

14 October 2025

Commerce Commission
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Teena koe

**SUBMISSION – DRAFTING DETERMINATION – HUNTLY STRATEGIC ENERGY
RESERVE FIRING OPTION – (HSER HFO)**

Tooku awa koiora me oona pikonga he kura tangihia o te maataamuri

The river of life, each curve more beautiful than the last

Naa Kiingi Taawhiao

1. Thank you for the opportunity to respond to the Commerce Commission's Draft Determination (29 September 2025) concerning the proposed Huntly Strategic Energy Reserve Huntly Firing Option (HSER HFO).
2. Waikato-Tainui acknowledges the Commission's Draft Determination and recognises the potential public benefits of the Proposed Arrangements. Huntly Power Station sits at the physical and spiritual heart of our rohe and Te Awa o Waikato, and any decision concerning its operation must reflect mana whakahaere, kaitiakitanga, settlement rights, and long-term sustainability.

INTRODUCTION

3. This response is made on behalf of Te Whakakitenga o Waikato Incorporated (Waikato-Tainui) the governing body for the 33 hapuu and 68 maraes of Waikato and manages the tribal assets for the benefit of over 95,000 registered tribal members. It is also:
 - a. the trustee of the Waikato Raupatu Lands Trust, the post-settlement governance entity for Waikato-Tainui for the purposes of the Waikato Raupatu Lands Deed of Settlement 1995 and the Waikato Raupatu Claims Settlement Act 1995;
 - b. the trustee of the Waikato Raupatu River Trust, the post-settlement governance entity for Waikato-Tainui for the purposes of the Waikato-Tainui River Deed of Settlement 2009 and the Waikato Raupatu Claims (Waikato River) Settlement Act 2010;
 - c. the mandated iwi organisation for Waikato-Tainui for the purposes of the Maaori Fisheries Act 2004; and
 - d. the iwi aquaculture organisation for Waikato-Tainui for the purposes of the Maaori Commercial Aquaculture Claims Settlement Act 2004.
4. Waikato-Tainui has a range of rights and interests that are highly relevant to the energy sector. As mana whenua along the Waikato River, our iwi holds enduring responsibilities of mana whakahaere, kaitiakitanga, and mana motuhake over our awa and its catchment.
5. Waikato-Tainui holds enduring rights and interests that extend beyond commercial matters. These include mana whakahaere, kaitiakitanga, and mana motuhake over our awa and its resources, recognised and protected under both the Waikato Raupatu

Claims Settlement Act 1995 and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

6. This response addresses the Draft Determination from a cultural, environmental, commercial, and intergenerational perspective, acknowledging the interconnected nature of energy, iwi wellbeing, and river health. It also reflects the need for meaningful relationships with key stakeholders, including Genesis Energy, and recognition of our rights under both the Waikato Raupatu Settlement and Waikato River Settlement, noting that any RFR related to Huntly Power Station land comes first to Waikato-Tainui as landowners and mana whenua.
7. For clarity, please note that this response does not comprise an exhaustive statement of all the issues of concern to Waikato-Tainui in relation to the energy transition and development of the energy strategy for Aotearoa. The responses outlined are from a high-level perspective and additional matters may form part of our discussions during direct engagement with the Crown and other parties.

