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Extending the Electricity Price Review’s Final Recommendations to the Gas Market – New Gas Market Guidelines for:

- (1) Dealing with Vulnerable Consumers;
- (2) Raising Consumer awareness of Utilities Disputes and Powerswitch; and
- (3) Saves and Winbacks.

**1 June 2021**

# Executive Summary

In April 2018, the Government appointed an advisory panel to investigate whether the current electricity market delivers “efficient, fair and equitable prices [to customers]” (Electricity Price Review or EPR). That panel issued its final report in May 2019 (Report).

Gas Industry Company established a workstream to investigate the application of the 32 EPR recommendations to the natural gas and LPG (Gas) markets.

Gas Industry Company conducted a consultation process on these EPR recommendations and published its final recommendations on 8 March 2021.

Gas Industry Company is now developing new Gas market guidelines for:

- dealing with vulnerable Gas consumers (EPR recommendation B6);
- raising Gas consumer awareness of Utilities Disputes and Powerswitch (EPR recommendation C2); and
- saves and winbacks behaviour in Gas markets (EPR recommendation C5).

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# 1. Purpose and Process Update

## 1.1 Purpose

The purpose of this paper is to gather stakeholder feedback on proposed new Gas market guidelines for:

- dealing with vulnerable Gas consumers (EPR recommendation B6);
- raising Gas consumer awareness of Utilities Disputes and Powerswitch (EPR recommendation C2); and
- saves and winbacks behaviour in Gas markets (EPR recommendation C5).

## 1.2 Process Update

Gas Industry Company established a workstream to investigate the application of the 32 EPR recommendations to the Gas markets.

Gas Industry Company conducted a consultation process on these EPR recommendations and published its final recommendations on 8 March 2021.

In its final recommendations, Gas Industry Company proposed new Gas market guidelines in respect of EPR recommendations B6, C2 and C5 (as described above).

## 2. Gas Consumer Care Guidelines

### 2.1 Draft Gas Consumer Care Guidelines

Draft new guidelines regarding Gas retailer behaviour when dealing with vulnerable Gas consumers (Gas Consumer Care Guidelines) are set out in Appendix A.

### 2.2 Electricity Price Review

One of the EPR's recommendations (recommendation B6) was to set mandatory minimum standards to protect vulnerable and medically dependent consumers.

The Government supported the recommendation – its view was the existing voluntary arrangements do not provide adequate protection for vulnerable and medically dependent electricity consumers.

The Minister initially proposed that MBIE would lead the development of the new minimum standards, with input from the cross-sector energy hardship group and the Consumer Advocacy Council.

### 2.3 Electricity Authority actions

The Electricity Authority (EA) became involved in the process, reviewing the existing arrangements to assist vulnerable electricity consumers and medically dependent electricity consumers (which were last updated in 2009). The EA published an addendum to these existing guidelines in 2020.

Over the period 29 October 2020 to 27 November 2020, the EA consulted on a proposal for a new set of consumer care guidelines, covering vulnerable and medically dependent electricity consumers.

The EA has now published new consumer care guidelines (Electricity Consumer Care Guidelines), and an associated final decision paper. The new electricity consumer care guidelines will become effective on 1 July 2021 and replace the existing arrangements. Compliance with these EA guidelines is voluntary.

### 2.4 Gas market Perspective

#### 2.4.1 Current state

There are no specific requirements in Gas markets for how retailers deal with vulnerable consumers and medically dependent consumers.

Gas Industry Company considers extending vulnerable consumer measures, broadly equivalent to those prepared by the EA for the electricity industry, is likely to enhance fairness for Gas consumers, and will help ensure an efficient, consistent approach across electricity and Gas markets.

In Gas Industry Company's view, standards to protect medically dependent consumers are not relevant in the retail Gas market. A medically dependent electricity consumer is defined as a person who is dependent on mains electricity for critical medical support such that a loss of electricity may result in loss of life or serious harm. Ventilators, oxygen concentrators or ventricular assistance devices are examples of critical medical equipment, but non-medical equipment can also be required for critical medical support. For example, a medically dependent electricity consumer may need to use a microwave to heat fluids for renal dialysis.

Gas Industry Company is not aware of any Gas-operated critical medical equipment equivalent to the electrically-fuelled equipment referenced above.

#### **2.4.2 Gas Industry Company final recommendations**

Gas Industry Company made the following final recommendation in respect of EPR recommendation B6, following completion of its consultation process:

##### ***Dual fuel retailers:***

- *Standards to protect medically dependent consumers are not relevant in the retail Gas market<sup>1</sup>.*
- *Gas Industry Company recommends, for fairness and efficiency purposes, that all dual fuel and natural gas-only retailers should voluntarily extend the measures they are putting in place with vulnerable electricity customers (in compliance with the EA's guidance) to dual fuel and natural gas-only customers (residential only).*
- *Gas Industry Company will prepare and consult on a guidance document setting out the relevant provisions of the EA's guidance that should be applied by dual fuel and natural gas-only retailers to Gas customers (residential only).*
- *Gas Industry Company will survey dual fuel and natural gas-only retailers 12 months after publishing the above guidance, to monitor compliance. Regulatory change recommendations will be considered if this voluntary approach proves unsuccessful.*

##### ***LPG retailers:***

- *Standards to protect medically dependent consumers are not relevant in the retail LPG market.*
- *LPG retailers cannot extend vulnerable customer systems they already have in place for electricity customers.*
- *Gas Industry Company recommends, in principle, for fairness and efficiency purposes, that LPG retailers should voluntarily implement consumer care systems consistent with the EA's vulnerable customer guidelines, with appropriate modification to take account of the unique characteristics of the bottled LPG market.*
- *Gas Industry Company will prepare and consult on a guidance document setting out the relevant provisions of the EA's guidance that should be applied to residential LPG*

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<sup>1</sup> A medically dependent customer is defined as a person who is dependent on mains electricity [Gas] for critical medical support such that a loss of electricity [Gas] may result in loss of life or serious harm. Ventilators, oxygen concentrators or ventricular assistance devices are examples of critical medical equipment, but non-medical equipment can also be required for critical medical support. (Sources: Electricity Authority guidance and Ministry of Health). For example, an MDC may need to use a microwave to heat fluids for renal dialysis. Gas Industry Company is not aware of any Gas-operated critical medical equipment.

*customers by LPG retailers, taking into account the unique characteristics of the LPG market.*

- *Gas Industry Company will survey stand-alone LPG retailers 24 months after publishing the above guidance, to monitor compliance. Regulatory change recommendations will be considered if this voluntary approach proves unsuccessful.*

## **2.5 Gas Industry Company implementation actions**

Submitters to Gas Industry Company's EPR workstream highlighted the importance of consistency between Gas and electricity markets. Gas Industry Company is a strong supporter of taking a consistent approach to common issues across Gas and electricity markets.

The Gas Consumer Care Guidelines set out in this paper are, therefore, closely aligned with the new Electricity Consumer Care Guidelines.

Compliance with the Gas Consumer Care Guidelines is voluntary.

## 3. Utilities Disputes and Powerswitch Guidelines

### 3.1 Draft Utilities Disputes and Powerswitch Guidelines

Draft new guidelines regarding how Gas retailers and distributors should raise Gas consumer awareness of Utilities Disputes, and how Gas retailers should raise Gas consumer awareness of Powerswitch (Utilities Disputes and Powerswitch Guidelines), are set out in Appendix B.

### 3.2 Utilities Disputes and Powerswitch defined

Utilities Disputes Limited (Utilities Disputes) is the dispute resolution scheme referred to in section 43E of the Gas Act 1992. This scheme is utilised across a number of different utilities (gas, electricity, telecommunications).

Utilities Disputes provides a free and independent dispute resolution service to help consumers to resolve electricity, gas, water and access to shared property for fibre installations complaints with their provider.

Powerswitch is an independent energy plan comparison website which helps consumers to work out which energy company and energy pricing plan is best for their specific needs. Currently, Powerswitch enables price comparisons for electricity and natural gas fuels.

### 3.3 Electricity Price Review

One of the EPR's recommendations (recommendation C2) was to improve electricity consumer awareness of Utilities Disputes and Powerswitch.

The Government supported the recommendation and asked the EA to give it appropriate priority.

### 3.4 Electricity Authority actions

The EA concluded that raising consumer awareness of Utilities Disputes and Powerswitch will result in a more empowered electricity consumer base and will create a more efficient and competitive electricity industry in New Zealand.

With effect from 1 April 2021, the EA amended the Electricity Industry Participation Code (Code) to implement new Utilities Disputes and Powerswitch awareness requirements for electricity retailers and distributors.

The EA has also issued guidelines to help support retailers and distributors comply with the new Code provisions (clauses 11.30A to 11.30.E of the Code).

