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Consultation: Discussion Document for the Electricity Distribution Businesses

Utilities Disputes | Tautohetohe Whaipainga welcomes this opportunity to comment on the *Discussion Document for the Electricity Distribution Businesses (Discussion Doc)*. We do so against the background as the provider of the Energy Complaints Scheme (ECS), and our experience from receiving and resolving thousands of complaints by consumers against distributors and retailers.¹ We received 12,505 complaints from consumers in the last reporting year and 12,413 queries.

Of those complaints 506 were about distributors (EDB) and 204 were queries about distributors. We also received 391 supply complaints, that were recorded against the retailer. Many of these complaints are made pursuant to the retailer guarantees for electricity supply that are contained in the Consumer Guarantees Act 1993.² Therefore, these complaints are recorded against the retailer given it has the direct contractual relationship and is responsible for the guarantees. However, in practice many of these complaints are directly concerned with outages, surges and spikes in the EDB network affecting consumers and the EDB is best placed to provide the information responding to the complaint.

Our core submissions are:

Local Water Done Well framework: Utilities Disputes supports incorporating relevant elements of the Local Water Done Well framework into EDB disclosure requirements. Just as water service providers (WSPs) can learn from the electricity industry and what types of processes will best assist them with responding to consumers' concerns.

The Local Water Done Well project rests on the three pillars of regulatory oversight through disclosure, providers operating as a business, and consumer review. The business elements and consumer orientation are not opposites. Successful businesses respond pro-actively to consumer concerns and see consumer feedback as a form of market intelligence to inform their approach. We therefore support MBIE in reviewing and strengthening the EDB

¹ As well as the ECS (electricity and gas) we deliver dispute resolution schemes covering, water, and telecommunications. In telecommunications we offer the government mandated scheme for considering complaints about the laying of fibre on shared property and a voluntary telecommunications scheme which is not an industry dispute resolution scheme under part 7 of the Telecommunications Act 2001. We also offer a voluntary water complaints scheme.

² See Consumer Guarantees Act 1993, ss 7A, 46A.

disclosure requirements, by inclusion of some of the consumer-focused elements of the Local Water Well project.

A Culture of Consumer disclosure: As the network becomes increasingly bi-directional and accommodates distributed energy resources (DERs), network performance will come under stress. Consumers already accept network constraints, but rising costs may weaken their tolerance. Clearer disclosure, consumer charters, appropriate outage credits and accessible comparisons of EDB performance will help maintain trust in EDBs. Some EDBs do not always respond fully to consumer concerns, while the traditional retailer-led model is being challenged. EDBs therefore need robust complaints and consumer outreach processes. Standardising disclosure data points in the areas of consumer outreach, complaint management, and billing/estimate practices, and connections will promote good practice and enable meaningful comparison between EDBs.

The Regulatory Response to DERs: A key driver of the proposals is to encourage the integration of DERs with the network.³ Utilities Disputes is also concerned with how DERs are being integrated into the electricity industry. We are receiving a significant number of solar complaints, far outweighing their representative proportion of the sector. They highlight a number of issues consumers are experiencing as well as opportunities for better regulation and consumer protection. Large exit fees, difficult to understand terms and conditions, and billing issues are a feature of these complaints. To maintain consumer confidence and uptake of these new products it is important that consumers have the same protections as they do when engaging traditional retailers and EDBs. We see two essential tasks:

- a. Under the current regulatory settings incorporating distributors, retailers and generators based on DERs into this framework where appropriate; and
- b. Addressing the gaps within the current legislation to ensure consumer protections are in place so Kiwis can take up the product and services based on DERs with confidence.

Improving EDB disclosure is an important piece of the regulatory puzzle, however we encourage MBIE to begin the work of reviewing how new DER retailers, distributors, generators and aggregators should fit within the Electricity Industry Act 2010 (EIA). Consumers will find it difficult to understand if part of their interoperable system is unregulated, free from disclosure requirements, and from accessible consumer protections, especially when distributing and/or retailing is occurring on both sides of this regulatory divide. Changes occurring in Western Australia and New South Wales can greatly assist in any review of the current regulatory and consumer protection settings.