BACKGROUND TO WAIKATO-TAINUI

8. Waikato-Tainui marae are kaitiaki of our environment and regard the holistic integrated management of all elements of the environment (including flora, fauna, land, air and water) with utmost importance.
9. Waikato-Tainui are tangata whenua and exercise mana whakahaere within our rohe (tribal region). Our tribal rohe is bounded by Auckland in the north and Te Rohe Pootae (King Country) in the south and extends from the west coast to the mountain ranges of Hapuakohe and Kaimai in the east. Significant landmarks within the rohe of Waikato include the Waikato and Waipaa Rivers, the sacred mountains of Taupiri, Karioi, Pirongia and Maungatautari, and the west coast harbours of Whaangaroa (Raglan), Manukau, Aotea and Kaawhia moana, the eastern areas of Tikapa Moana (Firth of Thames).
10. Waikato-Tainui has an intrinsic relationship with our natural environment, which carries with it both rights and responsibilities as a matter of tikanga and kawa.
11. Running through the heart of our tribal rohe, and reflected in our iwi's name, is Te Awa o Waikato, New Zealand's longest river. In 2008 Waikato-Tainui entered a Deed of Settlement regarding our historical Waikato River claim under Te Tiriti o Waitangi, which was subsequently reviewed, and an amended Deed signed in 2009 (the River Settlement). The River Settlement was given legal effect through the enactment of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (the River Settlement Act). The River Settlement marked the genesis of the Crown's statutory recognition of Te Mana o te Awa, Mana Whakahaere and the establishment of a co-governance and co-management approach between Waikato-Tainui and the Crown regarding matters relating to the Waikato River centred on Te Ture Whaimana.
12. Energy efficiency and sustainability are also embedded in Waikato-Tainui's long-term planning frameworks, including Whakatupuranga 2050 – our 50-year blueprint for the cultural, social, and economic advancement of Waikato-Tainui. In summary, our iwi strategy emphasises:
 - Environmental stewardship and regenerative practices in all development.
 - Reducing energy use and emissions through sustainable infrastructure.
 - Incorporating maatauranga Maaori and cultural values into decision-making.
 - Building resilient, self-sufficient communities capable of participating in low-carbon energy markets.
13. Huntly Power Station sits at the heart of our tribal rohe. Waikato-Tainui recognises the critical importance of energy security for Aotearoa, but equally, we assert our mana whakahaere over the land, water, and environment affected by energy generation. Some Huntly land is owned by Waikato-Tainui and leased to Genesis Energy, reflecting our ongoing stewardship and strategic interest in how the site is used and developed. It also highlights the importance of recognising iwi ownership, mana whakahaere, and strategic investment opportunities.

14. Waikato-Tainui values our longstanding relationship with Genesis and welcomes opportunities to strengthen collaboration, explore joint investment, and ensure iwi priorities are formally recognised in decision-making.

COMMENTS ON THE DRAFTING DETERMINATION-HUNTLY STRATEGIC ENERGY RESERVE FIRING OPTION- (HSER HFO)

15. Waikato-Tainui acknowledge the Commission's analysis and preliminary finding that the Proposed Arrangements are likely to result in a net public benefit.
16. However, any authorisation granted under the Commerce Act must also:
- Uphold Te Ture Whaimana and the overarching purpose of restoring and protecting the health and wellbeing of the Waikato River.
 - Enable equitable participation of Waikato-Tainui in energy and infrastructure investment; and
 - Support the transition toward a low-carbon, sustainable future that is consistent with Waikato-Tainui's energy efficiency goals.
17. Our response identifies key opportunities that align with the public benefit test and Whakatupuranga 2050 objectives, as well as key risks and conditions that must be addressed to ensure alignment with both the Commerce Act and the principles of the Waikato River Settlement (including Te Ture Whaimana, Te Mana o te Awa and Mana Whakahaere).

KEY OPPORTUNITIES

18. Waikato-Tainui recognise a number of potential opportunities that could create collective value. Moving these forward will require meaningful engagement and partnership discussions with the iwi and all stakeholders, to ensure outcomes are achieved in a way that reflects our shared values and aspirations.
19. These opportunities are summarised below:

Security of Supply:

- The continued operation of Unit 2 will strengthen national energy resilience during dry years, mitigating electricity shortages that affect all New Zealanders, including vulnerable whaanau.
- This aligns with Whakatupuranga 2050, supporting intergenerational wellbeing, iwi environmental, cultural, social and economic aspirations.
- Security of supply that supports the intent of Te Ture Whaimana – the health and wellbeing of the Waikato River to ensure it sustains the social, economic, and cultural wellbeing of the iwi and communities within the catchment.

