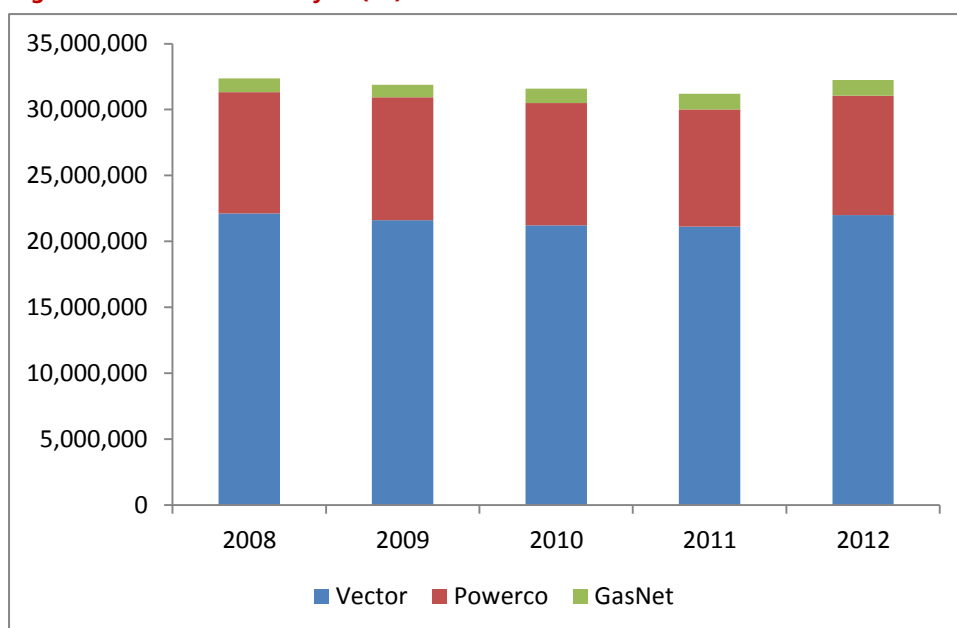
Information provided pursuant to the Gas (Information Disclosure) Regulations 1997.

'Other Parties' are 'persons not in a prescribed business relationship'.

<sup>1</sup> Powerco does not retail gas.

<sup>2</sup> GasNet Limited is owned by Wanganui District Council, which also owns the gas retailer Energy Direct New Zealand Limited.

**Figure 33: Total Gas Conveyed (GJ)**



### 9.3.3 Costs

Open access network costs have trended upwards in the past two years, after a period of stable or declining trends. Direct line costs in 2012 ranged from \$910 per kilometre of pipe (Vector), to \$1,353 (Powerco) and \$1,759 (GasNet). Differences may arise for a number of reasons, including the age and condition of the pipes, geographic factors and the timing of maintenance programmes. There has also been an upswing in indirect costs per customer, which range between \$90 and \$125.

**Table 16 Network Costs**

Distributor	2008	2009	2010	2011	2012
<b>Vector</b>					
Direct lines cost/km (\$)	707	701	753	799	910
Indirect lines costs/customer (\$)	116	109	104	120	125
<b>PowerCo</b>					
Direct lines costs/km (\$)	981	1,210	1,208	1,306	1,353
Indirect lines costs/customer (\$)	73	91	93	85	90
<b>GasNet</b>					
Direct lines costs/km (\$)	2,916	2,337	1,711	1,759	1,766
Indirect lines costs/customer (\$)	84	82	99	95	100

*Information provided pursuant to the Gas (Information Disclosure) Regulations 1997.*

### 9.3.4 Gas Consumer Density

Customer density (**Table 17**) in New Zealand averages about 15.7 customers per kilometre of pipe, significantly lower than the average of 48.7 customers per kilometre on distribution networks in eastern and southern Australia<sup>171</sup>.

**Table 17: Gas Consumer Density**

Distributor	2008	2009	2010	2011	2012
Vector	14.6	14.7	14.8	14.7	14.9
PowerCo	17.6	17.3	16.6	16.6	16.5
GasNet	28.2	26.8	26.7	26.8	26.6

Information provided pursuant to the Gas (Information Disclosure) Regulations 1997.

### 9.3.5 Load Factor

The load factor for distribution networks in New Zealand ranges between 71-86 percent.

**Table 18: Load Factor (%)**

Distributor	2008	2009	2010	2011	2012
Vector	80.59	78.51	80.32	70.07	79.05
PowerCo	72.50	71.19	71.67	70.86	71.79
GasNet	80.10	69.70	79.30	86.93	86.39

Information provided pursuant to the Gas (Information Disclosure) Regulations 1997.

### 9.3.6 Network Reliability

**Table 19** sets out unplanned distribution system interruptions, not related to transmission system interruptions, on the open access networks in the period 2008-2012. The only unplanned interruptions resulting from transmission system interruptions were 3.928 hours/customer reported by Vector in 2012. This resulted from incidents on transmission or upstream facilities, not owned by Vector, but, due to interconnection, had a flow-on effect to Vector's transmission customers. In each case, the curtailment was at the direction of the Critical Contingency Operator under the CCM Regulations.

During the five-day Maui pipeline outage in late October 2011, line pack management and the reconfiguration of Vector's transmission pipeline allowed distribution networks to remain 'live' at all times, although load-shedding was required by the CCO in order to maintain transmission system integrity.

Gas distribution pipes are generally underground, and not affected by bad weather. However, they are vulnerable to third party damage and water ingress. Surface installations are vulnerable to flooding, third party damage and mechanical failure. The networks generally operate to a very high level of reliability. A single major incident can have a significant effect on overall reliability performance. This is evident in **Table 19**, which shows the impact of water incursion incidents on Powerco's network at Silverstream in July 2008, and water ingress to part of GasNet's network in 2010. Water inundation also affected Powerco's Wellington CBD mains in 2006.

Including the unusual events, the data shows that customers experienced supply interruptions ranging from just under a minute to almost 6 minutes a year. Australian data<sup>172</sup> shows the average customer in Victoria and New South Wales is likely to experience gas supply interruptions of less than 3 minutes a year, with Queensland generally recording interruptions of less than 1 minute per customer.

<sup>171</sup> Calculated from Australian Energy Regulator: *State of the Energy Market 2011* – total gas customers 3,536,380; total length of mains 72,580km. The difference may be explained by a much higher housing density; in Australia

<sup>172</sup> Australian Energy Regulator: *State of the Energy Market 2009*.

**Table 19: Unplanned Distribution System Interruptions (hours/customer) 2008-2012**

Distributor	2008	2009	2010	2011	2012
Vector	0.0305	0.0072	0.0259	0.0114	0.0163
PowerCo	0.001889	0.0861 <sup>1</sup>	0.01070	0.0180	0.0206
GasNet	0.018	0.0258	0.2542 <sup>2</sup>	0.0127	0.0106
<b>Average</b>	<b>0.0167963</b> <b>(1.01 minutes)</b>	<b>0.0397</b> <b>(2.38 minutes)</b>	<b>0.096933</b> <b>(5.81 minutes)</b>	<b>0.0140333</b> <b>0.84 minutes</b>	<b>0.0158333</b> <b>(0.95 minutes)</b>

*Interruptions not related to transmission system interruptions. Information provided pursuant to the Gas (Information Disclosure) Regulations 1997.*

<sup>1</sup> Includes 0.0831 hours/customer water inundation outage, Silverstream, July 2008

<sup>2</sup> Includes 0.225 hours/customer water inundation outage, St Johns Hill, June 2010

## 8.4 Regulatory Performance

As with gas transmission systems, Government policy objectives for gas distribution centre on access, efficiency, pricing, investment, and reliability. Given the close interface between distribution and retail, there are a number of policy objectives – particularly around clarity of market structures and roles – that are common to both sectors of the industry.

Gas Distribution policy objectives	Performance status
<ul style="list-style-type: none"> <li>Gas industry participants are able to access distribution pipelines and related services on reasonable terms and conditions.</li> <li>Consistent standards and protocols apply to the operations relating to access to all distribution pipelines.</li> <li>Barriers to competition are minimised.</li> <li>Energy and other resources used to deliver gas to consumers are used efficiently.</li> </ul>	<p>Arrangements on the open access distribution networks provide non-discriminatory access to distribution infrastructure and services.</p> <p>The Gas Distribution Contracts Oversight Scheme, and its associated contract assessments, will contribute to ensuring consistent standards and protocols, and that the terms for retailers using distribution networks are fair and reasonable.</p> <p>To date, no issues relating to gas distribution access have arisen and there is no evidence that the facilities are operating inefficiently, or that their owners are posing barriers to competition.</p>
<ul style="list-style-type: none"> <li>Incentives for investment in gas distribution is maintained or enhanced.</li> <li>The full costs of producing and transporting gas are signalled to consumers.</li> <li>Delivered gas costs and prices are subject to sustained downward pressure.</li> </ul>	<p>Notwithstanding distribution network owners' concerns about economic regulation of these assets, continuing investment in gas distribution networks is evident from year-on-year network expansions.</p> <p>Distribution services pricing is subject to economic regulation (price control).</p>
<ul style="list-style-type: none"> <li>Risks relating to security of supply are properly and efficiently managed by all parties.</li> </ul>	<p>Unplanned outage information indicates that distribution networks generally operate to a high level of reliability. Formal system availability measures, similar to those already applying to electricity networks, will be introduced with a new information disclosure regime to be administered by the Commerce Commission.</p>
<ul style="list-style-type: none"> <li>There is an efficient market structure for the provision of gas</li> </ul>	<p>The Downstream Reconciliation Rules provide an efficient process for allocating distribution charges to retailers based on the portion of gas on a</p>

Gas Distribution policy objectives	Performance status
metering, pipeline and energy services.  <ul style="list-style-type: none"> <li>The respective roles of gas metering, pipeline and gas retail participants are able to be clearly understood.</li> </ul>	distribution network used by their customers.  The Gas Distribution Contracts Oversight Scheme requires contracts to provide clear information about respective roles.

## 8.5 International Distribution Market Practices

International regulatory approaches to gas distribution networks reflect their natural monopoly structure and are primarily aimed at managing the risk of monopoly pricing.

In Australia the Australian Energy Regulator (AER) is responsible for the economic regulation of all major distribution networks in NSW, Victoria, Queensland, South Australia and the ACT, following a transfer of this role from state and territory agencies in July 2008. The Economic Regulation Authority undertakes this role in Western Australia. Various tiers of regulation apply, based on competition and significance criteria. The recently constructed Tasmanian network is the only major unregulated network, although a number of small regional networks are also unregulated.

The National Gas Law and National Gas Rules set out the regulatory framework. Most Australian distribution networks are subject to full regulation, which requires the distributor to submit an initial access arrangement – setting out the terms and conditions for third party use - to the AER for approval and to revise it periodically, typically every five years.

The AER’s Access Arrangement Guideline details the regulatory process, and separate guidelines address dispute resolution and compliance with obligations under the Gas Law.

The regulatory process employs a building block approach to determine total network revenues and derive reference tariffs.

Distribution providers subject to light regulation are able to determine their own tariffs, but must publish them and other terms and conditions on their websites. The AER may arbitrate in the event of a dispute.

In the UK, gas distribution networks and independent gas transporters are regulated by OfGem to ‘protect consumers from potential abuse of monopoly power’<sup>173</sup>. OfGem’s main focus is on charging arrangements. Gas distribution networks are required to maintain a use of system charging methodology, which must explain to customers the principle of, and methods used, to calculate charges. These methodologies must achieve prescribed objectives of reflecting costs, facilitating competition, and reflecting developments in gas distribution.

Quality of service arrangements are aimed at protecting consumers and are seen by Ofgem as a ‘key balance to price control incentives to reduce costs.’ These are implemented through a number of different frameworks including Guaranteed Standards of Performance (GSOPs), Overall Standards of Performance (OSOPs), third party and water ingress arrangements, and output reporting.

<sup>173</sup> [www.ofgem.govt.uk](http://www.ofgem.govt.uk)

In the United States, State public utility commissions oversee and regulate private local natural gas utilities. Gas utilities owned by local governments are typically overseen by local government agencies to ensure that the needs and preferences of customers are met in a cost effective manner.

State regulation of local distribution companies has a variety of objectives, including ensuring adequate supply, dependable service, and reasonable prices for consumers, while also allowing for an adequate rate of return for investor-owned utilities. State regulators are also responsible for overseeing the construction of new distribution networks, including approving installation sites and proposed additions to the network. Regulatory orders and methods of oversight vary from State to State.

Historically, local distribution companies offered only 'bundled' services, combining the cost of transportation, distribution, and the natural gas itself into one price for consumers. Unbundled retail packages have been available to USA consumers since the early 1990s.



## 9 Wholesale Market

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The New Zealand wholesale market is small and relatively concentrated, with no formal spot or similar market. There are a number of producers and wholesale active in this market, with some of those producers selling gas directly to end-users. Secondary trading is arranged bilaterally between parties, and while there is no transparency of such deals, there have been no substantial concerns expressed in recent times about buying or selling gas.

However, wholesale trading continues to be dominated by bilateral contracts and the industry has yet to develop a formal wholesale trading mechanism. This is an unfulfilled objective set for the industry by the Government, and industry participants continue to be concerned about the opacity of the wholesale market.

While competitive tender processes are common for large end-user contracts, there are compelling reasons for a trading platform to offer wholesale gas price discovery and transparency of other terms, aiding competition and market efficiency for producers and buyers. The Balancing Gas Exchange (BGX) offers only limited trading capability, for gas balancing purposes. Separate proposals for an additional trading platform by Gas Industry Co and the industry in recent years have not been successful. Further proposals to enhance or supplement the BGX are under active consideration by industry participants.

### 9.1 Background

The wholesale market involves wholesalers buying gas from producers to on-sell to gas retailers, large petrochemical manufacturers, electricity generators and major industrial customers. It is noted that gas producers also sell directly to large consumers and, where vertically integrated, to their own gas retail arms<sup>174</sup>.

Having become the sole purchaser of Kapuni gas through its NGC state-owned enterprise, the Government's role as the principal gas wholesaler was substantially expanded with the development of the Maui field in the 1970s. The Government underwrote the field's development both by becoming half owner, and agreeing to be the sole purchaser of the gas it produced. In doing so, the Government took aboard the market risk by committing to take-or-pay purchases of a gas reserve that significantly exceeded the then level of demand for it. It therefore became a role of Government to develop the market.

Initially, the government of the day envisaged Maui gas being used primarily for electricity generation, and planned four 1,000MW power stations – one in New Plymouth, one at Huntly, and two in Auckland. An over-estimate of electricity demand, however, resulted in a decision not to proceed with two Auckland power stations, and left the Government facing a large take-or-pay liability for Maui gas.

The development of the Maui field coincided with a series of international oil price shocks that severely impacted New Zealand's balance of payments. The government instead came to see Maui as an avenue to mitigate this impact through direct use and import substitution. So emerged the Maui-driven 'Think Big' projects, which included using the gas for gasoline, methanol and urea production, electricity generation and, in compressed form (CNG), as a transport fuel. It also drove wider use of gas in homes, businesses and industry.

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<sup>174</sup> 'Gas wholesale(r)' is defined in a range of technical ways in various industry legislation and contracts. MBIE does not include producer sales to large industrial consumers for the purposes of wholesale pricing analysis. This is discussed further in **Natural Gas Pricing, Page 131**. In Australia, the AER applies this description: 'Gas producers sell gas in wholesale markets to major industrial, mining and power generation customers, and to energy retailers that onsell it to business and residential customers.'

These policies, Maui's predominance as a source of natural gas, the take-or-pay commitments, and a price escalator that saw the wholesale gas price diminish in real terms over time, were major factors in shaping the wholesale gas market for over 30 years. The early effects were:

- long-term agreements, with high annual take-or-pay commitments.
- Flexibility through buyers' ability to store prepaid gas, and Maui's ability to act as a swing supplier to meet demand on the day.
- an effective price cap on the overall gas market due to the real-term price reduction in the Maui gas contract price significant.
- Investment in gas utilisation by industrial and commercial companies taking advantage of plentiful supply and low prices.
- electricity prices also influenced by cheap and plentiful domestic gas reserves.
- a restricted ability for other fuels to compete on price with Maui gas.
- suppressed incentives to explore, develop, and produce gas from other fields<sup>175</sup>.

With the attenuation of gas reserves under the original Maui 'legacy' contracts, the wholesale market has undergone fundamental change in the past decade. From abundant, cheap gas from a dominant field, the market became short on supply, manifesting in higher gas prices, which in turn resulted in:

- some major industrial users, including methanol manufacturers, restricting or ceasing operations due to their inability to source natural gas at a competitive price.
- switching to other fuels, including to geothermal and biomass in the timber processing industry.
- increased marginal costs of electricity generation.
- more complex, less flexible unbundled contracting arrangements.
- higher levels of exploration, improved financial viability of smaller reserves previously unable to compete with Maui gas, and the development of new fields including Kupe and Pohokura.
- the creation of open access on the Maui pipeline and increased complexity in the transmission market.
- the cessation of the Government's role in the wholesale gas market.

## 9.2 Current State of the Wholesale Market

The wholesale gas market in New Zealand remains small and relatively concentrated. The Energy Data File lists four gas wholesalers - Vector, Todd Energy, Contact Energy and Greymouth Petroleum. Each is vertically integrated to varying degrees through other levels of the supply chain.

Todd Energy and Greymouth Petroleum are also gas producers and retailers (Todd through its Nova Energy subsidiary), and Todd owns private pipelines. Vector is a transmitter, distributor and retailer, and Contact is a retailer and gas-fired power station owner. Another retailer, Genesis Energy, has vertical ownership arrangements, sourcing gas for its Huntly power station and retail operations under a contract for 100 percent of gas from the Kupe field, of which it is a 31 percent owner.

Other producers selling gas into the market are Shell, OMV and newcomers TAG Oil and NZEC as they commence operations at a number of smaller onshore Taranaki fields.

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<sup>175</sup> For example, the Kupe gas field which was discovered in 1986 did not get a development commitment until 2006, for reasons that included the predominance of lower-cost Maui gas.

The New Zealand gas market continues to be founded largely on bilateral contracts between producers/wholesalers and retailers and, in some case, directly with large end users, although they tend to be of shorter duration than during the height of the Maui era. This is in contrast with trends away from the long-term contract model in larger overseas markets (see below).

There is no formal multilateral market or centralised wholesale market mechanism in New Zealand. It is known that informal short-term trading and gas swaps happen, including gas buyers wanting to manage take-or-pay exposures under their long-term contracts, and producers seeking an outlet for smaller parcels of gas from new discoveries.

The transaction terms and conditions are typically confidential to the contracting parties, casting a veil over the extent to which such trading occurs, the volumes involved and the prices at which gas is changing hands.

In the primary wholesale market, the contractual framework, commonly involving take-or-pay provisions, reflects the large investments made by producers and counterparty buyers, such as electricity generators and petrochemical producers, and serves to cover the field risks and financial positions of the parties.

A recent example of the dominance of bilateral arrangements has been the 10-year gas supply agreement in 2012 between Todd Energy and Methanex, which will underwrite a combined capital investment of up to \$860 million. Under the arrangement Todd Energy is conducting further appraisal and development drilling and production plant expansion on its Mangahewa field, enabling the restart of the second methanol train at Methanex’s Motunui plant in North Taranaki.

### 9.3 International Wholesale Gas Market Practices

Trends in gas markets overseas indicate a growing proportion of spot market trading, rather than long-term contractual arrangements. It is a reflection of the influence that supply diversity and market density has on wholesale market liquidity, and the degree of trading sophistication the market requires. **Table 20** contrasts the New Zealand market with other countries where market conditions more readily lend themselves to spot trading.

**Table 20: Supply and Demand Density**

	Gas Consumers	Annual Gas Consumption (PJ)	Number of players
New Zealand	258,000	155	Producers: 10 <sup>1</sup> Transmission: 2 companies Distribution: 4 companies
Australia	3.5 million	1,233	Producers: 13 <sup>1</sup> Transmission: 11 major companies Distribution: 8 major companies
United Kingdom	21 million	3,632	Producers: 50 Transmission: 90 major companies
United States	65 million	26,320	Producers: 24 major Distribution: 1,600 companies

<sup>1</sup> excludes small minority interests

## *Australia*

In Australia the AER reports<sup>176</sup> 'while gas prices were historically struck under confidential long-term contracts, there has been a recent shift towards shorter-term contracts and the emergence of spot markets.'

Australia effectively has two markets, with east and west evolving differently. The gas prices are also significantly different, although they are converging with the development of East Coast LNG.

A number of Australian market improvements were initiated as a result of the catastrophic explosion at the Esso Longford gas plant, which crippled Victoria's gas supplies for two weeks in 1998. Measures introduced subsequently have significantly improved the transparency of gas market operations and the ability to manage supply disruptions.

A wholesale spot market was established in Victoria in 1999 for gas sales to manage system imbalances and pipeline network constraints. Typically, gas traded at the spot price accounts for 10 to 20 percent of wholesale volumes in Victoria. The balance is sourced via bilateral contracts or vertical ownership arrangements between producers and retailers. Notably, the spot market price outcomes in Victoria are widely used as a guide to underlying contract prices.

More recently, Australia has established a National Gas Market Bulletin Board and a short-term trading market in southern and eastern Australia. The market is designed to enhance gas market transparency and competition by setting prices based on supply and demand conditions.

The online National Gas Market Bulletin Board was established in 2008 by industry participants in response to a Ministerial Council on Energy request for a national plan to accelerate the development of a reliable, competitive and secure natural gas market. It provides transparent, real-time gas market information and covers major gas production plants, storage facilities, demand centres and transmission pipelines.

Some, but not all, of this type of information is available to Shippers, but not other market participants, in New Zealand through OATIS.

## *United Kingdom*

A similar trend has been evident in the United Kingdom since major restructuring, including interconnection with European and Irish suppliers, in the 1990s. Previously, gas was traded mainly through bilateral contracts.

The introduction of a Network Code for market participants and subsequent changes to the roles of participants in balancing demand and supply allowed other forms of trading to gain prominence. This included the development of spot markets at a number of points onshore, where gas is delivered to the National Transmission System (NTS) from offshore, and trading on the pipeline system - or 'Onsystem trading' - via a single notional delivery point.

Other European gas wholesale markets have differing characteristics and are at various stages of development as the EU gears up under its Gas Target Model to transform the European gas market by integrating the various national markets into a single liberalised market.

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<sup>176</sup> Australian Energy Regulator: *State of the Energy Market 2011*.

## United States

Bilateral contracts dominate the market for natural gas in the United States. Federal regulations requiring unbundled services mean that the wholesale market is clearly separated into a market for natural gas as a fuel, and for transportation of natural gas.

Prices are generally tied to publicly quoted gas prices at major trading hubs. The New York Mercantile Exchange operates a transparent natural gas futures market for gas delivered to the largest trading hub – the Henry Hub, Louisiana. Following issues with the authenticity of published price information, regulations are in place to ensure the integrity of published prices. Reporting is voluntary, but the information submitted is required to be factual, accurate and complete.

## 9.4 Wholesale Market Needs in New Zealand

There is debate about what New Zealand needs in the way of a wholesale gas market. Views range from a need to develop a wholesale mechanism, to leaving things as they are.

Through its published policy objectives, it is clear that the Government wants consideration to be given to arrangements for the efficient short-term trading of gas<sup>177</sup>.

At present there seems no broad industry consensus for a formal or regulated short-term wholesale trading regime. A trial platform established in 2010 for short-term wholesale gas trading was abandoned due to lack of support, and amid some concerns over the trial mechanisms.

That experience highlighted the challenges inherent in a market that continues to be characterised by:

- a low number of supply sources and sellers.
- the firm commitment of production from large fields to longer-term contracts.
- limited demand side density. Most demand is from a relatively small number of large power generation, petrochemical and industrial users. In 2011, for example, these users represented just 0.55 percent of gas customers, but accounted for around 91 percent of consumption<sup>178</sup>. By contrast, most of the gas available for consumption in the UK is used by the numerically high residential and commercial sectors and, in Victoria, residential use accounts for over a third of total consumption.
- the absence of brokers to join sellers and buyers, or to aggregate gas from a number of sources into more saleable packages.
- New Zealand's gas self-dependence and non-connection to international gas sources, such as through cross border supply or LNG importation.
- the size of the New Zealand economy, which represents an effective cap on potential growth.
- transmission system constraints and difficulty in trading transmission capacity under Vector's current point-to-point commercial capacity regime.

Section 41 of the Crown Minerals Act (CMA) – which requires producers to seek approval for gas sale agreements - at a cost per application of \$1,000 - is also cited as a barrier to gas producers participating in small volume trades<sup>179</sup>. The application fee, which could represent between 10 and 30 percent of the proceeds from a 1,000GJ sale, is a significant deterrent for deals involving small volumes of gas.

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<sup>177</sup> 2008 GPS: Efficient arrangements (exist) for the short-term trading of gas.

<sup>178</sup> 2011 Energy Data File customer segment estimates.

<sup>179</sup> Gas Industry Co: Letter to Hon Hekia Parata, Associate Minister of Energy and Resources, *Gas Wholesale Market*, 20 December 2010.

Under the CMA<sup>180</sup> review, permit holders will have to give New Zealand Petroleum & Minerals (NZP&M) a copy of any dealing that has a duration of 12 months or more for approval. Without this approval, the contract will be void.

The central question, however, remains. That is whether New Zealand needs, or can sustain, a fully-fledged wholesale spot market. The NZISCR report doesn't think so, concluding:

*'There does not seem to be any prospect or need for a spot market for gas in New Zealand. ... The market is rather small to support one, and many of the functions that buyers and sellers would get from a spot market seem to be provided by flexible long-term gas purchase contracts and the ability of the Maui pipeline to handle some overage and underage through line packing. The attempt to establish a spot market was not successful. There was some criticism that the attempted spot market was too complex, and that a simpler one might have worked, but on balance such success does not seem likely.'*

That doesn't necessarily relieve a need for wholesale market efficiency improvements. There are many structural similarities between the gas and electricity markets in New Zealand - the fungibility of the products; the local market self-sufficiency with no imports or exports; generation/production that is distant from markets; transmission and distribution delivery systems that are largely natural monopolies; infrastructure that is sunk and involving long-term investment horizons; oligopolies at the generation/production end; and competitive retail markets. The respective wholesaling regimes however are very different.

The electricity market has evolved complex processes that reflect its role as an essential form of energy with almost 2 million consumers nationwide and disparate generation facilities. Electricity is priced in half hour tranches as a combined energy and transmission commodity, through a transparent spot market at various trading points. Forward price is signalled through hedge products, long run marginal cost curves, and regular demand and investment forecasts. Both the supply and demand side are fully informed about price.

Despite the industry structure parallels, in the New Zealand context such wholesale market complexity is arguably not suited to gas – a largely optional fuel, with 260,000 consumers, limited supply sources and operating in a highly competitive energy market.

However, this, and indications that bilateral contracts will continue to be the preferred wholesale trading practice in this country, does not mean there should be no market mechanism at all. Indeed, there are compelling reasons for a measure of spot market tradability in gas.

While non-standard bilateral contracts may not affect the relative bargaining positions of the parties, or end-user choice, by themselves they do not fully represent 'efficient arrangements for the short-term trading of gas'.

For example, the absence of an effective spot market that enables gas to go to the user that values it most highly can distort economic signals and impede competition. Further, tight offtake and significant fixed cost provisions in bilateral contracts incentivise parties to uplift gas when they might otherwise prefer not to take it. The continuing opacity of wholesale gas trading, and the absence of a public market mechanism for ad-hoc sales and purchases that would allow gas to go to users who value it most highly, is not serving the market well in terms of encouraging efficient use of resources, and providing consumers with the pricing signals and other information they need for their energy use decisions. A potential avenue for this to occur is improved

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<sup>180</sup> Review of the Crown Minerals Act 1991 Regime available [www.med.govt.nz/sectors-industries/natural-resources/pdf-docs-library/oil-and-gas/crown-minerals-act-review/Review%20of%20the%20Crown%20Minerals%20Act%201991%20regime%20-%20Discussion%20paper.pdf](http://www.med.govt.nz/sectors-industries/natural-resources/pdf-docs-library/oil-and-gas/crown-minerals-act-review/Review%20of%20the%20Crown%20Minerals%20Act%201991%20regime%20-%20Discussion%20paper.pdf)

functionality of the Maui pipeline BGX and its development into a medium for broader wholesale gas spot trading. A number of industry participants are actively considering other proposals to enhance or supplement the BGX.

