

Appendix 4: Trustpower Correspondence

Generators

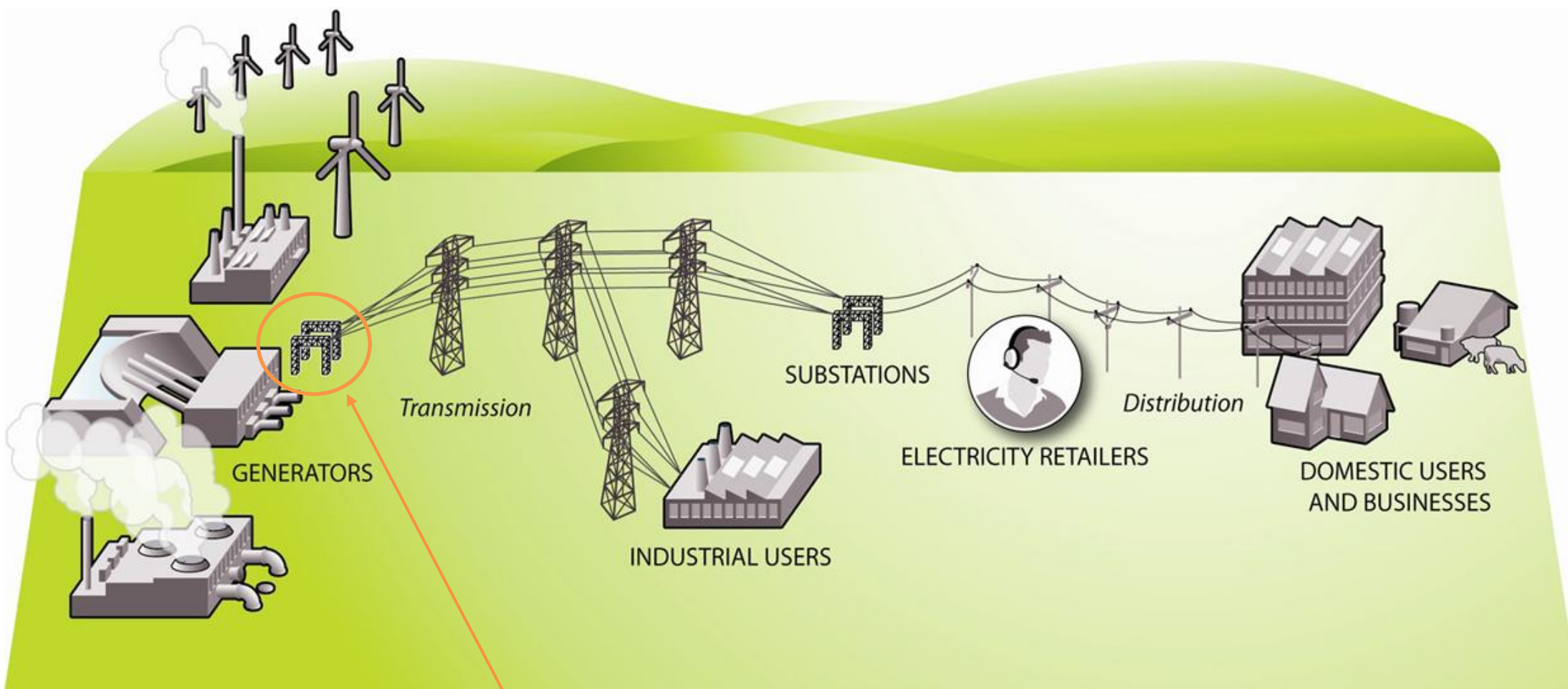
e.g. Trustpower

Network Utility Operators

e.g. Transpower, Orion

Retailers

e.g. Electric Kiwi, Powershop



Source: MBIE Website, Building and Energy: Electricity Industry

On occasion, Generators will own lines which connect from the power station to a substation that may be located some distance from the power station. For instance, the journey from the powerstation **to** the substation is the end of the generation input, and the journey **from** the substation and through the transmission lines is the beginning of the network utilities input.

Please note: Trustpower does not own any power lines at Coleridge HEPS, due to an on-site National Grid Substation.

From: Romae Calland <RCalland@tonkintaylor.co.nz>

Sent: Wednesday, 13 October 2021 3:01 PM

To: Vicki Barker <vicki@barkerplanning.co.nz>

Subject: RE: Proposed Selwyn District Plan - Energy & Infrastructure Hearing - Right of Reply

Hi Vicki – sorry it has taken so long to get back to you, I wanted to make sure I had everything correct. The network utility definition thing is a real rabbit warren. I have stepped through each of the stages below to help

The starting point is the District Plan definition

Network utility operator as the same meaning as in section 166 of the RMA means a person who—

c. is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or and the words network utility operation have a corresponding meaning.

That leads us to s166 of the RMA that has the same wording as the District Plan

is an electricity operator or electricity distributor as defined in [section 2](#) of the Electricity Act 1992 for the purpose of line function services as defined in that section

So then we need to look up the definitions of ‘electricity operator’ and ‘electricity distributor’ in section 2 of the Electricity Act

electricity distributor means a person who supplies line function services to any other person or persons - Trustpower do not supply line function services at Coleridge

electricity operator means—

(a) any body or person that, immediately before 1 April 1993, was the holder of a licence issued under section 20 of the Electricity Act 1968 and in force immediately before that date; and – Trustpower do not hold such a license

(b) any person declared under [section 4](#) or [section 4A](#) to be an electricity operator for the purposes of this Act or any provision or provisions of this Act – Section 4 allows the Minister to Gazette an electricity distributor as an electricity operator. Section 4A allows an electricity generator to be declared as a electricity operator

electricity generator means any person who owns or operates a generator connected to distribution or transmission lines -

You have highlighted Gazette Notice 5714 from the MBIE website. Unfortunately this notice is for the generator’s line function services and not for the generator as a whole. I attach a copy of the diagram of how the generators and distributors fit in that maybe a useful summary as it also

highlights time when a generator may also own lines and be a distributor. While Trustpower do have lines at some sites, they do not at Coleridge and therefore the Gazette Notice is not applicable and Trustpower cannot be classified as a network utility using the plan or Act definitions.

A possible amendment would be to include the definition of electricity generator from the Electricity Act 1992 in the network utilities definition within the plan, although I note that this option is stepping away from the national planning standards.

Please let me know if you have any questions.

Kind regards

Romae

From: Vicki Barker <vicki@barkerplanning.co.nz>

Sent: Monday, 11 October 2021 9:49 AM

To: Romae Calland <RCalland@tonkintaylor.co.nz>

Subject: Proposed Selwyn District Plan - Energy & Infrastructure Hearing - Right of Reply

Morning Romae

I'm currently preparing the right of reply for the Energy and Infrastructure Hearing.

One thing the Panel questioned was whether an amendment could be made to the 'important infrastructure' or 'network utility operator' definitions to include Trustpower's assets which would avoid the need to reference 'renewable electricity generation activities' separately in the provisions.

When referring to the MBIE website Trustpower is an electricity operator as at January 2020 under the Electricity Act 1992: "for all purposes of the Electricity Act, including for the purpose of line function services..."

<https://www.mbie.govt.nz/building-and-energy/energy-and-natural-resources/energy-generation-and-markets/electricity-market/electricity-operators-in-new-zealand/>

Can you please advise why Trustpower considers this does not classify Trustpower as a network utility operator please?

Thanks

Vicki
