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*in the matter of:* the Resource Management Act 1991

*and*

*in the matter of:* a number of applications to take and use water from  
the Upper Waitaki catchment

Memorandum of counsel for Meridian Energy Limited

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Dated: 17 November 2009

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## MEMORANDUM OF COUNSEL FOR MERIDIAN ENERGY LIMITED

May it please the Commissioners:

### Introduction

- 1 Meridian Energy Limited (*Meridian*) is currently scheduled to present its submissions and evidence in the week beginning 30 November 2009.
- 2 Under the current directions on timetabling this means that Meridian is required to exchange its completed individual evidence one week prior to presenting – or more specifically 23 November 2009. The requirement for exchange ‘one week prior’ applies to all individual applicants and submitters.
- 3 On this basis the individual evidence of Simons Hill and Simons Pass should have been provided on 16 November 2009. Although we understand that **some** of the evidence has now been provided to the Council (and will be available to Meridian tomorrow), we have also been advised that the balance of the evidence will not be available until later this week.
- 4 This is of concern to Meridian.
- 5 Given the late provision of evidence Meridian is now in the position where it simply does not have time to both review the Simons Hill and Simons Pass evidence and respond to any issues identified in accordance with the original timetabling directions set out (Monday 23 November 2009).

### Directions sought

- 6 Despite requiring more time to prepare its individual evidence, we are also conscious of the need to minimise as much as possible disruptions to the wider hearing process.
- 7 At this stage we therefore seek that:
  - 7.1 the date for Meridian’s provision of evidence on individual applications be extended to Monday 30 November 2009 (i.e. no pre-exchange).
- 8 Given that timing for the wider hearing has now been extended into next year we submit that this will not cause any prejudice to the other parties involved in the hearing process. Conversely, it is submitted that Meridian would be unduly prejudiced were the extension not granted (meaning Meridian would be required to both review and respond the Simons Hill and Simons Pass evidence within 2 working days).

- 9 We also wish to emphasise that should there be any further delays in the provision of evidence (or if the Simons Hill and Simons Pass evidence be particularly extensive) then Meridian wishes to reserve its right to seek an adjournment of its presentation to a date later in the hearing process (or a chance to present individual evidence at a later stage). However, having said that the existing Meridian presentation dates have been sought to provide the 'best-compromise' for Meridian witness availability and we are therefore very keen to ensure that the wider hearing runs as close to the current timetable as is possible.

Dated: 17 November 2009



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JM Appleyard/BG Williams  
Counsel for Meridian Energy Limited