



UTILITIES  
DISPUTES

TAUTOHETOHE WHAIPAINGA



Annual  
Report 20/21

## CHAIR'S MESSAGE



The past year has been a year like no other. Covid-19 has affected us all with no individual, organisation, or country exempt from its impact. My thanks to everyone who has supported and continues to support Utilities Disputes Limited (UDL) – we do make a positive difference to New Zealanders especially those who have had the benefit of our services.

We have seen some of the recommendations from the Electricity Price Review being progressed. MBIE is setting up a Consumer Advisory Council and an Energy Hardship Group. The Electricity Authority has also progressed awareness of UDL through changes to the Code to ensure information about UDL is provided in a clear and prominent manner to consumers. All of these will make a positive difference to our work.

Future priorities for UDL remain firmly focused on increasing the visibility of our existing schemes ensuring high quality services and looking at other ways to add value for utility providers

and consumers. We are increasing our engagement with community and industry organisations to inform and educate both consumers and industry. Our ongoing research and analysis continue to support our leadership role in this sector.

The Board joins me in thanking the Advisory Committee members for their input into UDL's work. We also thank the Commissioner, Mary Ollivier, and her staff for their professionalism, commitment, and sheer hard work during a year impacted by Covid-19 and the challenges that has brought and that continue. My grateful thanks to my fellow Board members for their support and passion: Major Campbell Roberts, Mark Gatland, Kyle Christensen, and Dr Brian McCulloch. Thank you also to our membership group for supporting UDL to be the best it can be.

*He aha te kai o te rangatira?  
He kōrero, he kōrero, he kōrero.*  
What is the food of the leader?  
It is knowledge, it is communication.

**Hon Heather Roy**  
UTILITIES DISPUTES  
BOARD CHAIR

## COMMISSIONER'S MESSAGE



The pandemic has seen us change to more flexible working hours with most staff working from home at least one day a week and we now offer an expanded service opening on Saturdays. We hope to soon move back to The Terrace, from our temporary accommodation in Molesworth Street, due to necessary strengthening and refurbishing work.

Our current environment reflects a 43% increase in total cases to 11,161, a significant increase compared to 7,815 last year. There was a 26% reduction in accepted cases reflecting improved customer service by our member organisations. We hosted 14 webinars in 2020-21, with over 715 total attendees and very positive feedback from our members.

Financially we are in a healthy position in part due to Covid-19 and the resulting decrease in spend due to deferral of events and awareness campaigns, training, and reduced rent.

This places us in a good position to weather any further fallout that may arise, as workloads in the dispute resolution area can be variable and difficult to forecast.

During 2020, UDL commenced its journey to improve its capability and consistency with the Treaty of Waitangi principles. Staff knowledge of Te Ao Māori and tikanga Māori is a focus together with cultural approaches to dispute resolution.

I would like to thank our Board Chair, Hon Heather Roy, and all Board members for their support and advice during a tumultuous year. I owe a debt of gratitude to my team at UDL for stepping up to resolve a huge increase in cases. Without our amazing team we would not be able to make a difference and be here to help.

*Me mahi tahi tātou mo te oranga o te katoa.*  
Working together as one for the wellbeing of everyone.

**Mary Ollivier**  
UTILITIES DISPUTES  
COMMISSIONER AND CEO

# THE YEAR IN NUMBERS

## Total cases (all schemes)



TOTAL 2020/21

11161

TOTAL 2019/20

7815

Energy

BSPAD\*

Water

8884

ENQUIRIES

2019/20: 5603

2277

COMPLAINTS

2019/20: 2212

231 CASES  
ACCEPTED FOR  
CONSIDERATION

2019/20: 311

246  
ACCEPTED  
CASES CLOSED

2019/20: 359

36.3 AVERAGE WORKING  
DAYS TO CLOSE

2019/20: 49 days

\* Broadband Shared Property Access Disputes.

