



Making a claim for compensation

This fact sheet sets out information which may be useful if you are making a claim for compensation from an electricity or gas company.

Types of claims

1. Property damage

If your property was damaged because of an energy outage, voltage fluctuation or any other energy supply problem, you may be able to make a claim for compensation to your electricity or gas company.

If your property was damaged by the actions of an electricity or gas company when they were inspecting or repairing their equipment on your land, you may also be able to make a claim for compensation.

2. Loss of trade and business

Electricity and gas companies will not usually pay compensation for loss of trade or business because of energy problems. However, the Commissioner may be able to recommend compensation, depending on the circumstances of the complaint.

3. Interruptions to energy supply

In some circumstances where outages occur, lines companies will pay retail companies a set amount where an outage lasted more than a certain time. The retail company will decide whether the customer gets all or part of this payment. Contact your retail company for more information about the circumstances that could lead to a payment for an outage.

Claim policies of electricity and gas companies vary

Electricity and gas contracts usually say companies cannot guarantee an uninterrupted or faultless supply. This does not mean you cannot make a claim for compensation, if you have suffered damage.

The contracts will also say what the retail and lines companies are responsible for. This will help you decide which company to make a claim to.

Most people have a contract with an electricity or gas retailer. The retailer will then have its own contract with a network company.

If you are claiming compensation from a company with whom you do not have a contract (for example, as a land owner or land occupier), the general law of NZ applies.

If the company you make a claim against decides not to pay, it should provide you with reasons for its decision.

How do I make a claim?

Contact your electricity or gas company to ask it to consider your claim.

If your property is insured, you should also contact your insurance company for advice.

Asking your energy company to consider your claim

You will need to provide your electricity or gas company with information about your claim. This might include:

- A description of the damage to your property or any losses you have incurred
- Evidence of the damage (it is useful to keep damaged items until the claim is settled, or take photos of damage)
- A repairer's report about the damage and any quotes or receipts for replacements or repairs
- The exact date and time you noticed the problem
- An outline of what you saw during the event
- Records of any contact you have with your insurance company and energy company.

The company must accept details about your claim in any reasonable form, including by phone, post, fax, e-mail, or by hand, or face-to-face.

ELECTRICITY AND GAS FACT SHEET

Contact the Electricity and Gas Complaints Commissioner

If you are not happy with the way the electricity or gas company responds to your claim, you can contact the Electricity and Gas Complaints Commissioner. The Commissioner can consider claims for amounts up to \$50,000, and up to \$100,000 if the company agrees.

If you contact the Commissioner's office, a conciliator will review:

- Information you have about your claim
- The company's records of the event
- What caused the event
- Any relevant industry codes or standards
- Contracts of supply for your property
- The law
- Expert advice if required

The conciliator will first try to facilitate discussions between you and the company to see if you can resolve the matter yourselves.

Information the Electricity and Gas Complaints Commissioner may need from you

The Electricity and Gas Complaints Commissioner may need the following information from you:

- Evidence of the damage for which you are making a claim
- What you were using the electricity for (any unusual appliances)
- Is the property a business, residence or mixture of both?
- Was the damaged property used in any way for business purposes?
- Were you using surge protection?
- Where your property is located (e.g. rural, semi-rural, built-up urban, area with lots of trees, exposed coastal area)
- How the energy is supplied to you (overhead lines or underground)
- If the company has ever given you any information about the nature of electricity or ways to protect yourself from possible damage
- Has the retail or network company told you what caused the damage?
- Has this event, or anything similar, happened before?

Investigations can take time

Complaints about claims are often complex, and may take several months to investigate. We will keep you informed of the progress of our investigation and the reason for any delay.

Protecting your appliances

In considering your claim, the Commissioner will look at whether you have taken reasonable steps to protect your appliances from potential damage. This may include using surge protection equipment, or an uninterruptable power supply. However, the Commissioner will look at your claim even if you were not using such devices.

If you have concerns about protecting sensitive appliances, you should speak with your electricity or gas company about your specific needs.

Outcomes

If you and the company cannot resolve the complaint, the Commissioner can review the information and may recommend a settlement based on what she thinks is fair and reasonable.

If the Commissioner recommends the electricity or gas company should pay all or part of your claim, and you accept that recommendation, the Commissioner will ask the company to do so.

If the Commissioner believes the company's decision not to pay your claim was reasonable, she will explain why.

If you do not accept the Commissioner's decision, you can take your claim to another forum, such as the court, Disputes Tribunal, or the Office of the Ombudsman (if the company is a state owned enterprise).

The office of the Electricity and Gas Complaints Commissioner

The Electricity and Gas Complaints Commissioner's office provides a fair and independent way of resolving complaints about electricity or gas companies. Our service is free to complainants.

Contact information

Freephone 0800 22 33 40

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PO Box 5875
Lambton Quay
Wellington 6145

E-mail info@egcomplaints.co.nz

Website www.egcomplaints.co.nz