Lower Wholesale Prices and Energy Affordability

- Waikato-Tainui support the Commission's finding that the Proposed Arrangements may reduce price volatility, delivering benefits estimated at \$13.5–\$15.8 million over five years.
- The Proposed Arrangements may reduce price volatility, delivering measurable economic benefits to households and businesses.
- Affordable and stable energy prices support oranga whaanau by:
 - consistent with iwi objectives to strengthen community resilience and social equity under Whakatupuranga 2050; and
 - reduce energy hardship, an outcome aligned with Te Ture Whaimana's principles of shared benefit and community wellbeing.

Unallocated Capacity and iwi Participation

- With approximately 135 MW remaining unallocated, there is a clear opportunity to design hedge products accessible to iwi, independent retailers, and community energy ventures.
- This presents a tangible pathway for iwi to participate in energy markets, diversify investment portfolios, and advance aspirations for energy sovereignty consistent with mana motuhake.
- Strengthens iwi capacity to influence energy outcomes in a way that respects cultural, environmental, and economic priorities.

Framework for Partnership and Co-Governance.

- The proposed Strategic Energy Reserve can be a model of co-governance in practice if designed transparently and inclusively.
- The Commerce Commission, in exercising its statutory role, shares obligations to give effect to Te Ture Whaimana under section 13(4) of the Settlement Act when making decisions that affect our awa and its resources.
- It provides an opportunity to build stronger, meaningful relationships with Genesis Energy and other stakeholders, creating opportunities for joint investment, shared decision-making, and formally recognising Waikato-Tainui's role as mana whenua.

Broader Community and Environmental Benefits)

- Opportunities exist to integrate energy efficiency, sustainability, and regenerative practices aligned with Whakatupuranga 2050 and iwi environmental strategies such as Tai Tumu Tai Pari Tai Ao.
- Supports the transition to low-emissions generation while ensuring Te Ture Whaimana and overall health and wellbeing of the Waikato River is protected.

KEY RISKS AND CONCERNS

20. While a number of key risks have been identified, Waikato-Tainui are committed to working collaboratively with partners and stakeholders to find practical and sustainable solutions that mitigate potential impacts and ensure positive outcomes for all.
21. These risks are outlined below:

Entrenchment of Market Power:

- The exclusive participation of the four largest gentailers risks further concentration of market power and exclusion of smaller or iwi-led participants.
- Without enforceable access conditions, the Proposed Arrangements could undermine the objective of equitable participation envisaged under Whakatupuranga 2050 and principles of the settlement legislation (Co-Governance, co-management, Te Ture Whaimana).

Long-Term Lock-In (10-year term):

- The proposed 10-year duration may restrict flexibility for emerging renewable and iwi-led energy projects to access firming capacity or participate in future market designs.
- The timeframe should be subject to mid-term review to ensure continued alignment with evolving energy and climate policies and strategic priorities for the region including Whakatupuranga 2050.

Increased Carbon Emissions and Environmental Impact:

- Prolonging the operation of a coal-based Rankine Unit directly conflicts with Te Ture Whaimana's intent to restore and protect the health and wellbeing of the Waikato River.

- While emissions are priced under the ETS, they still represent a public and cultural detriment to iwi aspirations for a clean, regenerative energy future.

Reduced Incentives for Renewable Innovation:

- Maintaining thermal generation may reduce incentives for investment in renewable firming technologies (e.g., geothermal, hydrogen, battery storage).
- These risks delaying the national energy transition and iwi investment opportunities in renewable infrastructure

Lack of Transparency and Access Barriers:

- The complexity of the hedge structure and coal procurement obligations may create information asymmetries that disadvantage smaller players and iwi investors.
- Without explicit conditions ensuring fair access, the public benefit could be captured narrowly by the existing gentailers.