³ See *Discussion Doc*, pg 6.

Local Water Done Well

The *Discussion Doc* highlights aspects of the water disclosure regime that may be helpful for EDBs.⁴ In our view, each regime can usefully inform the other. We have advised the Commerce Commission (Com Com) that WSPs can learn from the electricity industry's history and experience in relation to:

- a. putting in place robust internal complaints processes;
- b. establishing processes to assist medically dependent and vulnerable consumers;
- c. anticipating the volume of billing complaints likely to arise as many consumers receive separate bills for water consumption; and
- d. recognising the value of an external ombudsman-type dispute resolution scheme to help resolve more difficult complaints and provide feedback on systemic issues.⁵

Com Com in turn has emphasised WSPs must remain focused on consumers—such an explicit approach we believe would also benefit EDBs:

Another important aspect of asset management is whether—and if so, how—consumer perspectives are incorporated into decision-making processes, including how engagement activities and complaints analysis inform asset management practices and help address competing interests.⁶

Indeed, a core purpose of the Local Water Done Well project is to ensure: “...that information about providing water services, including information relating to revenue, charging, expenditure, and levels of service, is transparent for consumers and communities.”⁷ WSPs are also to:

- a. provide water services that meet consumer expectations;
- b. share efficiency gains with consumers;
- c. act in the best interests of current and future consumers; and
- d. set out a strategy for engaging consumers and communities.⁸

These tasks are to be performed within a business model.⁹ Successful businesses are guided by the responses and feedback of their consumers. For these businesses, consumer care is not viewed as an end point, but a key feedback channel that can be factored into decision-making and used for improvement of goods and services. The business aspect of Local Water Done Well is not in opposition to the consumer and disclosure elements of the legislation. The legislation moves beyond the traditional monopoly model, a model which sometimes

⁴ See for example *Discussion Doc*, pgs 17-18, 21-26.

⁵ See Utilities Disputes, *Regulation of Water Service: Information Disclosure*, 20 October 2025, pg 13-17, [Link](#).

⁶ Commerce Commission (Com Com), *Information Disclosure for Water Service, Explanatory Paper*, 11 September 2025, para 2.81, [Link](#).

⁷ Loc Gov Water Act, s. 3.

⁸ Loc Gov Water Act, ss 17 & 35(1)(c); see also ss 232 re Water Services Strategy & 234 re Annual Report (list not exhaustive). See also *Water Services Information Disclosure Determination 2026*, C7, pgs 70-71, (in force for Tiaki Wai), [Link](#).

⁹ See Loc Gov Water Act, s. 17.

research shows can be less responsive to consumer concerns.¹⁰ And where consumers can become reticent about voicing their concerns because of the “....perceived futility of complaining, the lack of a competitive alternative or, sometimes, in the hope that things will improve in time....”¹¹

In summary the Local Water Done Well project’s express connection between the business and consumer aspects of providing water may assist in the distribution of electricity.

Distributor Disclosure and Performance

Drawing on the Local Water Done Well framework, Utilities Disputes has identified areas where EDB disclosure requirements could be improved. Some of these concerns are only indirectly raised in the *Discussion Doc*. However, MBIE highlights the need for a joined-up approach across regulatory systems and regulators to drive EDB efficiencies.¹² Yet if the Local Water Done Well framework is the model, more is required, and consumers have a central contribution to make. Feedback arising from Utilities Disputes’ complaints work may go some way to ensuring the consumer viewpoint is included in the review of disclosure settings.

