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Electronic lodgement - ERC0171

Dear Marc

RE: Customer access to information about their energy consumption

United Energy (UE) appreciates the opportunity to respond on the Consultation paper – Draft Rule determination, National Electricity Amendment (Customer access to information about their energy consumption) Rule 2014.

The AEMC states:

‘This rule change request relates to the first of the AEMC’s current strategic priorities, the consumer priority, which aims to empower consumers to participate confidently in all parts of the energy supply chain where they desire to do so. This rule change request will make it easier for consumers and their agents to access information about their electricity consumption in an understandable, cost-effective and timely manner from retailers and DNSPs. This rule change request will enable consumers to make more informed and efficient decisions to confidently participate in the electricity market.’¹

UE has responded to each of the sections in the consultation paper in the Attachment, in summary;

Proposed NER amendments

- UE is supportive of customers and their authorised representatives having access to the customer’s energy consumption or metering data subject to customer verification.
- The drafting in the NER should reflect the intent of the strategic priority and the rule change which is access to metering data or energy consumption data. The term ‘for information relating to that retail customer’s metering installation’ in NER 7.7 (a) (7) should be amended to ‘for metering data relating to that retail customer’s metering installation’.
- The proposed rule, NER 7.7 (a) (7), is well beyond the stated intent of access to customer consumption data or metering data. In light of this, UE understands that all requests under NER 7.7 (a) (7) may be subject to a reasonable charge. UE is not in a position to understand how many bulk requests for different combinations of data might be required. It is important that efficient price signals are provided to avoid extraneous data requests and avoid unnecessary increases in network charges.
- UE are supportive of the metering data provision procedures being less prescriptive and minimum procedures so that innovation in data formats and presentation is not constrained. However, it is important that any metering data provided is able to meet its intended use. If the customer or their authorised representative is seeking to assess the best available retail tariff offering then the data should be suitable to upload into the Victorian My Power Planner. In this case, it is

¹ AEMC, draft determination, National Electricity Amendment (customer access to information about their energy consumption) Rule 2014, 14 Aug 2014, p10

important that the ability to have multiple data formats is not allowed to frustrate the analysis of offerings being sought to the detriment of the customer.

- Retailers and DNSPs should have certainty of the 10 business day timeframes in NER 7.16 (d) (4). The 10 business day timeframe may still be challenging following verification of the customer given bulk metering data requests per new energy services company. UE recommend the drafting state that, Distributors and retailers must use their best endeavours to provide a customer's metering data, subject to customer verification, within 10 business days of the date of the valid request or such other period as the customer and the distributor or retailer agree.
- The drafting in NER 7.16 should also require that any amendments to the minimum data standards, level of historic data provision and timeframes should be subject to a cost/benefit test to ensure that any tighter requirements are justified to ensure the benefits outweigh the costs.

Proposed NERR amendments

- The proposed amendments to the NERR may lead to more frequent requests which UE is comfortable to support by enabling customer access to their metering data via efficient mechanisms such as portals.
- There is no evidence that these specific aspects of the proposal (frequent requests and no limit on historic data provided) are required free of charge in order to materially assist consumer education or engagement. The proposed rule may lead to inefficient and frequent requests which provide no net benefit in consumer's product offerings and decision making. The proposed rule provides a free cost alternative to retailers more limited obligations which would serve to increase network costs and ultimately costs to all consumers.
- A Victorian Flexible Pricing Order already requires DNSPs and retailers to provide at least 12 months of interval data, at least once per year without a charge. There is no evidence that these provisions have resulted in market failure and UE is not aware of any evidence that metering data over greater time periods has been requested and denied or any charging has been unreasonable. UE recommend that the NERR 86 adopt drafting that is more pragmatic in line with the Victorian Flexible Pricing Order and the more voluminous nature of interval data.
- UE concur with the AEMC view that the rules should promote certainty for customers and registered participants by clarifying their respective rights and obligations and as a minimum this would be to provide up to one or two years of metering data and allow reasonable charges for more historic data or more frequent requests.

Implementation

- UE is supportive of the rule taking effect and allowing customers (or authorised parties) to request their electricity consumption data from retailers and DNSPs as soon as the rule is made.
- Until the new AEMO metering data provision guidelines are published and the resolution of any issues that this creates with the Victorian obligations is considered, UE is not in a position to advise that three months is sufficient. UE suggest that the date of effect of the new metering data provision procedures could be agreed in the consultation process once the minimum metering data requirements were better understood.

Should you have any comments in relation to this response please do not hesitate to contact me on (03) 8846 9856.

Yours sincerely

Verity Watson

Attachment

Assessment Criteria

Key features of the draft rule are that:

- It enables customers to access their electricity consumption data from DNSPs and retailers;
- Enables any person authorised by a customer to access that customer's electricity consumption data from DNSPs and retailers; and
- Requires retailers and DNSPs to comply with minimum requirements when responding to requests for metering data/electricity consumption data eg format of the data, timeframe for retailer and DNSP to respond to data requests, duration of time over which the data sets must cover and under what circumstances a data request is free of charge or subject to a reasonable fee. AEMO is to set these minimum requirements in data provision procedures.