## 9.5 Regulatory Performance

Gas wholesale policy objectives	Performance status
<ul style="list-style-type: none"> <li>The supply of gas meets New Zealand’s energy needs by providing competitive market arrangements.</li> <li>Delivered gas costs are subject to sustained downward pressure.</li> </ul>	<p>There is a relatively small number of parties engaged in the wholesale gas market, and participants have not raised concerns about difficulties in selling or buying gas. Transmission pipeline constraints can potentially impact on wholesale gas trading if the purchaser is unable to have it transported to the end user(s).</p> <p>Changing market dynamics, including new sources of supply, are moving negotiation leverage from supplier to buyer.</p>
<ul style="list-style-type: none"> <li>Efficient arrangements for the short-term trading of gas.</li> </ul>	<p>The industry has yet to develop a formal short-term wholesale trading mechanism. It is generally considered that the small New Zealand industry does not need, and is unlikely to sustain, a sophisticated spot market, but that market efficiency would benefit from a mechanism that provided some wholesale trading transparency, especially in relation to volumes and prices. An attempt in 2010 to establish a spot trading platform failed due to lack of interest. There is potential for the BGX, operated to assist transmission system balancing, to be extended to include a broader wholesale trading functionality, and alternative market proposals are being developed by industry participants.</p>
<ul style="list-style-type: none"> <li>Accurate, efficient and timely arrangements for the allocation and reconciliation of upstream gas quantities.</li> </ul>	<p>Upstream reconciliation (transmission balancing) is discussed in the <b>Gas Transmission, Page 79</b>. The BGX provides a platform for Shippers to manage their imbalance exposures.</p>

# 10 Retail Market

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The retail gas market continues to grow, with around 17,000 new consumers in the past five years. Market contestability has strengthened, and 96 percent of gas consumers have a choice of six or more retailers. Customer switching between retailers has increased from 5 percent to 16 percent in just two years. Stronger retail competition is also evidenced by reduced market concentration, reflecting new retailers entering the market and smaller retailers increasing their market share

The industry is performing well against Government policy objectives for the retail market and the protection of small consumer interests. Most recently, a retail contract evaluation scheme has seen a major improvement in the clarity and detail of retailers' supply arrangements with small consumers. A suite of other market enhancements benefitting small consumers has included a switching regime to enable consumers to efficiently change their retail supplier, and the implementation of a formal consumer complaints scheme through the Electricity and Gas Complaints Commissioner.

## 10.1 Background

Retail is the sector in which consumers purchase gas from retailers for their direct use. Retailers buy gas at the wholesale level for profitable on-sale to their customers, and contract with local distribution companies for transportation services from the transmission pipeline delivery point to customers' premises. Retailers bill customers for all costs.

The retail gas market was founded on local town gas supply dating from the 19<sup>th</sup> Century. Following the discovery of natural gas, existing local area distribution networks expanded and new networks were established on the back of the transmission system expansion into most of the North Island's populated centres during the 1980s. Retail operations were preserved under exclusive area retail franchises until the New Zealand gas market was deregulated in 1992.

## 10.2 Current State of the Retail Market

Eight retailers operate in the New Zealand gas retail market - Contact Energy, Genesis Energy, Energy Online (a subsidiary of Genesis), Greymouth Gas, Nova Gas (a subsidiary of Todd Energy), Mercury Energy (a subsidiary of Mighty River Power), Energy Direct NZ (a trading division of Wanganui Gas), and On Gas (part of the Vector Group of companies). Of these, Greymouth Gas and On Gas supply only commercial and industrial users, and are the only two not also engaged in selling electricity.

The market is segmented into industrial, commercial and residential consumers (**Figure 34**). Each has different characteristics:

*Industrial:* Large users, often with internal energy management expertise. They generally work with their energy provider at a one-to-one level.

*Commercial:* A wide range of businesses and community facilities. Retailers generally maintain direct account management relationships with these consumers, especially those at the volume upper end.

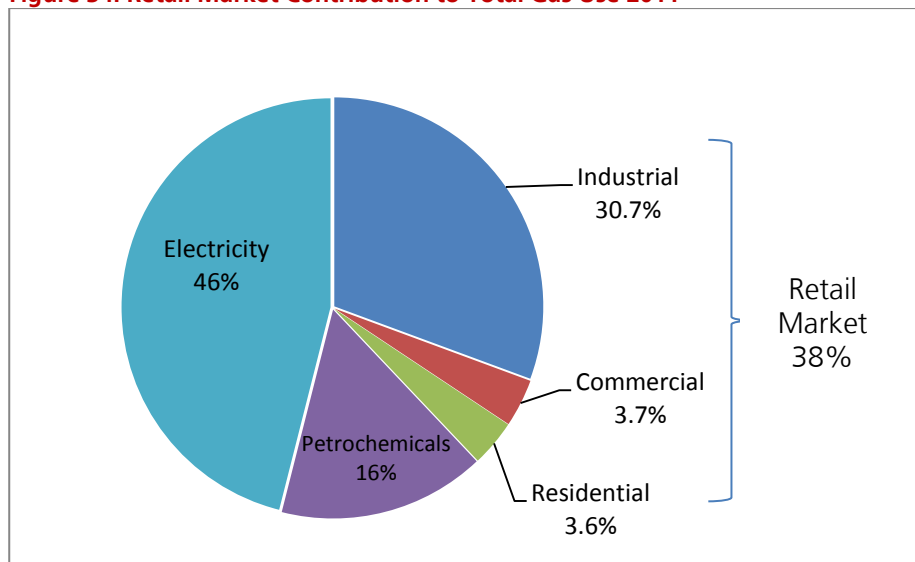
*Residential:* Households (also referred to as the 'mass market'). Apart from the monthly bill, complaints or issues, and periodic marketing communications, there is generally little contact between these customers and their retailers. The average household gas consumption in New Zealand is about 24 gigajoules (GJ) a year.



Overall, retail consumers account for over a third of gas produced annually.

In most cases, consumers are able to select their supplier from among multiple retailers active in their area. There is consequently a healthy level of competition for the retail consumer.

**Figure 34: Retail Market Contribution to Total Gas Use 2011**



Source: Energy Data File 2012.

Industrial includes 1.1PJ gas use in the agriculture, forestry and fishing sectors.

### 10.3 Retail Market Trends

**Table 21** sets out the customer numbers and gas use by retail consumer groups in the period 2007-2011. It shows a significant reduction in industrial consumer numbers, but increases in each of the commercial and residential categories.

Over this period, the amount of gas consumed per household averaged about around 24 GJ/year, which is considerably below an average of over 30 GJ/year recorded in the early 2000s.

Gas consumption records also include its use as a transport fuel– compressed natural gas ('CNG') – and in agriculture, forestry and fishing. Following the oil shocks of the early 1970s, compressing natural gas for use in motor vehicles was widely seen as a means of reducing New Zealand's reliance on imported oil, while also reducing transport-related environmental emissions. With a subsidy policy in place, the use of CNG quickly increased along with vehicle fuel system modifications to accommodate dual CNG/petrol use, and vehicle manufacturers began developing dedicated CNG-fuelled vehicles. An extensive North Island-wide refuelling network was also developed. However, following the removal of subsidies, the CNG market and associated infrastructure collapsed. After reaching a peak of 5.8 PJ in 1985, CNG use faded over the next two decades and in 2011 accounted for just 0.05PJ. In the past decade, gas use in agriculture, forestry and fishing has ranged between 1.5 and 2.1 PJ/year.

**Table 21: Retail Market Trends by Consumer Group**

	2007		2008		2009		2010		2011	
	Customers	PJ	Customers	PJ	Customers	PJ	Customers	PJ	Customers	PJ
Industrial <sup>2</sup>	1,685	35.2	1,856	36.3	2,105	41.4	1,400	44.5	1,300	46.7
Commercial	9,635	6.6	9,167	6.3	8,955	7.3	8,500	6.9	10,000	5.5
Residential	236,565	5.6	240,715	5.5	238,186	6.4	245,000	6.0	247,000	5.7
<b>Total</b>	<b>247,885</b>	<b>47.4</b>	<b>251,738</b>	<b>48.0</b>	<b>249,246</b>	<b>55.1</b>	<b>254,900</b>	<b>57.4</b>	<b>258,300</b>	<b>57.9</b>

<sup>1</sup> Energy Data File gas customer table was discontinued in 2010. 2010 and 2011 figures are estimates contained in the Energy Data File narrative.

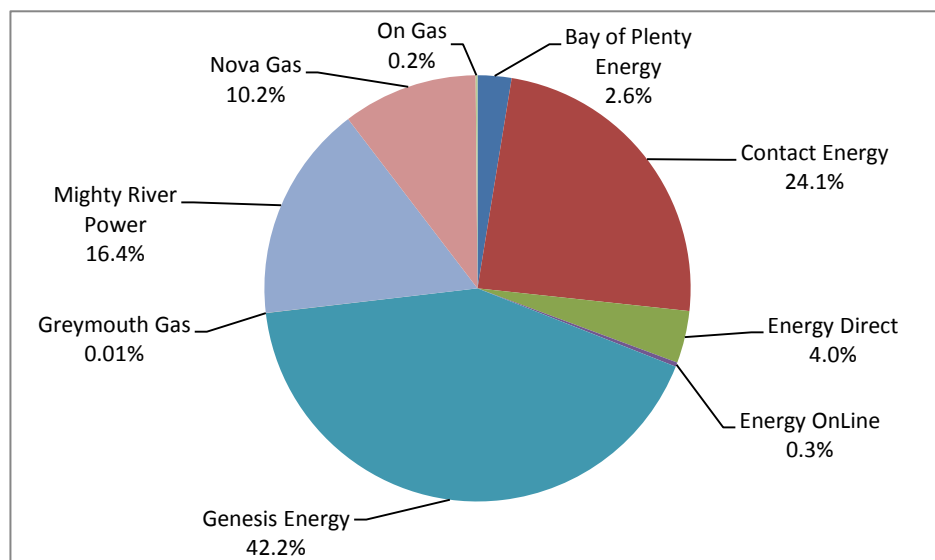
<sup>2</sup> Includes agriculture, forestry and fishing sector use.

## 10.4 Retailers

The number of retailers previously stood at 11. Auckland Gas and Bay of Plenty Energy, both subsidiaries of Todd Energy, were amalgamated with the Nova Gas brand in 2011 and 2012 respectively, and one retailer, E-Gas, exited in 2010. E-Gas, which held 3 percent of gas customers and 9 percent of allocated volumes, went into voluntary liquidation following audits under the Reconciliation Rules (see Page 116). Its customer base was acquired from the liquidator by Nova Gas.

**Figure 35** shows retailers' market share by active ICPs on open access pipelines as at June 2012. Genesis Energy is the largest retailer by customer numbers, supplying gas to 110,192 ICPs, followed by Contact (62,283), Mercury (42,811), Nova (26,529) and Energy Direct (10,361). OnGas and Greymouth Gas supply large consumers only. Market share changes over the past two years are shown in **Figure 42**.

**Figure 35: Retailer Market Share by ICPs**

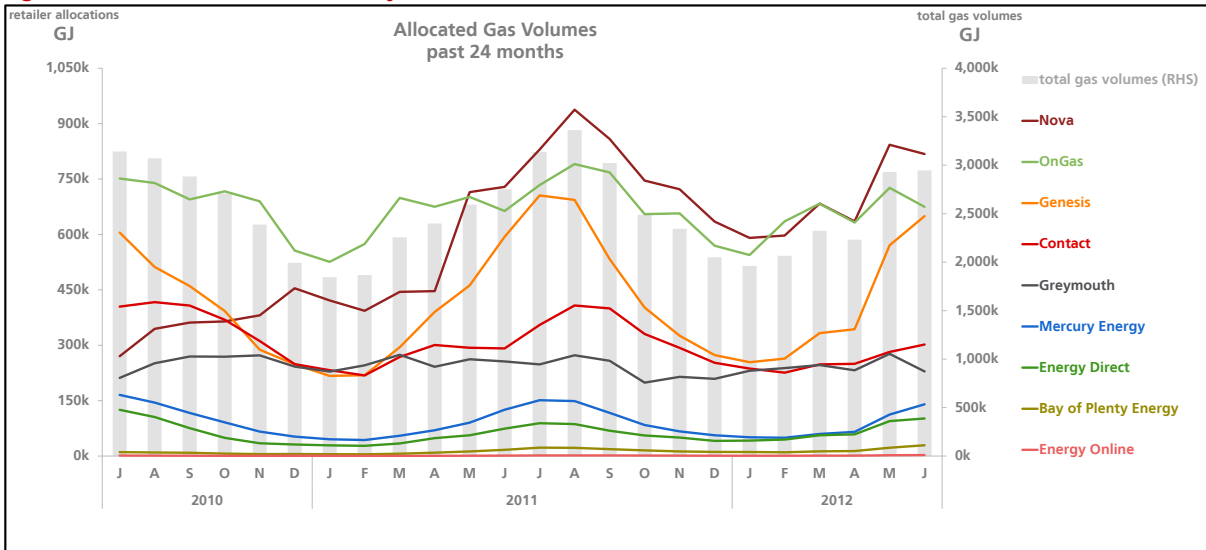


Source: Gas Registry Statistics

Does not include ICPs on Nova's private pipelines.

**Figure 36** shows gas volumes allocated to retailers at shared gas gates (market share by volume). Through the amalgamation of its Auckland Gas brand, its acquisition of E-Gas customers and organic growth, Nova Gas became the leading holder of allocated gas share in May 2011, overtaking OnGas. As expected, the load profile of most retailers peaks in winter and troughs in summer. The comparatively steady profile of Greymouth Gas reflects its supply to mainly industrial loads.

**Figure 36: Retailer Market Share by Allocated Gas Volume 2010-2012**



Source: Gas Registry Statistics.  
 Statistics compiled prior to Bay of Plenty Energy being absorbed into Nova retail brand.

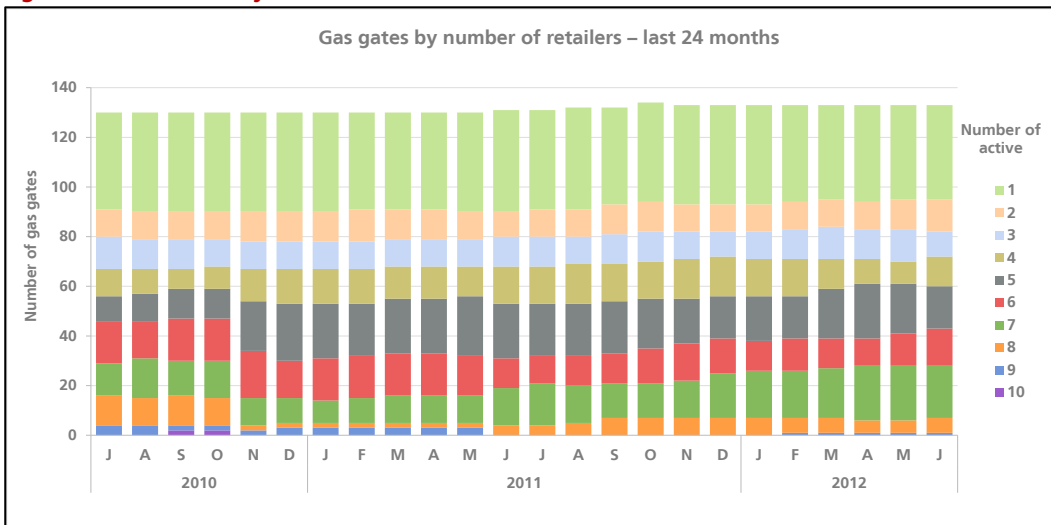
Volumes include gas consumed by industrial, commercial and residential consumers, but exclude gas from gas gates that supply a single customer directly from the transmission system, such as thermal power stations, the oil refinery, petrochemical factories and pulp and paper plants.

The data are from a mix of allocation stages: Final through May 2011; Interim for June 2011 through February 2012; and Initial for March through June 2012.

## 10.5 Customer Choice

Customers generally have access to multiple retailers. **Figure 37** shows the number of gas gates by the number of retailers – with potential competition for customers increasing in line with the number of retailers that trade at a gas gate. There has been a slight increase in retailers’ activity at gas gates following the Auckland Gas/Nova brand amalgamation and the E-Gas exit. The number of gas gates with six or more retailers increased from 31 to 43 in the year ended June 2012.

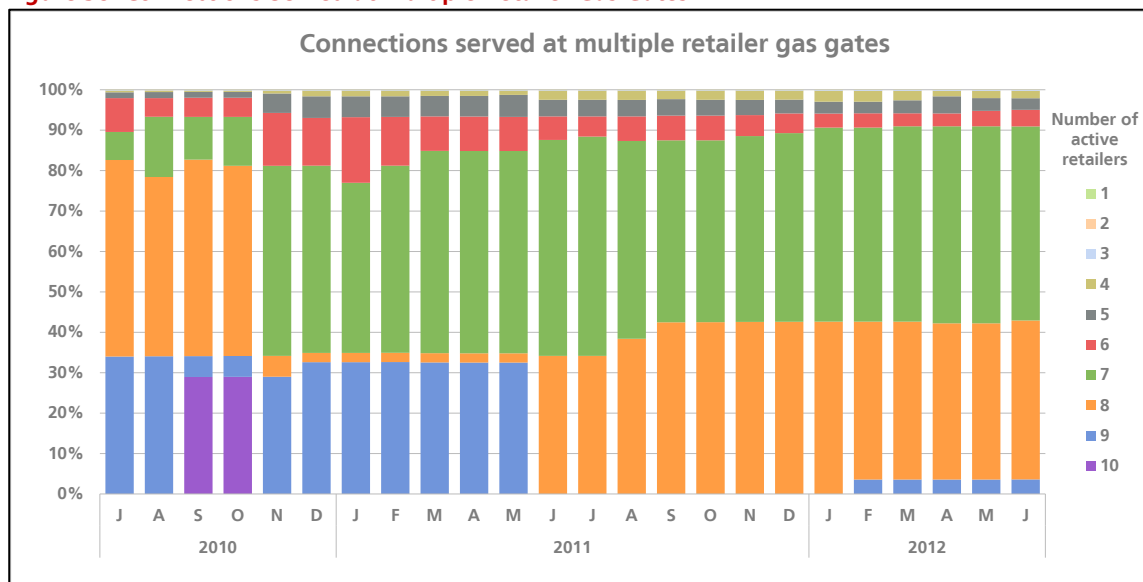
**Figure 37: Gas Gates by Number of Retailers**



Source: Gas Registry Statistics

**Figure 38** plots the proportion of gas customers who are served from the gates at which multiple retailers trade. Ninety-six percent of customers are connected to gates where there are at least six retailers. A number of customers are connected to a gas gate – Papakura, Auckland – where nine retailers are present.

**Figure 38: Connections Served at Multiple Retailer Gas Gates**



Source: Gas Registry Statistics.

Includes data from ICPs on open access distribution networks only. Information about ICPs on bypass networks is not available in the Gas Registry.

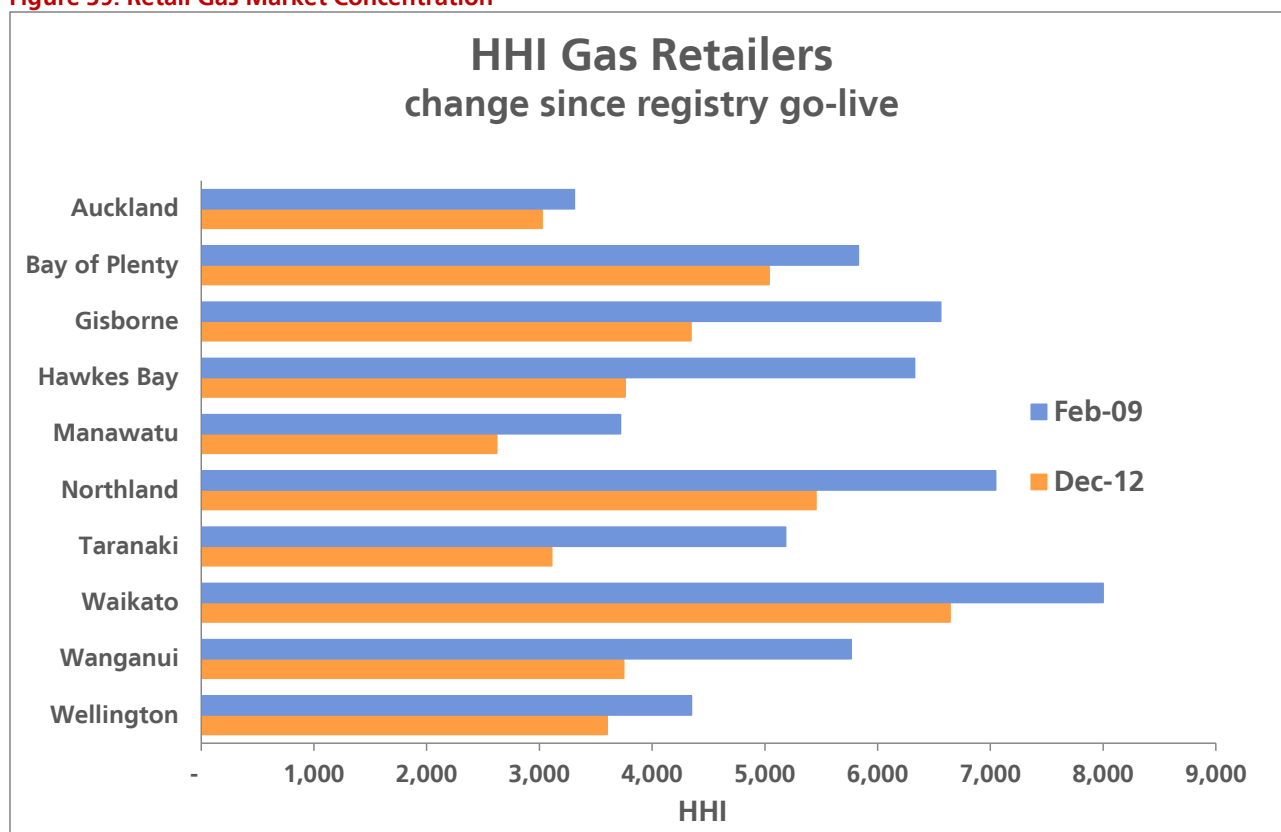
The Herfindahl–Hirschman Index (HHI) is one way of measuring market concentration by using size and number of competing firms. Generally, the lower the level of market concentration, the more competitive the market is thought to be. The index ranges from 0 to 10,000; a low score indicates a low level of market concentration, with a number of competing firms, each with a small proportion of market share, while an HHI score of 10,000 represents a market with a single retailer<sup>181</sup>.

**Figure 39** shows the HHI of the retail gas market, based on ICPs, at the time the registry went live in February 2009, and as at the end of December 2012. In all regions, the HHI has decreased from 2009 to 2012, indicating that the retail gas markets in these regions have become less concentrated.

Until 1992, when the new Gas Act disestablished local exclusive franchise areas, gas retailing occurred through local vertically-integrated monopolies. With the consequent onset of retail competition in the gas market – as in the electricity sector - these former monopoly providers became ‘incumbents’, subject to competing retailers vying for customers in their areas. In most regions, there is still a dominant retailer, but the decrease in HHI shows that they have become less dominant in the past four years, as new retailers have entered the market and have increased their market share.

<sup>181</sup> HHI for a retail market equals the sum of the squares of each retailer’s market share. HHI equals 10,000 if there is a retailer with a 100 percent market share; HHI equals 2,000 if there are, say, five retailers each with a 20 percent market share; and HHI equals 6,500 if one of five retailers has 80 percent market share and the other four each has 5 percent market share.

Figure 39: Retail Gas Market Concentration



Source: Gas Industry Co Quarterly Report December 2012

## 10.6 Customer Switching

The Switching Rules formalised existing industry arrangements, which took the form of a protocol within the former Reconciliation Code. That arrangement had no enforcement provisions and, among other things, the Switching Rules introduced a formal binding governance regime for customer switching between competing retailers.

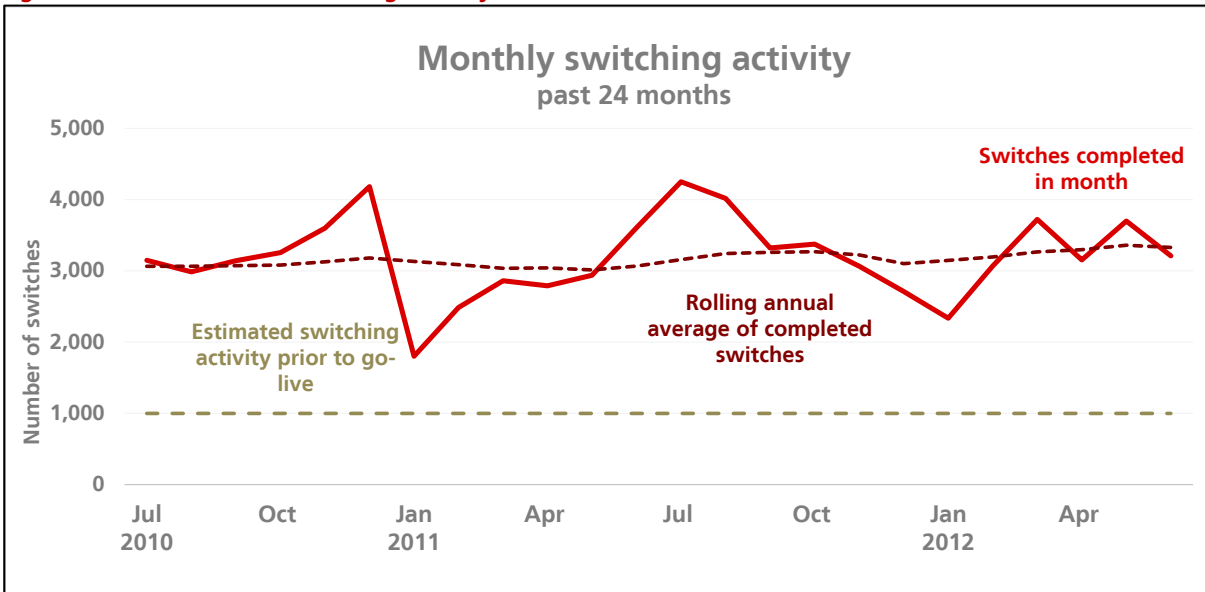
A centralised Gas Registry stores key information about every customer installation, facilitates the switching process, and monitors switching timeframes from initiation to completion.

The Switching Rules are proving effective. Switching rates, which are an indicator of contestability in the market, have increased from less than 1,000 a month to a monthly average of around 3,000, or 36,000 a year. Annual customer churn has increased from 5 percent to 16 percent, compared with 20 percent in the electricity sector. Switching activity over the past two years is plotted in **Figure 40**.

It is evident that gas consumers, in particular residential dual gas and electricity users, have responded to a high profile customer switching promotion - 'What's my Number'<sup>182</sup> - conducted for electricity consumers by the Electricity Authority. The campaign encourages energy consumers to find out if, and how much, they can save by switching retailer. During the period of the campaign, the rate of gas customer switches increased by around 20 percent, to 3,600 a month.