## Outcomes of accepted cases (all schemes)

131

Settled before decision  
incl. teleconference

50

Decision issued incl.  
preliminary decision

38

Withdrawn  
incl. abandoned

## How people contact us



## Total cases by scheme

	ENERGY	BSPAD	WATER	OUTSIDE SCHEMES
2020/21	9880 88.5%	328 2.9%	554 5.0%	399 3.6%
2019/20	6968 89.1%	460 5.9%	269 3.4%	122 1.6%

## COMPLAINTS



2021  
ENERGY



141  
BSPAD

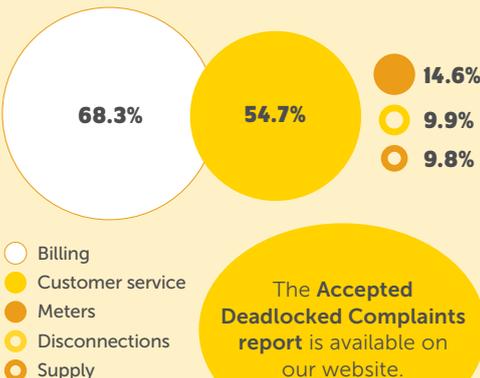


64  
WATER

51 complaints received outside schemes.

## ENERGY ISSUES

Complaints about electricity and gas made up **89%** of total complaints. The most common energy complaint issues were about billing, customer service, meters, disconnections, and supply.



The **Accepted Deadlocked Complaints report** is available on our website.

## BSPAD ISSUES

**73.9%** Existence of statutory right disputed

**18.5%** Exercising of access right disputed

**2.5%** Ongoing rights of access

## WATER ISSUES

**72.5%** Billing

**53.6%** Customer service

**14.5%** Land

**14.5%** Provision

**13.0%** Supply

Cases can have more than one issue.

# COMMUNITY

## Reaching out

Our team is available 8am – 6pm weekdays (5pm on Fridays) and 9am – 4:30pm on Saturdays. We have a live chat function on our website, and a call back request form to accompany our complaint forms on our website.

We appointed a Community Engagement Officer whose focus is engaging with agencies and groups that support vulnerable consumers to ensure those that need us know about us.

## Our Te Ao Māori and tikanga journey

To improve accessibility we continue our Te Ao Māori and tikanga journey to improve our cultural capability, knowledge, and awareness of Māori approaches to dispute resolution.

## Working together

UDL is grateful for the support and partnership of community, industry associations, and government agencies. Working together enables the sharing of information, insights, and networks.

## Awareness campaign: Stay connected

A mini awareness campaign ran for 10 weeks from April to June 2020. New campaign material was tailored to align to lockdown, isolation, and the importance of staying connected and asking for extra help if you need it.

The campaign generated more followers and engagement on our Facebook page and increased visits to the campaign site: [havethepower.nz](https://havethepower.nz)

Our video and material have been shared on websites, social media pages, and distributed via the Electricity Authority, the Energy Efficiency and Conservation Authority, some of our membership group, and community contacts.

## Examples of complaints

Check out our case notes: [utilitiesdisputes.co.nz](https://utilitiesdisputes.co.nz)



Find us on social media

# MEMBERSHIP

# 369

## MEMBERS



**365**  
ENERGY



**3**  
BSPAD



**2\***  
WATER

Full membership list available on our website.

\* One water provider is also in the Energy Scheme.

## Strategy

This year we created a strategy on a page for sharing with stakeholders. It includes UDL's purpose of building a strong relationship of trust between utility providers and their customers. We continue to *prevent, educate, and resolve* when working with our membership group by sharing data, providing training, webinars, and our annual forum.



## Webinars

“...the entire presentation was relevant and there were so many great practical techniques and resources...”

“A little bit of science, a little practical application, a relatable roleplay and analysis...and grounded attempts to answer questions. Well done.”

“The webinar was very informative... definitely keen to share it with my wider team.”

## Topics

Four interesting cases

UDL Commissioner, Mary Ollivier, on her first year in the role

How to communicate effectively with older people

Overall trends in enquiries and complaints

Managing difficult behaviours and mental illness, with Robyn Bradey

Covid-19 and consumer vulnerability: the opportunities and threats, with Major Campbell Roberts

Consumer NZ: Power Company Satisfaction survey 2020 results

Government Centre for Dispute Resolution presentation

Working with vulnerable customers

Commerce Commission interview

Understanding how people approach complaints differently

Early Resolution Team: secrets revealed

Virtual teleconferences: accessibility on different platforms

Jurisdictional challenges

# CASE EXAMPLES

## ENERGY

Phoebe was a customer of Electricity Company (EC) when her smart meter stopped sending her electricity usage to EC. EC then did not know how much electricity Phoebe had used. EC sent Phoebe estimated bills for six months and then no bills for 12 months. The meter was not read for 18 months, however Phoebe was paying a fixed amount by direct credit for that time.