Governance & Performance Disclosure (*Discussion Doc* Questions (Q) 8, 13, 14)

It is MBIE’s role, after consultation, to calibrate the right mix of its proposals to ensure business efficiency, the health and growth of the network, adequate disclosure, and consumer input into EDBs’ practices. MBIE invites comment on a number of proposals arising from its reflection on the Local Water Done Well project including:

- Removing the prohibition on benchmarking so that EDBs can be compared with one another;
- Expanding EDB disclosure requirements to include non-regulated services;
- Introducing regulation and monitoring of how profits are spent, including ring-fencing rules that may focus on investment in distribution;

¹⁰ “The literature also suggests that organisations with little competition such as monopolies, are slow to respond to complaints. This is because these organisations have a lower customer- orientation due to the inability of the customer to exit the relationship and the absence of market forces (in the form of lost market share) indicating to the organisation that service improvements are required.” Society of Consumer Affairs Professionals Australia, *Return on Investment of Effective Complaints Management: Public Sector Organisations*, (Research team - University of Newcastle) June 2020, para 4.2 (textual citations not included).

¹¹ Ibid., (textual citations omitted). The *Discussion Doc* similarly expresses that the business model and consumer accountability are not opposites when it states its expectations that distributors: “...are accountable to their customers, promote efficient investment, and share efficiency gains with consumers” and that households and businesses wanting “...to connect to the network are able to easily access technical, commercial, and operational information that they need – regardless of where in the country they are.” *Discussion Doc*, pg 7.

¹² See *ibid.*, pg 8.

- Setting additional objectives for consumer-owned EDBs beyond the broad goal of operating as a successful business—for example, requiring an emphasis on efficient investment, network reliability and resilience, and support for electrification;
- Strengthening governance rules by requiring directors to have experience and capability in areas such as technology, cybersecurity, consumer engagement, and infrastructure management (list not exclusive); and
- Introducing periodic reviews of each EDB’s ownership model to assess whether it remains fit for purpose.
- Setting dividend rules, so that distribution services are not compromised.¹³

Utilities Disputes, from its complaints background, submits that trust in EDBs is likely to be maintained with greater transparency and disclosure. New Zealanders are already asked to accept by the courts many limitations of the network:

The reasonable consumer is taken to know the general characteristics of electricity distribution in New Zealand, such as: supply through overhead lines; the need for planned outages for maintenance; unplanned outages or fluctuations from wear and tear, environmental hazards such as birds, possums, trees, storms, or excessive consumer loads; as well as instability after outages; and possible third party damage.¹⁴

Consumers often express surprise to Utilities Disputes that they are asked to accept these limitations. While EDBs and retailers sometimes express concern that a resolution, if universally applied, may affect their costs and the supply of electricity despite the fact we are applying accepted standards of service.

Managing expectations of both consumers and EDBs is an aspect of our impartial role. However, rising prices, possible further deterioration of the network (see discussion on DERs below), and publicity about industry profits is likely to increase consumer expectations, resulting in frustration for consumers and increased complaints and challenges for EDBs. More effective, consumer-focused disclosure will allow EDBs to demonstrate their performance and plans for network maintenance and renewal. It would also enable consumers to assess EDB statements and performance, support informed discussion, and recognise that electricity is an essential service.¹⁵ A service that warrants public oversight alongside regulatory and stakeholder scrutiny.

Under the existing law and regulatory framework some EDBs can struggle to provide adequate information about billing (see next section) and outages to the consumer.¹⁶ These

¹³ See *Ibid.*, pgs 17-18, 30-33.

¹⁴ *Contact v Moreau* CIV 2017-485-962 [2018] NZHC 2884, para 52.

¹⁵ That electricity is an essentials service is seen in the special rules relating to medically dependent customers. The EA has also described the fundamental role electricity has in society this way: “The effects of constrained electricity access or an inability to maintain supply can extend beyond the electricity account. Electricity supports essential household services, such as space and water heating, refrigeration, cooking, and the operation of medical equipment.” EA, *Improving Consumer Access and Choice (Issues Paper)*, 30 June 2026, paras 4.47, see also paras 3.4-3.5. & 4.48-4.65.

