

Gic rulings panel

Breaches 2009-49, 2009-65, 2009-89, 2009-94

IN THE MATTER of breaches of the Gas (Switching Arrangements) Rules 2008

BETWEEN Jade Software Corporation (NZ) Limited
Reporting Entity (2009-49, 2009-65 and 2009-94)

AND E-Gas Limited and E-Gas 2000 Limited
(together E-Gas Group)

AND Nova Gas Limited

AND The Auckland Gas Company Limited

AND The Gas Industry Corporation

Appearances: J Kean – Investigator
J Eves for Gas Industry Company Limited
B E Ross for E-Gas Group
J Palmer for Nova Gas Limited and the Auckland Gas Company Limited

Before the Rulings Panel: The Honourable Sir John Hansen KNZM

Decision: 26 April 2010

DECISION
As to Costs

[1] Following admitted breaches by E-Gas, I upheld compensation claims made by Nova/AGC. Memoranda relating to costs have now been filed. Nova/AGC states its costs in relation to the proceeding are \$10,000 for internal costs; \$10,560 GST exclusive for external legal costs; and disbursements of \$1092.91.

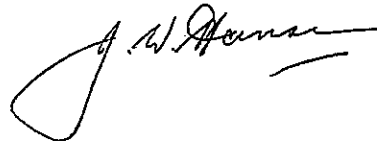
[2] For E-Gas, Ms Ross argues that Nova/AGC are not entitled to internal costs and given the hearing occupied less than half a day on relatively confined issues, the amount claimed is quite unreasonable. She says this is not a case that warrants indemnity costs.

[3] She also seeks orders that copies of invoices for GIC and the investigator's costs should be forwarded to E-Gas. I fully appreciate that E-Gas is entitled to look at such invoices, but if they wish to do so they can be viewed at the offices of GIC. This reasonable offer has already been made and should have been accepted.

[4] In relation to Nova/AGC, I accept that they were successful. However, the case was in a narrow compass and I would not be prepared to award indemnity costs, which is apparently what is sought. Nor in the circumstances of this case is there anything that would justify the award of internal costs, which in my experience are rarely awarded.

[5] Looking at the matter overall I am satisfied that there should be costs to Nova/AGC on a High Court 2B basis for a half-day hearing.

[6] I am satisfied that the invoices claimed are, however, reasonable and should be paid by E-Gas to Nova/AGC.

A handwritten signature in black ink, appearing to read "J. W. Hume", is written above a horizontal line.