## 3.5 Gas market Perspective

### 3.5.1 Current state

Gas Industry Company notes that while Gas retailers and Gas distributors are already subject to the Utilities Disputes rules, the awareness provisions in those rules are significantly less prescriptive than the EA's new awareness Code changes and guidance, and may be less effective in making customers aware of these services.

Gas Industry Company considers extending these awareness measures to Gas customers is likely to enhance fairness, and helps ensure an efficient, consistent approach across energy markets.

Gas Industry Company notes that residential natural gas pricing is already included on Powerswitch. Residential LPG pricing (45kg bottles) is not however included on Powerswitch.

Gas Industry Company has separately recommended that residential 45kg bottled LPG pricing be added to Powerswitch, subject to a review of the associated costs and implementation complexities. This review is underway.

### 3.5.2 Gas Industry Company final recommendations

Gas Industry Company made the following final recommendation in respect of EPR recommendation C1 – Merge the Electricity Authority and Consumer NZ price comparison websites: Whatsmynumber and PowerSwitch:

- *Gas Industry Company considers that transparent, accessible pricing is a key attribute to competitive, fair markets. Gas Industry Company notes there is currently no readily available means of comparing prices between bottled LPG retailers.*
- *Gas Industry Company therefore recommends that subject to the results of an assessment of the cost and complexity of adding LPG pricing to Powerswitch, LPG retailers voluntarily add bottled LPG (45kg) pricing to Powerswitch.*
- *Gas Industry Company will survey LPG retailers 24 months after making this recommendation, to monitor progress. Regulatory change will be considered if this voluntary approach proves unsuccessful.*
- *Gas Industry Company does not consider that this recommendation should be extended to reticulated LPG networks as (1) these networks are not open access so there are no competing retailer offers to compare against and (2) making price comparisons against bottled LPG alternatives is likely difficult to achieve in practice, and as a result, likely inefficient.*
- *Gas Industry Company will investigate with Consumer NZ (the current owners and operators of Powerswitch) the costs and complexity of this change.*
- *Gas Industry Company does not propose to revisit the LPG reticulation network 'open access' issue raised by Vector. Gas Industry Company published a review of retail competition in the LPG market in September 2018. Gas Industry Company found no barriers to entry in the LPG market, noting that reticulation networks represent only a small fraction of the LPG market and that customers on reticulated LPG networks have alternate energy choices.*

Gas Industry Company made the following final recommendation in respect of EPR recommendation C2 – improve consumer awareness of Utilities Disputes and Powerswitch:

***Dual fuel and gas-only retailers:***

- *Gas Industry Company recommends, for fairness and efficiency purposes, that all dual fuel and gas-only retailers voluntarily extend the EA's Utilities Disputes and Powerswitch awareness Code provisions and guidelines to all dual fuel and gas-only energy customers (with the Powerswitch provisions applying only in respect of residential customers).*
- *Gas Industry Company will prepare and consult on a guidance document setting out the relevant provisions of the EA's guidance that should be applied to Gas customers by dual fuel and gas-only retailers.*
- *Compliance with all the Utilities Disputes provisions of the EA guidance, relevant to dual fuel and gas-only retailers, would be viewed by Gas Industry Company as 'best practice' compliance with this Gas Industry Company recommendation.*
- *Gas Industry Company will survey dual fuel and gas-only retailers 12 months after publishing the above guidance, to monitor compliance. Regulatory change recommendations will be considered if this voluntary approach proves unsuccessful.*

***Stand-alone LPG retailers and Gas distributors:***

- *Residential LPG pricing is not currently included on Powerswitch. Until such time as that occurs, the recommendation below relates only to the awareness of Utilities Disputes service measures.*
- *If residential LPG pricing is added to Powerswitch, the Powerswitch awareness guidelines will extend also to LPG.*
- *Gas Industry Company recommends, for fairness and efficiency purposes, that LPG-only retailers and Gas distributors voluntarily agree to providing clear and prominent information about the Utilities Disputes service: (1) on their website (2) when responding to queries from consumers and (3) in directed outbound communications to consumers about LPG/distribution services and bills (as applicable).*
- *Gas Industry Company will prepare and consult on a guidance document setting out the relevant provisions of the EA's guidance that should be applied to Gas customers by LPG retailers and gas distributors.*
- *Compliance with all the Utilities Disputes provisions of the EA guidance, relevant to LPG retailing and Gas distribution, would be viewed by Gas Industry Company as 'best practice' compliance with this Gas Industry Company recommendation.*
- *Gas Industry Company will survey stand-alone LPG retailers and distributors 24 months after making this recommendation, to monitor compliance. Regulatory change recommendations will be considered if this voluntary approach proves unsuccessful.*

### **3.6 Gas Industry Company implementation actions**

Submitters to Gas Industry Company's EPR workstream highlighted the importance of consistency between gas and electricity markets. Gas Industry Company is a strong supporter of taking a consistent approach to common issues across gas and electricity markets.

The Utilities Disputes and Powerswitch Guidelines are, therefore, closely aligned with the EA's Code changes implementing the new Utilities Disputes and Powerswitch awareness requirements for electricity retailers and distributors.

Compliance with the Utilities Disputes and Powerswitch Guidelines is voluntary.

### **3.7 Adding LPG pricing to Powerswitch**

As noted above, Gas Industry Company is currently reviewing the associated costs and implementation complexities of adding LPG pricing (45kg bottles supplied to residential consumers) to Powerswitch.

## 4. Saves and Winbacks Guidelines

### 4.1 Draft Saves and Winbacks Guidelines

Draft new guidelines managing saves and winbacks behaviour amongst Gas market retailers (Saves and Winbacks Guidelines) are set out in Appendix C.

### 4.2 Saves and Winbacks Defined

Saves and winbacks relate to the situation where a Gas retailer attempts to prevent a customer switching away prior to the completion of the registry switch process, or after the registry switch process has been completed.

### 4.3 Electricity Price Review

One of the EPR's recommendations (recommendation C5) was to prohibit saves & winbacks.

The Government supported the recommendation noting there is evidence to suggest the practice of "saves and win backs" is facilitating a "two tier" electricity market that favours some consumers, whilst disadvantaging others. The Government believes saves and win backs should be prohibited for a set period so that its impact on electricity consumers can be properly evaluated. The Government asked that the EA impose a ban or moratorium on winbacks followed by a full evaluation of the impacts on electricity consumers.

### 4.4 Electricity Authority actions

With effect from 31 March 2020 the EA amended part 11 of the Code to prohibit win-backs for 180 days when an electricity customer switches retailer.

The key elements of the amendment include:

- expanding the saves protection scheme to all electricity retailers (rather than having retailers 'opt-in');
- prohibiting a losing retailer from targeted marketing to a consumer that has switched to another retailer for a 180 day 'switch protected period';
- specifying limited circumstances in which a losing retailer may contact a previous customer;
- prohibiting a losing retailer from using a switching customer's information during the switch protected period to attempt a win-back or to facilitate a switch by a retailer other than the gaining retailer;
- requiring retailers to provide customers with accurate information as part of the switching process and adhere to high standards of behaviour ('good conduct'), applying the amendment to all retailers; and
- applying the amendment to all residential and small business switches.

- The Code amendment does not restrict electricity consumers from initiating contact with the losing retailer or any other retailer: the amendment focuses on the behaviour of the losing retailer.
- The EA also issued a practice note, providing guidance to help retailers comply with the saves and winbacks Code changes.

## 4.5 Gas market Perspective

### 4.5.1 Current state

There are no natural gas market rules that prohibit saves and winbacks activity by gas retailers.

Gas Industry Company considers that a saves and winbacks prohibition is likely equally relevant and beneficial to the natural gas market, as it is to the electricity market, and that a gas market prohibition will help ensure an efficient, consistent approach across energy markets.

### 4.5.2 Gas Industry Company final recommendations

Gas Industry Company made the following final recommendation in respect of EPR recommendation C5 – prohibit saves & winbacks:

#### Dual fuel retailers:

- *Gas Industry Company recommends, for fairness and efficiency purposes, that dual fuel retailers voluntarily extend the saves and win-backs prohibition measures implemented within the electricity market, to include residential and small business natural gas customers.*
- *Gas Industry Company will prepare and consult on a guidance document setting out the relevant provisions of the EA's Code provisions that should be applied to natural gas customers by dual fuel retailers.*
- *Gas Industry Company also proposes to amend the "Reason Request" codes used in respect of Gas Switching Withdrawal Notices, issued pursuant to Rule 64 of the Gas (Switching Arrangements) Rules 2008 (see the Notice of Determinations by the Industry Body (Gas Industry Company) under the Gas (Switching Arrangements) Rules 2008 dated 1 October 2019), to specify that the "CR" code must not be used in respect customers that have changed their mind or who wish to cancel a switch, as a consequence of save or winback activity by or on behalf of the Losing Retailer [made during the switch protected period for the customer].*
- *Gas Industry Company will monitor gas switching data, and survey dual fuel retailers 12 months after making its recommendation, to monitor compliance with the recommendation. Gas Industry Company will consider a regulatory solution if there is insufficient retailer compliance.*

#### Stand-alone LPG retailers:

- *Gas Industry Company is not aware of any stand-alone LPG retailer conducting saves and win-back activity – there is no LPG customer register to enable this behaviour.*

## **4.6 Gas Industry Company implementation actions**

Submitters to Gas Industry Company's EPR workstream highlighted the importance of consistency between gas and electricity markets. Gas Industry Company is a strong supporter of taking a consistent approach to common issues across gas and electricity markets.