¹⁶ The consumer and Utilities Disputes to make an assessment if the quality of supply guarantee under s 7A of the Consumer Guarantees Act 1993 may not have been reached must assess a variety of factors such as

EDBs can do better in terms of ready disclosure to consumers about issues that are affecting them. Wider disclosure requirements then will assist in creating an EDB culture of consumer orientated transparency and Utilities Disputes supports incorporating elements of the Local Water Done Well framework into EDB disclosure practices.

Disclosure Standardisation: Complaint Handling and Billing (*Discussion Doc Q1*)

The *Asset Dynamics Report*, which has informed MBIE's decision-making, recommends standardised data points about connections and complaints:

EDBs should put in place standardised performance measures associated with connections that could be included in customer charters. They should also standardise their approach to measuring and reporting complaints, including in relation to connections. This would provide feedback that the changes are improving customer experience in alignment with the letter of expectations.¹⁷

This recommendation, was given a High rating and a short timeframe for implementation.¹⁸

We support Asset Dynamic's recommendation. Customer Charters are used by the Commissioner in deciding and recommending a fair and reasonable resolution of complaints. Some EDBs in their Customer Charter or similar document, include expectations and an offering of consumer credits to be applied to the consumer for issues like outages.¹⁹ A common set of principles or core elements for customer charters, extending beyond connections alone, would support a more meaningful comparison between EDBs and improve transparency for consumers.

With the network at risk of deterioration because of its inability to fully integrate DERs within the network (see next section),²⁰ voluntary credit arrangements will become increasingly important for consumers to maintain trust in the industry and network.²¹ As such it seems right that credit offerings are recorded, measured, and compared through information disclosure.

Similarly standardising complaints data will enable a clear comparison of EDBs. Within the Local Water Done Well project we have advocated for common reporting of the following complaint data points along with bringing into force the existing consumer disclosure requirements sooner rather than later (schema adapted for the context of EDBs):

¹⁷ Asset Dynamics (Report prepared for MBIE), *Electricity Distribution Business Efficiency – Recommendations for Standardisation and Collaboration*, 9 April 2026, pg. 16.

¹⁸ Ibid., pg 2.

¹⁹ See Aurora, *Customer Charter*, 1 November 2021, para 7, [Link](#); see Vector who have service standard document for outages, *Service Standards: Residential Electricity Customers*, [Link](#).

²⁰ "In addition to providing opportunities, these technologies do, however, pose some challenges. In particular, we expect that co-ordinating the real-time operation of New Zealand's power system to supply electricity to consumers at the level of reliability they want will become more difficult over the coming years. This increased difficulty will be the result of evolving technologies enabling a significant increase in variable and intermittent generation and an increase in bi-directional electricity flows." EA, *Addressing Larger Voltage Deviations and Network Performance Issues in New Zealand's Power System*, 25 June 2024, pg 3.

²¹ See UDL, *Proposal Documents Addressing: Harmonics, Voltage, and Frequency*, 20 August 2024, c & g, [Link](#).

Number of Complaints

To enable quality statistics on the number of complaints, an adequate definition of complaint is required. The Australian and New Zealand Standard is an: “an expression of dissatisfaction”. This definition is adopted already as part of EDB disclosure. A clear universally adopted definition prevents complaints from disappearing into other categories such as queries, feedback, or points to be noted.

Nature of those Complaints

A universal classification system of complaints is necessary to ensure a meaningful comparison of services and assessment of EDB performance. A list of complaint categories that are broad enough not to be onerous but meaningful enough to identify the subject matter of the complaint is important. For example a standard system for recording outage complaints will be important for assessing how an EDB is performing in response to consumer needs.

Timing for Resolution

Resolution times matched with the subject matter of a complaint will identify where the difficult complaints are. Such data can then be used to work out new strategies to manage these complaints and shorten resolution times.