EC sent Phoebe a \$3,000 back bill which was reduced to \$1,000 after applying her direct credits and a prompt payment discount. EC also switched Phoebe to another provider without her permission. Phoebe complained about the switch, not receiving regular bills, and the large back bill. EC offered a discount which Phoebe did not accept.

UDL found EC's contract with Phoebe allowed EC to estimate her bills for four months only and that it needed to give 30 days' notice if it wanted to switch customers to another provider. Consumers are entitled to expect their electricity providers to comply with their own terms and conditions and provide a satisfactory level of customer service. Phoebe said she was financially stressed because she believed her electricity bills were paid and her account was in credit. Had she known her bills were higher than what she was paying by direct credit she may have amended her electricity usage. The Commissioner recommended EC pay Phoebe \$600 for not following its terms and conditions and for inadequate customer service.

## BSPAD

Monica shares a driveway with three other properties under a shared right of way. Monica's neighbours requested a fibre connection to their properties. ABC Ltd (ABC), the provider, was responsible for the fibre network in Monica's neighbourhood and proposed to install the fibre within the shared area.

Monica objected to ABC's proposal to install fibre on the shared driveway because the slot-cut could cause future maintenance problems as it is an exposed area with high vehicle usage. She objected on the grounds the installation would have a materially negative impact on the value of her property.

UDL facilitated discussion around alternative design options between the parties, however a resolution was not able to be reached. The Commissioner determined ABC was allowed to access the property to install the fibre as it had complied with all the statutory conditions in the Act<sup>1</sup> and because Monica had not provided sufficient evidence to show how the proposed installation would have a materially negative impact on the value of her property. Both parties accepted the recommendation and ABC proceeded with the installation.

## WATER

Rachel is the co-owner of a shared driveway with a water meter at the end of the driveway. In January 2019, another co-owner of the shared driveway informed provider Water For Everyone Ltd (WFE) that the meter box was leaking. WFE repaired the meter seven months after the leak was reported. Rachel believed the damage to the driveway became worse due to the water leak and that WFE should contribute to the cost of fixing the driveway.

After referring the complaint to UDL, Rachel repaired the damaged section of the driveway. WFE acknowledged its customer service could have been better which resolved part of the complaint. WFE disagreed the leak caused the damage to Rachel's shared driveway.

After investigation, the Commissioner believed it was fair WFE pay part of the reinstatement costs. It was found the driveway was already in need of repairs and although the leak caused further damage it was not likely to be the sole cause of the damage to the driveway. It was reasonable for WFE to pay 25% of the repair costs.

Case notes are available on our website [utilitiesdisputes.co.nz](https://www.utilitiesdisputes.co.nz)

<sup>1</sup>Telecommunications Act 2001.

# ANNUAL REVIEW

## UDL performance standards for 2020–21 (all schemes)

Scheme requirement	Performance standard	Performance
<b>Time to close<sup>1</sup></b>	>45% DL <sup>2</sup> cases closed in 30 working days	<b>Met:</b> 57.7%
	>75% DL cases closed in 90 working days	<b>Met:</b> 93.1%
	Scheme complaints <sup>3</sup> closed in 60 working days	<b>Met:</b> 100% closed
<b>Complainant satisfaction<sup>4</sup></b>	Provisional goal reaching an average over 4 out of 5	<b>Not met:</b> 3.78
<b>Membership satisfaction<sup>4</sup></b>	Provisional goal reaching an average over 4 out of 5	<b>Not met:</b> 3.76
<b>Awareness and accessibility</b>	20% unprompted recognition in general awareness survey	<b>Not conducted during this reporting period</b>
<b>Compliance</b>	Compliance reporting complete, accurate, and on time	<b>Met</b>
<b>External review of cases</b>	Assess complaint handling as meeting requirements of natural justice and good complaint handling	<b>Not conducted during this reporting period</b>

1. Counted from when the case was accepted.
2. DL = Deadlock: where parties are unable to resolve the dispute themselves. Full definition available on our website.
3. A scheme complaint is a complaint about the operation of a scheme.
4. For 2020–21 UDL expanded its satisfaction measures to obtain more reflective data.

## BSPAD SCHEME

Three members: **Chorus NZ Ltd**, **Enable Networks Ltd**, and **Ultrafast Fibre Ltd**.