The Saves and Winbacks Guidelines are, therefore, closely aligned with the EA's Code changes implementing changes to the saves and winbacks regime.

Compliance with the Saves and Winbacks Guidelines is voluntary.

# Appendix A – Gas Consumer Care Guidelines

## Definitions

**“alternate contact person”** means a person who has been authorised by a consumer, to operate as either the primary contact person for the consumer or as an alternate contact person if a Retailer is unable to contact the consumer. The alternate contact person must be independent of the Retailer.

**“consumer”** means a person who is supplied natural gas or LPG for consumption, as defined in the Gas Act 1992.

**“Gas”** means natural gas or LPG.

**“Gas Switching Rules”** means the Gas (Switching Arrangements) Rules 2008.

**“Guidelines”** means these Gas Consumer Care Guidelines.

**“LPG Bottle”** means a 45kg bottle.

**“LPG Retailer”** means any person who supplies LPG to a consumer by reticulated distribution network or in 45kg bottles.

**“Natural Gas Retailer”** means any person who supplies natural gas to a consumer.

**“residential consumer”** means a domestic and not a business consumer of Gas.

**“Retailer”** means a gas retailer (natural gas or LPG) as defined in the Gas Act 1992.

**“social agency”** means a government agency with a statutory function or role to assist low income consumers or consumers facing payment difficulties.

**“support person”** means a person who has been authorised by a consumer, to operate as either the primary contact person for the consumer or as an alternate contact person if a Retailer is unable to contact the consumer. The support person must be independent of the Retailer.

**“support agency”** means a non-government agency that offers assistance to low-income consumers or consumers facing payment difficulties, including in relation to budgeting, financial assistance, energy efficiency, and counselling.

**“uncontracted premises”** means a residential premise that a Retailer is supplying Gas to, without a current Retailer supply contract.

## 1) Purpose

- a) The purpose of Gas Consumer Care Guidelines is to guide Retailers in helping residential Gas consumers minimise harm caused by insufficient access to Gas or by payment difficulties in relation to the supply of Gas.
- b) These Gas Consumer Care Guidelines should always be read to favour an outcome that achieves their purpose.

## 2) Scope

- a) These Gas Consumer Care Guidelines apply to all Retailers selling natural gas, reticulated LPG and/or bottled LPG (in 45kg bottles) to residential consumers.
- b) Compliance with these Gas Consumer Care Guidelines is voluntary.
- c) The Gas Industry Company's Retail Gas Contract Benchmarks (restated on 8 June 2011) (Retail Gas Contract Benchmarks) remain in effect. To the extent there is any inconsistency between the Retail Gas Contract Benchmarks and these Gas Consumer Care Guidelines, the Retail Gas Contract Benchmarks shall prevail.

## 3) Principles

- a) Retailers should engage with residential consumers in a manner consistent with the following four principles (Principles):
  - i) Consumer care:**
    - (1) Retailers will work to minimise the harm caused by a residential consumer losing access to Gas (including by disconnection of natural gas, or disconnection and repossession of LPG bottles).
    - (2) Residential consumers facing difficulties paying for Gas supply should be supported by their Retailer, including by helping:
      - (a) consumers to be on the most appropriate pricing plan and payment plan; and
      - (b) prevent consumers accumulating debt over Gas supply.
    - (3) Retailers will seek to keep residential consumers connected, avoiding disconnection for an unpaid Gas invoice, by implementing these Gas Consumer Care Guidelines, and only use disconnection (or disconnection and repossession) as a last resort measure and only in relation to a customer's undisputed debt over Gas supply.

**ii) Positive consumer and retailer engagements:**

- (1) Retailers will engage with residential consumers and persons permanently or temporarily resident at such a consumer's premises, with care and respect.
- (2) Residential consumers interacting with Retailers should receive at least a minimum standard of treatment regardless of the Retailer and regardless of whether they are a customer of the Retailer.
- (3) Residential consumers should engage with Retailers in good faith and respond to Retailer communications to avoid or minimize non-payment issues.

**iii) Retailers have a right to be paid for services delivered and competition and innovation are supported:**

- (1) Retailers are entitled to be paid for Gas services supplied to a residential consumer.
- (2) Retailers operate on a level playing field where all competitors align with these Gas Consumer Care Guidelines.
- (3) These Gas Consumer Care Guidelines should not place undue costs or constraints on Retailers, or limit competition or innovation.
- (4) Retailers have clear, predictable, consistent and effective processes and interfaces to use when engaging with support/social agencies and health agencies about matters covered by these Gas Consumer Care Guidelines.

**iv) Monitoring performance:**

- (1) Retailers should reasonably cooperate with Gas Industry Company to ensure efficient and effective monitoring of compliance with these Gas Consumer Care Guidelines.

**4) Retailers to publish a consumer care policy**

- a) Retailers should publish a consumer care policy, which:
  - i) explains the arrangements they have in place or are putting in place, and the actions they are undertaking to:
    - (1) achieve the Principles; and
    - (2) align with these Gas Consumer Care Guidelines; and
  - ii) commits the Retailer to:
    - (1) working with its residential consumers in a respectful, collaborative and constructive manner, recognising the contribution of Gas supply to the wellbeing of such consumers;
    - (2) having timely and clear communications with residential consumers;

- (3) seeking residential consumer agreement for referrals to support/social agencies should the consumer experience payment difficulties; and
  - (4) clearly explaining in a prominent place all fees, conditional discounts and bonds charged by the Retailer to the residential consumer.
- b) Retailers should review and, as reasonably appropriate, update their consumer care policy at least every two years.

#### **5) Information and records relating to consumer care**

- a) Retailers should have and use processes and systems to request, record, allow them to access and ensure that they use information on residential consumers' communication preferences (communication type and method, timing and language), invoicing preferences (frequency, timing and communication means) and alternate contact and support person communication details.
- b) Retailers should have and use processes and systems to record, allow them to access, and ensure that they use, information that relates to a residential consumer's potential to experience payment difficulties and/or harm arising from difficulty accessing Gas (including by disconnection of natural gas, or disconnection or repossession of LPG bottles).

#### **6) When a residential consumer signs up to, or is denied a contract**

- a) Retailers should make information easily available so that persons signing up to the Retailer, or considering doing so, are able to make informed decisions.
- b) Retailers should advise each prospective residential consumer of the range of Gas supply plans (natural gas and LPG) and solutions available from the Retailer, and help each person understand which of the Retailer's Gas offerings best meet the person's needs.
- c) If a residential consumer nominates an alternate contact person, Retailers should seek the contact person's agreement to act in that capacity.
- d) Retailers should reasonably satisfy themselves that new residential consumers have reviewed the Retailer's terms and conditions, and agree to the same.
- e) Each Retailer should advise new residential consumers of the existence of the Retailer's consumer care policy and the Retailer's commitment to offer support if the consumer faces payment difficulties.
- f) Retailers considering entering a residential consumer contract with any person enquiring with the Retailer should carefully consider all relevant information rather than just the person's credit record.
- g) Retailers that decide not to enter a residential consumer contract with a person enquiring with the Retailer should:

- i) advise the person of the reason for the Retailer's non-supply decision; and
  - ii) reasonably support the person to find an alternative Retailer, or if the person indicates that they are struggling to find a Retailer, refer the person to a reputable support/social agency.
- h) Retailers should advise each new residential consumer of the process that will be followed if a Gas invoice is not paid when due and the consumer does not engage with the Retailer about payment.
- i) For bottled LPG consumers, LPG Retailers should advise residential consumers:
- i) of any cost differential between the Retailer's post-pay and pre-pay bottled LPG payment arrangements, including, but not limited to, fees, bonds, equipment charges and the cost of Gas purchased under each arrangement;
  - ii) the consumer's obligations and liability in relation to the Retailer's LPG bottles supplied to the consumer including the Retailer's rights to repossess its LPG bottles (and how any LPG contained within such bottles at the time of repossession is dealt with); and
  - iii) that when the pre-paid LPG bottle is used up, resupply will only occur if an order is placed and pre-payment for the replacement LPG bottle is received (and in the absence of resupply, the consumer will cease to have access to LPG).