<sup>182</sup> [www.whatsmynumber.org.nz/](http://www.whatsmynumber.org.nz/)

**Figure 40: Gas Consumer Switching Activity 2010-2012**

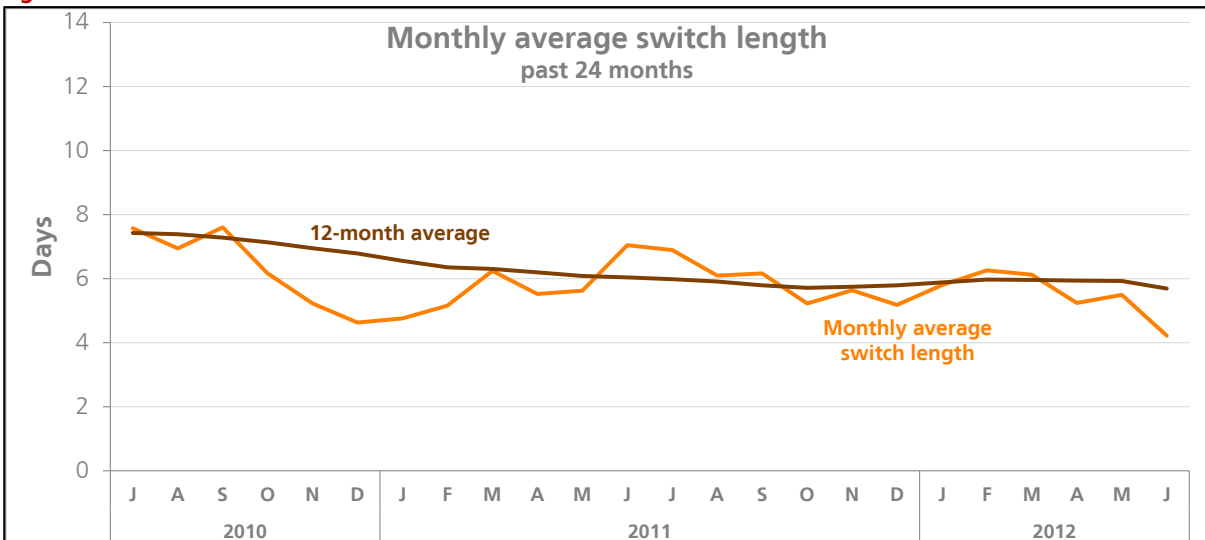


Source: Gas Registry Statistics.

Includes switches on open-access distribution networks; switches from open-access to bypass networks (or vice versa) are not recorded in the Gas Registry.

Consumers have also benefitted from substantially shorter processing times, with the average switching time consistently falling in the past two years (Figure 41). Since July 2011, the 12-month rolling average switching time has been just under six days, compared with weeks or even months prior to the commencement of the Switching Registry.

**Figure 41: Customer Switch Time 2010-2012**



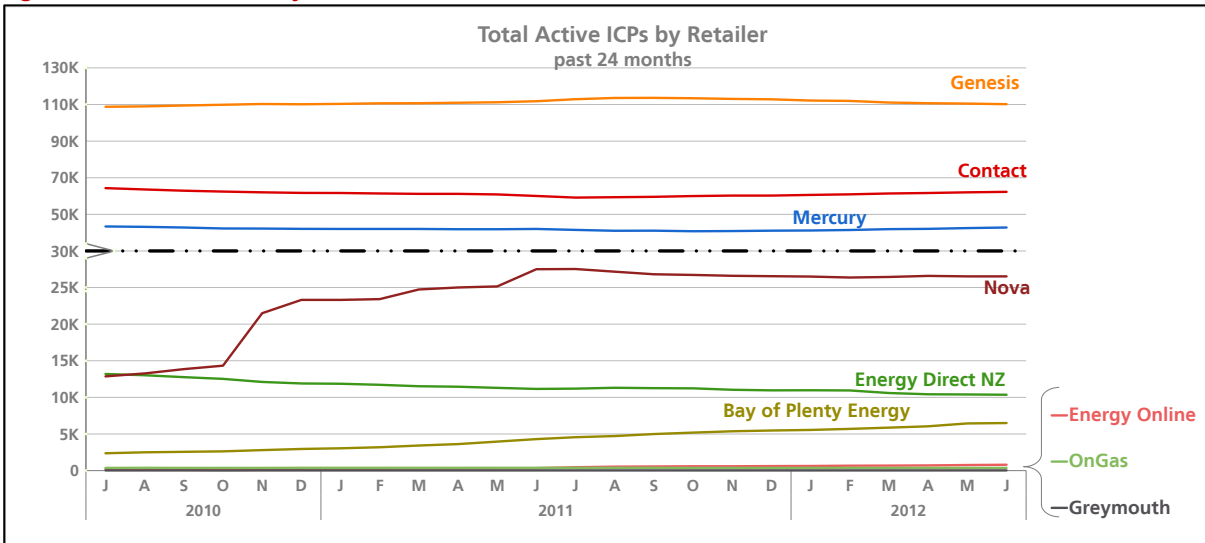
Source: Gas Registry Statistics.

Excludes the customer transfers from E-Gas to Nova and from Auckland Gas to Nova, all of which went through in less than a day.

## 10.7 Retailer Market Share

The improved ability for consumers to switch has also impacted on retailers' market share (Figure 42), although Todd Energy subsidiary Nova Energy's step changes result primarily from its acquisition of the E-Gas customer base in 2010, and absorbing Todd's Auckland Gas brand in 2011.

**Figure 42: Market Share by ICP 2010-2012**



Source: Gas Industry Co: Gas Registry Statistics.

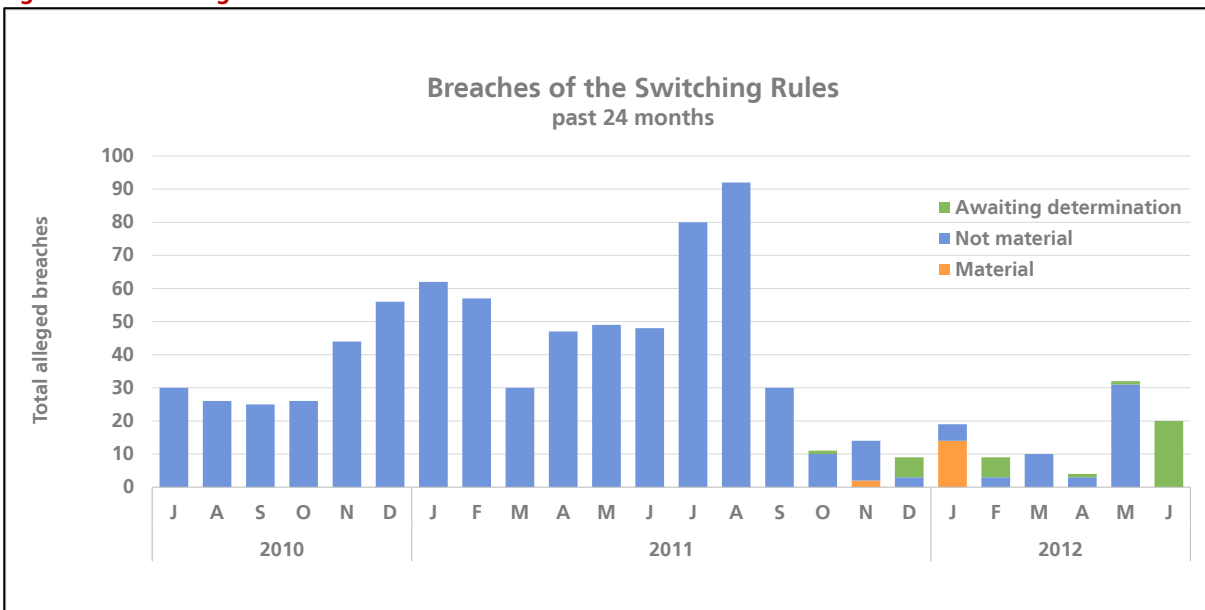
ICPs on open access distribution networks. Information about ICPs on bypass networks is not available to the Gas Registry. Statistics compiled prior to Bay of Plenty Energy being absorbed in the Nova retail brand.

An important trend has been an increase in market share by smaller retailers. Energy Online has grown by over 300 percent in the past two years, adding over 600 ICPs to its customer base, and Bay of Plenty Energy experienced a 200 percent increase, representing over 4,000 ICP's.

## 10.8 Switching Rules Breaches

In the first year after the introduction of the Switching Rules, nearly 5,500 switching breaches were alleged. Many of these breaches can be attributed to retailers' unfamiliarity with the Rules. As this understanding has improved, the number of switching breaches has fallen significantly (Figure 43), with an average of around 11 per month since October 2011.

**Figure 43: Switching Rules Breaches 2009-2012**



Source: Gas Industry Co: Quarterly Report June 2012

## 10.9 Downstream Reconciliation and UFG

As with the Switching Rules, the Reconciliation Rules introduced a formal governance regime to replace the industry code, which was ultimately considered to be unfair to incumbent retailers, and suffered from a lack of information transparency. The Reconciliation Rules provide a formal process of attributing volumes of gas consumed to the retailers responsible for them.

The amount of gas that retailers estimate their customers have used is subtracted from the gas volume leaving the transmission system at a gas gate and entering the local distribution network. The difference is unaccounted-for gas (UFG), which arises from technical losses on the system, metering inaccuracies, and retailer estimation errors.

The UFG is allocated to all retailers at a gas gate in proportion to their consumption submissions. The resulting totals are used in determining the wholesale charges they are responsible for. UFG imposes an unnecessary cost on the market, as it is gas that retailers must pay for, but cannot sell. As such, the extent of UFG is a measure of market efficiency.

Transparency associated with tracking and apportioning these costs is assisting retailers and other participants, including distributors and meter owners, to take steps to reduce UFG.

The move to a rules-based regime has delivered an ongoing stream of cost savings to the industry in excess of \$2.5 million a year<sup>183</sup> through:

- more equitable allocation of UFG among retailers.
- performance and event auditing.
- increased confidence in, and efficiency of the gas market.
- readily identifiable anomalies in consumption data through greater information transparency.

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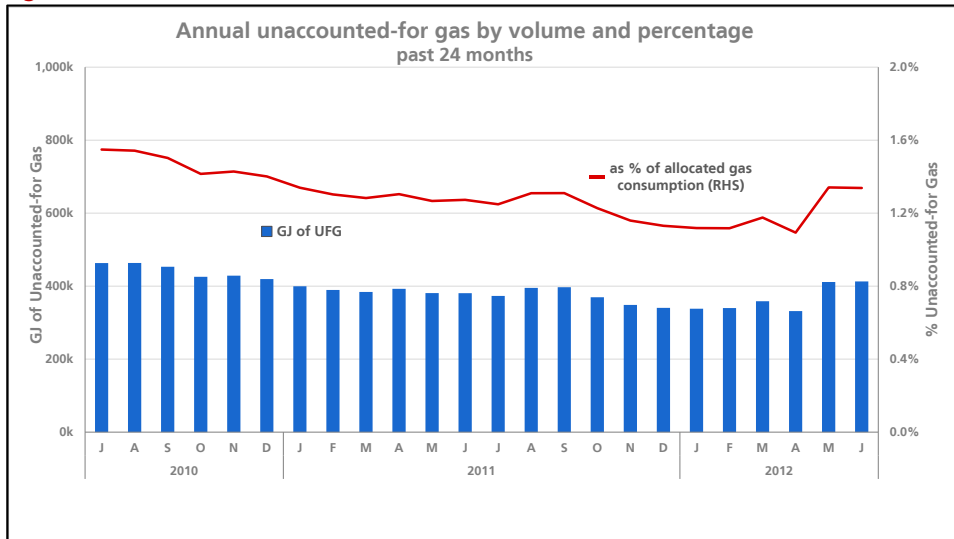
<sup>183</sup> Gas Industry Co: Calculated, based on the amount of unattributed UFG uncovered through performance and event auditing, in particular the volumes associated with event and performance audits that identified significant under-reporting of volumes by E-Gas.



The Reconciliation Rules are being reviewed to improve specific aspects of them, particularly the initial allocation process. **Figure 44** sets out rolling UFG as a GJ total and as a percentage of gas consumed.

It shows that, notwithstanding seasonal winter spikes, since the Reconciliation Rules came into effect annual UFG has fallen from approximately 550,000GJ to 380,000GJ and to as low as 1.1 percent, compared with 2 percent prior to the introduction of the regime.

**Figure 44: Unaccounted-for Gas 2010-2012**



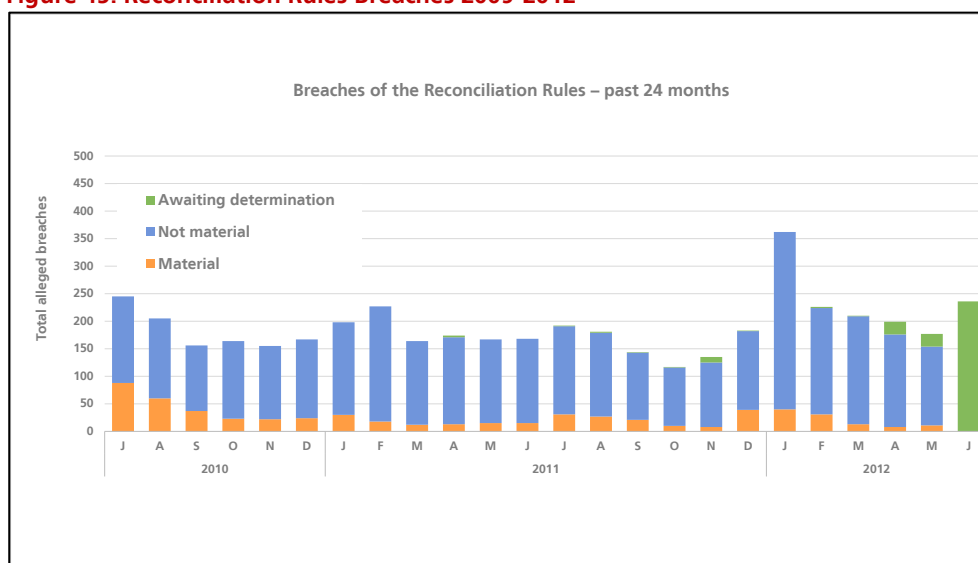
Source: Gas Industry Co: Quarterly Report June 2012.

## 10.10 Reconciliation Rules Breaches

Reconciliation Rules breaches are shown in **Figure 45**. Many of the in alleged breaches are associated with rule 37 that requires accuracy of consumption provided at the initial allocation stage to be within a specified tolerance level of the information provided at the final allocation stage. In the year ended 30 June 2012, rule 37 breaches made up over 90 percent of Reconciliation Rules breaches.

Industry participants are demonstrating a generally good understanding of the Reconciliation Rules and most breaches do not have a material impact on the market.

**Figure 45: Reconciliation Rules Breaches 2009-2012**



Source: Gas Industry Co: Quarterly Report June 2012.

## 10.11 Reconciliation Rules Audits

Baseline audits of all retailers, completed in 2011, showed that retailers are achieving a high level of compliance with the Reconciliation Rules, have good processes for receiving and storing metering data and validating customers' consumption volumes, and are producing the information required by the Allocation Agent.

They have highlighted areas of improvement, especially in converting meter readings into the amount of energy used. Inaccuracies, resulting in under-reporting of customer volumes and consequently higher UFG, point to a need for some retailers to take better account of temperature and altitude in their calculations. An energy conversion guideline has been developed to improve consistency in retailers' conversion calculations.

In 2010, an unprecedented spike in UFG levels during a sudden cold snap, led to the discovery of erroneous consumption reporting by retailers and, in particular, revealed serious and systemic misreporting by one retailer, E-Gas. Event audits, and a subsequent performance audit, found other discrepancies in E-Gas data over a period of months. The matter was referred to the Investigator, and then to the Rulings Panel for determination. Before it could be heard, however, E-Gas declared itself insolvent and went into voluntary liquidation.

## 10.12 Insolvent Retailer Arrangements

E-Gas's exit from the market raised another challenge for the industry - what arrangements are appropriate for accommodating consumers who suddenly find themselves without a retailer. Backstop regulations<sup>184</sup> were enacted under the urgent regulation-making provisions of the Gas Act<sup>185</sup> to transfer E-Gas's customers to viable retailers if the liquidator was unable to effect a sale. The regulations ultimately were not needed as the liquidator found a buyer in Nova Energy.

The regulations were allowed to expire, but the event prompted the industry to assess the market issues arising from the insolvency of a gas retailer. Key questions are whether a regulatory backstop is required, or if normal insolvency processes are sufficient to arrive at satisfactory outcomes. The main market failure has been identified as orphaned customers – consumers who are still able to take gas from the network but with no retailer to pay for use of that gas.

Industry consideration of these issues continues, and is informed by a discussion paper by an independent specialist, Castalia Strategic Advisors<sup>186</sup>.

The Electricity Authority is also considering retailer insolvency, including whether there is a need to regulate. Given the level of dual energy (electricity and gas) trading by retailers, there is a case for consistency between the respective industry arrangements. However, arrangements are likely to reflect the different issues in the gas and electricity markets. Exchanges between electricity generators and retailers are facilitated through the spot market where a clearing manager aggregates generation and centrally coordinates dispatch. Unlike the gas market, which relies on bilateral contracts, electricity market arrangements mean participants do not have contractual counterparties against which to enforce payment.

## 10.13 Retail Contracts

A Retail Contracts Oversight Scheme (Retail Scheme)<sup>187</sup> introduced in 2010 establishes benchmarks to ensure retailers' supply contracts with small consumers<sup>188</sup> are in the long-term best interests of those consumers.

The benchmarks include requirements for retail contracts to clearly set out retailer and consumer obligations, reflect market structures, and support an effective complaints resolution process.

Retailers' alignment with the contract benchmarks is assessed annually by an independent assessor<sup>189</sup> and rated on a qualitative scale of 'Full', 'Substantial', 'Moderate', and 'None'. A baseline assessment of publicly available retail contract arrangements in 2010 rated the industry's overall alignment with the benchmarks as 'moderate'. While identifying areas of poor alignment in the written arrangements, the assessor reported that, in practice, gas retailers were achieving the intent of the benchmarks. Areas requiring improved clarity in the contracts included:

- rights to exit a contractual arrangement
- reasons for price increases over 5 percent when notifying customers of such a change.

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<sup>184</sup> Gas Governance (Insolvent Retailer) Regulations 2010

<sup>185</sup> Section 43P

<sup>186</sup> All documents relating to insolvent retailer deliberations, including Castalia's *Discussion Paper on Gas Retailer Insolvency – Report to Gas Industry Company*, June 2012, are available at [www.gasindustry.co.nz/work-programme/insolvent-retailers](http://www.gasindustry.co.nz/work-programme/insolvent-retailers)

<sup>187</sup> [www.gasindustry.co.nz/work-programme/retail-contracts](http://www.gasindustry.co.nz/work-programme/retail-contracts)

<sup>188</sup> Consumers using less than 10TJ per year.

<sup>189</sup> The current independent assessor is Elwood Law.

- metering obligations, especially the frequency of readings.
- disconnection processes.
- where customers may access information about supply interruptions.

A second assessment in 2011 again rated alignment with the benchmarks as 'moderate', but noted retailers were taking active steps to improve their contracts, and the third, in 2012 saw a significant improvement to an overall rating of 'substantial'. Publication of the results from the first two assessments was at a consolidated level, with results for individual retailers made public from the 2012 assessment.

## 10.14 Consumer Complaints Process

The GPS requires all small gas consumers have access to a free and independent complaints resolution system. In addition, in 2010 the Government amended the Gas Act to require every gas retailer to participate in such a scheme approved by the Minister. Complaints about gas retailers and gas distributors can be made by small consumers, including potential consumers, or by owners and occupiers of land into, through, or against which pipelines have been laid.

An effective, free and independent complaints resolution process for gas consumers has been provided by the EGCC<sup>190</sup> since 2010.

The EGCC's service covers gas complaints for amounts of less than \$20,000 (or up to \$50,000 with the agreement of the gas company, or companies, involved).

EGCC uses a range of dispute resolution techniques, such as mediation and conciliation in resolving complaints. If the complaint is not resolved, either party can ask the Commissioner to make a decision. The Commissioner's decisions are binding on the company involved, but if the consumer does not accept a decision, they can lodge a claim with the Disputes Tribunal or go through the court system. If the company is a state owned enterprise (SOE), the consumer may be able to make a complaint to the Office of the Ombudsman.

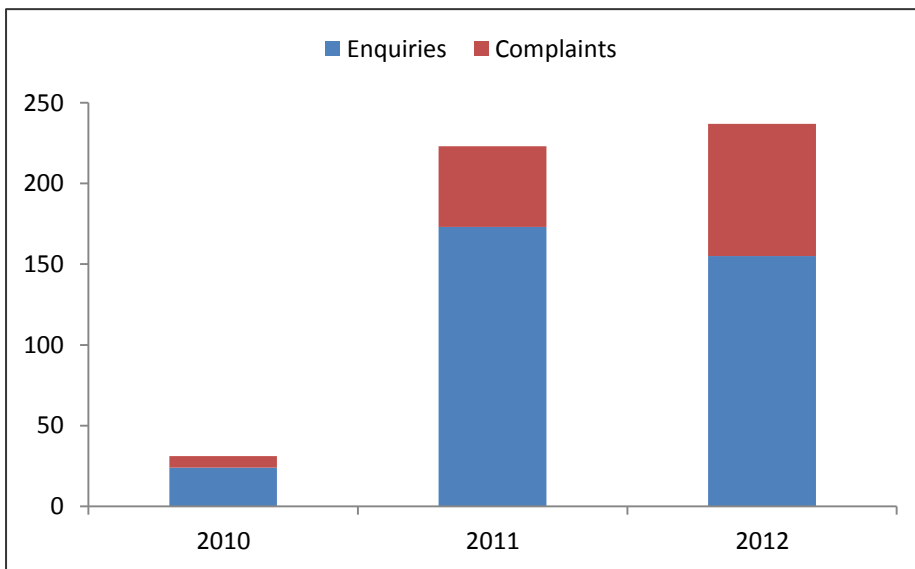
The Electricity Industry Act 2010 includes similar obligations in respect of electricity retailers and lines companies.

The most common grounds for consumer inquiries and complaint relate to supply, billing and connection/disconnection issues. **Figure 46** shows gas-related inquiries and complaints since the EGCC commenced as the consumer complaints resolution scheme, and **Figure 47** compares the number of electricity and gas complaints per 10,000 ICPs.

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<sup>190</sup> [www.egcomplaints.co.nz/](http://www.egcomplaints.co.nz/)

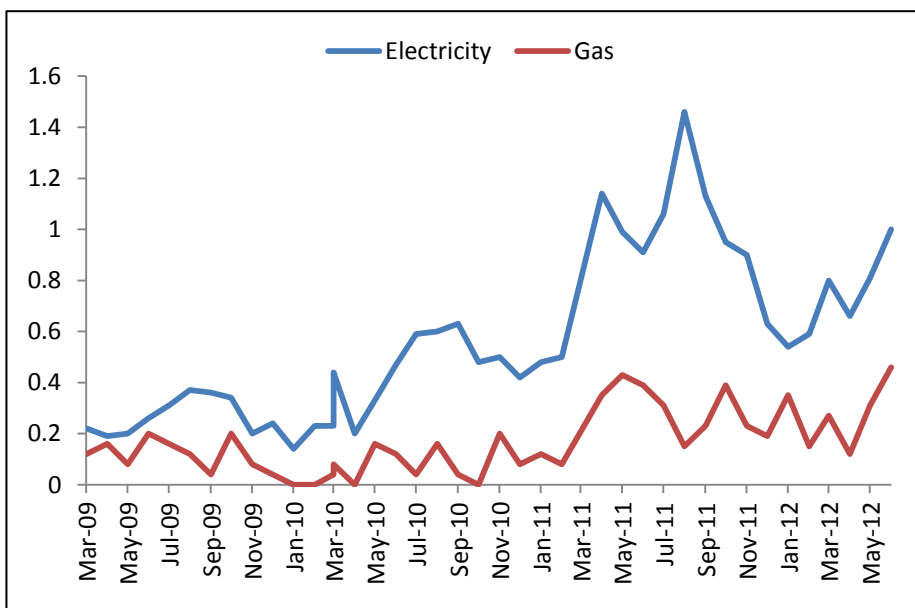
**Figure 46: Gas-related Consumer Inquiries and Complaints**



Source: Gas Industry Co 2012 Annual Report

2010 covers three months from the commencement of EGCC as the approved consumer complaints resolution scheme on 1 April 2010 to 30 June 2010

**Figure 47: Electricity and Gas Complaints per 10,000 ICPs**



Source: Gas Industry Co 2012 Annual Report

## 10.15 Raising Awareness

With greater fragmentation of the gas industry, natural gas promotion is not as coordinated or afforded the same high profile as it was two decades ago when largely orchestrated through the industry association. Retailers provide gas-related consumer information on their websites, but promotion through mail drops and the conventional marketing channels is spasmodic, when compared with the former high profile television campaigns.

Distributors also contribute to raising natural gas awareness among existing and potential customers. Powerco, in particular, has established The Gas Hub<sup>191</sup> and associated marketing activity to promote the benefits of natural gas and facilitate connections to its network. Powerco's initiative arises from its concerns, shared by major gas appliance retailer Rinnai, over declining network and gas appliance utilisation and their view that gas generally is under-promoted by retailers, many of whom are multi-energy suppliers (electricity, gas and LPG) and whose focus has changed from promoting different energy forms, to gaining and retaining energy customers.

The development of a robust market for residential customers was a key part of the Government's early drive for New Zealanders to embrace then then newly available energy from Kapuni, and subsequently Maui. Extensive distribution networks were constructed, but despite having some 260,000 connections, penetration rates on the distribution networks did not developed strongly, compared with, for example, Australia.

Problems in the competitive positioning of residential gas have included its status as a discretionary fuel (especially for residential users), complexities associated with the involvement of multiple parties in a gas connection (gas retailer, distributor, gasfitter, and appliance retailer), a comparatively high upfront investment in the connection and appliance purchases, and fixed charges. The customer proposition to offset these difficulties has traditionally been centred on the significant lifestyle benefits of gas and its generally lower fuel cost.

Other consumer issues have related to gas supply longevity, the fact that gas is a carbon fuel in an age of environmental awareness, and an increasing diversity of competition in water and space heating options, including LPG, heat pumps, solar panels and micro wind turbines. Whereas previously new subdivision developers may have automatically installed gas reticulation, they are now more carefully considering the competing options.

Moreover, intensifying competition for residential electricity customers has seen electricity and appliance retailers' focus their marketing efforts and budgets on that area. The Energy Efficiency and Conservation Authority (EECA) reports that of the 24,000 space heaters delivered in the first two years (to 30 June 2011) of its Warm Up New Zealand: Heat Smart programme, only 169 were flued gas heaters. This is despite the fact that flued gas heaters compete strongly with heat pumps in terms of cost, energy efficiency, and carbon footprint. As a result of aggressive marketing, there were nearly 20,000 electric heat pumps and 4300 wood burners.

It may indicate that information is not reaching, or resonating with, consumers. Today there is not the sort of coordinated industry effort, such as the 'living flame' promotions that caught the attention of consumers two decades ago. That approach reflected the early vertical integration of gas in local monopoly gas boards and franchises and coordinated industry marketing through the Gas Association of New Zealand (GANZ). The subsequent restructuring of the gas and electricity sectors, retail market competition, and a narrowing of GANZ's function to safety and technical aspects of gas operations, has seen a fragmentation of natural gas promotion.

Powerco and Rinnai are seeking retailer support to cohesively market gas to small consumers. More effective promotion of gas to consumers is expected to flow from both the *Consumer Energy Options* report (**Page 10**) and the *Gas Supply and Demand Scenarios 2012-2027* report (**Page 16**).

There are also signs that the promotional baton is being picked by Gas New Zealand, a newly-formed gas sector group representing GANZ and the LPG Association of New Zealand.

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<sup>191</sup> [www.thegashub.co.nz](http://www.thegashub.co.nz)

## 10.16 Regulatory Performance

Policy and regulatory objectives for the retail sector have an emphasis on competition and the protection of small consumers. The latter recognises that, unlike large industrial and commercial consumers, residential and small commercial users do not have the same level of business resources and expertise to influence supply arrangements through negotiation.

