

## EXEC INTERVIEW: Utilities Disputes' Nanette Moreau

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Kate Barker - Mon, 06 Mar 2017



Nanette Moreau says her team have to be good tightrope walkers when dealing in the area of complaints.

The commissioner of Utilities Disputes - previously the Electricity and Gas Complaints Scheme - says the office faces a constant balancing act to maintain its independence.

"We get accused sometimes by complainants who say 'you're just in the pockets of the companies'. And then of course we get complaints from some of the providers saying 'you're just a woolly cardigan consumer advocate'," she says.

"We're good tightrope walkers really, just trying to maintain our balance on that tightrope of being independent."

And despite those challenges, Moreau says the [organisation](#) does have its bright days when a resolution is found.

Getting there, she notes, is when the experience of the tightrope walker – "without a pole even" – really pays off.

### Visibility

Utilities Disputes plans to increase its visibility to both consumers and its providers in the coming year.

Its unprompted awareness rate among consumers is about 6 per cent. In some Australian states, unprompted awareness of similar dispute resolution services can be between 40 and 50 per cent.

Moreau says more trips are also planned to meet providers based out of the capital to try and shake the "Wellington bureaucrat" label.

The approach is well-timed to allow for the ever-growing number of providers. All electricity and gas retailers and distributors are required to join Utilities Disputes. The organisation looks after more than 230 members, up from 60 in mid-2015.

Participants include owners of secondary networks, such as shopping centres, apartment buildings and airports.



### Scale

Since its inception, Utilities Disputes has handled more than 50,000 complaints. In the six months to September, Utilities Disputes dealt with 1,162 complaints, including billing issues, customer service complaints, disconnections, and metering problems. That number was down about 10 per cent compared to the previous six months.

The number of deadlocked complaints, which are submitted to the commissioner for consideration, fell by more than 33 per cent to 137. The average number of working days to close a deadlocked complaint in the year to March 2016 was almost 60.

The commissioner is able to make a proposed recommendation on deadlocked complaints. If it is accepted by the provider and the complainant, the recommendation becomes binding.

Moreau says many new entrant retailers have never dealt with the industry before. As well as increasing its visibility, Utilities Disputes is providing training to providers to help them deal with complaints in a way that may see them resolved more quickly.

Existing providers have been assured that any new schemes Utilities Disputes adds will not be cross-subsidised from other schemes' budgets, and that the level of service will remain the same.

## **Evolution**

Moreau holds a commerce and law degree and is a trained mediator. Originally from Canada, she has held executive and senior management roles in the dispute resolution, private and public sectors both there and in New Zealand.

Moreau joined the then-Electricity Complaints Commission Scheme in 2002 as its deputy commissioner.

The organisation was formed one year earlier following a 2000 ministerial Inquiry into the deregulated electricity market and its fairness to consumers.

"It was the one thing out of the Caygill Inquiry that the companies could actually agree on."

ECC membership was voluntary, and in 2005 the commissioner's jurisdiction to consider complaints was extended to include gas customers.

The scheme was approved in 2010 by the Minister of Consumer Affairs. By then the organisation was dealing with electricity, gas and land access complaints.

"We've won over some providers who were strongly against the Government setting up a scheme."



Moreau notes that land access cases are usually the most complicated, and involve scrutinising ownership documents dating back to the 1900s.

She says there have been times when they have approached a retailer for old paperwork, only to be told that a lot of it got taken to the tip after the separation of lines and retailing in the late 1990s.

LPG was added to the scheme in 2014, introducing a number of new complaints. Moreau says LPG usually drives more complaints than reticulated gas, mostly related to deliveries and bottle re-filling.

In some cases, recent changes in safety regulations mean a house that could previously have LPG delivered is no longer viable.

In January Utilities Disputes confirmed its five-member board. Wellington Electricity chief executive Greg Skelton, the Salvation Army's Major Campbell Roberts, and independent advisor Brian McCulloch were new additions to the board, chaired by former MP Heather Roy.

Dispute resolution consultant Nicky Darlow remains as an independent director.

## **Relevant**

Moreau says many of the latest changes have been driven by developments in the electricity sector.

"The changes in the industry with distribution pricing and the way that some of our language was worded in the previous documents – we were restricted in some of the things that we could actually look at," she says.

"That was the first real push to try and make sure that we could cover the areas where our providers were going and what our consumers were facing."

Moreau says staff will also have to become familiar with cost-reflective pricing tariffs that are likely to become more common.

The changes will also allow Utilities Disputes to cover new services that some of its providers have added.

In 2014 Trustpower extended its retail offering to include broadband and telecommunications. In December telecommunications provider Vocus bought electricity retailer Switch Utilities in order to provide a bundled energy service.

Moreau notes that some sectors, such as telecommunications, have their own dispute resolution service.

In those cases Utilities Disputes is not trying to take over the work they are doing.

“What we are trying to do is remain relevant and reflect the changes in the industry.”

### **Broadband**

The organisation is vying to be the chosen disputes resolution service to oversee land access claims related to the ultra-fast broadband roll-out.

The Government is seeking disputes resolution organisations for the work as part of its efforts to reduce delays in connecting properties to UFB.

A request for proposals was released last year, which the Utilities Disputes board has responded to.

The organisation that wins the work will have to meet six benchmarks - accessibility, independence, fairness, accountability, efficiency and effectiveness. They were the thresholds Australia set in 1986 for industry-based disputes resolution schemes.

“We deal with land access all the time in the complaints that we get from consumers around lines and poles and equipment,” Moreau says. “We’ve got the kind of independent board and decision-making that I think the legislation is looking for.”



### **Managing complaints**

As the sector has developed, Moreau says the organisation has become used to dealing with more complex complaints.

In the early days complaints were usually about incorrect information appearing on the registry.

“People would switch and they’d switch the wrong property, and there were all these sorts of billing issues.”

In recent years Utilities Disputes has had to manage complaints relating to the smart meter roll-out, disconnections, information privacy, service reliability, door-to-door sales and complex bills.

As the retail sector has become more competitive, the number of complex plans on offer has increased, she says.

In recent years Utilities Disputes has run a training programme for providers on how to deal with complaints in a way that may result in an early resolution.

Prompt action remains central to that.

“The key to resolving any kind of dispute is the earlier you can actually get in and get it resolved, the better your chances are,” she says.

“Trust starts to break down if it drags on.”