## **7) Account management**

- a) Retailers should interact at least annually with each of their residential consumers and:
- i) mention that the consumer can request access to consumption data; and
  - ii) advise the consumer of the existence of the Retailer's consumer care policy; and
  - iii) confirm the consumer information recorded by the Retailer in accordance with clause 5 remains current.
- b) If a residential consumer enquires about changing a pricing plan, Retailers should notify the consumer of the range of pricing plans and payment plans the Retailer offers.
- c) Retailers should, if they become aware that a residential consumer's nominated alternate contact person no longer agrees to act in that capacity, inform the consumer of this.
- d) Retailers should use actual meter readings for invoicing, if these are reasonably available, either through each Retailer's manual meter reading cycle or through remote meter readings. Retailers should in the case of bottled LPG consumers, use agreed LPG bottle prices and charges for invoicing.
- e) Retailers should prepare plain English, easy to understand Gas invoices.

## 8) Payment issues

- a) For residential consumers on a monthly invoice cycle, Retailers should follow the process set out below when a consumer has missed a payment, with each step occurring on or after the number of days specified from the invoice date:

Day 1: Invoice issued, allowing a minimum of 14 days for payment.

Day 14: On, or any time after day 14, if payment has not been made, the Retailer may issue a late payment notice or a reminder notice to the consumer as soon as payment is overdue and start the recommended actions in clause 8 c). The late payment notice should have the purpose of engaging the consumer to resolve the payment issue and avoid disconnection.

Day 21: If payment has not been made, from day 21 the Retailer should make at least three separate attempts to contact the consumer via both the consumer's preferred communication channel and their alternate contact person (if provided under clause 6 c)) for the purpose of seeking payment and avoiding disconnection. The contact attempts should ideally be at different times of the day and spread over a period of more than seven days.

Day 24: If payment has not been made, nor contact made by the consumer, at or after day 24, the Retailer should use the remaining contact attempts to also discuss the consumer's situation and payment options. This timing allows six days for receipt of late payment notice and four days for a response.

- b) For consumers on a non-monthly invoice cycle, the timing of each step above may be proportionally altered to align with the above step duration.
- c) Retailers should, for a residential consumer not on a payment plan, who is in payment arrears and/or is having payment difficulties:
- i) clearly communicate its willingness to engage with the consumer to resolve the payment issue by finding a suitable payment plan;
  - ii) encourage the consumer to engage with the Retailer over resolving the payment difficulties;
  - iii) confirm the situation is not yet at the disconnection stage and the steps that the Retailer will go through to assist the consumer to make payments for the supply of Gas; and
  - iv) provide such advice (or reference to suitably qualified, independent advice) on budgeting, energy efficiency, suitable Gas tariffs available from the Retailer, and Government social and support agencies, reasonably considered to be of benefit to the consumer.

- d) Retailers should reasonably monitor residential consumers' Gas consumption via the consumption data normally collected by Retailers with the aim of helping the Retailer anticipate which consumers may be about to be, or are already experiencing, payment difficulties, and proactively engage with consumers based on such insight to help ensure consumers receive appropriate support and advice.
- e) Retailers should, within a reasonable time of a residential consumer falling behind in their repayments under an agreed repayment plan, contact the consumer to understand the reason for non-payment, offer to review the repayment plan to align with what the consumer can reasonably afford and offer to refer the consumer to reputable support/social agencies offering budgeting and energy efficiency advice.

## **9) Disconnection**

- a) Subject to clause 9) b), Retailers may only commence the notification process for disconnecting a residential consumer's premises, or disconnection and repossessing a residential consumer's LPG bottles, for non-payment of a Gas invoice if:
  - i) the Retailer's invoices to the consumer are overdue for payment and:
    - (1) the Retailer has made reasonable but unsuccessful attempts to engage with the consumer to arrange payment or discuss a repayment plan (including the provision of budgeting and energy efficiency advice, as reasonably appropriate);
    - or
    - (2) the consumer is not adhering to an agreed debt payment plan that, over time, is reducing the customer's debt; and
    - (3) the Retailer has the contractual right to disconnect the premises; or
  - ii) a consumer is in material breach of a Retailer's terms and conditions for supply of electricity (other than breach for non-payment of an invoice).
- b) Disconnection of a residential consumer's premises, or disconnection and repossessing a residential consumer's LPG bottles, shall not occur:
  - i) for non-payment of an estimated invoice, except if, in the Retailer's reasonable opinion, the estimated reading is a reasonable estimation of actual consumption and:
    - (1) an accurate meter reading is not available due to a consumer obtaining Gas in breach of the Retailer's terms and conditions; or
    - (2) the consumer is denying the Retailer reasonable access to the metering installation; or
    - (3) the Retailer cannot get reasonably safe access to the metering installation, despite its reasonable efforts;
  - ii) in respect of an uncontracted premise, unless:

- (1) the Retailer has reasonably satisfied itself that a consumer is unlikely to be in occupation of the premises;
  - (2) the Retailer has confirmed the premises is not being switched to another Retailer (with a switch date effective at the start of the consumer's occupancy); and
  - (3) either the Gas meter can be safely disconnected, or the LPG bottles can safely be disconnected and repossessed;
- iii) at a time reasonably likely to endanger the wellbeing of the consumer or any consumer at the premises being disconnected; or
  - iv) if the debt due does not relate to Gas supply (e.g., it relates to electricity, telephone, broadband or other services); or
  - v) if there is a genuine dispute over the debt.
- c) Before disconnecting a residential consumer for non-payment of a Gas invoice, a Retailer must:
- i) make reasonable attempts to inform the consumer and, if applicable, the consumer's alternative contact person, of the pending disconnection; and
  - ii) issue the consumer with a final notice of disconnection, which should be provided at least 44 days after the invoice was issued; and not less than 24 hours nor more than 10 days before the disconnection.
- d) For consumers on a non-monthly invoice cycle, the timing of each step in clause 9) c) may be proportionally altered to align with the above step durations.
- e) Retailers should only move to disconnection of a residential consumer's premises, or disconnection and repossession of a residential consumer's LPG bottles, for non-payment of one or more Gas invoices, as a last-resort measure.
- f) Retailers should satisfy themselves that any of their representatives who visit a residential consumer's premises or uncontracted premises for the purpose of contacting the consumer about the non-payment of Gas or to make a disconnection/repossession:
- i) make a reasonable effort to contact any consumer at the premises (unless there is a health and safety risk to the representative or the customer or consumer);
  - ii) advise the consumer at the premises to contact the Retailer, including, if necessary, provide information to the consumer to help them to do this;
  - iii) informing the consumer that, if they make contact with the Retailer at any point before disconnection, the Retailer should actively work with the consumer to avoid disconnection occurring, even if consumer has failed to act on prior attempts by the Retailer to engage with them;

- iv) provide information to the consumer at the premises regarding reputable support/social agencies offering budgeting and energy efficiency advice; and
- v) make a reasonable effort to ascertain and consider whether there are any reasons why the disconnection should be put on hold (e.g., there is a dispute in progress between the consumer and the Retailer, or the consumer provides reasonable evidence to show they are making genuine efforts to arrange payment of the debt).
- g) An LPG bottle running out of LPG, is not considered a disconnection under these Guidelines. This is because the residential consumer has understood and accepted the risks associated with being on an LPG bottle service where disconnection effectively occurs automatically once a consumer's LPG bottles are depleted to the extent that LPG will no longer discharge from the bottle.

## **10) Reconnection**

- a) Retailers that disconnect Gas at a residential consumer's premises or disconnect and repossess LPG bottles from a residential consumer's premises should reconnect Gas to those premises or resupply and reconnect LPG bottles to those premises as soon as reasonably practicable, if:
  - i) the disconnection or repossession was inadvertent or in breach of the Retailer's terms and conditions (in which case the reconnections shall be at no cost to the consumer); or
  - ii) the disconnection or repossession was for either non-payment of debt or a material breach of the Retailer's conditions for supply of gas, and the consumer has satisfied the Retailer's (reasonable) requirements for reconnection/resupply.
- b) Remote Gas reconnections should only occur if the Retailer can reasonably satisfy itself that the reconnection can be completed safely.
- c) A Retailer should, within a reasonable period, revisit support options with a residential consumer that remains disconnected and remains contracted to that Retailer.

## **11) Fees and bonds**

- a) Retailers should, in their consumer care policy, provide easy-to-understand information on all fees, conditional discounts and bonds charged or made available to residential consumers, even if the Retailer has published them elsewhere on its website.
- b) Retailers should make sure all residential consumer fees, conditional discounts and bonds are reasonable. Bonds should be returned within a reasonable time.
- c) Retailers should consider the Commerce Commission's guidance on unfair contract terms, including regarding break fees, under the Fair Trading Act 1986. Retailers must also

make sure that they do not, using break fees or any other fees, act in a manner inconsistent with Gas Industry Company's Saves and Winbacks Guidelines.