Over the past five years, improved governance arrangements have further strengthened competition within the retail gas sector, generated market efficiencies and provided better protections for small consumers. The improvements have largely fulfilled all of the policy and regulatory objectives for the residential market, and have included:

- formal arrangements for customer switching between retailers, supported by active encouragement for consumers to seek out the best deal.
- formal downstream reconciliation arrangements, which have improved retailers' management of metering and consumption data, bringing a significant reduction in the economic deadweight of UFG volumes on distribution networks.
- enhanced contract arrangements between retailers and smaller consumers.
- a formal consumer complaints resolution scheme for gas users.

Gas Retail Policy Objectives	Performance status
<ul style="list-style-type: none"> <li>• The supply of gas meets New Zealand's energy needs by providing competitive market arrangements.</li> <li>• Delivered gas costs are subject to sustained downward pressure.</li> </ul>	<p>Approximately 96 percent of small gas consumers are connected to a gate station where at least six retailers trade.</p> <p>Customer switching arrangements in place since 2008 have strengthened market contestability and, by encouraging consumers to seek the best supply price, have contributed to downward pressure on delivered gas costs.</p>
<ul style="list-style-type: none"> <li>• All small customers have effective access to a complaints resolution system.</li> </ul>	<p>The EGCC provides a free and independent complaint handling service for small gas consumers.</p>
<ul style="list-style-type: none"> <li>• Contractual arrangements between gas retailers and small consumers adequately protect the long-term interests on small consumers.</li> </ul>	<p>The Retail Gas Contracts Oversight Scheme, introduced in 2010, establishes outcome-based benchmark objectives for retail contracts. They are designed to ensure retail contracts are in the long-term interests of consumers. Retail contracts are independently assessed annually for alignment with the benchmarks.</p>
<ul style="list-style-type: none"> <li>• Effective and efficient customer switching arrangements that minimise barriers to customer switching.</li> </ul>	<p>Efficient arrangements enabling consumers to switch between competing retailers are provided by the Switching Rules. Switching rates have more than tripled, and switching times have declined dramatically since these Rules came into effect.</p>
<ul style="list-style-type: none"> <li>• Accurate, efficient and timely arrangements for the allocation and reconciliation of downstream gas quantities.</li> </ul>	<p>Arrangements for the allocation and reconciliation of downstream gas quantities are provided by the Reconciliation Rules. These have introduced transparency, enforceability and certainty to the downstream reconciliation function.</p>
<ul style="list-style-type: none"> <li>• An efficient market structure for the provision of gas metering, pipeline and energy services.</li> </ul>	<p>The policy objective is met through provisions of a number of regulatory arrangements. The Reconciliation Rules provide a process for efficiently allocating gas transported through distribution networks; the Gas Distribution Contracts Oversight Scheme sets out terms for retailers using</p>

Gas Retail Policy Objectives	Performance status
	those networks; and the Retail Gas Contracts Oversight Scheme incorporates expectations relating to metering roles and responsibilities.
<ul style="list-style-type: none"> <li>The respective roles of gas metering, pipeline and gas retail participants are able to be clearly understood.</li> </ul>	The Retail Gas Contracts Oversight Scheme and Gas Distribution Contracts Oversight Scheme require that industry contracts provide clear information about respective roles.

## 10.17 International Retail Market Practices

New Zealand’s gas retail market policy objectives are very much in line with those of overseas jurisdictions, which share the common themes of competition, delivered energy costs, and small consumer protection.

Full competition was introduced in the UK from 1999, when customers were able to shop around for their gas supplier. Considerable store is placed in an efficient switching regime, which energy regulator Ofgem maintains keeps pressure on costs, and promotes greater choice of tariffs and services for customers. There is an increasing reliance in the UK on self-regulation to supplement market mechanisms in meeting customers’ needs. These have included codes of practice and the creation of a consumer complaints services through an Energy Supply Ombudsman scheme.

In Australia, state and territory governments were responsible for regulating the retail energy markets until 1 July 2012, when the Australian Energy Regulator (AER)<sup>192</sup> assumed this function under the National Energy Customer Framework (Customer Framework), which incorporates the National Energy Retail Law, National Energy Retail Rules, and National Energy Retail Regulations. Together, these set out the key protections and obligations for energy consumers and their suppliers.

The reforms were the final stage in the transition to national regulation of energy markets in Australia, and are aimed at streamlining national regulation to support an efficient retail market with appropriate consumer protection. They have moved consumer protections for energy customers in Queensland, NSW, the ACT, Victoria, Tasmania and South Australia into a single framework enforced by AER. Provisions under the AER’s jurisdiction include:

- monitoring and enforcing compliance.
- issuing authorisations, and exemptions, to retailers to sell energy.
- providing an online energy price comparison service<sup>193</sup> for small customers.
- administering a national retailer of last resort scheme if a retail business fails.
- reporting on the performance of the market and participants, including energy affordability, disconnections and competition indicators.

In order for the Customer Framework to apply, each participating jurisdiction must pass its own legislation adopting the Retail Law, Rules and Regulations. They may then choose to change the way that these apply, for example by creating additional or different protections and obligations for customers and businesses in their regions. Western Australia and Northern Territory do not propose to participate in the reforms.

<sup>192</sup> [www.aer.com.au](http://www.aer.com.au)

<sup>193</sup> [www.energymadeeasy.gov.au](http://www.energymadeeasy.gov.au)



Previously, electricity and gas companies in Australia were required by their licences to comply with service standards in industry codes and other guidelines.

The AER is not involved in setting retail energy prices. The government of some states and territories – Queensland, NSW, the ACT, South Australia and Tasmania – remains responsible for control of the energy prices in those regions, however, most of these are for electricity only – regulated prices for gas are applied only in NSW and South Australia.

In Victoria, there are no regulated prices for gas or electricity, allowing energy retailers to set their own prices.

Consumer protection was included in a series of legislative packages from 1996 to 2009 to harmonise and liberalise the EU's internal energy market. The measures allowed new gas and electricity suppliers to enter Member States' markets, and consumers to choose their supplier (industrial from 1 July 2004, and domestic from 1 July 2007). An objective of the EU internal market, to be completed by 2014, is to ensure a functioning market with fair market access and a high level of consumer protection.

Extensive amendments have been made with new Gas Directives relating to consumer protection<sup>194</sup>. Member States must ensure that the roles and responsibilities of energy undertakings are defined with respect to contractual arrangements, commitment to customers, data exchange and settlement rules, data ownership and meter responsibility.

Other features include:

- access to consumer information as a means of improving customers' ability to switch supplier.
- vulnerable customer definition and arrangements.
- complaints and dispute settlement.
- the effective communication to all consumers of the Commission's Energy Consumer Checklist, which provides consumers with practical information about their rights.

In North America, electricity and gas consumer protection arrangements are generally under the jurisdiction of State Public Utility Commissions (USA) and provincial governments (Canada).

Ontario, for example, introduced new rules in 2010<sup>195</sup> to provide greater consumer protection. It gives the Ontario Energy Board more powers to crack down on non-compliance and to regulate such issues as the form of contracts and invoices; the availability of information in other languages; contract renewals, extensions and amendments; and enhanced rights for contract cancellation, including a 10-day cooling off period. It will also be able to make regulations on security deposits and service cancellations, as well as issue directives on energy company employee training, employee background checks, and identification requirements such as badges. The legislation allows the government and the Board to regulate some segments of the industry, while leaving others subject to competition.

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<sup>194</sup> European Commission: Interpretive Note on Directive 2009/72/EC Concerning Common Rules for the Internal Market in Electricity and Directive 2009/73/EC Concerning Common Rules for the Internal Market in Natural Gas, 22 January 2010.

<sup>195</sup> Energy Consumer Protection Act 2010.

# 11 Gas Metering

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Gas metering is on the cusp of joining the international movement towards 'smart' metering technologies and is working its way through particular challenges applying to the gas sector. Gas metering is subject to technical regulation, which is reflected in the Reconciliation Rules and industry contracts. No material market failures or issues have been identified that suggest a need for further governance arrangements. The supply of meters is considered to have a degree of contestability, and metering services are specifically excluded from the definition of gas pipeline services under Part 4 of the Commerce Act.

## 11.1 Background

Gas delivered to each consumer is measured by a meter installed at the user's premises. Meters are of varying size and sophistication, reflecting the amount of gas use at the ICP, and are central to accurate billing and system reconciliation.

Meter types range from standard devices for residential and small commercial users, to Time of Use (ToU) devices with and without telemetry, for larger users. Around 95 percent are in the smaller category, flowing up to 10 standard cubic metres of gas an hour ( $\text{sm}^3\text{h}^{-1}$ ). There are larger meters flowing at 1,500  $\text{sm}^3\text{h}^{-1}$  or greater.

Gas meters (also referred to as gas measurement systems (GMS)) are variously owned by retailers, distributors and independent suppliers. They are more complex, and more expensive, than other energy metering systems, as the meter itself is part of a total GMS installation, which as a minimum also includes filtration, pressure regulation and associated pipework. Maintenance costs are consequently higher than for other types of energy metering installations.

There are currently five main suppliers of gas metering services in New Zealand – Vector, Powerco, GasNet (Wanganui Gas), Contact Energy<sup>196</sup> and Nova Energy. Powerco supplies metering services only in its network areas, and Nova gas is the only meter supplier to its customers on Nova Gas-owned distribution networks. Nova also supplies meters on other networks<sup>197</sup>.

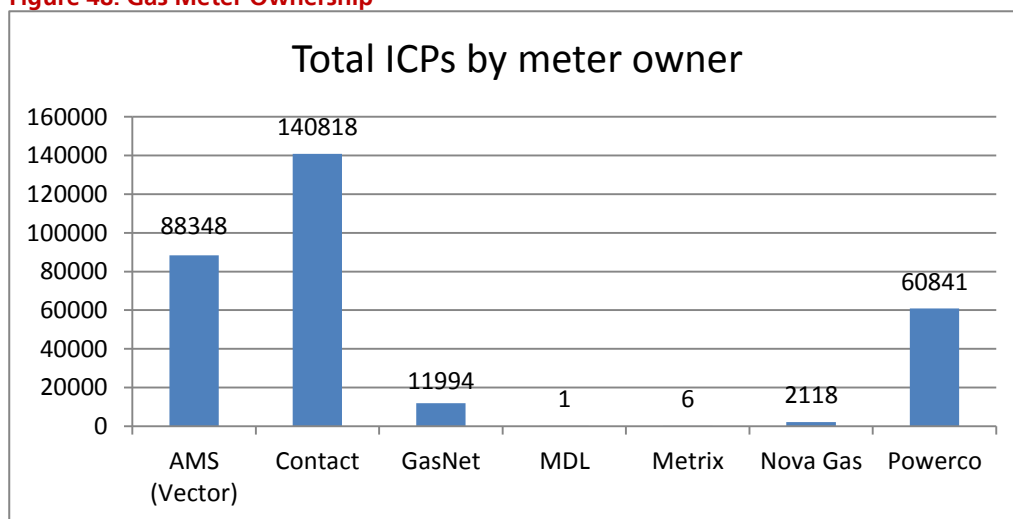
Gas meter ownership is set out in **Figure 48**. Contact Energy is the largest owner, followed by Vector subsidiary Advanced Metering Services, and Powerco. Nova supplies more than 2,000 gas meters to customers on non Nova-owned networks, but there is currently no publicly-available information on the number of customers, and therefore meters, on its own networks.

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<sup>196</sup> Contact Energy has reached an agreement to sell its gas metering business to Vector, subject to Commerce Commission clearance: Contact Energy media release: *Contact confirms sale of Gas Metering business*, 25 October 2012.

<sup>197</sup> Commerce Commission: *Decision Paper - Authorisation for the Control of Supply of Natural Gas Distribution Services by Powerco Ltd and Vector Ltd*, 30 October 2008

Figure 48: Gas Meter Ownership



Source: Gas Registry Statistics

## 11.2 Current State of the Gas Metering Market

Gas metering is primarily governed by provisions of the Gas Act 1992 and the Gas (Safety and Measurement) Regulations 2010 (Safety Regulations). Gas measurement obligations on meter owners and retailers are also set out in the Reconciliation Rules, and measurement standards are covered by a variety of formal Standards overseen by Standards New Zealand. The main standard, NZS 5259:2004, places requirements on the GMS owner for the accuracy of the meter, associated regulator and, where installed, the corrector<sup>198</sup>. It specifies acceptance tests for gas meters and correctors, meter selection and installation, and provides for the conversion of measured volume to energy. There are a number of other formal Standards relevant to metering<sup>199</sup>.

There is no direct gas sector equivalent of the electricity Metering Code<sup>200</sup>, which codifies market participants' obligations in relation to metering standards, metering installations, testing and compliance.

In addition to the legislative and regulatory requirements, responsibilities relating to gas metering are addressed in service provider agreements between the parties.

Under the Safety Regulations and Reconciliation Regulations, meter owners are responsible for ensuring that metering equipment complies with the NZS 5259 standards. Under the Reconciliation Rules, retailers are responsible for ensuring that metering equipment is installed and interrogated at consumer installations where they are the 'responsible retailer', and for ensuring that volume conversions comply with the measurement and verification standards.

In addition, the retail gas contract principles<sup>201</sup> require that retailers' supply arrangements with small consumers, should clearly describe:

- the requirements for metering relevant to the pricing options selected by the consumer.

<sup>198</sup> Generally, correctors are only used in installations above 10TJ/year.

<sup>199</sup> Including NZS 5258 relating to gas distribution; AS/NZS 4645, a new distribution standard developed jointly with Australia and which will ultimately replace NZS 5258; NZS 5601 relating to downstream installation, AS/NZS 4944 relating to in-service compliance testing; hazardous areas standards.

<sup>200</sup> Electricity Industry Participation Code 2010, Part 10 – also referred to as the Metering Code.

<sup>201</sup> Gas Industry Co Retail Contracts Oversight Scheme – see also **Page 117**.

- the frequency of meter readings.
- the obligation to ensure metering is conducted in accordance with relevant industry standards and codes of practice.

While there are a number of gas meter services providers, the Commerce Commission took the view in 2004<sup>202</sup> that competition was limited:

*'...there is little indication of vigorous competition on a day-to-day basis for the provision of meters, and there are very few examples of one supplier's meters being replaced by a similar meter from another supplier....'* and

*'The Commission considers that while there is a degree of contestability for the supply of meters, in practice little substitution occurs. Consumers face a significant cost if they wish to have an existing meter removed and a new one installed.'*

At that time, the Commission concluded that metering met the thresholds for control, and that metering should be treated as one component of the various gas service markets, rather than a discrete market.

Authorisations<sup>203</sup> issued by the Commission for distribution services provided by Powerco included price-quality regulation of meters, after the Minister placed the metering services of Powerco under control for the Authorisation. Vector at the time did not supply meters on its controlled network.

The Commerce Amendment Act 2008 (section 55A(4)) specifically excludes meters from the definition of 'pipeline'. No distinction is made between:

- end-user meters that record individual or entity consumption of end-user gas pipeline services, and
- operational meters, such as those at gas transmission receipt and delivery points, and a number of other meters that gas distribution and gas transmission businesses find necessary for providing gas conveyance services.

The Commission's view is that end-user meters are excluded from Part 4 regulation, but operational meters are assets used in the supply of gas pipeline services. Costs associated with the supply, operation and maintenance of operational meters should be included in the pipeline owner's regulatory asset base, and their operating costs recognised.

Industry participants' views on metering governance have been aired in the context of the general review of the Reconciliation Rules. Generally, it is considered that metering disciplines are well established under the Reconciliation Rules, that commercial arrangements ought to provide sufficient obligations on meter owners, and there is no need for new rules, guidelines or principles for metering contracts<sup>204</sup>.

That view, while supported by the majority of participants, isn't unanimous. A small number of retailers do not believe all meter owners operate in a contestable environment and suggest more regulation is needed due to the complexities of gas metering technology, the need to incentivise technological advancement, and, as a matter of principle, a desirability for meter owners to be treated the same as retailers or transmission system owners<sup>205</sup>.

<sup>202</sup> Commerce Commission: *Gas Control Inquiry, Final Report*, November 2004.

<sup>203</sup> Commerce Commission: *Authorisations for the Control of Supply of Natural Gas Distribution Services by Powerco Limited and Vector Limited*, 30 October 2008 and expiring on 1 July 2012.

<sup>204</sup> Gas Industry Co: *Statement of Proposal: Downstream Reconciliation Rules Review*, 26 July 2012.

<sup>205</sup> Energy Direct NZ, Greymouth Gas: *Submissions on Statement of Proposal: Downstream Reconciliation Rules Review*, 30 August 2012.

Others<sup>206</sup> believe that regulations should not act as an impediment to incentivising technological developments such as smart meters.

### 11.3 Meter and Energy Conversion Accuracy

Gas metering presents some unique challenges compared with liquid flow metering. Unless compensated for, the influence of temperature, pressure, altitude and compressibility can cause metering inaccuracies. Gas meters are driven by the differential pressure between the gas upstream and downstream of the meter. Volumetric errors are typically below 1 percent. While meters are often consistently accurate over their lives, higher volumetric errors can occur due to age, lack of maintenance or, in the case of turbine and rotary meters, insufficient throughput. Proper meter management therefore includes regular recalibration, maintenance and appropriate sizing in accordance with the expected and measured flow<sup>207</sup>.

Audits associated with the Reconciliation Rules have revealed instances of inaccuracies in converting meter readings into energy, and a need for retailers to take better account of temperature and altitude in their calculations<sup>208</sup>. Many of the inaccuracies resulted in under-reporting of customer volumes, with consequently increased UFG. The issue has been addressed through the development of a guideline note on energy conversion factors<sup>209</sup> that serves as a consistent reference point for retailers in their energy conversion calculations.

There is some industry focus on meter owner accountability where a metering problem causes a retailer to receive Reconciliation Rules breach notices. The broad consensus among participants is that these ought to be resolved under the contractual arrangements between the metering owner and the retailer<sup>210</sup>.

### 11.4 Smart Meters

Technology for smart gas meters exists, but it is more complex and is not yet being rolled out to the same extent as smart electricity meters in New Zealand, or of smart meters overseas where it is being heralded for a range of benefits to consumers, energy suppliers and energy networks.

In New Zealand, over 800,000 advanced electricity meters have been deployed to date, and the figures become much higher in larger markets overseas. In the UK, for instance, the Department of Energy and Climate Change has set a strategy and timetable for the installation of 53 million smart electricity and gas meters which it estimates will have a \$14 billion net benefit over the next 20 years.

The main issues for gas meters are higher cost and a complexity in balancing GMS safety with the need for connecting a power source for communications. For safety reasons, gas meters are subject to an exclusion zone in which sources of ignition, including electricity sockets and switches, are prohibited. Power supplies (mains or solar) for ToU equipment must be intrinsically safe, so as not to present a potential source of ignition, and require initial and subsequent periodical certification by a qualified electrician. Although battery-powered equipment can be employed, it also needs to be appropriately certified for the area in which it is being fitted, and its finite life is seen as a disadvantage.

Challenges lie in finding a commercial resolution acceptable to GMS providers and retailers, as well as certainty for GMS owners in respect to safety where third parties wish to connect energy management systems to their

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<sup>206</sup> Vector Limited: *Submission on Statement of Proposal: Downstream Reconciliation Rules Review*, 30 August 2012

<sup>207</sup> Maunsell/AECOM: *Allocation of Unaccounted For Gas*, Report to Gas Industry Company, June 2007.

<sup>208</sup> Gas Industry Co: 2011 Annual Report

<sup>209</sup> [www.gasindustry.co.nz/sites/default/files/u146/20111222\\_gas\\_billing\\_factors\\_guideline\\_175781.1.pdf](http://www.gasindustry.co.nz/sites/default/files/u146/20111222_gas_billing_factors_guideline_175781.1.pdf)

<sup>210</sup> Submissions on Gas Industry Co *Statement of Proposal: Downstream Reconciliation Rules Review*, 26 July 2012.

metering equipment. Meter owners are required under the Safety Regulations to develop safety management systems for meter installations for implementation in 2013.

In New Zealand, intelligent gas meter installations to date have been limited to a small number of large, ToU consumers. However, trials have commenced of battery-powered remote reader units fitted to latest-technology residential meters. Communications capabilities associated with these units potentially allows remote connection and disconnection as is being proposed in other countries, and may enable residential users to access consumption information via their retailers. The units have the potential for more general roll-out to small gas consumers.

As smart energy metering technology generally continues to evolve, cautions have been sounded about how 'smart' is 'smart', including a call by the New Zealand Parliamentary Commissioner for Environment in 2009<sup>211</sup> for a moratorium on the rollout of advanced electricity meters, which it says lacks core technology that make them 'really smart'. The Commissioner had earlier<sup>212</sup> said that New Zealanders are missing out on smart power – which could save electricity users across the country \$125 million a year through consumption reduction – because most of the meters being installed are 'dumb smart meters'.

And in the UK, British Gas, which began a smart gas meter rollout in 2010 to get a march on competitors, found in 2012 that it will have to replace many of the 400,000 meters it has installed after technological advancement rendered them obsolete and British government guidelines deemed they did not meet the newly-defined protocol<sup>213</sup>.

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<sup>211</sup> Parliamentary Commissioner for the Environment media release: *Commissioner calls for moratorium on meter roll-out*, 21 September 2009.

<sup>212</sup> Parliamentary Commissioner for the Environment media release: *Kiwis miss out on smart power*, 25 June 2009.

<sup>213</sup> Reported: *The Telegraph*, 5 April 2012.

## 11.5 Regulatory Performance

Gas Metering policy objectives	Performance
<ul style="list-style-type: none"> <li>Gas industry participants are able to access distribution pipelines and related services on reasonable terms and conditions.</li> <li>Barriers to competition are minimised.</li> <li>Energy and other resources used to deliver gas to consumers are used efficiently.</li> </ul>	<p>The Commerce Commission considers that while there is a degree of contestability for the supply of meters, in practice little substitution occurs. Consumers face a significant cost if they wish to have an existing meter removed and a new one installed. The definition of gas pipeline services under Part 4 of the Commerce Act explicitly excludes metering services.</p>
<ul style="list-style-type: none"> <li>There is an efficient market structure for the provision of gas metering, pipeline and energy services.</li> <li>The respective roles of gas metering, pipeline and gas retail participants are able to be clearly understood.</li> </ul>	<p>The Reconciliation Rules set out the responsibilities of meter owners and retailers for the purposes of meeting the gas measurement and data provision requirements of the Reconciliation Rules.</p> <p>There is a broad, though not unanimous, industry view that commercial agreements and other obligations (such as measurement standards), provide sufficient control for meter owners, and there is no market 'failure' that warrants regulatory or other intervention.</p> <p>Clear information relating to metering is included in upgraded supply contracts between retailers and small consumers.</p>

## 11.6 International Metering Market Practices

Various gas metering governance practices are adopted in other countries, with a number undergoing reviews and changes to transition to smart metering technology.

In the UK, the regulator, Ofgem, established a current tariff cap regime for gas metering in its review of price control of (then) Transco<sup>214</sup>. Ofgem's 2002 review separated price controls for gas metering from Transco's other businesses. In 2011 Ofgem completed a review of metering arrangements, and is proposing changes to the regulatory framework to facilitate an efficient transition to smart meters<sup>215</sup>. Ofgem's preferred approach is to require National Grid to offer terms to provide metering services to other gas distribution networks and to initiate a process to review the associated regulated metering tariffs.

In the EU, the European Regulators Group for Electricity & Gas (ERGEG) has issued to member states guidelines for good practice on regulating electricity and gas smart metering<sup>216</sup>.

Development of the guidelines stems from European Parliament directives on common rules for internal electricity and gas markets<sup>217</sup> and a European Commission mandate<sup>218</sup> for the development of an open architecture for utility meters involving communications protocols and functionalities. It has the general objective of harmonising European standards that will enable inter-operability of utility meters, including water, gas, electricity and heat. The ERGEG is engaging in a more proactive policy for customer empowerment, recognising

<sup>214</sup> Formerly part of British Gas, later part of Lattice Group PLC, which subsequently merged with National Grid.

<sup>215</sup> Ofgem: *Decision and further consultation on the regulation of traditional gas metering during the transition to smart metering*, 25 July 2012.

<sup>216</sup> ERGEG: *Final Guidelines of Good Practice on Regulatory Aspects of Smart Metering for Electricity and Gas*, 8 February 2011.

<sup>217</sup> Also referred to as the 3rd Package adopted on 13 July 2009.

<sup>218</sup> Mandate M/441

that smart metering systems can enable customers to better control their energy consumption and adjust their behaviour to lower their energy bills. It believes metering data provided to customers can make supplier switching more efficient and easy and encourage increased customer participation in energy markets.

In Australia, the National Gas Rules contain comprehensive provisions for metering installations and responsibilities in Victoria. In other parts of Australia metering arrangements are covered in state legislation or regulations.

In the United States, metering is included in natural gas rules and regulations set by Utilities Districts, and the Department of Energy has updated its Metering Best Practices guide for Federal energy managers<sup>219</sup>. It covers electricity, gas, water, air and steam and updates the first edition published in 2007.

A formal code<sup>220</sup> governs gas metering arrangements and practices in Singapore.

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<sup>219</sup> US Department of Energy, *Federal Energy Management Program: Release 2.0 Metering Best Practices – A Guide to Achieving Utility Resource Efficiency*, August 2011.

<sup>220</sup> Energy Market Authority of Singapore: *Gas Metering Code*, 2008.



# 12 Natural Gas Pricing

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The availability of multiple retailers, and low retail margins indicate competitive forces are at work in the retail market. Pricing generally signals the full cost of producing and transporting gas.

In a number of respects, delivered gas costs and prices are subject to 'sustained downward pressure', as sought by Government policy objectives. Gas Supply Agreements (GSAs) are reflecting increased competition following the initial post Maui 'reset', and new entrants, new fields and ongoing onshore gas finds have increased short-term gas supply availability with a positive impact on gas price trends. Mechanisms have been put in place to enable consumers to readily compare retailer prices and to switch supplier easily and quickly. Transmission and distribution prices are constrained by regulation and subject to further initiatives currently being developed by the Commerce Commission.

*This discussion is intended to describe natural gas pricing drivers in different parts of the market, whether by sector or region, and to consider whether price differentials are a natural outcome of a competitive market. Publicly available pricing information is used where possible, but as these sources are not comprehensive, an accurate assessment of the composition of end prices to different consumer types is challenging. A number of assumptions are therefore made to bridge information gaps, and to simplify complexities arising from the uniqueness of each consumer by creating an 'average', or aggregate, to draw out key structural features of price. In summary, pricing is an important part of the Gas Story and this discussion represents a considered interpretation of available information and related factors that influence pricing.*

## 12.1 Background

There are a number of public reference points for natural gas prices - the Energy Data File published annually by MBIE, residential price tariffs published by individual retailers, and various financial disclosures under the Gas (Information Disclosure) Regulations 1997, that assist price unbundling analysis for regulated entities such as gas transmission and distribution. Annual reports of major participants provide another source of information.

MBIE surveys retailers quarterly and publishes price series for four main sectors:

- wholesale (GST exclusive)
- industrial (GST exclusive)
- commercial (GST exclusive)
- residential (GST inclusive)

The sectors are defined in the Energy Data File, although the terminology it uses differs in the way industry participants segment the market. For example, retailers tend to differentiate between 'home' and 'business' segments. The business segment may be further differentiated on the basis of 'small to medium' versus 'large' (Contact Energy), or 'small business' versus 'commercial and industrial' versus 'rural business' (Genesis), or simply 'business' (Mercury)<sup>221</sup>.