RECOMMENDATIONS

22. Waikato-Tainui acknowledges the Commission's Draft Determination and recognises the potential public benefits of the Proposed Arrangements. Huntly Power Station sits at the physical and spiritual heart of our rohe and Te Awa o Waikato. Any decision concerning its operation must reflect mana whakahaere, kaitiakitanga, settlement rights, and long-term sustainability, ensuring the arrangements genuinely advance both the public good and the intergenerational aspirations of iwi as outlined in Whakatupuranga 2050.
23. Accordingly, Waikato-Tainui recommends the Commission adopt the following conditions

Condition of Access:

24. Require Genesis to offer hedge products backed by the remaining 135 MW capacity:
 - On fair, transparent, and non-discriminatory terms.
 - With **prioritised access pathways for iwi, independent generators, and community-based entities**, enabling co-investment and participation consistent with **mana whakahaere** and **Whakatupuranga 2050** aspirations for economic self-determination;
 - Subject to **monitoring and annual reporting** to the Commission on uptake and equity of access outcomes

Environmental and Cultural Reporting

25. Mandate annual reporting on:
 - Carbon emissions arising from Unit 2 operations
 - Measures and progress toward reduced coal reliance.
 - Implementation of Te Ture Whaimana and measurable actions to uphold the health and wellbeing of the Waikato River;
 - Alignment with Whakatupuranga 2050 goals, including energy efficiency, sustainability, and iwi partnership development;
 - Engagement with Waikato-Tainui and affected hapuu, ensuring decisions reflect mana whakahaere, kaitiakitanga, and iwi-led solutions.

Mid-Term Review:

26. Introduce a statutory review at the five-year mark (2030) to evaluate:

- Market competition and equitable access to capacity;
- Emissions performance and progress toward a renewable transition;
- The extent to which outcomes are aligned with Te Ture Whaimana, Whakatupuranga 2050, and broader national energy transition goals;
- Effectiveness of iwi engagement and co-investment opportunities

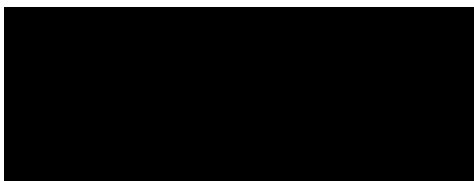
Just Transition and Reinvestment:

27. Encourage conditions requiring that efficiency gains or public benefits achieved under the authorisation be partially reinvested into renewable or iwi partnership initiatives within the Waikato catchment.
28. Encourage the Commission to require that any efficiency gains or public benefits achieved under the authorisation be partially reinvested into:
 - Renewable generation initiatives, energy efficiency programmes, or transitional technologies within the Waikato catchment;
 - Iwi partnership and capacity-building initiatives, including training, innovation, and local employment pathways;
 - Projects that strengthen mana whakahaere and deliver shared long-term benefits to the wider community, consistent with Whakatupuranga 2050 and Te Ture Whaimana

CONCLUSION

29. The Huntly Power Station sits at the physical and spiritual heart of our rohe and alongside our tupuna awa. Any decision that extends its life must equally extend its obligations to the river, to the iwi, and to future generations.
30. We acknowledge the importance of security of supply and the Commission's intent to protect the public interest. However, true public benefit cannot be achieved unless it upholds Te Ture Whaimana o Te Awa o Waikato – the vision and strategy that governs all activity within the awa's catchment.
31. Accordingly, we support the authorisation of the Proposed Arrangements subject to conditions that ensure:
 - Equitable access and participation for iwi and smaller market players.
 - Measurable reductions in environmental impact; and
 - Alignment with the long-term restoration and protection of the Waikato River's health and wellbeing.
32. To meet and to discuss further any further matters regarding this response, please do not hesitate to contact Manaaki Nepia on [REDACTED] to arrange a meeting.

Naaku noa, naa



Donna Flavell
CHIEF EXECUTIVE OFFICER