**12) Information disclosure and monitoring**

- a) Retailers should provide to Gas Industry Company such information as is reasonably requested by Gas Industry Company to assess compliance with these Gas Consumer Care Guidelines.
- b) Gas Industry Company will advise a Retailer of any non-compliance with the Gas Consumer Care Guidelines identified by Gas Industry Company. The Retailer will work reasonably with Gas Industry Company to remedy any non-compliance.
- c) Gas Industry Company may publish the details (including Retailer names) of any identified non-compliance with the Gas Consumer Care Guidelines.

## Gas Consumer Care Guidelines Guidance Notes

1. These Guidance Notes are designed to support Gas Industry Company’s Gas Consumer Care Guidelines, to help Retailers comply with the Gas Consumer Care Guidelines.
2. The focus of these Guidelines is to help natural gas and LPG (Gas) retailers to understand the context and goals of the Gas Consumer Care Guidelines, and to support a meaningful increase in protection for vulnerable residential Gas consumers, consistent with changes made in the electricity market.
3. The following table summarises the scope of the Gas Consumer Care Guidelines:

The Gas Consumer Care Guidelines apply to the following Gas market participants				
Natural Gas Retailer	LPG Retailer (45kg bottles)	LPG retailer (reticulated)	Distributor (Natural Gas)	Distributor (LPG)
✓	✓	✓	✗	✗

The Gas Consumer Care Guidelines apply to the following Gas market consumers		
Residential	Small business	Commercial & industrial
✓	✗	✗

4. The Gas Consumer Care Guidelines are closely aligned with the EA’s Electricity Consumer Care Guidelines, to help deliver consistency and efficiency across electricity and Gas markets.
5. The Gas Consumer Care Guidelines should be interpreted with common-sense, giving words their plain English meaning, and having regard to the intent of the Gas Consumer Care Guidelines.
6. Gas Retailers that also supply electricity to consumers will be familiar with the Electricity Consumer Care Guidelines and will be implementing measures to ensure alignment with the Electricity Consumer Care Guidelines. Extending equivalent alignment measures to Gas consumers will ensure compliance with Gas Consumer Care Guidelines.
7. Gas Retailers that do not also supply electricity to consumers (Stand-alone Gas Retailers) will be less familiar with the EA’s Electricity Consumer Care Guidelines and may have less well-developed consumer care systems in place. Acknowledging the more nascent state of Stand-alone Gas Retailers’ consumer care systems, Gas Industry Company recommends Stand-alone Gas retailers be given an extended period for implementing the Gas Consumer Care Guidelines, as reflected in paragraph 12 below

8. Compliance by Retailers with the Gas Consumer Care Guidelines is voluntary but compliance with the Gas Consumer Care Guidelines does not absolve participants of any other legal or contractual obligation to Gas consumers.
9. The Gas Consumer Care Guidelines are deliberately non-prescriptive. This non-prescriptive approach is intended to provide a framework within which participants can innovate.
10. If Retailers are unsure about anything relating to the Gas Consumer Care Guidelines they can discuss the same with Gas Industry Company.

***Alignment timing***

11. Gas Industry Company will survey Gas Retailers that also supply electricity to consumers 12 months after publishing the Gas Consumer Care Guidelines, to monitor compliance. Regulatory change recommendations will be considered if this voluntary compliance approach proves unsuccessful.
12. Gas Industry Company will survey Gas Retailers that do not also supply electricity to consumers (Stand-alone Gas Retailers) 24 months after publishing the Gas Consumer Care Guidelines, to monitor compliance. Regulatory change recommendations will be considered if this voluntary compliance approach proves unsuccessful.

# Appendix B – Utilities Disputes and Powerswitch Guidelines

## ***Definitions***

**“complaint”** has the meaning given in the Utilities Disputes Rules (being an expression of dissatisfaction made to or about a Retailer where a response or a resolution is explicitly or implicitly expected). For example, a complaint may be made by letter, email, phone call, text message or a post on a social media page maintained by the Retailer, but not on a social media page maintained by the complaining consumer or a third party.

**“consumer”** means a person who is supplied natural gas or LPG for consumption, as defined in the Gas Act 1992.

**“directed outbound communication or notification”** means a communication or notification for a specific named consumer (i.e., not a general communication or mass advertising), personalised for that consumer (i.e., contain information that is specific to that consumer). Where there are a series of related communications between the participant and a consumer, participants need to provide this information in at least one communication in that series.

**“Gas Distributor”** means any person who supplies line function services (in respect of natural gas or LPG), whether by means of a distribution system or by other means, to any Gas Retailer.

**“Gas Switching Rules”** means the Gas (Switching Arrangements) Rules 2008.

**“Guidelines”** means these Utilities Disputes and Powerswitch Guidelines.

**“ICP”** has the meaning given in the Gas Switching Rules.

**“line function services”** has the meaning given in the Gas Act 1992.

**“LPG Bottle”** means a 45kg bottle.

**“LPG Retailer”** means any person who supplies LPG to a consumer by reticulated distribution network or in LPG bottles.

**“Natural Gas Retailer”** means any person who supplies natural gas to a consumer.

**“Powerswitch”** is the electricity and gas plan comparison website as contracted by the EA for this purpose from time to time.

**“registry”** has the meaning given in the Gas Switching Rules.

**“residential consumer”** means with respect to a natural gas consumer, a consumer assigned the load shedding category of “DOM” in the registry, and with respect to an LPG consumer, a domestic and not a business consumer of LPG bottles.

**“Retailer”** means a Natural Gas retailer or a LPG Retailer.

**“Utilities Disputes”** is the dispute resolution scheme as defined in section 43E of the Gas Act 1992.

**“Utilities Disputes Rules”** means the scheme rules for the Energy Complaints Scheme under the Gas Act 1992.

**“website”** means a website maintained by a Retailer or a Gas Distributor that deals with, describes or offers the supply of Gas or line function services by the Retailer or Gas Distributor.

## **1) Purpose**

- a) The purpose of these Guidelines is to improve consumer awareness of Utilities Disputes and Powerswitch, giving Retailers guidance on how to achieve this through effective communications.
- b) These Guidelines should always be read to favour an outcome that achieves their purpose.

## **2) Natural Gas Retailers**

### *Utilities Disputes*

- a) All Natural Gas Retailers shall provide clear and prominent information about Utilities Disputes:
  - i) on their website;
  - ii) when responding to complaints from consumers about:
    - (1) billing or changes to payments for the supply of natural gas; or
    - (2) the terms and conditions for supply of natural gas;
  - iii) in directed outbound communications to consumers about the Retailer's natural gas services; and
  - iv) on consumer natural gas bills.

### *Powerswitch*

- b) All Natural Gas Retailers with residential consumers of natural gas shall provide clear and prominent information about Powerswitch:
  - i) on their website;
  - ii) in directed outbound communications to those residential consumers about natural gas price and service changes;
  - iii) to those residential consumers on an annual basis; and
  - iv) in directed outbound communications about a bill of a residential consumer of natural gas.

## **3) Gas Distributors**

### *Utilities Disputes*

- a) All Gas Distributors shall provide clear and prominent information about Utilities Disputes:
  - i) on their website;
  - ii) when responding to complaints from consumers about line function services; and

- iii) in directed outbound communications to consumers about changes to the Gas Distributor's line function services.

#### **4) LPG Retailers**

##### *Utilities Disputes*

- a) All LPG Retailers shall provide clear and prominent information about Utilities Disputes:
  - i) on their website;
  - ii) when responding to complaints from LPG consumers (LPG bottles or reticulated LPG);
  - iii) in directed outbound communications to consumers about:
    - (1) billing or changes to payments for the supply of LPG (LPG bottles or reticulated LPG); or
    - (2) the terms and conditions for supply of LPG (LPG bottles or reticulated LPG);
  - ii) on LPG (LPG bottles or reticulated LPG) bills.

##### *[Powerswitch*

- b) All LPG Retailers that supply LPG in LPG bottles to residential consumers shall provide clear and prominent information about Powerswitch:
  - i) on their website;
  - ii) in directed outbound communications to residential consumers of LPG bottles about price and service changes;
  - iii) to residential consumers of LPG bottles, on an annual basis; and
  - iv) in directed outbound communications about the bill for residential consumers of LPG bottles.]

*[Note: Inclusion of the above provision subject to Gas Industry Company's review of adding LPG bottle pricing to Powerswitch]*

#### **5) Gas pricing information on Powerswitch**

- a) Natural Gas Retailers shall continue to add natural gas pricing details to Powerswitch.
- b) [LPG Retailers with residential LPG consumers of 45kg LPG bottles shall with effect from XX add 45kg LPG bottle pricing to Powerswitch.]