Network companies tend to differentiate customers on the basis of load for tariff purposes and this segmentation is closely followed by retailers. The residential category is generally less than 10 standard cubic

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<sup>221</sup> The differentiation 'small' versus 'large' in some cases reflects the metering arrangement, with small business being metered by Non Half Hourly (NHH) or profile meters that are read manually or remotely once per month, or once every two months, and large sites having Time of Use (ToU) meters or loggers to record daily gas use.

meters per hour (scm/h) flow<sup>222</sup>. Standard tariff commercial/industrial is 10scm/h-200 scm/h subdivided in two to six subcategories depending on the network company. Loads exceeding 200 scm/h are generally regarded as industrial.

This report uses MBIE's definitions in order to match the discussion with the published Energy Data File pricing data. Thus the residential sector is defined as consisting of living quarters for private households. The commercial sector consists of non-manufacturing business establishments, such as hotels, motels, restaurants, wholesale businesses, retail stores, and health, social and educational institutions. The industrial sector consists of all facilities and equipment used for producing, processing or assembling goods (but excludes gas sold for electricity generation).

Notwithstanding the various public sources of gas pricing information, they are not comprehensive and finding complete, accurate pricing information in the gas sector is challenging. Some data, for example, is contained in commercial contracts that are not in the public domain. Retailers, while publishing residential tariffs, treat commercial and industrial tariffs as confidential for competitive reasons. Given the load diversity in the market, and opportunities for significant business consumers to negotiate tailored arrangements, commercial and industrial prices can vary considerably.

An absence of public disclosure of information on the energy (gas) component of the gas price makes it difficult to assess how and where margin is being captured along the value chain, and how it changes over time. This information is useful for consumers to make comparisons against other forms of energy when making energy investment decisions. As discussed under **Wholesale Market, Page 99**, other than the limited market for pipeline balancing gas, which is accessible to only a small number of industry participants, there is no commodity gas price in the public domain that can signal both the short run and long run value of gas.

## 12.2 Wholesale Gas Price

The wholesale gas price published in the Energy Data File is not a commodity or producer price for gas, as MBIE's definition excludes some producer sales and double accounts others. The Energy Data File defines wholesale gas as '*gas for retail sale and electricity generation*'<sup>223</sup>. While it includes gas sold by producers to wholesalers and retailers, it excludes potentially significant quantities of gas sold directly by producers to end-users such as industrial and petrochemical customers. Further, while encompassing gas sold directly to the Stratford, Otahuhu, and Huntly power stations, it does not take in gas sold into cogeneration plants, such as Southdown and Te Rapa. Double counting occurs where gas sold by producers to wholesalers or retailers is then on-sold to other retailers.

Producer prices are also likely to vary significantly due to various guarantees. Gas Sale Agreements (GSAs) connecting producers to buyers are non-standard, peculiar to the field and the selling parties. GSAs reflect the relative negotiating leverage at the time they were agreed, as well as different benefit bundles for the buying party including the term of the contract, supply security guarantees over the term, daily deliverability guarantees, price formulae, shipping management, and different risk sharing arrangements through liability and indemnity clauses amongst other contract specific terms.

The average wholesale price is calculated by dividing the sales revenue (excluding any delivery costs) by the amount of gas sold in this category. Although this delivers a single number, the basis for it may change year on year depending on inclusions and exclusions. Any trend over time therefore reflects more than just price

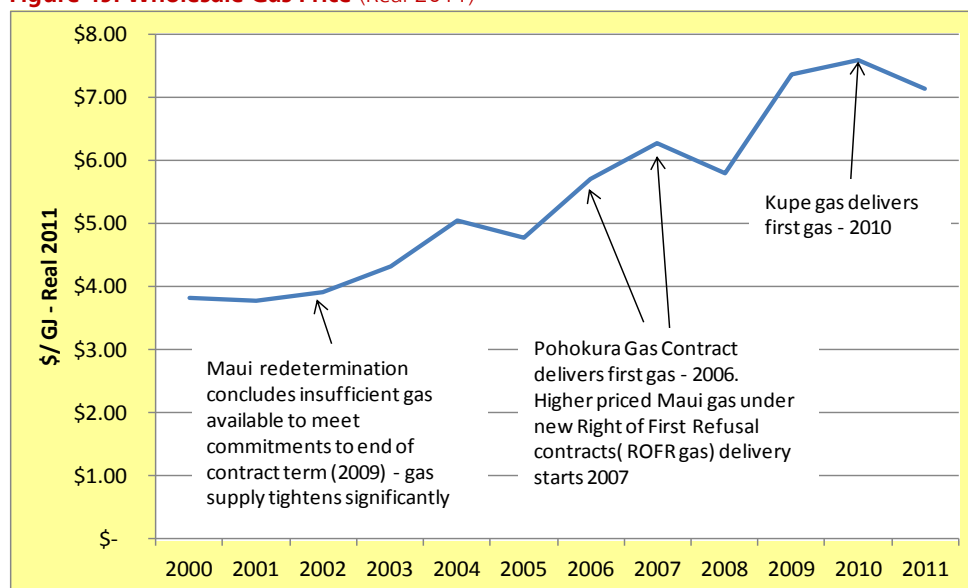
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<sup>222</sup> GasNet has two load groups (M6 and M12) that respectively divide into less than 6 scm/hr and 6-12 scm/hr that covers residential demand, whereas Powerco and Vector have a break at 10 scm/hr.

<sup>223</sup> Energy Data File – technical notes for section I. Prices.

movements. With these qualifiers, the wholesale prices published in the Energy Data File are nonetheless a useful basis for overall gas pricing analyses. Wholesale gas prices have been published only since 2000 (Figure 49).

**Figure 49: Wholesale Gas Price (Real 2011)**



Source: 2011 Energy Data File

Because of wholesale gas definition in the Energy Data File, it is difficult to identify and separate all of the factors that shape the wholesale gas price curve. It is apparent, however, that the overall upward trend is attributable to two main changes in the market since 2002:

- The first was a significant increase in the producer price from all fields as a result of the decline of Maui gas under the Maui Gas Contract. The Maui Gas contract dominated supply up to the early part of the new millennium and its price escalation clause determined that the real price of gas decreased each year<sup>224</sup>. Maui's abundance and flexibility to meet swing demand at a reducing real price crowded out most other new field development investment. The first tranche Pohokura gas contracts negotiated for 2006 saw a significant upward adjustment in gas price. This was followed closely by new Maui reserves sold under Right of First Refusal (ROFR) contracts at the new market price<sup>225</sup>. Gas contracts renewed from the Kapuni and Mangahewa and McKee fields adjusted upward from 2002 reflecting the tightening market for supply and expectation of higher prices for Pohokura gas.
- The second feature is that new contracts appear to have had more restrictive price-quantity terms than Maui arrangements. This affected the average price of uplifted gas by reducing the flexibility to effectively convert the fixed cost represented by 'take or pay'<sup>226</sup> provisions into a fully variable component. The original Maui contract for example had minimum take or pay provisions, but it also allowed buying parties to bank gas paid for but not used – known as prepaid gas. Maui take or pay quantities also applied over a 12-month period, allowing buyers to balance their obligations across different seasonal demand periods. So long as at the end

<sup>224</sup> The escalation clause was the greater of either 50 percent of the inflation rate, or the inflation rate less 3 percent. The gas price included transmission charges for delivery to any point on the Maui pipeline.

<sup>225</sup> Because 'reserves' by definition are resources that are economic to recover, if the price of gas goes up then more investment is justified to recover more technically recoverable resources. Hence reserves under the Maui contract at the Maui gas price expired, but marginal reserves under Maui ROFR contracts from the same gas field were able to be added to the overall gas supply.

<sup>226</sup> Take or Pay is a generic term used to describe a contract in which a buyer commits to 'take' a specified quantity of gas and to 'pay' for that quantity irrespective of uptake. The Maui contract enabled buyers to uplift gas paid for but not taken at a later date for no cost apart from the Energy Resources Levy. As such, it gave buyers flexibility to vary their daily off-takes to match their demand within minimum and maximum quantities, while guaranteeing producers a stable income to underwrite their investment in the field. It is not a feature of more recent take or pay contracts.

of the 12 month period the buyer had taken the minimum take or pay quantity, the average price would match the marginal price (i.e. fully variable)<sup>227</sup>. Post-Maui contracts tightened these provisions considerably. Gas not taken could not be banked for future uplift and the concept of daily capacity reservation for facilities was introduced creating less fixed cost flexibility than an annual take or pay contract. This made it more difficult for buyers to keep their average gas cost down over a year, as inter-day demand volatility is higher than demand fluctuations over a year. This is a particular issue for gas-fired electricity generation. Low electricity prices (2009, 2010) combined with higher fuel (gas) prices didn't justify the same level of thermal generation as in previous years. Generators faced with a lower than expected demand for gas, but with contracted options for minimum supply, paid for the option to uplift gas that wasn't needed, raising the average cost of gas delivered.

The interplay of these key factors is shown in **Figure 50**<sup>228</sup>. The Maui redetermination through 2002 and finalised in 2003 signalled an early reduction in supply that started an upward price trend in gas from other fields (Kapuni, TAWN, Mangahewa/ McKee, Rimu) as existing users sought to secure supplies in the face of supply uncertainty. As the newer contracts (Pohokura, Maui ROFR, Kupe) came into force from 2006, the wholesale gas price increased further.

The impact of stricter provisions is shown by Contact's average reported gas price<sup>229</sup>. Although Contact Energy isn't the only player in the gas market, it had reserved significant quantities of the new Pohokura contracts and its reported average price paid for gas used in generation<sup>230</sup> broadly follows the wholesale price curve.

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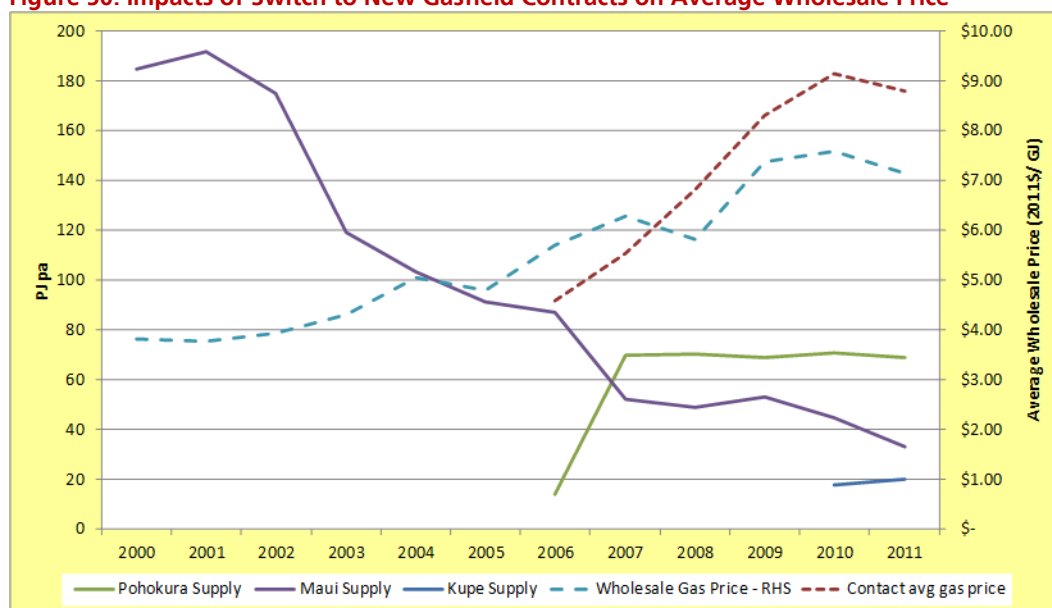
<sup>227</sup> By 1998 (20 years into the 30 year contract) the actual take exceeded the annual contract quantity in only two years. However the ability to uplift the prepaid gas at a later date ensured that eventually all the gas is paid for at the variable price.

<sup>228</sup> Other factors affecting the amount of gas generation include lower costs for running renewable energy like hydro, wind, and geothermal. Nevertheless as the price of gas increases, gas generation tends to move down the generation merit order relative to other fuels.

<sup>229</sup> Contact Energy: Investor Presentation. Because Contact's financial year closes on 30 June and the Energy Data File reports on a calendar year basis, Contact's average gas price has been averaged over its two financial periods to match the Energy Data File reporting period.

<sup>230</sup> Contact's gas price includes transmission, whereas the wholesale price is exclusive of transmission. Contact's price includes the cost of gas paid for but not used, and losses on distressed sales, both a consequence of the new style contracts introduced for Pohokura gas. The commissioning of the Ahuroa gas storage facility in 2010 has enabled Contact to mitigate these impacts by enabling it to take the gas and to store it until required.

**Figure 50: Impacts of Switch to New Gasfield Contracts on Average Wholesale Price**



Source: 2011 Energy Data File, Contact Investor presentations

### 12.3 Retail Gas Price

The retail gas market is described on **Page 106**. The Energy Data File broadly divides the retail market into residential (household), commercial, and industrial sectors. These are characterised differently by retailers. Gas is sold in the retail market at a bundled price that includes:

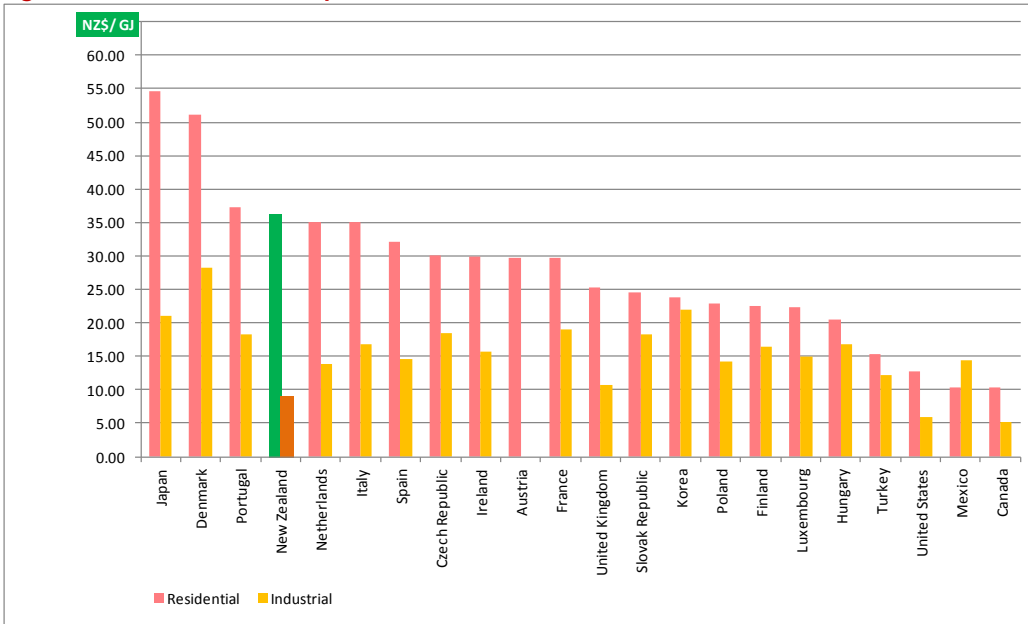
- wholesale gas
- gas transmission
- gas distribution
- metering services
- Government levies and charges (including energy resource levy (ERL)<sup>231</sup> and carbon charges from July 2010)
- industry levies
- GST
- retail operating costs<sup>232</sup> and retail margin.

**Figure 51** shows how natural gas prices in New Zealand compare to a range of other developed countries.

<sup>231</sup> ERL of 45 c/GJ applies to gas produced under licence from a pre-1986 discovery.

<sup>232</sup> Retail operations include call centres, billing and payment collection, bad debts, and account management.

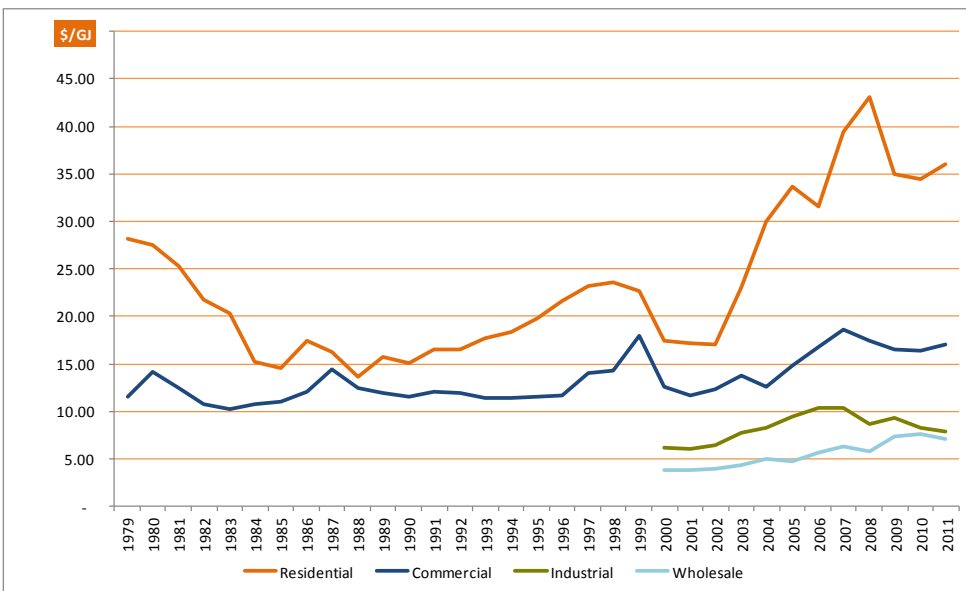
**Figure 51: International Comparison of Natural Gas Price<sup>233</sup>**



Source: 2011 Energy Data File

Compared with other developed countries, New Zealand is at the higher end of the price range for residential consumers. However it is third lowest for industrial customers, with only the United States and Canada being lower. Price trends for New Zealand customers are shown in **Figure 52**.

**Figure 52: Average Natural Gas Cost by Customer Type (Real 2011)**



Source: 2011 Energy Data File

<sup>233</sup> As noted by MBIE, this data is based on energy prices and taxes published by the International Energy Agency (IEA). Care is needed in interpreting the data, as product specifications, statistical methodology and information available can differ among countries.

Unlike wholesale prices, residential, commercial, and industrial prices include delivery charges. The residential price is GST inclusive, other sector prices shown are GST exclusive.

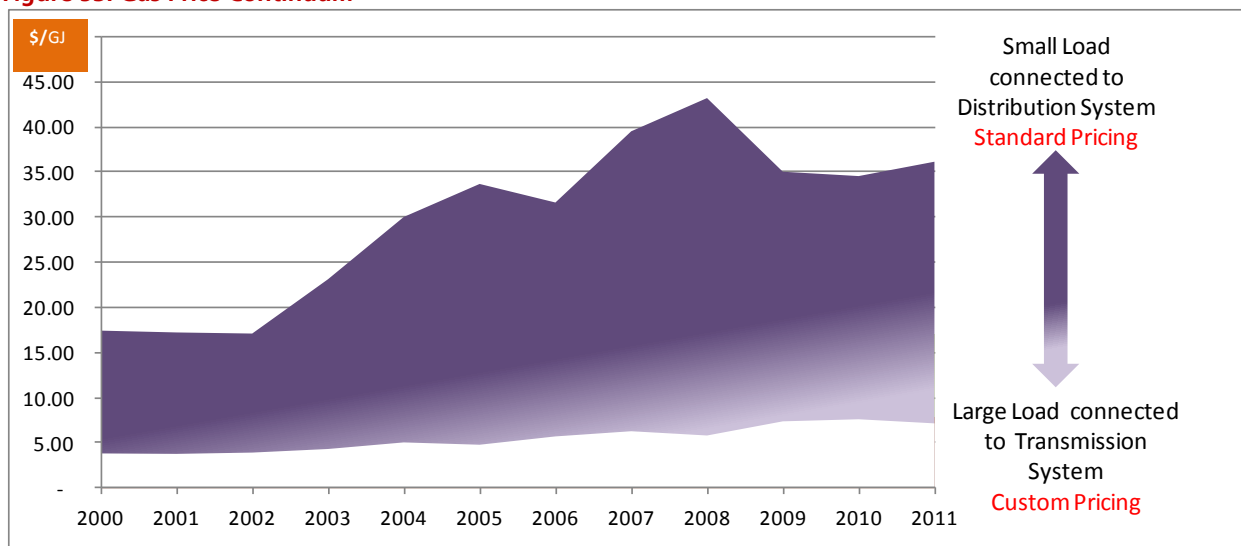
A key observation from this data is that although there has been an upward trend in real natural gas costs over the last decade, the increase has been particularly pronounced for residential customers since 2002.

MBIE gathers statistics via a quarterly survey, collecting gross revenue and customer numbers by category to develop the weighted average price curves. As with the wholesale price, the weighted average price disclosure simplifies a number of complexities with retail pricing. MBIE acknowledges this by cautioning that the figures should be treated as indicative only.

In particular the distinctions between sectors as defined by MBIE tend to overlap considerably in terms of how the retailers view the market. One example of this is in comparing commercial and industrial sector prices from the Energy Data File data. Whereas MBIE treats these sectors separately, a retailer makes a pricing distinction based on load characteristics. From a retailer perspective a large commercial enterprise, such as a hospital or large educational institution, may have as much gas load as a small industrial user. To the extent that the retailer is interested in the quantity of gas, peak requirements and the infrastructure used to deliver it, the two customers are effectively identical and the pricing policy for each is likely to be the same. By contrast, MBIE would see them as different, and separate them for statistical purposes. Similarly a small commercial enterprise, such as a takeaway food outlet, may fall in the same retail load/ pricing group as a residential user.

The gas price might be viewed as an approximate continuum based on load and use of transmission and distribution services, with prices standardised in the mass market and increasingly customised as the load increases (**Figure 53**).

**Figure 53: Gas Price Continuum**



The different approaches to market segmentation may explain the apparent convergence of industrial and wholesale prices in the Energy Data File data, as presented in **Figure 52** above. It seems anomalous that these are almost the same in 2011, given that industrial prices include delivery charges, and wholesale prices do not. There are several possible explanations:

Firstly, Greymouth entered the industrial gas market from late 2006 with the development of the Turangi field. As a new entrant Greymouth competed by aggressive pricing. However, as a producer selling directly to

industrial customers Greymouth does not feature in the wholesale statistics so its potentially lower prices are not captured in the wholesale data.

Apart from the increased supplier competition, industrial customers tend to be on shorter-term contracts (2-5 years). Consequently, there is a timing impact on the data reflecting negotiations at a time of gas supply abundance versus negotiations in the immediate post Maui redetermination era. Contracts, particularly post 2006, created the opportunity to reset the contract base price to a level lower than escalated prices under long-term contracts set when supply was tighter and competition was less. The timing effect is made more pronounced by the inclusion of Methanex and Ballance in the industrial category and only partial inclusion in the wholesale category (depending on their gas supplier). As large base load consumers they are also in a better position to manage take-or-pay agreements than generators, resulting in a lower average gas cost for them. For these consumers, transmission costs are also relatively low,<sup>234</sup> so there is not a material difference between the industrial price (transmission included) and wholesale price (transmission excluded).

As generators come off the higher priced contracts in the next few years, and with a lower requirement for gas, the wholesale gas price would be expected to fall.

Even where the market segment is more homogenous, such as the residential sector, the published Energy Data File data can hide significant variations in the average cost of gas seen by individual households. For an 'average consumer' gas prices can still vary by as much as +30% to -36% from the weighted average price, depending on the region, plan, or discounts offered.

**Figure 54** compares the residential gas price for a number of retailers based on an 'average' consumer<sup>235</sup>. Individual consumers will see further variations in their average cost based on their own consumption patterns<sup>236</sup>.

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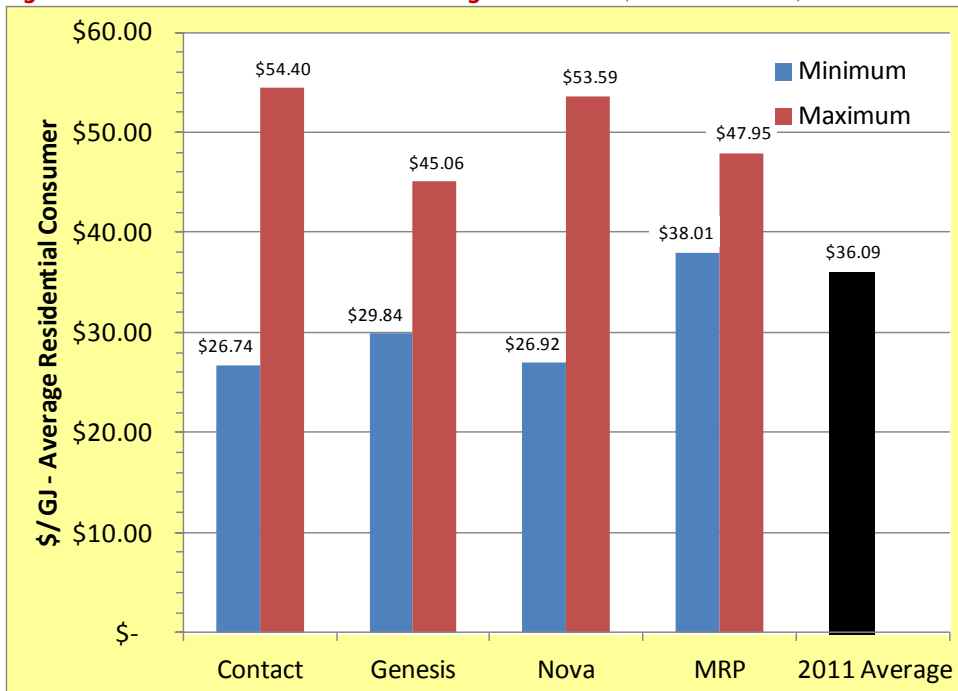
<sup>234</sup> Methanex and Ballance have relatively low transmission fees because, respectively, their position off the Maui pipeline, and interruptible tariffs on the Frankley Rd system. Further, as they are connected directly with the transmission system they do not incur distribution network fees.

<sup>235</sup> This assumes a typical residential consumer, using 24.15GJ/year (the typical residential consumption in 2011). The minimum price assumes that the customer maximises opportunities to reduce their gas cost. It includes any available discounts for dual energy (electricity plus gas), prompt payment discounts, and other discounts offered for electronic billing and payment. The maximum price assumes no discounts taken.

<sup>236</sup> For example a 36GJ/year customer maximising Contact Energy's discounts would have an average gas cost of \$22.40/GJ.



**Figure 54: Residential Gas Price for Average Consumer (2011 – GST incl.)**



Source: Retail tariffs, 2011 Energy Data File

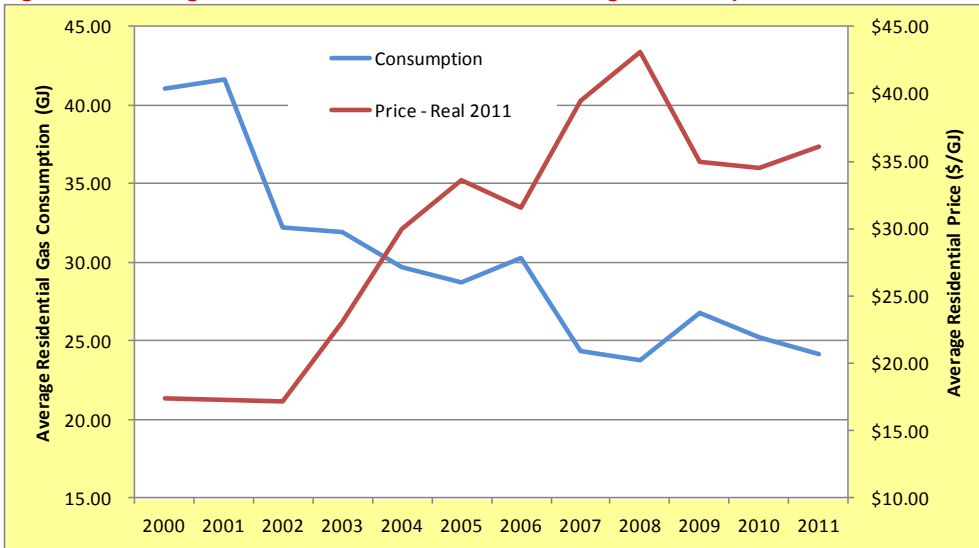
As retail prices can include significant fixed cost components, average price trends reflect both tariff increases and annual changes in average consumption.

