

014 EGCC consultation – preferred form for submissions

Your name/company name: Mercury Energy

Questions for submitters	Yes/No	Comment
1. Do you agree that the EGCC indemnity dispute process should be mandatory for both parties if one party refers the indemnity dispute to the EGCC and it meets the criteria for the Commissioner to consider it?	Yes	NB: Not mandatory for disputes involving \$50,000 or more.
2. Do you agree that the existing financial limits for complaints should apply to Indemnity Disputes?	Yes	NB: The Disputes Tribunal deals with claims up to \$20k only.
3. Do you agree with the Board's proposed levy system for indemnity disputes?	No	<p>The Board's proposed levy system provides that levies for Indemnity Disputes will be calculated on the same basis as for complaints. Complaint levies are currently determined on a proportionate basis (fixed cost) and levies for Deadlocked complaints (variable cost).</p> <p>Please confirm that the board intends to levy members for indemnity disputes on variable costs only.</p> <p>In respect of complaints, the specific contributions of Retailer Joint Class Scheme Members must total 60% of the total amount to be raised as opposed to the lines company 40%.</p> <p>We believe this apportionment of cost is not relevant for indemnity disputes.</p> <p>Variable levies on a case basis should be applied to the party to whom the dispute is upheld.</p>
4. Do you agree that reporting of Indemnity Disputes to the responsible Minister should be limited to the number of cases considered?	Yes	Provision should be made to report on persistent groundless refusals to indemnify a retailer for remedy costs.
5. Do you have any other comments or concerns about the proposed changes you would like the Board to consider?	Yes	<p>At clause G.17, reference to clause G.14 should be G.15.</p> <p>We understand that the disputes will be dealt with by the Commissioner as a confidential negotiation but will the decisions themselves be confidential?</p>