*[Note: Inclusion of the above provision subject to Gas Industry Company's review of adding LPG bottle pricing to Powerswitch]*

## Utilities Disputes and Powerswitch Guidance Notes

1. These Guidance Notes are designed to support Gas Industry Company's Utilities Disputes and Powerswitch Guidelines, to help Retailers comply with the Utilities Disputes and Powerswitch Guidelines.
2. The focus of these Guidance Notes is to help natural gas and LPG (Gas) retailers and Gas distributors understand the context and goals of the Utilities Disputes and Powerswitch Guidelines, and to support a meaningful increase in consumer awareness of the Utilities Disputes and Powerswitch services, consistent with changes made in the electricity market.
3. The following table summarises the scope of the Utilities Disputes and Powerswitch Guidelines:

The Utilities Disputes and Powerswitch Guidelines apply to the following Gas market participants				
Powerswitch components				
Natural Gas Retailer	LPG Retailer (45kg bottles) *	LPG Retailer (reticulated)	Distributor (Natural Gas)	Distributor (LPG)
✓	✓	✗	✗	✗
Utilities Disputes components				
Natural Gas Retailer	LPG Retailer (45kg bottles)	LPG Retailer (reticulated)	Distributor (Natural Gas)	Distributor (LPG)
✓	✓	✓	✓	✓

\* [Note: Inclusion of the above provision subject to Gas Industry Company's review of adding LPG bottle pricing to Powerswitch]

The Utilities Disputes and Powerswitch Guidelines apply to the following Gas market consumers		
Powerswitch components		
Residential	Small business	Commercial & industrial
✓	✗	✗
Utilities Disputes components		
Residential	Small business	Commercial & industrial
✓	✓	✓

4. These Utilities Disputes and Powerswitch Guidelines are closely aligned with the EA's guidelines for electricity market participants, to help deliver consistency and efficiency across electricity and Gas markets.
5. The Utilities Disputes and Powerswitch Guidelines should be interpreted with common-sense, giving words their plain English meaning, and having regard to the intent of the Utilities Disputes and Powerswitch Guidelines - to increase consumer awareness of the Utilities Disputes and Powerswitch services.
6. Compliance by participants with the Utilities Disputes and Powerswitch Guidelines is voluntary provided that compliance with the Utilities Disputes and Powerswitch Guidelines does not absolve participants of any legal or contractual obligation to Gas consumers.
7. The Utilities Disputes and Powerswitch Guidelines are deliberately non-prescriptive. They set out when information must be provided. The content and form of the communication are not prescribed. This non-prescriptive approach provides a framework in which participants can innovate and align communications with their business and communication processes.
8. These Guidance Notes include some examples of good practice to help guide thinking. It is possible that alternative approaches that still meet the Utilities Disputes and Powerswitch Guidelines requirements may be a better solution for some Retailers.
9. If Retailers are unsure about anything relating to the Utilities Disputes and Powerswitch Guidelines they can discuss the same with Utilities Disputes, Powerswitch or Gas Industry Company.

### ***Utilities Disputes explained***

10. Utilities Disputes help to resolve complaints about electricity, gas water and access to shared property for fibre installations. Its service is free, independent, and fair.
11. Utilities Disputes can support participants complaint processes (including consumer enquires) by handling complaints and enquiries at any stage, including:
  - helping parties understand each other;
  - facilitating conversations or negotiation;
  - making sense of information on notices or invoices;
  - answering questions about the relevant industry;
  - providing an independent third-party perspective;
  - independent validation of a participant's statement(s);
  - referring enquirers to more appropriate forums;
  - communicating the complaint issues and desired resolution in a clear way;
  - managing expectations about outcomes.

12. Under the Gas Act 1992, Gas Retailers, LPG Retailers and Gas Distributors must be members of the Utilities Disputes Scheme and abide by the Utilities Disputes scheme rules.

***Powerswitch explained***

13. Powerswitch is a free and independent energy plan comparison site. Powerswitch makes it easier for consumers to compare energy plans and find a deal that suits their needs.

14. Powerswitch is operated by Consumer New Zealand and has been engaged by the EA to provide an energy plan comparison service.

***Summary of when information needs to be provided***

15. The following table summarises when information needs to be provided to a consumer.

16. Note that Gas Industry Company is proposing a narrower approach than that implemented for the electricity market in relation to the provision of Utilities Disputes information, to simplify compliance while retaining a focus on Gas service complaints.

17. Responses to consumer “complaints” are the focus for the provision of Utilities Disputes information in Gas markets (in addition to requirements around Retailer websites, directed outbound communications and Gas bills), rather than the wider “query” category applied by the EA to the electricity market:

Type of communication	Utilities Disputes (Natural Gas and LPG Retailers and Gas Distributors)	Powerswitch (Natural Gas and LPG Retailers* only – excluding reticulated LPG pricing)	When to provide the information
Website	✓	✓	Permanently displayed on website – must be clear and prominent
Responding to complaints	✓	✗	Include in the directed outbound communication – must be clear and prominent
Bill	✓ **	✓	Displayed on each consumer bill - must be clear and prominent

Type of communication	Utilities Disputes (Natural Gas and LPG Retailers and Gas Distributors)	Powerswitch (Natural Gas and LPG Retailers* only – excluding reticulated LPG pricing)	When to provide the information
Billing changes	✓**	✓	Displayed on directed outbound billing change notification – must be clear and prominent
Terms and conditions for supply	✓**	✗	Displayed on directed outbound service notification – must be clear and prominent
Service changes	✓	✓	Displayed on directed outbound service change notification – must be clear and prominent
Annually	✗	✓	Annual communication to customer (Powerswitch only) – must be clear and prominent

*\*[Note: Application of Powerswitch provisions to LPG Retailers subject to Gas Industry Company's review of adding LPG bottle pricing to Powerswitch]*

\*\* Excluding Gas Distributors who do not bill, or have direct contractual relationships with, consumers.

***Providing information about Powerswitch is only required for contestable residential connections (natural gas) and residential consumers of LPG from 45kg bottles\****

18. The provision of information about Powerswitch is only required for:

18.1 Residential natural gas connections. These ICPs will generally have load shedding category of "DOM" in the registry; and

18.2 residential consumers of LPG from 45kg bottles.

19. Reticulated LPG pricing does not need to be added to Powerswitch. Reticulated LPG networks are not open access so there are no competing retailer offers for consumers to compare against, and making price comparisons against bottled LPG alternatives is likely difficult to achieve in practice.

***The amount of information required to increase consumer awareness will depend on the context***

20. Communication to consumers takes many forms and the level of information required to raise consumer awareness will depend on the context and form of the communication. As a minimum, the information should include the name of the service and what the service does.
21. For example a text message may include a short link for the consumer to follow while a telephone call may use the service name and phone number or website.
22. It is important to note that the amount of information required is to raise consumer awareness of these services.

***Specific wording is provided to help implementation, but is not mandatory***

23. The following wording can be used when communicating with consumers. This is suggested wording only and not mandatory. The exact wording will depend on the communication medium and brand being portrayed. It is possible to meet the requirements in other ways. Retailers should be clear on how they are meeting the goals and requirements within their communications:

23.1 Powerswitch

Consumer Powerswitch is a free and independent energy price comparison site. Visit [powerswitch.org.nz](http://powerswitch.org.nz) to check you're on the right plan for your needs.

23.2 Utilities Disputes:

If you have a complaint, please call ([retailer/distributor] contact details) or email ([retailer/distributor] email details) to access our free complaints process. If we cannot resolve your complaint, you can contact Utilities Disputes on 0800 22 33 40 or go to [www.utilitiesdisputes.co.nz](http://www.utilitiesdisputes.co.nz). Utilities Disputes is a free and independent service for resolving complaints about utilities providers.

### ***Emergency Communications***

24. During an emergency it is likely that participants will be engaging directly with consumers to help support them through the emergency. During this time there will be a consumer expectation that the participant will be responding to the emergency and focussing on the consumers immediate needs.
25. Compliance with the Utilities Disputes and Powerswitch Guidelines is not required in the context of these emergency-related consumer communications.

### ***Alignment timing***

26. Gas Industry Company will survey Gas Retailers that also supply electricity to consumers and Gas distributors 12 months after publishing the Utilities Disputes and Powerswitch Guidelines, to monitor compliance. Regulatory change recommendations will be considered if this voluntary compliance approach proves unsuccessful.
27. Gas Industry Company will survey Gas Retailers that do not also supply electricity to consumers (Stand-alone Gas Retailers) 24 months after publishing the Utilities Disputes and Powerswitch Guidelines, to monitor compliance. Regulatory change recommendations will be considered if this voluntary compliance approach proves unsuccessful.