**Figures 55** and **56** suggest an inverse relationship between average price and average consumption for the residential and commercial sectors. Falling demand is reflected in a higher average gas price paid as the fixed portion of the tariff (the daily charge) is spread over a smaller volume.

It isn't clear why the average household consumption should be falling when connection statistics suggest that more households connect to gas supply each year. It is possible that households have reduced the application of gas over time, in particular substituting electricity for gas in space heating. An updated analysis of Consumer Energy Options<sup>237</sup> that finds gas space heating is highly cost competitive with heat pumps where the household already has a gas connection for hot water heating, may address this type of trend.

<sup>237</sup> Concept Consulting: Consumer Energy Options: An Evaluation of the different fuels and technologies for providing water, space, and process heat, 12 November 2012 (Page 10).

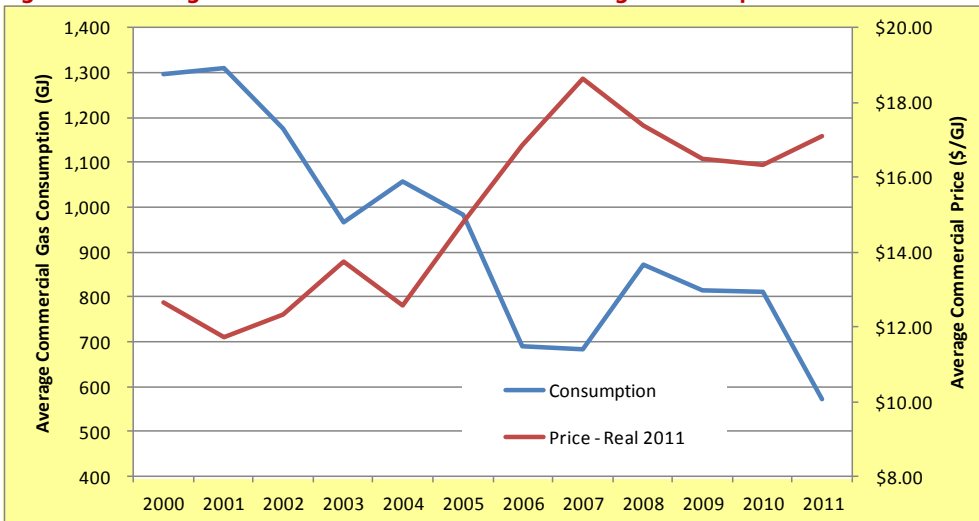
**Figure 55: Average Residential Price Relative to Average Consumption**



Source: 2011 Energy Data File

A GST increase from 12.5 percent to 15 percent on 1 October 2010 represents approximately \$0.80/GJ in the 2011 figures.

**Figure 56: Average Commercial Price Relative to Average Consumption**



Source: 2011 Energy Data File

A broad conclusion is that the retail gas market is more diverse in its segmentation than simple pricing statistics in the Energy Data File would suggest. Consumer volume, load profile, transportation infrastructure, location, competition, and cost allocation methods are greater determinants of gas price than a simple categorisation of whether the consumer is a residential, commercial, or industrial customer.

The following sections discuss the various influences on gas price in the retail market.

### 13.3.1 Retail Market Participants

The retail market participants are primarily retailers, distribution network companies and meter service providers.

Retailers generally develop broad pricing regions in which to compete. The regions are customarily defined by the incumbent gas network (Vector, GasNet, and Powerco), and often matched with electricity pricing areas, themselves defined by lines companies and grid exit points.

The sales region approach enables the market to be segmented based on cost structures, since regions are often defined by pricing breaks in gas delivery infrastructure (transmission tariffs as well as different network tariff structures). Prices for using the Vector transmission system differ for different sections of the system. Network companies differ in their allocation of fixed and variable costs.

Retailers try to closely match their price structures with the delivered cost of gas to avoid volume or price risks. Within regions, tariffs are affected by the number of customers each retailer has and overall share of the market. As retailers spread their fixed costs over their retail base in the area in order to avoid volume risk in price, differences in tariffs between retailers can arise within the same region. Tariffs will also be affected by each retailer's strategy to retain or gain market share.

As noted above, retailers tend to classify customer groups by load rather than business activity. A Vector network customer for example is classed as commercial if it is between 10-200 scm/hr, and industrial if greater than 200 scm/hr. GasNet has a fixed and variable tariff structure for up to 10TJ annual use and a fixed tariff structure for over 10TJ or non-standard agreements. Retailers make pricing plan distinctions between 'home' and 'business', with additional distinctions between small to medium and large business customers.

End-users have ready access to a number of competing retailers. Consumer NZ's online Powerswitch facility<sup>238</sup> enables residential consumers to assess their best energy provider options based on their household consumption patterns. Retail contracts generally don't restrict customer switching or switching frequency<sup>and</sup> switching statistics indicate consumers are both aware that they have a choice and exercise that choice (see **Customer Switching, Page 111**).

An attempt to extend Powerswitch to include business consumers was unsuccessful due to extensive price variations and a retailer reference for tailoring competitive offerings to end-users. From the business consumer's viewpoint, there were compelling benefits in their ability to negotiate with individual retailers.

Issues arising from current transmission pipeline congestion, which can reduce retail competition and increase prices to consumers, are discussed in **Gas Transmission, Page 75**.

### 13.3.2 The Retail Gas Bundle

The retail gas price bundle can be broken into a number of components:

- Producer (commodity) price comprising:
  - producer costs
  - Government charges (royalties, taxes, own use carbon charges)
  - producer (wholesale) margin

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<sup>238</sup> [www.powerswitch.org.nz/powerswitch](http://www.powerswitch.org.nz/powerswitch)

- Gas Transmission (MDL and/or Vector) price comprising:
  - transmission costs
  - Government charges (taxes)
  - transmission margin
- Distribution network charges comprising:
  - distribution costs
  - Government charges (taxes)
  - distribution margins
- Metering charges
  - metering costs
  - Government charges (taxes)
  - metering margins
- Carbon charge
- Gas Industry Company levy
- Cost to service retail market
- Discounts
- Retail margin
- GST (where gas is sold to the end-user)

Not all of these elements are publicly available and therefore are difficult to calculate for the purposes of unbundling the retail price. It is possible to estimate some of the aggregated components using a combination of public resources including financial disclosures by those companies subject to the information disclosure regime, Energy Data File<sup>239</sup> and other public disclosures<sup>240</sup>. A number of assumptions are required to build an overall picture of the gas industry value chain. These include the weighted average energy price<sup>241</sup>, revenue attributable to Nova's dedicated distribution systems<sup>242</sup>, Maui transmission revenue<sup>243</sup>, and estimate of the carbon charge<sup>244</sup>. Metering revenues can be estimated but cannot be allocated between retailers and distribution companies<sup>245</sup>.

Taking a total industry approach from gas injected into the transmission system to end user, the total direct value of all gas sold in 2011 was approximately \$1.4 billion, or approximately \$9.17/GJ. The various estimated components of this revenue are shown in **Figure 57**.

<sup>239</sup> Average prices, ICP numbers for residential, commercial, and industrial, wholesale price as proxy for gas price for electricity generation gas.

<sup>240</sup> Gas Allocation Agent data, company reports, electricity generator operational disclosures.

<sup>241</sup> The wholesale price published in the EDF is only an indication of the producer price. The weighted average producer price is assumed to be considerably lower as large petrochemical manufacturers such as Methanex and Ballance, as well as Vector have lower priced gas contracts than generators. We've assumed \$6.10/ GJ as a best estimate based on an approximate retail contribution margin of 10 percent for residential/commercial/industrial (excluding petrochemicals)]

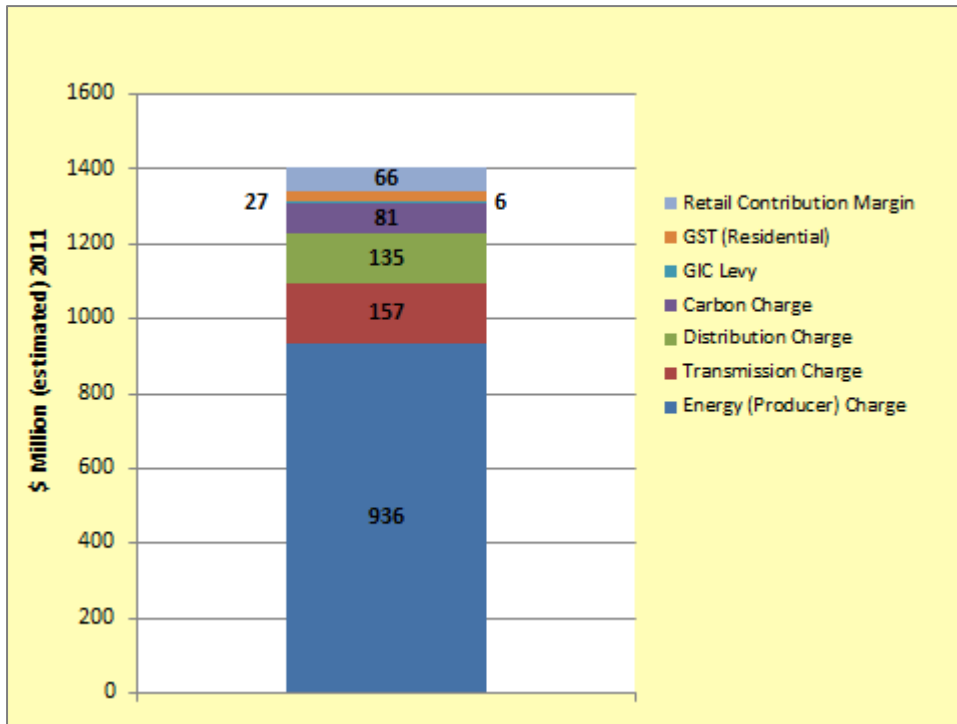
<sup>242</sup> Estimated at \$2 million based on ratio of distribution length of Nova's system (100 km) to GasNet's Distribution system length (350 km).

<sup>243</sup> Not required to be disclosed. Estimated from tariff information and estimates of injection and offtake volumes from gas registry and Vector Transmission disclosures.

<sup>244</sup> Assumed emission factor is 54 kg CO<sub>2</sub>e/ GJ and Petrochemical (Methanex/ Ballance) assumed to have 90% allocation of units. Carbon price is assumed at \$12.50/MT CO<sub>2</sub> although this is likely to be lower given the low prices in the carbon market.

<sup>245</sup> Retailers and distributors provide metering services. Revenue from metering is only disclosed in Powerco's accounts. Based on ICP numbers and disclosed metering charges for GasNet and Powerco the total metering revenue is approximately \$25 million/year, or \$0.17/GJ in the overall gas bundle. This is split between distribution and retail contribution, but exact allocation between these components cannot be determined from the available data.

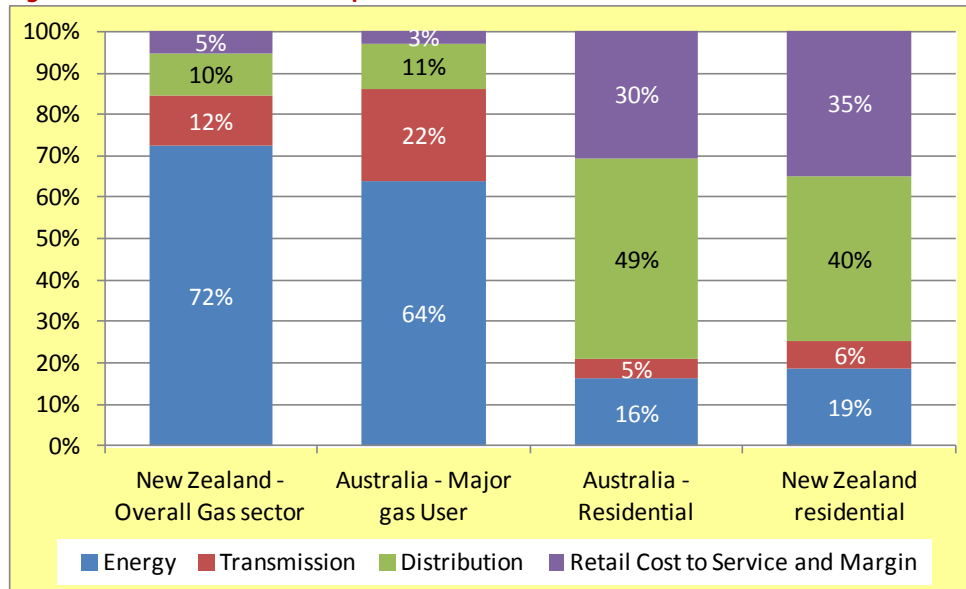
**Figure 57: New Zealand Gas Industry Estimated Total Revenue Breakdown 2011**



Source: Aretê Consulting Ltd

No data was found to compare the components of the New Zealand gas industry revenue with other countries. However, the price bundle characteristics are similar to those faced by a major user in Australia<sup>246</sup> (Figure 58). This simply illustrates that in New Zealand the market is dominated by large users<sup>247</sup>.

**Figure 58: Indicative Price Components Natural Gas**



Source: Aretê Consulting Ltd  
Excludes GST, carbon charge and industry levy

<sup>246</sup> Gas: Dealing with Issues Arising from Common Ownership - Bill Nagle, Chief Executive, Australian Gas Association, ACCC Regulation, Industry Structure and Market Power Conference, July/August 2003; Residential bundle from Australian Pipeline Industry Association – Natural Gas Report January 2009.

<sup>247</sup> In 2011, 92 percent of all demand was from the electricity and industrial sector. Approximately 53 percent of the total demand is accounted for by three companies - Methanex, Contact and Genesis.

The New Zealand Residential comparison is derived from the analysis developed later in this section. It excludes GST, industry levies, and carbon tax. Metering charges are included in the distribution (network) costs.

### 13.3.3 Residential Price Bundle

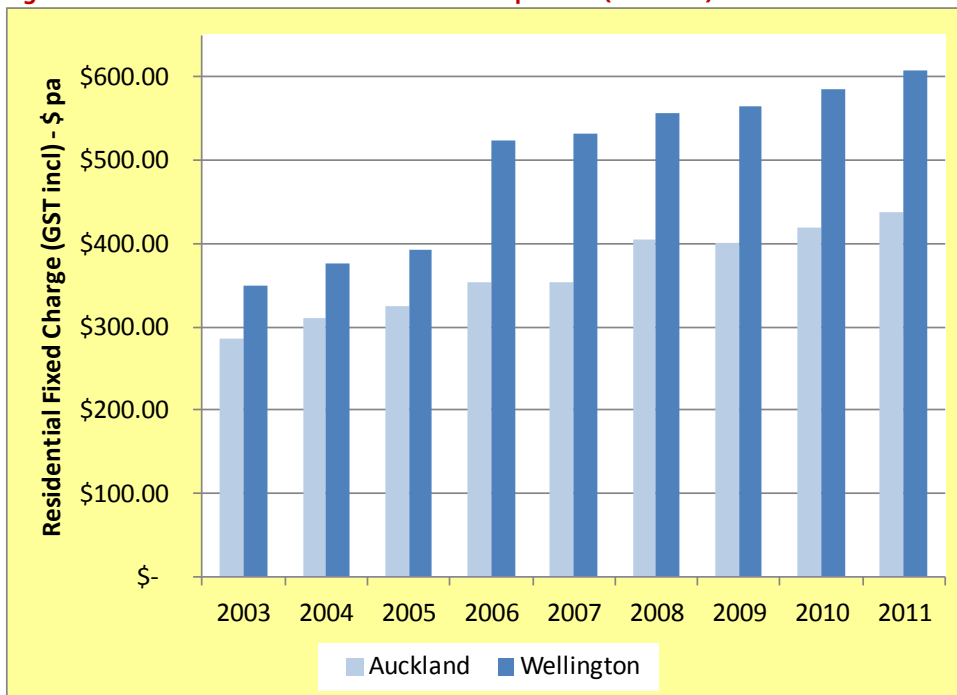
The residential gas price comprises fixed (daily charge) and variable components. Generally these are intended to reflect the retailer's cost structure in delivering gas to households, plus a margin. As noted, there are significant variations from the average residential gas price depending on regional pricing differences and the extent of discounts.

Generally, retailers will try to match fixed and variable costs through the supply chain to offset their own price risks. Thus volume-insensitive fixed costs are reflected in fixed charges, and volume-dependent costs are passed through in the variable price component. These are rebalanced periodically to reflect changes in consumption patterns and other price adjustments in the value chain.

The residential market analysis approach has been to average the prices of leading retailers that collectively represent around two-thirds of all ICPs, and have operated throughout the regions continuously since 2003.

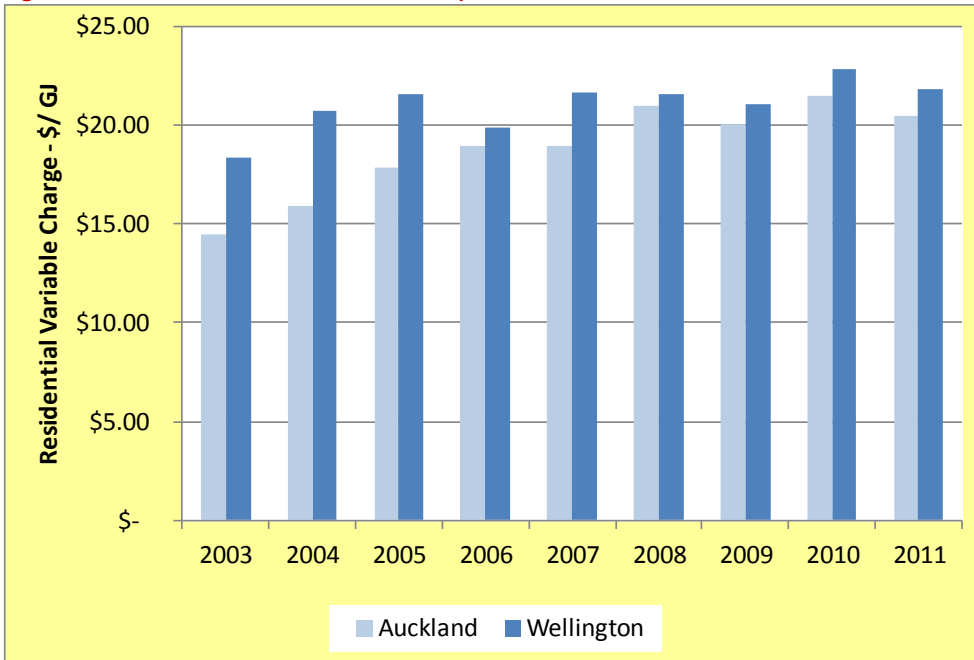
**Figures 59** and **60** provide the fixed and variable residential price trends in Auckland and Wellington. Prices shown exclude discounts, but include GST.

**Figure 59: Annual Household Fixed Price Component (Nominal) for Natural Gas**



Source: MBIE quarterly survey

**Figure 60: Household Variable Price Component (Nominal) for Natural Gas**

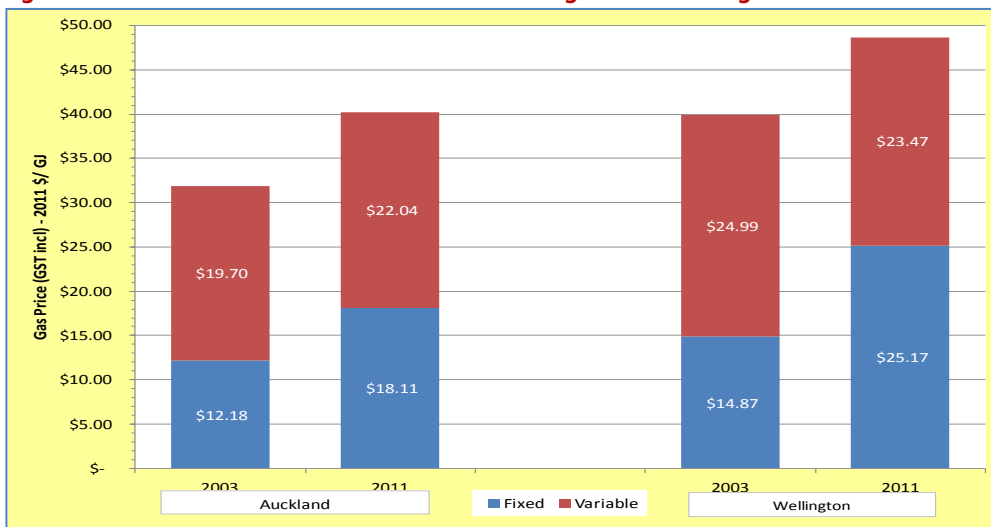


Source: MBIE quarterly survey

The item of note from **Figures 59** and **60** is the lower tariff in the Auckland market. This is dealt with later in this section.

Combining the fixed and variable tariffs into an average unit gas price shows growth in both fixed and variable components for the average consumer<sup>248</sup>. In 2003 average residential consumption was 31.87GJ. This had fallen to 24.15GJ by 2011. The estimated fixed and variable components for a typical consumer shown in **Figure 61** are based on published tariffs.

**Figure 61: Price Breakdown - Auckland and Wellington for 'Average' Residential Consumer**



Source: Aretê Consulting Ltd  
Excludes discounts

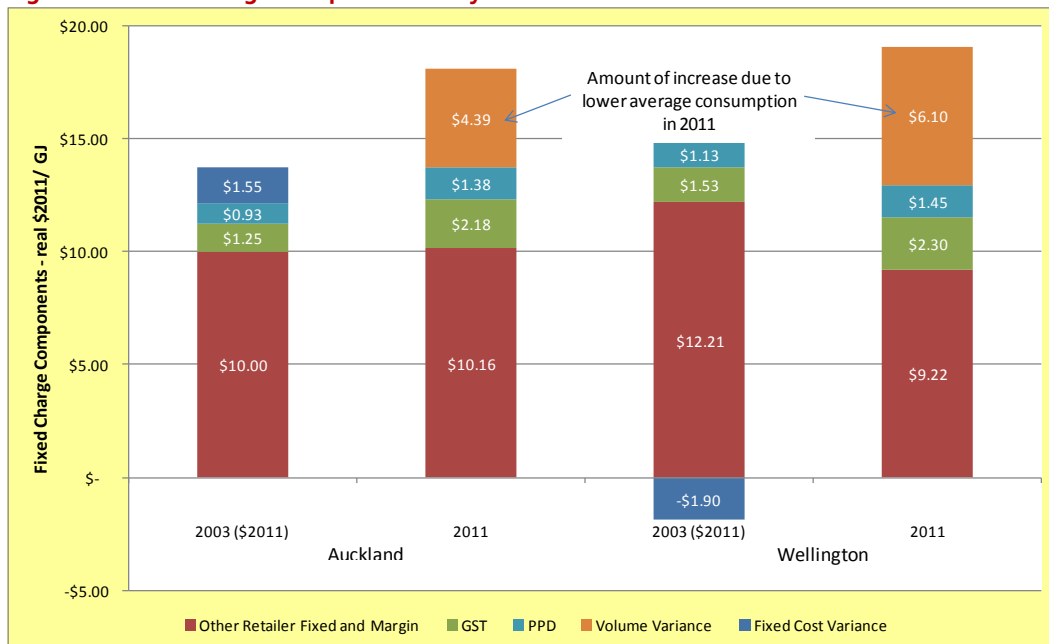
<sup>248</sup> Average consumption figures by region or retailer within the region are not available. It is assumed to be the same as the national average for the retailers in both regions i.e. 31.87GJ in 2003 and 24.15GJ in 2011.

**Figure 62** provides an approximate breakdown of the fixed cost component in Auckland and Wellington and illustrates both the effect of reduced average consumption on the unit gas cost and changes in fixed cost in excess of PPI inflation.

For example, in the Auckland market the 2003 fixed cost adjusted for inflation would have been \$12.18/GJ based on 2003 consumption of 31.87GJ/year. If the same volume was applied to the 2011 daily charge, the fixed cost would be \$13.72/GJ. Therefore, the fixed cost has increased by \$1.54/GJ (53 percent rather than the 36 percent PPI increase). The actual fixed charge for 2011 was \$18.11/GJ based on 24.15GJ/year. The difference between \$18.11/GJ and \$13.72/GJ is \$4.39/ GJ. This is the increase due to the lower consumption being spread over the daily fixed charge

In Wellington the pattern is reversed with real fixed cost decreases between 2003 and 2011<sup>249</sup>.

**Figure 62: Fixed Charge Component Analysis**



Source: Areté Consulting Ltd

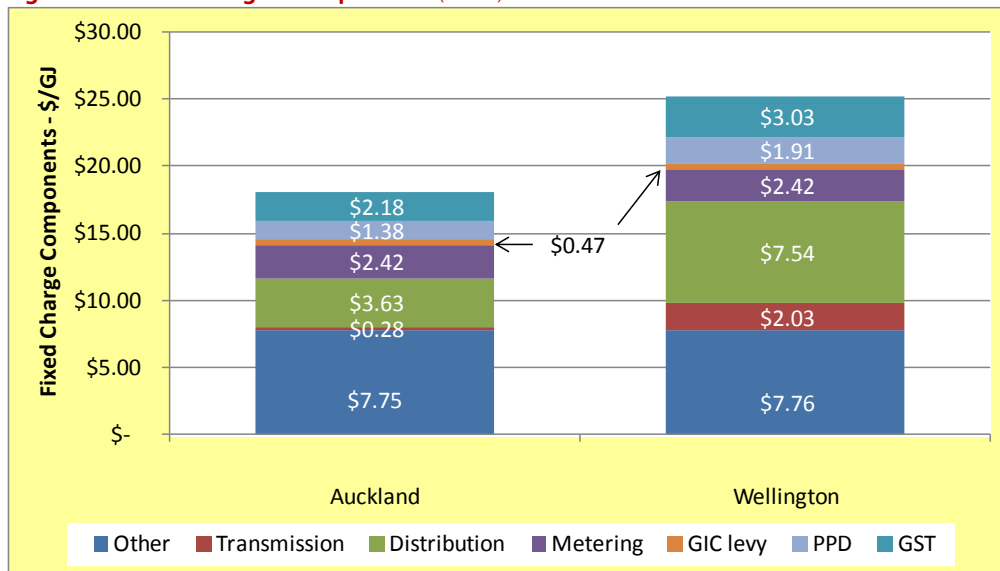
<sup>249</sup> It is difficult to draw strong conclusions on the differences, particularly fixed cost trends separate from volume effects. The assumption that the average gas usage applies in each of the Auckland and Wellington markets provides an indicative outcome, however in reality the average consumption in each market and in each period is likely to be different.



### 13.3.4 Fixed Costs

An overall estimated breakdown of fixed charges is provided for 2011 (Figure 63)<sup>250 251</sup>

Figure 63: Fixed Charges Components (2011)



Source: Areté Consulting Ltd

It is evident from this breakdown that the regional price difference in the fixed tariff between Auckland and Wellington is primarily due to higher transmission and distribution charges in the Wellington market<sup>252</sup>.

### 13.3.5 Variable Costs

An estimated breakdown of the variable charge component of the residential bill for Auckland and Wellington is shown in Figure 64. As with the fixed cost analysis, this breakdown is based on various estimates and assumptions<sup>253</sup>.

Overall, the variable component of the residential gas price appears to have decreased in real terms (negative variance) despite new charges (carbon charge, MDL transmission<sup>254</sup>) and real increases in GST, Vector transmission throughput fee, and energy charge. The decreases have occurred in the variable distribution charge and the variable portion of the cost to service and margin to the retailer<sup>255</sup>.

<sup>250</sup> Meter fees assumed at 16c/day, GIC levy at 3.14c/day, fixed distribution charges for Auckland and Wellington respectively at 24c/day and 49.87c/day, and Vector's fixed portion of transmission estimated from Vector's disclosures on reserved capacity at Greater Auckland and Tawa A gates against gas registry annual throughput of 11.6PJ and 2.0PJ respectively with Vector's capacity Reservation Fees of \$60/GJ MDQ and \$357/GJ MDQ. Similar data for 2003 was not available to complete a time series comparison.