Staffing

The number of complaints staff employed by a provider and their training. This statistic gives insight into the resources the EDB is investing in complaints compared to the size of their customer base and the number of complaints it receives.²²

Under existing EDB disclosure requirements, there are some general requirements about complaints.²³ However Aurora is required to drill down into their outage complaints similar to the disclosure requirements requested above.²⁴ There are specific reasons Aurora is

²² See UDL, *Economic Regulation of Water Services – Information Disclosure*, 20 October 2025, pgs 8-12, Appendix A, [Link](#).

²³ See Electricity Distribution Information Disclosure Determination 2012, Attachment A, cls 17.3-17.4.

²⁴ Aurora must provide: “...a table with the following information on any complaints from consumers about Aurora’s supply of electricity distribution services in the most recent disclosure year: (a) the type of complaint, with Aurora determining the different types of complaint by the general subject matter to which the complaints relate; (b) the number of each type of complaint; (c) the average time to

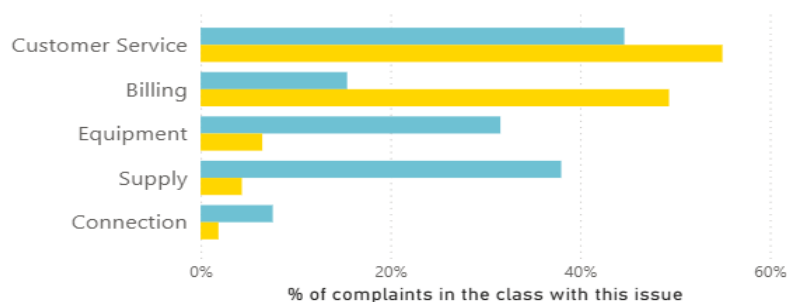
required to provide this additional disclosure, yet the Local Water Done Well framework demonstrates the value of a dynamic relationship between consumer feedback, accountability, and business performance. Extending disclosure requirements of this kind to all EDBs would support a more thorough and meaningful comparison of EDBs across the sector.

The importance of such disclosure requirements will only increase as the traditional EDB-retailer interoperable model changes and new forms of retailing electricity emerge. At

Top 5 complaint issues

Apr 2025-Mar 2026

● Distributor ● Retail



present a customer will deal mainly with their retailer, who will then contact the distributor. However, distributors are increasingly drawn into a customer facing role, for issues such as tree falls, connections, and outages.²⁵ This challenge to the

traditional interoperable model is seen in the statistics where the top issue for distributors and retailers is customer service and distributor billing also appears as a consistent issue for consumers. Indeed, in response to this change Utilities Disputes has requested the EA consider introducing billing standards for EDBs in relation to connection costs and for additional services. EDB billing has, on occasion, appeared lacking in detail with instances of quotes failing to be reconciled with final charges. It is not always immediately evident the consumer has been provided with enough information to satisfy themselves the bill has a rational basis and accurately reflects the work done.²⁶ The business aspect of EDBs cuts both ways, and the ability of an EDB to provide a sufficient breakdown of their invoicing and estimates when making a connection or providing another service is a sound business practice.

In terms of connections EDBs often have a direct relationship with developers. We do receive complaints about such issues, although most complaints are from domestic consumers. Our anecdotal experience is that often developers will settle the complaint, even when dissatisfied, due to the expense of waiting. Having clear disclosure data points will

resolve each type of complaint; (d) the top three types of complaints with the highest numbers of complaints and how they differ to the three types of complaints with the highest numbers of complaints from the previous disclosure year; and (e) a description of whether, and if so how, Aurora is using the learning and insights gained from handling complaints as a feedback loop to improve the quality and service levels of in supplying electricity distribution services” Ibid., Appendix B, cl 1.9 (emphasis not included).

²⁵ Note supply complaints are higher than the figures presented, see page 1 & footnote 2.

²⁶ Utilities Disputes, *Reducing Barriers for New Connections*, 19 December 2025, pgs 7-8, [Link](#). See also *Improving Electricity Billing in New Zealand*, 12 November 2025, pg 13, [Link](#) & *Distribution Pricing*, 20 December 2024, pgs 2-3, [Link](#). See also example *Case Study: Incorrect Charges*, [Link](#).

enable Com Com to get a clearer picture of what is occurring. Utilities Disputes has also expressed its concerns to the EA about how sections 105-106 of the EIA are being implemented by both EDBs and retailers.