*\*[Note: Application of Powerswitch provisions to LPG Retailers subject to Gas Industry Company's review of adding LPG bottle pricing to Powerswitch]*

### ***Frequently Asked Questions***

<b>Q#</b>	<b>Question</b>	<b>Answer</b>
<b>1</b>	I get my metering equipment owner (MEO) to contact the customer for a Gas meter change. Do they need to comply with the requirements?	Yes. Natural gas retailers need to make sure agents communicating on behalf of them meet these requirements. In this case the MEO is acting as an agent for the retailer in arranging access to the site. The retailer should ensure the MEO communicating on their behalf complies.
<b>2</b>	I am a gas retailer and broadband supplier. Does this requirement apply to communications solely about broadband?	No. This requirement only relates to your role as a gas retailer. Communications that are unrelated to your role as a gas retailer are not covered by these requirements, including broadband and other services. Note however that similar requirements apply to electricity suppliers.

Q#	Question	Answer
3	Do I need to be putting information about Utilities Disputes and Powerswitch on advertisements?	No. General advertising or marketing campaigns including print mail drops are not covered by the Utilities Disputes and Powerswitch Guidelines. To apply, the communication must be personalised for a specific named consumer.
4	I use an app to communicate with customers. Do I have to promote Utilities Disputes and Powerswitch on my app?	If you use the app to present the bill, respond to queries or to push directed outbound communications to named consumers then you should provide information about Utilities Disputes and Powerswitch in the app. If the app does not have these features or the information has already been provided via the same communication sent through traditional channels then you should not need to also provide this information on the app.
5	How do I prove my communications meet the Guideline requirements of clear and prominent?	In most cases this should be evident. Users will be able to easily find and understand the information within the wider communication. Retailers and distributors can demonstrate this by testing communications with consumer groups for clarity and prominence.
6	Do I have to use Utilities Disputes / Powerswitch branding and messaging?	No. The Utilities Disputes and Powerswitch Guidelines require the information to be clear and prominent. We believe using the Utilities Disputes and Powerswitch branding and messaging will achieve this, but it does not prevent participants from innovating. We recommend testing innovative solutions with consumers to ensure it will meet the goals of raising consumer awareness of Utilities Disputes and Powerswitch. We also expect communications will not misrepresent the services or undermine their relevancy for the consumer.
7	Do I need to use colour logos?	No. The Utilities Disputes and Powerswitch Guidelines require the information to be clear and prominent. We believe using colour versions of the Utilities Disputes and Powerswitch branding and messaging will achieve this but it does not prevent participants from innovating or using greyscale versions if necessary. We recommend testing any

Q#	Question	Answer
		non-colour solution with consumers to ensure it will meet the goals of raising consumer awareness of Utilities Disputes and Powerswitch.
8	How should I make consumers aware of Utilities Disputes and Powerswitch if English is not their first language?	We recommend retailers and distributors provide information on Utilities Dispute and Powerswitch in the same language as the rest of the communication.
9	How do I contact Utilities Disputes and Powerswitch if I have any questions?	Powerswitch can be contacted at: feedback@powerswitch.co.nz 0800 CONSUMER or 04 384 7963 Utilities Disputes can be contacted at: communications@utilitiesdisputes.co.nz or info@utilitiesdisputes.co.nz
10	How will these requirements be audited?	Compliance with the Utilities Disputes and Powerswitch Guidelines is voluntary. However, Gas Industry Company will survey gas retailers and distributors 12-24 months after making this recommendation, to monitor compliance. Regulatory change recommendations will be considered if this voluntary approach proves unsuccessful.
11	If Gas Distributors are mentioning Powerswitch at their own discretion, must they follow the same guidelines?	No. Promoting Powerswitch is at the distributor's discretion. This is because the Utilities Disputes and Powerswitch Guidelines do not recommend gas distributors provide information about Powerswitch.
12	A consumer claims to have not received the initial communication. What should I do?	Retailers should be using reasonable endeavours to ensure consumers receive the communication. If the information was included in a communication that the consumer claims they have not received it should be included when responding to the enquiry.
13	What are the penalties for not providing clear and prominent information about Utilities Disputes and Powerswitch to consumers?	Compliance with the Utilities Disputes and Powerswitch Guidelines is voluntary. There are no penalties. However, Gas Industry Company will be monitoring non-compliance and will take account of the same in recommending future regulatory change.

# Appendix C – Saves and Winbacks Guidelines

## Definitions

**“consumer”** means a residential consumer or a small business consumer.

**“Gas”** means natural gas.

**“Gas Switching Rules”** means the Gas (Switching Arrangements) Rules 2008.

**“Gaining Retailer”** means a Retailer who has entered into an arrangement to supply Gas to a person where, at the time the arrangement is entered into, the person is a consumer of another retailer (being a Losing Retailer) (the party known as the “new retailer” under the Gas (Switching Arrangements) Rules immediately prior to the switch).

**“Guidelines”** means these Saves and Winbacks Guidelines.

**“Losing Retailer”** is defined as set out in the definition of Gaining Retailer (this party would be the “responsible retailer” under the Gas (Switching Arrangements) Rules immediately prior to the switch)

**“registry”** has the meaning given in the Gas Switching Rules.

**“residential consumer”** means a consumer assigned the load shedding category of “DOM” in the registry.

**“Retailer”** means a Gas “gas retailer” as defined in the Gas Act 1992.

**“small business consumer”** means a consumer assigned the load shedding category of Band 6 in the registry.

**“switch”** means the process of a consumer of a Losing Retailer changing from receiving the supply of Gas from the Losing Retailer to receiving the supply of Gas from a Gaining Retailer, and the term **“switching”** has a corresponding meaning.

**“switch protected period”** means the period that:

(a) starts on the earlier of—

(i) the day on which a Losing Retailer receives notice or otherwise becomes aware that a consumer is switching to a Gaining Retailer; and

(ii) the day on which a Gaining Retailer assumes responsibility for billing a consumer of a Losing Retailer for Gas; and

(b) ends on the earlier of—

(i) the date that is 180 days after the relevant date specified in paragraph (a);  
and

(ii) the date on which the Losing Retailer receives a withdrawal notice from the registry.

## **1) Purpose**

These Guidelines —

- a) set a period of protection for Gaining Retailers during which a Losing Retailer may not approach a consumer to persuade the consumer to stay with the Losing Retailer or to switch back to the Losing Retailer; and
- b) impose restrictions on the use of consumer information held by a Losing Retailer during a switch protected period.
- c) should always be read to favour an outcome that achieves their purpose.

## **2) Restrictions during switch protected period**

- a) A Losing Retailer must not, by any means, including by using a third party or agent acting on its behalf, contact any consumer who is switching from the Losing Retailer to a Gaining Retailer to attempt to persuade the consumer to terminate the arrangement with the Gaining Retailer during the switch protected period including by—
  - i) making a counter-offer to the consumer; or
  - ii) offering an enticement to the consumer.

## **3) Retailer may communicate with consumers for certain purposes**

- a) Despite clause 2) above, a Losing Retailer may contact a consumer who is switching to a Gaining Retailer for any of the following purposes—
  - i) contacting a consumer to advise the consumer of any termination fees that the consumer is required to pay as a result of the consumer ceasing to buy Gas from the Losing Retailer; or
  - ii) to contact a consumer regarding administrative matters, including—
    - (1) any fees the consumer owes the Losing Retailer;
    - (2) the consumer's final meter reading;
    - (3) how the Losing Retailer will return any keys it holds on the consumer's behalf; or
  - iii) the effect of the consumer ceasing to buy Gas from the Losing Retailer on other contracts between the consumer and the Losing Retailer, for example, for the supply of electricity; or
  - iv) providing a factual response to a question asked by a consumer; or
  - v) to make a counter-offer or offer an enticement to a consumer where the consumer has:
    - (1) contacted the Losing Retailer without the Losing Retailer having first prompted the consumer to do so; and

- (2) invited the Losing Retailer to attempt to persuade the consumer not to complete the switch to the Gaining Retailer but to remain with or return to the Losing Retailer instead; or
- vi) to offer an enticement to a consumer as part of a general marketing campaign; or
- vii) to contact the consumer to address Gas network fault issues or to follow up a complaint from the consumer.
- b) If a Losing Retailer contacts a consumer under clause 3 a) above the Losing Retailer must not communicate with the consumer for any other purpose other than a purpose specified in clause 3 a) above.
- c) Without limiting any of its other obligations, a Retailer (whether a Gaining Retailer or a Losing Retailer) must not harass or coerce a consumer.