<sup>251</sup> PPD – Prompt Payment Discount – is taken up as a benefit by approximately 76 percent of residential consumers. For the retailer, this is a cost of service affecting their margin. Accordingly, for the purposes of the illustrating pricing components, 76 percent of the total PPD available is included in the price bundle to illustrate the effect on retail margin.

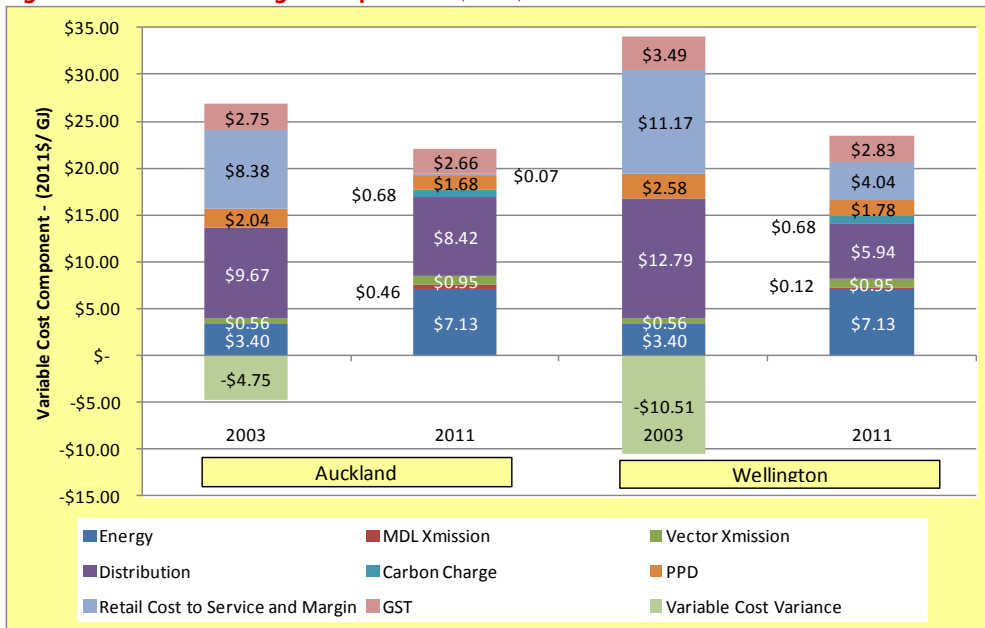
<sup>252</sup> Transmission includes only Vector's CRF. Although Maui also has fixed costs this is included in a variable distance fee, and as such is seen as a variable cost to the end user.

<sup>253</sup> Prompt Payment Discount (PPD) is 10 percent, but only about 76 percent of consumers are assumed to pay on time, hence effective PPD in the calculations is 7.6 percent. The analysis assumes the energy component is equal to the wholesale price, and carbon charge is assumed to be \$12.50/GJ rather than a possible lower rate achieved by retailer purchase of carbon credits.

<sup>254</sup> The Maui contract priced gas at the exit point of the Maui pipeline, rather than injection point. Subsequent non Maui gas (including additional higher cost Maui gas) required extra delivery charges to be paid.

<sup>255</sup> Caution must be exercised in drawing strong conclusions. In particular, the energy charges applying in 2003 and 2011 are based on the assumed full cost payable to the producer. As previously noted, particularly for 2011, the wholesale price published in the Energy Data File is an average price that includes fixed fees applying to the option to purchase certain quantities of gas. As a variable component, the cost to uplift gas for residential sale is likely to be significantly lower than \$7.13 and therefore the 2011 retailer contribution margin will be higher.

**Figure 64: Variable Charge Components (2011)**



Source: Aretê Consulting Ltd

The apparent lower distribution variable charge against the escalated 2003 price may be explained by a lower variable fee being offset by a higher fixed fee as network companies altered their charging structures. While this may seem reasonable for Wellington (in 2003 the daily fixed charge in Wellington was 27.96 c/day. In 2011 the charge was 49.8 c/day, compared to 38c/day allowing for PPI increase), the fixed fee in the Auckland market is lower in 2011 than it was in 2003 after adjusting for PPI (24 c/day vs expected 32 c/day). In this case it may be that other sectors (commercial/industrial) are picking up a greater portion of the Auckland network charges<sup>256</sup>.

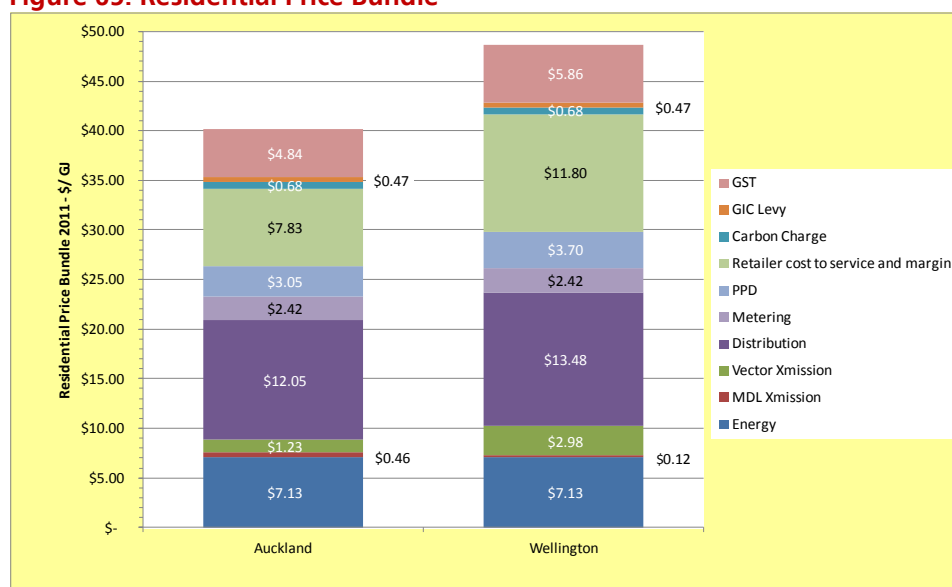
### 13.3.6 Overall Residential Price Bundle

The overall price bundle for 2011, combining the fixed and variable elements is shown in **Figure 65**<sup>257</sup>.

<sup>256</sup> These are speculations and more information is required to fully understand shifts between fixed and variable components of network charges, shifts between different sectors, and any changes in consumer numbers that allow the costs to be spread differently.

<sup>257</sup> The variable transmission fee of \$0.22/GJ between Frankley Rd and the Kapuni Gas Treatment Plant for Wellington has not been included. This is because gas to Wellington could be from various sources, including Kupe and Kapuni which do not require the Maui transmission system, or the use of the Frankley Road line. Since the proportions of gas from different sources are not known an approximation is that the \$0.12/GJ Maui transmission fee applies to all gas.

**Figure 65: Residential Price Bundle**



Source: Areté Consulting Ltd

Transportation charges represent a significant proportion of the residential price. This reflects the investment in an extensive network of transmission and distribution infrastructure combined with the lower volumes of gas used by the average residential customer<sup>258</sup>. The next highest cost is the retailer cost to service (excluding Prompt Payment Discount) and retailer margin<sup>259</sup>. Lack of publicly available data precludes a more robust analysis of the residential price bundle and changes over time. Much of this analysis relies on simplified assumptions. In particular:

- the weighted average consumption applies in each market for the purpose of assessing the fixed cost components of the residential price bundle.
- the Energy Data File wholesale price can be used as a proxy for assessing the energy component of gas price (producer price).

Nevertheless, in broad terms the steep rise in the average residential graph price as reported in the Energy Data File appears to be related to:

- a real increase in the producer price following expiry of the Maui gas contract.
- new charges - Maui transmission (previously bundled with the Maui gas), carbon charge, GIC levy, and an increase in GST from 12.5 percent to 15 percent.
- a reduction in the average household consumption of gas causing the per unit fixed cost to increase.

## 12.4 Commercial Gas Price Bundle

The Commercial market comprises non-manufacturing business establishments such as hotels, motels, restaurants, wholesale businesses, retail stores, and health, social and educational institutions<sup>260</sup>. MBIE records approximately 9,960 ICPs match this category and that their average consumption in 2011 was 573GJ, down from 810GJ in 2010.

<sup>258</sup> Commerce Commission price control mechanisms for distribution and transmission system owners are discussed under Commerce Commission – Economic Regulation **Page 21**)

<sup>259</sup> It is not possible to separate retailer margin from their cost to service.

<sup>260</sup> Energy Data File Glossary.

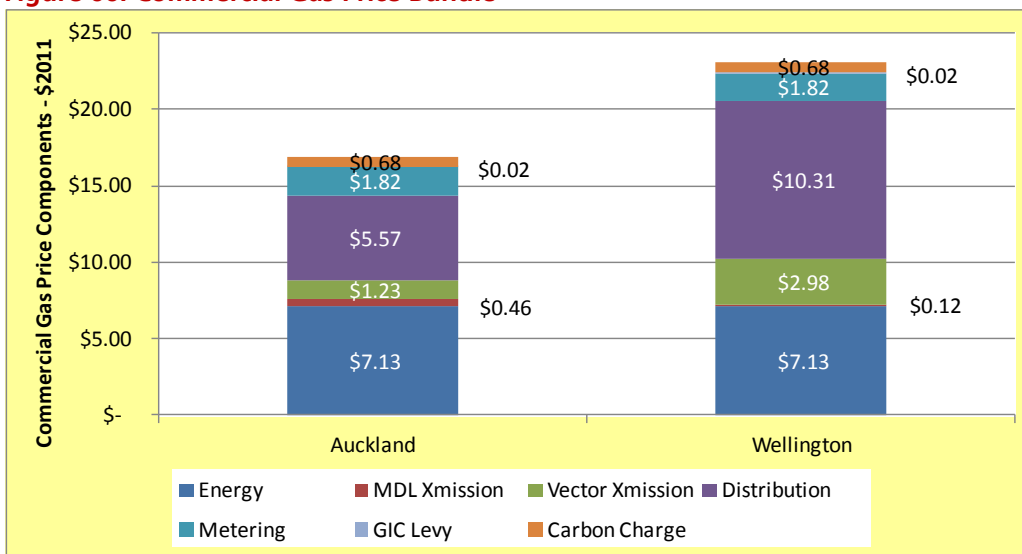
MBIE has reservations about the reliability of this data as historically there has been considerable fluctuation in the statistics. Variation is evident in the demand profile in this sector, with the smallest commercial consumers not using more than a typical household, to the Bay of Plenty District Health Board recently tendering for 60,000GJ<sup>261</sup>. Given the potential scale economies of commercial enterprises, retailers compete aggressively for this business and are less transparent with their commercial sector tariff structures. This inhibits an analysis of commercial prices, particularly in identifying the split between fixed and variable charges.

Distributors publish standard tariffs for this sector although, with the exception of Vector, make the distinctions by load group, rather than activity. Distribution networks are also prepared to negotiate non-standard terms with retailers to secure the business.

A limited analysis of gas pricing for the 'average' commercial customer (573 GJ/year) in the Auckland and Wellington markets is shown in **Figure 66**. It is assumed that this profile fits Vector's GAS3-FIXD tariff in Auckland, and Powerco's G16 Load group in Wellington, and no special pricing or discounts apply. Retail contribution margin is excluded since the total price is not known.

The retailers' external costs add up to \$16.90/GJ in Auckland, and \$23.28/GJ in Wellington. This compares with an average weighted price reported in the Energy Data File of \$17.09/GJ in 2011.

**Figure 66: Commercial Gas Price Bundle**



Source: Areté Consulting Ltd  
Excludes retail contribution margin

A lack of further information precludes deeper analysis. However, the relatively flat real price time series curve for this sector (**Figure 52**) and the lower overall average price seem to indicate that there are unlikely to be significant competition issues in this sector. End-users arguably have some advantage over retailers in this instance as information asymmetry benefits them, rather than retailers. Consumers can get competitive quotes without the retailers knowing what a competitor may be prepared to offer.

## 12.5 Industrial Gas Price

Approximately 1,300 ICPs are classed as industrial users by MBIE, and the sector is characterised by a large diversity in load. At one extreme, Methanex takes approximately 33,000,000GJ (33PJ) of gas a year; at the other

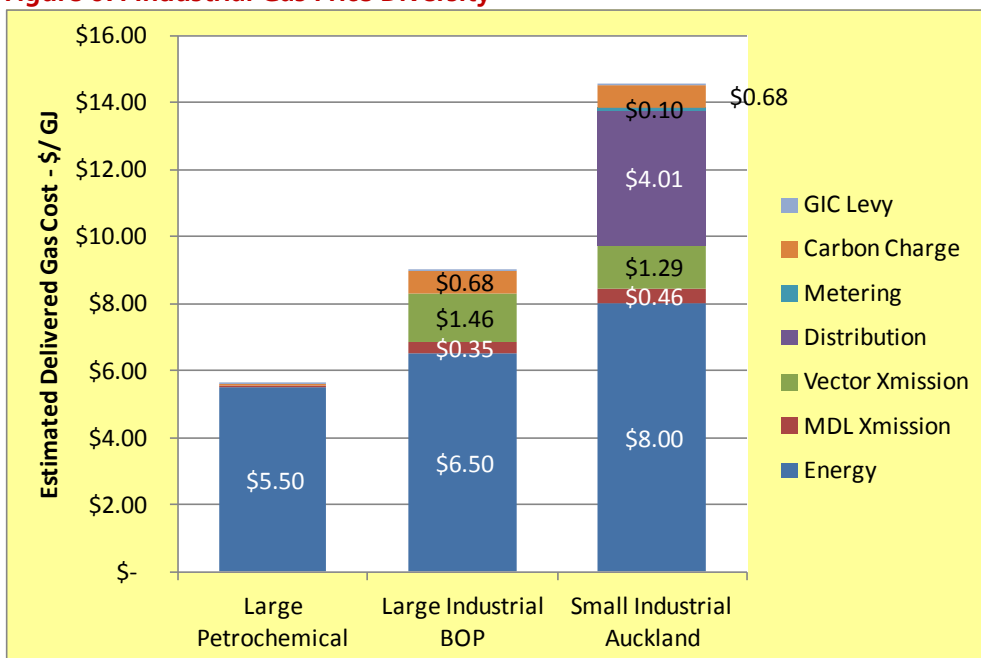
<sup>261</sup> Likely to be spread across a number of sites.

end, an Auckland bottling firm uses 1,000 GJ annually. Like the commercial sector there is no identifiable 'typical' industrial customer.

Large consumers, such as Methanex, Ballance, CHH, NZ Steel, Refining New Zealand and the larger Fonterra dairy factories have direct connections to the transmission system, avoiding distribution network charges common with residential and commercial enterprises. Transmission costs can also be significantly lower, particularly if the users can be supplied directly from the Maui pipeline. For a number of industrial users, carbon charges are largely mitigated through allocations for emission-intensive and trade-exposed industries. These industrials are also able to contract directly with producers (for example, Methanex with Todd) avoiding further wholesale brokering charges.

The potential diversity in gas price for industrial users is shown in **Figure 67**. This compares a large scale petrochemical operation (33PJ/year) with a large user in the Bay of Plenty (2.5PJ/year) and a small industrial plant in Auckland (10TJ/year). The energy charge includes retailer margin<sup>262</sup>.

**Figure 67: Industrial Gas Price Diversity**



Source: Aretê Consulting Ltd

Like large scale commercial customers, industrial customers are attractive to retailers because the very low cost to service, on a per unit gas cost basis. Industrial demand profiles are relatively predictable, as they often run base-load operations or have stable seasonal demand patterns not linked to weather. Industrial customers are also prepared to sign term contracts which offset the retailer's gas book risks.

Issues for industrial users go beyond short-term gas price. The capital intensive nature of their operation and exposure to global competition through exports or import substitution make gas a riskier fuel to invest in when the domestic gas market conditions are considered. In particular key non-price issues include:

- whether they can expand their gas use if transmission capacity is or likely to become a constraint.

<sup>262</sup> Energy charges are estimates only, based on perceptions of what might be achievable in the current market. The higher energy charge for a small industrial versus a large industrial user is primarily due to scale affecting retailer fixed costs to service the customer and possibly greater offtake flexibility required for smaller users who may have a more seasonal demand pattern.

- reliance on domestic gas reserves when the reserve to production ratio (RPR) becomes relatively low (less than 8 years<sup>263</sup>).
- lack of transparency on forward gas prices, and lack of market mechanisms such as secondary trading and hedge products to manage price risk.

## 12.6 Regulatory Performance

Gas Act and GPS policies relating to gas pricing include:

Gas pricing policy objectives	Performance status
<ul style="list-style-type: none"> <li>• Delivered gas costs and prices are subject to sustained downward pressure</li> <li>• The full costs of producing and transporting gas are signalled to consumers.</li> </ul>	<ul style="list-style-type: none"> <li>• Natural monopoly gas transmission and distribution serves are subject to economic regulation administered by the Commerce Commission.</li> <li>• Over 96 percent of gas consumers can choose between six or more retailers.</li> <li>• Downward pressure on pricing is achieved through retailer competition for customers, which is facilitated in part by competitive gas pricing information available to consumers through the 'What's my Number' campaign administered by the Electricity Authority.</li> <li>• Regulated switching arrangements facilitate consumer switching between retailers.</li> </ul>

<sup>263</sup> The RPR has consistently been over 10 years since 2006.

# 13 Gas Safety

Natural gas safety requirements have been strengthened in recent years, through both generic and industry-specific health and safety regulation, which is primarily the responsibility of the Ministry of Business, Innovation and Employment. The Government is concerned about national health and safety performance, and the industry is covered by a current substantial review. In addition, a health, safety and environmental management regime is being developed under the new EEZ legislation, which includes offshore oil and gas exploration.

While the prospects of a serious gas quality-related incident are considered small, there are concerns over gas quality transparency, and questions about whether current arrangements are appropriate. These issues are currently being addressed by the industry.

## 13.1 Background

Safety and gas supply reliability are closely interdependent. A range of safety and quality requirements apply across the gas supply chain – most of them at the distribution and retail levels, but also with a number of important requirements, including gas quality standards, on upstream players.

Key aspects of a safe and reliable gas supply are:

- gas quality - maintaining the composition and burning characteristics of gas within the range specified by NZS 5442:2008 - the specification for reticulated natural gas (Gas Specification) - and restricting contaminant levels, particularly dust particles and liquids such as condensates.
- odourisation - maintaining detectable levels of odourant<sup>264</sup>.
- supply pressure - maintaining pressure within contracted limits.
- supply continuity - avoiding interruption to supply.
- Installation and appliance integrity.

The safety regime is generally administered by divisions within MBIE, including:

- Energy Safety<sup>265</sup>, which administers elements of the Gas Act, the technical provisions of the Gas (Safety and Measurement) Regulations 2010 (Gas Safety and Measurement Regulations), and the Hazardous Substances and New Organisms Act 1996, to promote, monitor, and enforce the safe use and supply of gas and appliances. Energy Safety states that its work 'is vital in ensuring consumers enjoy the benefits of gas safely.' Energy Safety publishes annual reports on gas accidents, however the responsibility for investigating workplace gas-related accidents was transferred to the Department of Labour (now the Labour Group of MBIE) on 1 January 2009. Energy Safety continues to be responsible for investigating non workplace-related gas accidents involving the public.
- Labour Group, formerly the stand-alone Department of Labour (DoL), which manages general health and safety in employment legislation, and specifically (in the gas sector context) the Health and Safety in Employment (Pipelines) Regulations 1999 (HSE Pipelines Regulations), and the Health and Safety in

<sup>264</sup> As specified in NZS 5263:2003 Gas Detection and Odourisation.

<sup>265</sup> [www.med.govt.nz/energysafety](http://www.med.govt.nz/energysafety)

Employment (Petroleum Exploration and Extraction) Regulations 1999<sup>266</sup>. Labour Group also includes the newly-formed High Hazards Unit<sup>267</sup>.

- Building & Housing Group, formerly the stand-alone Department of Building and Housing, which administers the Plumbers, Gasfitters and Drainlayers Act 2006 (PGD Act). This Act brought significant changes to the rules covering gasfitters (as well as plumbers and drainlayers), including a two-tier license system, to improve public health and safety<sup>268</sup>.

It also introduced consistent regimes for the electricity and gas sectors relating to the registration of workers, competency-based licensing, updated procedures for addressing complaints against workers, and strengthened enforcement provisions. This role is carried out by the Plumbers, Gasfitters and Drainlayers Board (PGDB)<sup>269</sup> established under the Act, and which describes its purpose as *'to protect the public health and safety by ensuring that ...gasfitters are competent and licensed'*.

The Skills Organisation manages education and training for these industries<sup>270</sup>.

Changes to gas (and electricity) certification regimes, to take effect from 1 July 2013, are also aimed at improved safety for consumers<sup>271</sup>. The changes streamline current certification regimes, reducing compliance costs, while extending certification to cover all gas installation work.

Amendments to the Gas Act in 2006 required gas distribution companies to develop, implement and maintain a Safety Management System (SMS) that will ensure their gas supply systems do not pose a significant risk of serious harm to the public, or to third party property. The first audit of gas supply companies' SMS will be carried out by 4 May 2013. A standard<sup>272</sup> sets out SMS content to assist compliance, and further information has been prepared by the Electricity Engineers' Association and the Gas Association of New Zealand (GANZ) in the form of a Guide and Tool Kit<sup>273</sup>. A Gas Safety Forum, a strategic industry group comprising representatives of key industry players and Government officials<sup>274</sup>, has operational oversight of safety issues and manages the industry's interests in a self-regulated environment. A Gas Community Group, administered by Standards New Zealand and comprising representatives of regulatory agencies and industry associations<sup>275</sup> also has public safety outcome goals.

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<sup>266</sup> Currently under review to 'be more consistent with international best practice and developments in the light of recent major accident events overseas ... and to minimise the risk of major accidents events in the upstream petroleum sector':

[www.dol.govt.nz/consultation/petroleum-regulations/](http://www.dol.govt.nz/consultation/petroleum-regulations/)

<sup>267</sup> Established in August 2011 following the Pike River coal mine tragedy, and reviews of DoL resources dedicated to the petroleum production and mining industries. Includes three inspectors and a chief inspector for each industry, with additional research and administrative staff. The High Hazards Unit was fully operational in February: Minister of Labour media release *High Hazards Unit now at full strength*, 21 February 2012.

<sup>268</sup> [www.dbh.govt.nz/codewords-41-7](http://www.dbh.govt.nz/codewords-41-7)

<sup>269</sup> [www.pgdb.co.nz](http://www.pgdb.co.nz)

<sup>270</sup> The Skills Organisation [www.skills.org.nz](http://www.skills.org.nz) is an industry training organisation (ITO) for multiple industries. The previous ITO for the gas sector, the Plumbing, Gasfitting, Drainlaying & Roofing Industry ITO merged with The Skills Organisation on 1 October 2012.

<sup>271</sup> Joint media release, Minister of Energy and Resources, and Minister of Building and Construction: *Safer outcomes for gas and electrical work*, 27 September 2012; also [www.med.govt.nz/energysafety/legislation-policy/reviews-discussion-documents/gas-and-electrical-certification-and-fees-review](http://www.med.govt.nz/energysafety/legislation-policy/reviews-discussion-documents/gas-and-electrical-certification-and-fees-review)

<sup>272</sup> NZS 7901:2008 Electricity and Gas Industries – Safety Management Systems for Public Safety.

<sup>273</sup> [www.ganz.org.nz/safety-management-systems](http://www.ganz.org.nz/safety-management-systems)

<sup>274</sup> [www.ganz.org.nz/gas-safety-forum](http://www.ganz.org.nz/gas-safety-forum)

<sup>275</sup> Organisations represented include Master Plumbers, Gasfitters and Drainlayers NZ, Energy Safety, PGDB, PGDR ITO, GANZ, LPG Association, MBIE Labour Group and Standards NZ.



## 13.2 Standards

There are numerous Standards relevant to the gas industry. The Standards are very technical in nature. They include numerous detailed operating and network requirements (such as odourisation requirements and pressure limits). See also **New Zealand Standards, Page 33**.

New Zealand Standards are developed by expert committees of Standards New Zealand<sup>276</sup> using a consensus-based process that facilitates public input. New Zealand Standards in respect of the gas industry aim to ensure safety and quality, ensure industry best practice and to support trade.

## 13.3 High Pressure Pipelines

The HSE Pipelines Regulations 1999 replaced the Petroleum Pipeline Regulations 1984 and introduced significant changes, including a requirement for all pipelines to be operated with a current 'Certificate of Fitness'. Provisions include empowering the Certifying Authority to carry out safety inspections and examinations of pipelines, and to impose limitations or conditions where required.

Under the Pipelines Regulations, pipeline operators must appoint managers to manage pipeline operations and supervise health and safety aspects of the operations. The regulations outline an employer's general duties, including the management of hazardous substances, and contain provisions relating to certification and the notification of certain operations. They impose duties on employers in relation to land occupiers and controlling authorities, and provide for emergency procedures. All owner-operators must have current certificates of fitness for their pipelines, and these have to be renewed every five years.

Published guidelines<sup>277</sup> inform pipeline owners and operators of minimum requirements needed for a pipeline Certificate of Fitness.

## 13.4 Gas Appliances

Changes to the safety regime for gas (and electricity) appliances introduced in 2002 recognised New Zealand's trade relations with other countries, particularly the Trans-Tasman Mutual Recognition Agreement (TTMRA) with Australia. The changes sought to harmonise the New Zealand and Australian appliance safety regimes and enable market-to-market supply and sale. In 2009, the Gas Technical Regulators Committee, comprising New Zealand and Australian representatives, agreed to a common Australian/New Zealand gas appliance approval mark, known as the 'gas tick'. The Gas Safety & Measurement Regulations 2010 require use of this common mark on gas appliances from 4 May 2012.

Energy Safety requires gas appliance suppliers to make a formal declaration that their appliances meet the relevant safety requirements. Once approved, the appliance is listed on the Energy Safety website. To complete the loop, retailers and gasfitters must confirm that appliances are listed on the Energy Safety website before supplying or installing the appliance.

Amendments to the Gas Safety & Measurement Regulations in 2011 included adjustments to the appliance certification regime to eliminate compliance costs, and measures towards accepting certification of North American gas appliances.

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<sup>276</sup> [www.standards.co.nz](http://www.standards.co.nz)

<sup>277</sup> MBIE Labour Group: *Guidelines for a Certificate of Fitness for High-Pressure Gas and Liquids Transmission Pipelines*

## 13.5 Current State of Gas Safety

Requirements around gas safety are comprehensive and, in many cases, have been updated and strengthened in recent years. The Gas Safety and Measurement Regulations, made under the Gas Act and approved in March 2010, cover all aspects of gas safety, including the safety of gas distribution systems, and safety of gas at the point of supply to the end user.

Improvements over previous versions of the regulations include a clearer definition of the point of supply (the outlet of the GMS), and a clear allocation of responsibilities. For example, the regulations provide that:

- the odourisation of gas is the responsibility of:
  - the retailer at the point of supply
  - the gas distributor at points where gas is received into or delivered out of the distribution system, and while the gas is in the distribution system
- compliance with the Gas Specification is the responsibility of the retailer or wholesaler supplying the end-user.
- the accuracy of gas measurement is the responsibility of the GMS owner.
- supplying gas at a pressure that ‘...ensures the safe supply, passage, and use of the gas...’ at an end user’s installation is the responsibility of the retailer or wholesaler supplying the end-user.
- the design, construction, maintenance, and operation of distribution systems to provide continuity of supply and safety is the responsibility of the owners/operators.

## 13.6 Gas Quality

While safety considerations generally are well covered by the industry, there are currently particular concerns around industry arrangements for managing gas quality. Quality is important as it affects combustion performance, safety, supply reliability, and the long-term integrity of the gas transportation system. A serious gas quality incident could also cause economic and reputational harm.