DERs will also contribute to break down the retailer-distributor model, as they will continue to bring into the market a range of industry participants who are not retailers and distributors, and who may affect a consumer's supply. For example, billing aggregators will manage invoices from a range of retailers, and load aggregators, who manage a consumer's consumption.

The breakdown of the interoperable model highlights the importance of all industry actors inclusive of EDBs having responsive consumer teams, and good lines of communication with other industry participants. Disclosure about these issues may encourage EDBs to further develop fit for purpose customer service practices.

Standardisation of Solar Connections and other DERs (*Discussion Doc Q1, Q3*)

A key driver of the proposals is to encourage the integration of DERs with the network.²⁷ In terms of standardisation of processes, the *Discussion Doc* highlights a number of positive outcomes including helping consumers "...have faster and more standardised installation of solar".²⁸

Utilities Disputes has been concerned for some time, that there appears uneven regulatory oversight over generators, EDBs and retailers, and other entities who are offering goods and services based on DERs. We have repeatedly raised our concerns with the EA,²⁹ and recommended the Energy Task Force, made up of the EA and Com Com, review within the existing statutory framework how current regulations and the Consumer Care Obligations apply or could apply to these new industry participants.³⁰ At least one EDB, in respect of batteries, has also highlighted the uneven regulatory framework over such entities.³¹ This regulatory gap occurs while interoperability is being promoted.³²

²⁷ See *Discussion Doc*, pg 6.

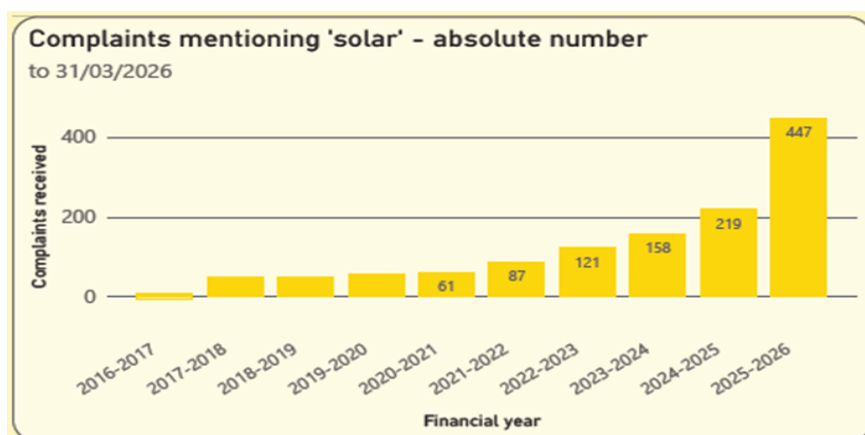
²⁸ *Ibid.*, pg 8,

²⁹ See UDL *Reforming Network Pricing*, 19 May 2026, pg 4-5, [Link](#), *A Regulatory Roadmap for Battery Energy Storage Systems Paper*, 31 July 2026, [Link](#), *Improving Electricity Billing in New Zealand*, 12 November 2025, paras 24, 30-32 [Link](#); *Evolving Multiple Retailing and Switching*, 29 July 2025, [Link](#), *Working Together to Ensure our Electricity System meets the Future Needs of all New Zealanders*, 25 June 2025, [Link](#), *Improving Pricing Plan Options for Consumer Time-Varying Retail Pricing for Electricity Consumption and Supply*, 26 March 2025, pgs 5-6, [Link](#).

³⁰ UDL, *Energy Competition Task Force Work Programme*, 9 February 2026, pgs 2-4, [Link](#).

³¹ See Vector, *Vector's submission on A Regulatory Roadmap for Battery Energy Storage Systems*, 31 July 2025, paras 8-9.