#### **4) Restrictions on use of consumer information by Retailer prior to or during switch protected period**

- a) A Losing Retailer must not use information relating to a consumer that it obtained prior to or during the switch protected period, including information that may be used to contact the consumer, during the switch protected period to do any of the following:
  - i) contact the consumer for any purpose other than a purpose specified in clause 3 a) above:
  - ii) include the consumer in a marketing campaign other than a general marketing campaign:
  - iii) enable any other Retailer, except the Gaining Retailer, to contact the consumer.
- b) This clause does not limit any other requirement to maintain the confidentiality of any information relating to a consumer that is imposed by the contract entered into between the Losing Retailer and the consumer or otherwise by law.

#### **5) Gas registry codes – Gas switching withdrawal notice**

- a) Losing Retailers shall not use the "CR" reason code for gas switching withdrawal notices for consumers that have changed their mind about, or who wish to cancel, a switch, as a consequence of save or winback activity by or on behalf of the Losing Retailer made during the switch protected period for the consumer, in breach of the Guidelines.

#### **6) Insolvency**

Nothing in these Guidelines shall apply to, or otherwise limit, the transfer of consumers to a Gaining Retailer as a result of the insolvency of a Retailer.

## Saves and Winbacks Guidance Notes

1. These Guidance Notes are designed to support Gas Industry Company’s Saves and Winbacks Guidelines, to help Retailers comply with the Saves and Winbacks Guidelines.
2. The focus of these Guidance Notes is to help natural gas Retailers understand the context and goals of the Saves and Winbacks Guidelines.
3. The following table summarises the scope of the Saves and Winbacks Guidelines:

The Saves and Winbacks Guidelines apply to the following Gas market participants				
Natural Gas Retailer	LPG Retailer (45kg bottles)	LPG retailer (reticulated)	Distributor (Natural Gas)	Distributor (LPG)
✓	✗	✗	✗	✗

The Saves and Winbacks Guidelines apply to the following Gas market consumers		
Residential	Small business	Commercial & industrial
✓	✓	✗

4. The Saves and Winbacks Guidelines are closely aligned with the EA’s Code amendments to prohibit saves and winbacks. Like the EA’s Code amendments, they apply to residential and small business consumers.
5. The Saves and Winbacks Guidelines should be interpreted with common-sense, giving words their plain English meaning, and having regard to the intent of the Saves and Winbacks Guidelines (to prohibit save and winback approaches by Losing Retailers during a switch protection period, for the long-term benefit of consumers).
6. Compliance by Retailers with the Saves and Winbacks Guidelines is voluntary provided that compliance with the Saves and Winbacks Guidelines does not absolve participants of any legal or contractual obligations to natural gas (Gas) consumers.
7. This non-prescriptive approach is intended to provide a framework within which participants can innovate.
8. If Retailers are unsure about anything relating to the Saves and Winbacks Guidelines they can discuss the same with Gas Industry Company.

### ***Alignment timing***

9. Gas Industry Company will survey Gas Retailers that also supply electricity to consumers 12 months after publishing the Saves and Winbacks Guidelines, to monitor compliance.

Regulatory change recommendations will be considered if this voluntary compliance approach proves unsuccessful.

10. The following table summarises when a Losing Retailer may or may not contact a consumer who is switching to a Gaining Retailer, during the switch protection period for a consumer:

Communication made by Losing Retailer during switch protection period	Permitted or not permitted	Comments
Making an unsolicited counter-offer to the consumer.	✗	Unsolicited counter-offers may persuade the consumer not to complete the switch to the Gaining Retailer, but to remain with or return to the Losing Retailer instead, and are prohibited
Making an unsolicited enticement to the consumer.	✗	Unsolicited enticements may persuade the consumer not to complete the switch to the Gaining Retailer but to remain with or return to the Losing Retailer instead, and are prohibited
Contacting a consumer to advise the consumer of any termination fees that the consumer is required to pay as a result of the consumer ceasing to buy Gas from the Losing Retailer.	✓	The Guidelines do not restrict communications with consumers on the contractual effects of the consumer switching to another Retailer.
Contacting a consumer regarding administrative matters, including— any fees the consumer owes the Losing Retailer; the consumer’s final meter reading; or how the Losing	✓	The Guidelines do not restrict communications with consumers on the contractual effects of the consumer switching to another Retailer.

Communication made by Losing Retailer during switch protection period	Permitted or not permitted	Comments
Retailer will return any keys it holds on the consumer's behalf.		
Contacting a consumer to explain the effect of the consumer ceasing to buy Gas from the Losing Retailer on other contracts between the consumer and the Losing Retailer, for example, for the supply of electricity.	✓	The Guidelines do not restrict communications with consumers on the contractual effects of the consumer switching to another Retailer.
Contacting a consumer to provide a factual response to a question asked by a consumer.	✓	The Guidelines do not restrict how Losing Retailers provide factual answers to switching consumer questions.
Making a counter-offer or offer an enticement to a consumer where the consumer has: contacted the Losing Retailer without the Losing Retailer having first prompted the consumer to do so; and invited the Losing Retailer to attempt to persuade the consumer not to complete the switch to the Gaining Retailer but to remain with or return to the Losing Retailer instead.	✓	The Guidelines do not restrict consumers from initiating contact with the Losing Retailer – a consumer might contact a Losing Retailer looking for a 'reason' to remain with the Losing Retailer. Losing Retailers are entitled to respond to these requests.
Contacting a consumer to make an enticement to a consumer as part of a general marketing campaign.	✓	The Guidelines relate only to communications directed at a specified switching consumer during the switching prohibition period for that consumer.

Communication made by Losing Retailer during switch protection period	Permitted or not permitted	Comments
Contacting a consumer to address Gas network fault issues or to follow up a complaint from the consumer.	✓	The Guidelines do not restrict communications with consumers on Gas network issues or consumer complaints.
Contacting a consumer in an emergency with essential Gas safety or Gas supply information.	✓	The Guidelines do not restrict communications with consumers in emergencies on Gas safety or Gas supply issues.

# Glossary

EA	Electricity Authority
EPR	Electricity Price review
Gas	Natural gas and LPG
Gas Act	Gas Act 1992
Gas Switching Rules	Gas (Switching Arrangements) Rules 2008
GIC	Gas industry Company
LPG	Liquefied Petroleum Gas
MBIE	Ministry of Business Innovation and Employment

# Questions

## Title of Report

Submission prepared by: <company name and contact>

Question		Comment
Gas Consumer Care Guidelines	Do you agree with the proposed content of the Gas Consumer Care Guidelines? Are there items that should be added or deleted, and why?	
Gas Consumer Care Guidelines	Do you agree with the proposed timeframe for Gas Retailers to align their processes to ensure voluntary compliance with the Gas Consumer Care Guidelines?	
Gas Consumer Care Guidelines	Do you agree with the Gas Consumer Care Guidelines applying also to Stand-alone Gas Retailers?	
Gas Consumer Care Guidelines	Are any modifications required to the Gas Consumer Care Guidelines to take account of the unique characteristics of the bottled LPG market?	
Utilities Disputes and Powerswitch Guidelines	Do you agree with the proposed content of the Guidelines? Are there items that should be added or deleted, and why?	

Question	Comment	
Utilities Disputes and Powerswitch Guidelines	Do you agree with Gas Industry Company's proposed narrower approach than that implemented for the electricity market in relation to the provision of Utilities Disputes information (focussing on "complaints" rather than "queries")?	
Utilities Disputes and Powerswitch Guidelines	Do you agree with the proposed Alignment Timing for Gas Retailer voluntary compliance with the Gas Consumer Care Guidelines?	
Utilities Disputes and Powerswitch Guidelines	Do you agree with the proposed timeframe for Gas Retailers and Gas Distributors to align their processes to ensure voluntary compliance with the Utilities Disputes and Powerswitch Guidelines?	
Utilities Disputes and Powerswitch Guidelines	Do you agree with the Utilities Disputes and Powerswitch Guidelines applying also to Stand-alone Gas Retailers?	
Saves and Winbacks Guidelines	Do you agree with the proposed content of the Guidelines? Are there items that should be added or deleted, and why?	

# ABOUT GAS INDUSTRY COMPANY

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Gas Industry Co is the gas industry body and co-regulator under the Gas Act. Its role is to:

- develop arrangements, including regulations where appropriate, which improve:
  - the operation of gas markets;
  - access to infrastructure; and
  - consumer outcomes;
- develop these arrangements with the principal objective to ensure that gas is delivered to existing and new customers in a safe, efficient, reliable, fair and environmentally sustainable manner; and
- oversee compliance with, and review such arrangements.

Gas Industry Co is required to have regard to the Government's policy objectives for the gas sector, and to report on the achievement of those objectives and on the state of the New Zealand gas industry.

SUBMISSIONS CLOSE:  
Tuesday, 13 July 2021 at  
5:00pm

SUBMIT TO:  
[consultations@gasindustry.co.nz](mailto:consultations@gasindustry.co.nz)

ENQUIRIES:  
[consultations@gasindustry.co.nz](mailto:consultations@gasindustry.co.nz)