Gas quality-related incidents appear to have increased with the introduction of new fields<sup>278</sup>. However the possibility of serious quality-related events is considered small and there is no evidence to suggest that gas quality is not being managed by parties in the physical supply chain in a rigorous and professional manner<sup>279</sup>.

Because of the potential impact of a quality-related issue in a common gas facility - such as a pipeline – for general reticulated market use, there is a heavy onus on the industry to ensure a high degree of transparency, both in quality management practices, and of the gas itself in meeting the Specification<sup>280</sup>.

Principal concerns about gas quality management are:

- the parties with the legislative responsibility for achieving compliance with the Gas Specification may not have sufficient influence over the parties who physically control gas quality.
- the complexity and largely confidential contractual linkages between them.
- the risk that costs associated with a quality-related outage may not be borne by the party that caused it<sup>281</sup>.

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<sup>278</sup> Gas Industry Co: *Advice on Gas Quality Arrangements*, letter to the Associate Minister of Energy and Resources, 21 December 2010.

<sup>279</sup> Gas Industry Co: *Gas Governance Issues in Quality: Investigation Update*, 1 August 2012.

<sup>280</sup> There is some trading in non-specification gas, such as gas supplied for petrochemical production, but this generally involves a single large end-user and is effected through a dedicated delivery system.

<sup>281</sup> Gas Industry Co: *Gas Governance Issues in Quality: Issues Paper*, 7 September 2010; Gas Industry Co: *Advice on Gas Quality Arrangements*, advice to the Associate Minister of Energy and Resources, 21 December 2010.

Overall, the approach taken in contractual arrangements by transmission system operators, networks system operators, retailers and wholesalers is consistent, with the Gas Specification referred to as the 'standard' for gas quality in New Zealand<sup>282</sup>. Under the MDL and Vector interconnection agreements, the injecting party is responsible, either directly or indirectly, for monitoring and ensuring gas quality<sup>283</sup>. Most of the contractual arrangements seek to significantly limit liability.

Significant questions for the industry are whether appropriate arrangements are in place to prevent gas quality incidents, and whether the costs of a gas quality incident will be met efficiently – including whether damages can flow through the contractual chain to land on the 'causer'. As potential consequences often drive behaviour, the worry is that current arrangements may not be providing proper incentives for the good control, monitoring, reporting and auditing of gas quality.

Contractual provisions regarding losses or damage caused by non-specification gas could be improved. Elements of current industry arrangements - for instance some key interconnections points that are not subject to an interconnection agreement, and industry agreements that limit liability for damage - may result in situations where compensation for gas quality losses may be irrecoverable, and liability cannot be passed to the appropriate party.

Gas retailers, in seeking to reconcile their difficulties in having the legislative responsibility for gas quality, but not the ability to directly control that quality, are proposing a 'Gas Information Exchange Protocol' to verify compliance with the Gas Safety and Measurement Regulations.

The protocol envisages their gathering of gas quality information from the parties who control quality, and has the potential to improve transparency of compliance with the Gas Safety and Measurement Regulations, non-Specification gas incidents, and any variations to gas quality monitoring requirements agreed between suppliers.

If such a protocol cannot be agreed, options to address gas quality management weaknesses include a guidelines approach - as developed by the Australian Energy Market Operator (AEMO) - to address short-term gas quality excursions outside of the gas quality specifications, or the imposition of regulations, which have to date been resisted while the industry seeks a voluntary outcome.

## 13.7 International Gas Quality Practices

Denmark and Victoria, Australia, provide relevant comparisons with New Zealand as both have co-mingled gas supply, comparable gas volumes, and open access transport systems.

In Denmark, the transmission system owner is responsible for physically monitoring the gas quality (unlike New Zealand or Australia). Where responsibility for a non-specification gas incident cannot be attributed to a causer, the costs of damages are socialised.

The Victoria Transmission System is supplied by transmission systems delivering gas from remote fields – making it different from New Zealand where there is generally no intermediate transmission system and gas is injected directly into the transmission system by the producers. The responsibility for monitoring gas quality in Victoria rests with the injecting transmission system owner, and in New Zealand it is with the injecting producer.

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<sup>282</sup> Powerco and GasNet Network Service Agreements provide for non-specification gas to be transported if all retailers agree and the requesting retailer indemnifies the Network Service Operator against claims from others.

<sup>283</sup> Indirectly if the injecting party is another transmission system operator who has had gas injected into its pipeline by a producer, who then has the gas quality responsibility.

Where there is a grid operator, such as in Victoria<sup>284</sup>, the operator is responsible for ensuring injection point flows are continuously monitored for compliance with the relevant gas specification.

New Zealand’s arrangements for monitoring gas quality are not as prescriptive as other regimes. In Victoria, for example, continuous monitoring of virtually all gas parameters is mandatory, while in New Zealand the regime allows periodic sampling of parameters such as water and sulphur. As a result, there is a higher risk in New Zealand for delays in identifying non-specification gas, and for the causer to be not identified at all.

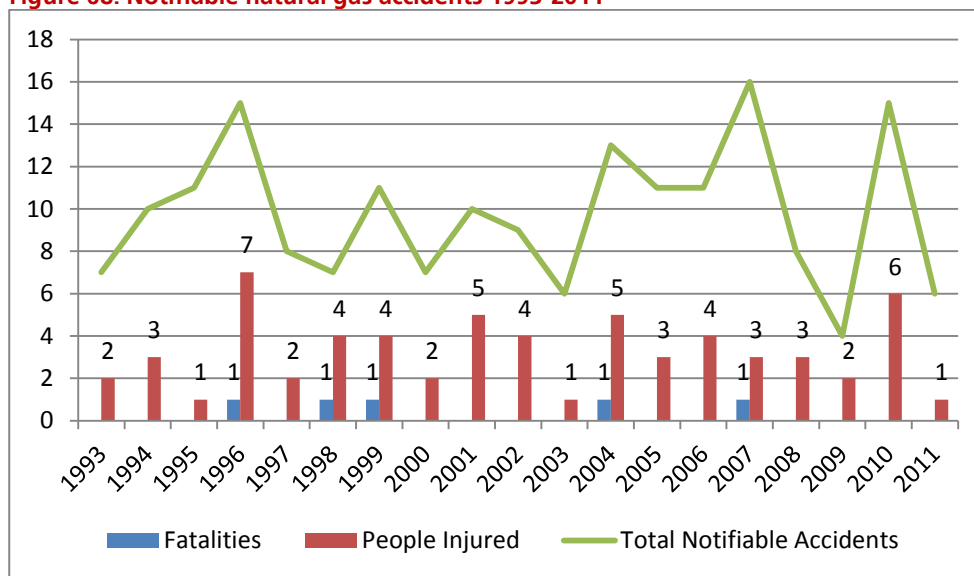
New Zealand could also usefully adopt Australia’s quality procedures of setting notification, alert and curtailment limits for each component of the gas specification, and consider reducing the gas specification limit for water, which is higher than other overseas standards and therefore carries a higher risk of hydrate formation.

### 13.8 Gas Safety Incidents

Energy Safety reports on natural gas accidents affecting the public and relating to transportation systems and appliances. In the 19 years to 2011, there were 185 notifiable accidents, of which five involved fatalities, and 50 caused injury to a total of 62 people (Figure 68)<sup>285</sup>. The non-casualty accidents involved property damage.

Energy Safety notes that, with this small number spread over a 19-year period it is not possible to identify a trend for fatal and injury accidents. It reports, however, that three fatal accidents involved fixed space heaters, and the other two each involved a gas cooker and water heater. The last fatality was in 2007.

**Figure 68: Notifiable natural gas accidents 1993-2011**



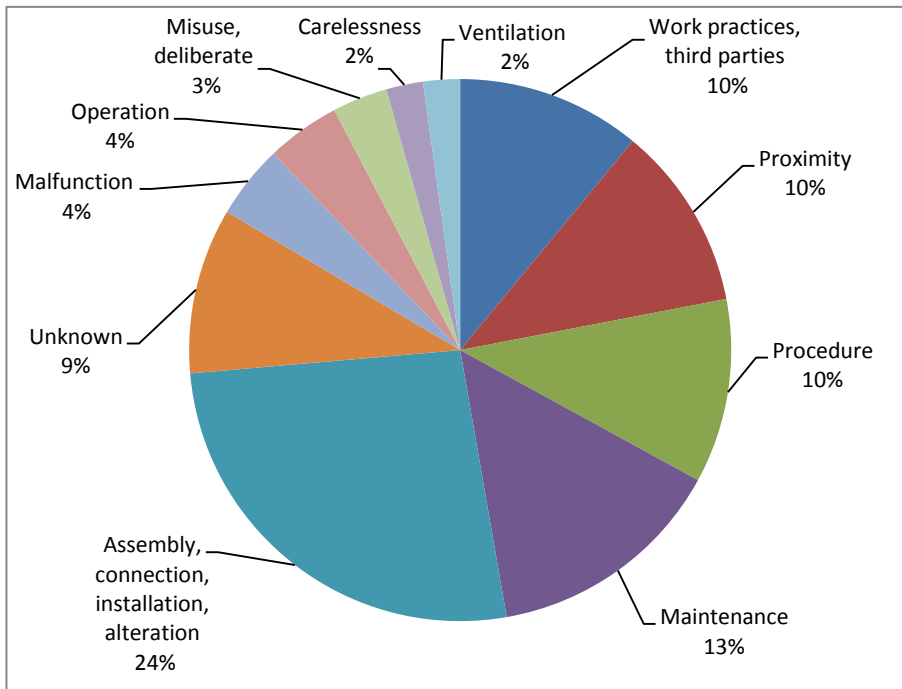
Source: MBIE: Summary of reported electrical and gas accidents, 1 January - 31 December 2011

Figure 69 shows the main causes of notifiable gas accidents involving members of the public. The most common has been incorrect work practices, lack of maintenance, third party damage and proximity (in which an appliance has been too close to a combustible product).

<sup>284</sup> Other examples are Ireland and Holland

<sup>285</sup> MBIE: Summary of Reported electrical and gas accidents, 1 January 2011 to 31 December 2011.

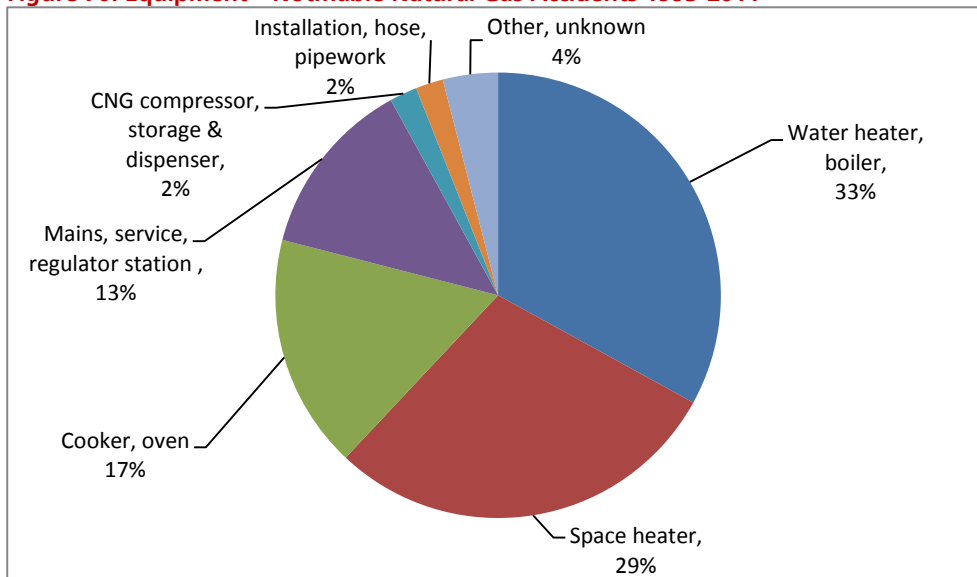
**Figure 69: Causes – Notifiable natural gas accidents 1993-2011**



Source: Energy Safety, MBIE: Summary of reported electrical and gas accidents, 1 January - 31 December 2011

By equipment type (Figure 70 and Table 22), three categories of appliance – water heaters/boilers, space heaters, and cookers – accounted for approximately 80 percent of notifiable accidents, and 90 percent of those cases involved fire or explosion.

**Figure 70: Equipment – Notifiable Natural Gas Accidents 1993-2011**



Source: Energy Safety, MBIE: Summary of reported electrical and gas accidents, 1 January - 31 December 2011

**Table 22: Natural Gas accidents by equipment type 1993-2011**

Equipment	Notified Accidents	Fatalities	Injury Accidents	People Injured
Mains/service and regulator stations	24	-	12	15
Space heaters	53	3	10	11
Cookers/ovens	32	1	8	10
Water heaters	60	1	13	16
Other	16	-	7	10
<b>Total</b>	<b>185</b>	<b>5</b>	<b>50</b>	<b>62</b>

Source: Energy Safety, MBIE: Summary of reported electrical and gas accidents, 1 January - 31 December 2011

## 13.9 Regulatory Performance

Gas safety policy objectives	Performance status
<ul style="list-style-type: none"> <li>Gas is delivered to existing and new customers in a safe, efficient and reliable manner.</li> <li>Risks relating to security of supply are properly and efficiently managed by all parties.</li> </ul>	<p>Safety requirements relating to natural gas previously fell under a variety of different Government bodies, a number of which have now been brought under the administration of a single Ministry, MBIE.</p> <p>Natural gas safety requirements are comprehensive and, in many cases, have been updated and strengthened in recent years.</p> <p>Improvements can be made to industry arrangements and transparency relating to gas quality. This is a significant factor in supply reliability and is currently the subject of industry discussion.</p>

# 14 Environmental Sustainability

As a fossil fuel, gas is part of the global debate on climate change, environmental sustainability and New Zealand's drive towards a greener economy.

Gas has an important part in the sustainability story, acknowledging that the New Zealand economy, and the integrity of its energy supplies, will continue to rely on gas, at least in part, into the future. It is the cleanest burning of fossil fuels, is being widely used internationally to replace more harmful fossil fuels and provide a bridge to an environmentally sustainable future, is helping warm New Zealand homes, and its direct use, through efficient gas technologies, can in fact lower energy emissions.

## 14.1 Background

Natural gas is a fossil fuel that emits greenhouse gases when released to atmosphere or burned. So, while making a significant contribution to New Zealand's energy mix, gas is part of the global debate on climate change, environmental sustainability and New Zealand's drive towards a greener economy.

New Zealand, like other countries, acknowledges that fossil fuels will be a necessary part of energy supplies for the foreseeable future, and seeks to balance the twin challenges of energy security and managing climate change.

This is set out in the NZES<sup>286</sup>, which has a goal of making 'the most of the country's abundant energy potential for the benefit of all New Zealanders', and achieving this through 'the environmentally-responsible development and efficient use of the country's diverse energy resources' so that:

- the economy grows, powered by secure, competitively-priced energy and increasing energy exports.
- the environment is recognised for its importance to the New Zealand way of life.

Government policy specifically places an important priority on making improvements in energy efficiency, energy conservation and renewable energy.

## 14.2 Energy Supply Make-up

New Zealand is currently generating over 75 percent of its electricity from renewable resources<sup>287</sup>, and has a target of 90 percent of electricity generation from renewable sources by 2025 'providing this does not affect security of supply'. In the broader energy supply context, renewable energy makes up about 40 percent of total primary energy, meaning some 60 percent of New Zealand's supply comes from carbon fuels.

In keeping with the Government's move towards improved environmental management and sustainability – which has included the establishment of a Green Growth Advisory Group<sup>288</sup> - regulatory settings including the ETS have been introduced to encourage low carbon options, while pulling up short of banishing fossil fuels from the economy. In the longer-term these regulatory incentives/disincentives will influence the extent of future gas

<sup>286</sup> New Zealand Energy Strategy 2011-2021 and the New Zealand Energy Efficiency and Conservation Strategy 2011-2016.

<sup>287</sup> 77 percent in 2011: Energy Data File

<sup>288</sup> Established in 2011 and issued its first report *Greening New Zealand's Growth* in December 2011

use, with gas' contribution to New Zealand's energy mix also subject to reserves levels, future discoveries, and the rate at which New Zealand hedges its weather-dependent renewables (hydro, wind) with renewables not subject to the same fluctuations (geothermal, tidal).

Currently, around 50 percent of gas produced in New Zealand is used in electricity generation, and it is clear under future electricity supply scenarios that it will continue to be required for this purpose. At present, while gas is being used less for baseload electricity generation, predictions for energy demand growth in the medium to long term suggests the volume of gas used for generation may increase.

The extent of gas-fired electricity generation - including and beyond a reference scenario that sees 600MW of gas and diesel peakers built by 2030 and an additional 390MW of baseload gas capacity<sup>289</sup> - will ultimately be influenced by a range of sensitivities, including the carbon emissions price, oil/gas price, the exchange rate, and economic growth.

### 14.3 The Sustainability Proposition for Gas

Gas is contributing to another priority energy policy focus on 'warm, dry and energy efficient homes', and specified flued gas heaters are among the types of space heating qualifying under EECA's Warm Up New Zealand: Heat Smart programme<sup>290</sup>. In November 2012, EECA finalised a new ENERGY STAR specification for gas heaters, to become effective on 1 March 2013<sup>291</sup>. In the context of responsible development and utilisation of New Zealand's gas resources, gas has a strong 'sustainability' proposition as an efficient energy option for homes, businesses and industry, while also contributing to New Zealand's overall energy security of supply and general economic sustainability. In particular:

- while there remains a reliance on fossil fuels for at least part of New Zealand's primary energy supply, gas is less environmentally harmful than other options. It is the cleanest burning, with significantly fewer hydrocarbons and nitrogen oxide emissions and does not produce ash, dust, smoke, sulphates or other potentially harmful particulates when burned. Combustion by-products are energy, water and carbon dioxide, but less carbon dioxide than coal, wood or oil.
- it is consequently widely considered to provide a bridge to an environmentally sustainable future, compared with other carbon fuels (see A Bridge to a Sustainable Future **Page 164**).
- direct use of gas and efficient gas technologies can lower energy emissions. Direct gas use utilises a greater proportion of its energy, when compared with its use as an energy transformation fuel, such as generating electricity. However, new gas utilisation technologies, such as more efficient gas turbines, are improving generation outputs. Similarly, a trend away from baseload to modern-technology gas-fired peaker plants will mean gas is not only used more efficiently, but will be used only when needed<sup>292</sup>.
- gas is contributing to warming New Zealanders' homes through clean-burning, efficient space heating appliances.
- effective environmental management associated with gas plant developments and infrastructure operations. The Resource Management Act is central to this, requiring consenting of major activities; setting standards for environmental performance; and otherwise seeking to avoid, remedy or mitigate environmental effects.

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<sup>289</sup> MBIE: New Zealand's Energy Outlook 2011.

<sup>290</sup> Energy Efficiency and Conservation Authority: [www.eeca.govt.nz](http://www.eeca.govt.nz)

<sup>291</sup> [www.eeca.govt.nz/standards-and-ratings/energy-star](http://www.eeca.govt.nz/standards-and-ratings/energy-star)

<sup>292</sup> The *Consumer Energy Options* report (see **Page 10**) finds that the carbon footprint of gas-fired space and water heating options is much less than standard resistance electric heating options (such as oil column or fan space heaters, or standard electric hot water cylinders) and very similar to high-efficiency electric heat pumps. This is because the power stations used to generate electricity in winter for space heating, and during the morning and evening peak periods for water heating, are predominantly fossil-fuelled.



- the industry itself operates to environmental management codes. Concerns about the environmental effects of offshore drilling are being addressed by the new Exclusive Economic Zone legislation, including capturing lessons from the BP Gulf of Mexico incident.

## 14.4 Regulatory Performance

Gas Act and GPS environmental sustainability policies relating to gas are:

Gas safety policy objectives	Performance status
<ul style="list-style-type: none"> <li>• Recommendations for rules, regulations or non-regulatory arrangements take account of environmental sustainability.</li> <li>• The gas sector contributes to achieving the Government’s climate change objectives set out in the New Zealand Energy Strategy, or any other document the Minister of Energy and Resources may specify from time to time, by minimising gas losses and promoting demand-side management and energy efficiency.</li> </ul>	<p>Direct implementation of Government energy, environmental and conservation policies is the responsibility of various Government agencies. Environmental sustainability considerations are taken into account in the development of rules, regulations or voluntary arrangements for the gas industry including:</p> <ul style="list-style-type: none"> <li>• relevant Government policies, particularly in relation to impacts of gas as a carbon fuel.</li> <li>• gas use efficiency, including efficient space heating under the Warm Homes programme.</li> <li>• resource utilisation efficiency through direct gas use.</li> <li>• the replacement of more harmful fossil fuels.</li> <li>• best practice in environmental management for energy projects and infrastructure operations.</li> </ul> <p>The industry generally operates to environmental management codes, resource consent conditions, as well as operational and safety practices designed, inter alia, to avoid or minimise gas escapes.</p> <p>Gas utilisation technologies, as well as evolving smart metering, is enabling consumers to manage their consumption of gas.</p> <p>Exploration and mining permit conditions restrict gas flaring.</p>

## A Bridge to a Sustainable Future

Internationally, there is talk of a 'golden age of gas' as other countries heavily reliant on coal, fuel oil and other more environmentally harmful fossil fuels look to gas as a means of reducing their environmental footprint. One projection envisages a 70 percent increase in world electricity demand by 2035 will be underpinned by a near doubling of gas-fired generation amid mounting worries over energy security, climate change and renewed debate around nuclear power<sup>293</sup>.

New Zealand, while looking to further increase its renewables contribution, is already at a place where many other countries aspire to be. Although Australia and New Zealand have similar percentages of gas-fired electricity generation (15 percent and 18 percent respectively), Australia remains heavily reliant on coal which accounts for 75 percent of its generation – the same level as the contribution of renewable generation in New Zealand. By contrast, coal accounts for less than 5 percent of New Zealand's electricity generation.

But significant change is planned in Australia, where electricity is predicted to be increasingly generated from gas and renewable sources, with a decline in coal-fired generation. Demand for gas and renewable energy is projected to nearly double by 2031<sup>294</sup>.

A key driver to this trend is the Clean Energy Future Plan introduced by the Australian Government in 2011<sup>295</sup>. It includes a carbon pricing mechanism, emission reduction targets, measures to encourage zero to low emissions technologies, and improved energy use efficiency. The package is accompanied by an Energy Transition Plan to assist electricity generators during the transition to minimise risks to energy security and market stability<sup>296</sup>.

The Australian Government confirms it expects significant growth in gas-fired electricity generation in response to carbon pricing signals, along with continued growth in renewable energy technologies as they become commercially viable. It estimates as much as A\$240 billion might need to be invested in the domestic electricity and gas sectors alone by 2030 to achieve its clean energy ambitions<sup>297</sup>.

In contrast to Australia's clean energy aspirations, in the United States a shift of substantial electricity generation from coal to gas is driven largely by declining natural gas prices on the back of massive new shale gas deposits. For example, coal's share of Southern Electricity's generation mix has dropped from 70 to 40 percent in the past four years, with natural gas providing the competition<sup>298</sup>.

Tempering enthusiasm for gas as a transitional fuel are concerns, particularly in Australia and North America, that the environmental advantages are offset by the environmental impact of reservoir fracking technologies used to tap shale and CSG.

Nonetheless, there is a hope in the US context<sup>299</sup> that wise use of natural gas in conjunction with policies to support continued growth in renewable energy can serve as a catalyst to quicken the transition to a sustainable energy system. Provided the current low prices persist and reserves estimates hold true, the abundance of natural gas is seen as potentially a good thing, enabling natural gas combined cycle power plants to replace aging coal-fired generation facilities.

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<sup>293</sup> International Energy Agency: *World Energy Outlook - Are we Entering a Golden Age of Gas?*, 2011.

<sup>294</sup> Energy Supply Association of Australia: Media Release, 23 July 2012.

<sup>295</sup> [www.cleanenergyfuture.gov.au/clean-energy-future/our-plan/](http://www.cleanenergyfuture.gov.au/clean-energy-future/our-plan/)

<sup>296</sup> [www.ret.gov.au/energy/Documents/Energy-Security/ETP.pdf](http://www.ret.gov.au/energy/Documents/Energy-Security/ETP.pdf)

<sup>297</sup> Australia Department of Resources, Energy and Tourism: *Draft Energy White Paper – Strengthening the Foundation for Australia's Energy Future*, December 2011.

<sup>298</sup> Reported: Financial Times, 8 October 2012.

<sup>299</sup> Reported: Yale Environment 360, 13 August 2012

# Glossary

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\$	New Zealand dollars, unless otherwise stated.
AEMO	Australian Energy Market Operator
AER	Australian Energy Regulator
APPEA	Australian Petroleum Production and Exploration Association
BGX	Balancing Gas Exchange
CEER	Council of European Energy Regulators
CO <sup>2</sup>	Carbon dioxide
CMA	Crown Minerals Act 1991
CCM Regulations	Gas Governance (Compliance) Regulations 2008
CCO	Critical Contingency Operator
CNG	Compressed Natural Gas
CSG	Coal seam gas
EECA	Energy Efficiency and Conservation Authority
EEZ	Exclusive Economic Zone (New Zealand)
EDF	Energy Data File
EGCC	Electricity and Gas Complaints Commissioner
ENTSO-G	European Network of Transmission System Operators for Gas
ERGEG	European Regulators Group for Electricity & Gas
ETS	Emissions Trading Scheme
EU	European Union
FERC	Federal Energy Regulatory Commission (USA)
GANZ	Gas Association of New Zealand
Gas Act	Gas Act 1992
GJ	Gigajoule (10 <sup>9</sup> joules). The average residential gas consumption is 23GJ/year
GPS	Government Policy Statement on Gas Governance
GTX	Gas Transmission Exchange

ICP	Installation Control Point (customer connection)
ISCR	New Zealand Institute for the Study of Competition and Regulation Inc
ITO	Industry Training Organisation
KGTP	Kapuni Gas Treatment Plant, owned by Vector
Km	Kilometre
Linepack	The amount of pressurised gas stored in a pipeline
LNG	Liquefied Natural Gas
LPG	Liquefied Petroleum Gas
MBIE	Ministry of Business, Innovation and Employment (formerly the Ministry of Economic Development – MED).
MDL	Maui Development Limited
MPOC	Maui Pipeline Operating Code
NGC	NGC Holdings Limited (formerly Natural Gas Corporation), acquired by Vector in 2004.
North Pipeline	The section of the Vector transmission system from Huntly to Whangarei, via Auckland
NZCE	New Zealand Energy Corporation
NZES	New Zealand Energy Strategy
NZEECS	New Zealand Energy Efficiency and Conservation Strategy
OATIS	Open Access Transmission Information System
Ofgem	Office of the Gas and Electricity Markets (UK gas and electricity markets regulator)
P50 reserves	Proved and probable reserves. Also referred to as 2P reserves.
PEPANZ	Petroleum Exploration and Production Association of New Zealand
PEP	Petroleum Exploration Permit
PGDB	Plumbers Gasfitters and Drainlayers Board
PPP	Petroleum Prospecting Permit
PMP	Petroleum Mining Permit
PML	Petroleum Mining Licence
PJ	Petajoule ( $10^{15}$ joules, or 1 million GJ). 1PJ is equivalent to the average annual gas use of approximately 43,000 households

Petrocorp	Petroleum Corporation of New Zealand Limited (former Government-owned enterprise acquired by Fletcher Challenge Limited (FCL) in 1987)
Reconciliation Rules	Gas (Downstream Reconciliation) Rules 2008
RMA	Resource Management Act
SCADA	System Control and Data Acquisition transmission operating system
SMS	Safety Management System
SOE	State Owned Enterprise
Switching Rules	Gas (Switching Arrangements) Rules 2008
UFG	Unaccounted-for Gas
VTC	Vector Transmission Code