³² See EA, *Reforming Network Pricing for Distributed Generation to Promote Efficient Investment*, 21 April 2026.



Utilities Disputes has consistently supported the entry of new DER generators, distributors, and retailers into the electricity industry. Many of these new products have the capacity to make electricity cheaper for the consumer. However, in

our experience DERs give rise to complaints, significantly so in relation to solar. Solar complaints are also often complex involving large exit fees, difficult to understand terms and conditions, and confusing billing. For these reasons these complaints take longer to resolve.

Standardisation and interoperability therefore require the new DER generators, distributors, retailers, and aggregators, to be subject to the same regulatory oversight as traditional industry participants. This should include equivalent consumer protections for consumers using these services. As the Australian regulator has observed consistently applied consumer protections will grow trust in the industry:

If consumers understand they will receive consistent protection and outcomes regardless of the energy service they use, this is likely to promote trust and confidence in the energy market, thereby supporting competition, innovation and the increased uptake of consumer energy resources, which would promote the energy transition.³³

Consumers will find it difficult to understand if part of their interoperable system is unregulated, and free from consumer protections, especially when retailing and/or distributing is occurring on both sides of the regulatory divide. Therefore, there appear two strands of work required:

- a. Under the current regulatory settings incorporating distributors, retailers and generators based on DERs into this framework where appropriate;³⁴ and
- b. Addressing the gaps within the current legislation to ensure consumer protections are in place so Kiwis can with confidence take up the product and services based on DERs.

³³ Australian Energy Regulator, *Review of Consumer Protections for Future Energy Services: Final Report*, November 2023, pg. 22.

³⁴ For example, we note the wide definition of retailer in the EIA, which appears constrained by the definition of retailer and electricity in the secondary legislation of the Electricity Industry Participation Code. See also definitions of pricing plan and product offering in the Consumer Care Obligations.

MBIE, being the body responsible for the EIA will have a unique role in such legislative standardisation. The Australia experience will assist with any amendments and further give a picture of what issues arise for the consumer arising from DERs.

For example, New South Wales has amended its regulatory framework to allow the Energy and Water Ombudsman NSW (EWON) to consider complaints about existing members that provide rooftop solar, home batteries, aggregation services, virtual power plants, and electric vehicle charging services.³⁵ Western Australia is going a step further amending its framework to introduce codified obligations which the Western Australian Ombudsman will be able to consider as complaints about on-site power supply (OPS) services. An OPS arrangement is where a business installs a power source—most commonly rooftop solar—at a customer's premises, and the customer pays for the electricity generated either per unit or through a subscription.³⁶ This is a model familiar to many New Zealanders. Western Australia has also introduced an *Alternative Electricity Services Code of Practice* that addresses many of the issues arising in the solar complaints we receive.³⁷ New Zealand's legislation differs and in our view many of these protections can be incorporated in the Industry Participation Code 2010 without amending the EIA.³⁸ The Australian developments, while being made in the context of less flexible primary legislation, provide a useful starting point for reviewing our own regulatory protections and the EIA. They show how one of our closest neighbours, further advanced in the transition to DERs, is proactively addressing consumer concerns comparable to those emerging in our energy sector.

Thank you for the opportunity to comment on the *Discussion Doc*. If you have any questions, please contact me in the first instance at: paulb@udl.co.nz



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³⁵ See Electricity Supply (General) Regulation 2026, cl 20, [Link](#) & EWON NSW, "EWON to Manage Renewable Energy Infrastructure Complaints", [webpage](#).

³⁶ See WA.gov.au, "Regulation of On-site Power Supply" [webpage](#). This is not a lease arrangement the industry participant maintains ownership of the electricity, guarantees electricity savings of a certain percentage, and often takes to itself any government benefits arising from the electricity it generates and owns. The industry participant may also take on a role of guaranteeing the price for grid electricity.

³⁷ Alternative Electricity Services Code of Practice 2026, [Link](#).

³⁸ See footnote 34.