



**Date of binding decision** 17 February 2014  
**Complainant** Clive Gifford  
**Electricity network company** The Lines Company  
**Property address** 15 Ohorere Street, Owhango,  
**Postal address** CMB51 RD2, Owhango 3990

### **BINDING DECISION**

1. Under paragraph B.34 of the Electricity and Gas Complaints Commissioner Scheme, I hereby issue a binding decision in respect of Mr Gifford's complaint about The Lines Company. My decision is The Lines Company:
  - apologises to Mr Gifford for incorrectly removing him from the low user tariff, and continuing to justify this action
  - makes a customer service payment to Mr Gifford of \$500
2. On 3 October 2013 I gave the parties notice of my intention to make a recommendation.
3. On 10 January 2014, after considering the submissions received, I issued my recommendation to the parties
4. Based on the reasoning contained in the notice of my intention to make a recommendation and my recommendation (both of which are attached and should be read in conjunction with this document), I confirm my findings as :
  - a) Mr Gifford is entitled to The Lines Company's low fixed charge tariff for his Owhango property

- b) The Lines Company acted unreasonably when it continued to argue the exemption was to apply to all homes supplied from the feeders listed in the exemption notice
  - c) It is fair and reasonable for The Lines Company to apologise and pay Mr Gifford \$500
5. The Lines Company, when rejecting my recommendation, said it fully reserves its position in relation to the final recommendation and findings and conclusions that support it. I address some other points raised by The Lines Company in its submission:
- a) I did not consider as a factor, The Lines Company's policy of automatically placing eligible consumers on the low user tariff option, because this was not relevant to Mr Gifford's particular situation
  - b) I accept The Lines Company's comment about the inconsistent description in my recommendation of the third criterion for applying the exemption notice. The third criterion should read "a line serving few homes", not "a line serving fewer than 10 customers".
6. I have determined, given the findings made and confirmed in my recommendation, that The Lines Company apologises to Mr Gifford and pay him \$500.
7. On 28 January 2014 Mr Gifford accepted my recommendation. I address the further points Mr Gifford made in his accompanying submission:
- a) I acknowledge and agree with Mr Gifford's point that clarification of the definition of "few homes" would assist interpretation in future complaints. I intend to refer this suggestion to the Ministry of Business, Innovation and Employment who are responsible for issuing exemptions.

b) I agree with Mr Gifford that clarification of the definition of "few homes" was not material to the settlement of his complaint and so I will not address this in my binding decision.

8. My findings, as outlined in paragraph 4 above, are the reason for making the binding decision.
9. If this binding decision is, within 15 working days from the date of its issue, accepted by the Complainant in full and final settlement of the subject matter of the complaint, the decision shall be binding on the complainant and on The Lines Company.

*Nanette Moreau*

Nanette Moreau  
Acting Electricity and Gas Complaints Commissioner  
17 February 2014

I, Clive Gifford, accept the above binding decision in full and final settlement of my complaint about The Lines Company.

Signed *Clive Gifford*  
Date 19 Feb 2014