<b>Received</b>
<b>187 enquiries</b>
<b>141 disputes</b>
<b>48 accepted for consideration</b>
<b>Closed</b>
<b>148 disputes</b>
<b>52 accepted for consideration</b>
<b>Outcomes of accepted disputes</b>
<b>21 determinations</b>
<b>3 preliminary determination</b>
<b>16 settled before decision</b>
<b>4 right withdrawn (by company)</b>
<b>3 withdrawn</b>
<b>1 no further investigation</b>
<b>4 abandoned</b>

The purpose of the BSPAD Scheme is to resolve disputes about access to shared property for broadband installation. Any party to an installation may refer a dispute to the Scheme. Disputes must be as a result of exercising statutory rights of access under the Telecommunications Act 2001.

The process is independent, and free for consumers.

### Target service levels

- Decisions about jurisdiction within 5 working days from date the dispute is referred to us  
**83 out of 91 cases met the target**
- Facilitating resolution within 10 working days from date the dispute is accepted  
**7 out of 16 cases met the target**
- Issuing determination within 32 working days from date the dispute is accepted  
**12 out of 21 cases met the target**

# FINANCIAL SUMMARY

For the year ended 31 March                      2020–21                      2019–20                      2018–19

<b>ALL SCHEMES</b>			
Annual levy	4,558,767	4,307,050	3,905,607
Other income	53,162	58,613	50,934
<b>Total income</b>	<b>4,611,929</b>	<b>4,365,663</b>	<b>3,956,541</b>
Staff related costs	2,551,359	2,730,788	2,502,964
Other costs	1,100,204	1,325,602	1,168,992
Depreciation	102,690	123,237	107,847
<b>Total expenditure</b>	<b>3,754,253</b>	<b>4,179,627</b>	<b>3,779,803</b>
<b>Operating surplus before tax</b>	<b>857,676</b>	<b>186,036</b>	<b>176,738</b>
<b>Total cases</b>	<b>11,161</b>	<b>7,815</b>	<b>7,227</b>
<b>Budget</b>	<b>4,413,204</b>	<b>4,301,743</b>	<b>3,730,897</b>
<b>ENERGY</b>			
Annual levy	4,169,587	3,939,954	3,703,889
Other income	48,617	54,229	48,282
<b>Total income</b>	<b>4,218,204</b>	<b>3,994,183</b>	<b>3,752,171</b>
Staff related costs	2,334,493	2,526,557	2,372,632
Other costs	1,006,687	1,208,058	1,112,384
Depreciation	93,961	114,020	102,232
<b>Total expenditure</b>	<b>3,435,141</b>	<b>3,848,635</b>	<b>3,587,248</b>
<b>Operating surplus before tax</b>	<b>783,063</b>	<b>145,548</b>	<b>164,923</b>
<b>Total cases</b>	<b>9,880</b>	<b>6,968</b>	<b>6,520</b>
<b>Budget</b>	<b>4,052,371</b>	<b>3,980,022</b>	<b>3,534,451</b>
<b>BSPAD</b>			
Annual levy	361,000	330,000	171,000
Other income	4,226	3,897	2,254
<b>Total income</b>	<b>365,226</b>	<b>333,897</b>	<b>173,254</b>
Staff related costs	201,557	181,539	110,781
Other costs	86,916	104,839	47,856
Depreciation	8,113	8,193	4,773
<b>Total expenditure</b>	<b>296,586</b>	<b>294,571</b>	<b>163,410</b>
<b>Operating surplus before tax</b>	<b>68,640</b>	<b>39,326</b>	<b>9,844</b>
<b>Total cases</b>	<b>328</b>	<b>460</b>	<b>565</b>
<b>Budget</b>	<b>325,375</b>	<b>285,974</b>	<b>166,989</b>
<b>WATER</b>			
Annual levy	28,180	37,096	30,718
Other income	319	487	398
<b>Total income</b>	<b>28,499</b>	<b>37,583</b>	<b>31,116</b>
Staff related costs	15,308	22,692	19,551
Other costs	6,601	12,705	8,752
Depreciation	616	1,024	842
<b>Total expenditure</b>	<b>22,526</b>	<b>36,421</b>	<b>29,145</b>
<b>Operating surplus before tax</b>	<b>5,973</b>	<b>1,162</b>	<b>1,971</b>
<b>Total cases</b>	<b>554</b>	<b>269</b>	<b>27</b>
<b>Budget</b>	<b>35,458</b>	<b>35,747</b>	<b>29,457</b>

Our full financial report is available on our website.

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