AEMC state that the draft rule better meets the NEO/NERO because specific requirements for data formats are matters for AEMO to set in its procedures and hence is a more appropriate allocation of obligations between the NER and AEMO procedures. UE concur with this view in relation to electricity consumption data formats. The framework being proposed in the NERR has the potential for frequent data requests covering extensive timeframes to be requested free of charge from the DNSP which may result in additional network costs ultimately borne by all customers. Further, there has been no justification or consideration of the costs of broadening the NER Rule 7.7 (a) (7) to cover information related to a metering installation as opposed to electricity consumption data. UE suggest that an appropriate cost/benefit needs to be undertaken on the draft rule and procedures and all further metering data provision procedure changes to ensure that these arrangements produce a net benefit for consumers. Otherwise the ability to change key obligations on DNSPs within procedures will only serve to increase network costs to all customers.

The amendments to the NERR may lead to more frequent requests which UE is comfortable to support by enabling customer access to their data via efficient mechanisms such as portals. However preventing the ability to charge for significant time coverage requests may result in mixed data formats which are unhelpful for customers. There is no evidence that that these aspects will support enhancing customer engagement and education, in fact they may lead to customer frustrations and confusion. There is also no evidence that these specific aspects of the proposal are required free of charge in order to materially assist consumer education or engagement, they may lead to inefficient and frequent requests which provide no net benefit in consumers product offerings and decision making.

Customer Access to electricity consumption data from DNSPs, MDPs and AEMO

UE support the AEMC NER drafting that enables DNSPs to provide customers, or the customers authorised representatives with access to the customers metering data or energy consumption data. This addresses the possible compliance concerns in respect of the NER with DNSPs providing customers with access to their metering data. UE concur with the AEMC that the DNSP may be able to provide a more complete metering dataset over a time period due to the continuity of the relationship with the NMI compared to retailers. The drafting in NER clause 7.7 (a) (7) should be consistent with this position and the overall consultation content.

NER 7.7 (a) states:

'The only persons entitled to access energy data or to receive metering data, NMI Standing Data, settlements ready data or data from the metering register for a metering installation are:....'

Proposed rule, sub clause (7) refers to information for the customers metering installation. This broadens the obligation well beyond the intent of the customer gaining access to their metering data.

As drafted the clause has the potential to place obligations on DNSPs in relation to data already available in MSATS to registered participants (NMI standing data and meter register), data where the key authoritative source is AEMO (settlement ready data) or data where the key authoritative source is the MP (meter configuration). DNSPs may not be the responsible person or metering provider for a NMI and may not be best placed to respond to some aspects relating to the metering installation.

There is little value for customers in a DNSP replicating AEMO's settlements ready data so that we have the data available to meet any requests. DNSP's bill retailers on the data provided by the MDP which should be the same data provided to AEMO and used as settlement ready data, but the DNSP does not access the AEMO data used for settlements.

The drafting should reflect the intent of the strategic priority and the rule change which is access to metering data or energy consumption data. The term 'for information relating to that retail customer's metering installation' should be amended to 'for metering data relating to that retail customer's metering installation'. The proposed rule is well beyond the stated intent of access to customer consumption data or metering data. In light of this, UE understands that all requests under NER 7.7 (a) (7) may be subject to a reasonable charge. UE is not in a position to predict which of the 30+ NMI standing data fields or 40+ meter register fields might be required by new energy services companies in addition to NMI and metering data, making efficient processing difficult. UE is also not in a position to understand how many bulk requests for different combinations of data might be required. It is important that efficient price signals are provided to avoid extraneous data requests and avoid unnecessary increases in network charges.

It is expected that the national smart meter minimum specification and the shared market protocol arrangements will be determined as part of the broader metering competition rule change with consideration of the robust economic benefits. These broader data requirements, beyond metering data, should be considered in the cost/benefit analysis of these other rule changes.

Access to data from MDPs

UE agree with the AEMC view that customers may not be aware of who their MDP is and the MDP may not have access to the customers name for verification of the customers identity.

Access to data from AEMO

The current draft rule proposes that parties can access a broad range of data, can access energy consumption data 4 times a year free of charge and could request from DNSPs data well beyond the 1 or 2 year period without a reasonable charge. Whilst it may appear prudent to reconsider the costs of providing a centralised service vs the costs of the decentralised service, there are still costs for the centralised party to verify customers and customers agents, to develop formats to receive and hold all sorts of data, to provide phone support and manual processes and for industry participants to provide that data etc. UE is not supportive of central control which may serve to constrain innovation in services. If the centralised service is to remain a potential solution then AEMC should undertake a robust cost benefit case including all costs of the centralised service before DNSPs and retailers seek to upgrade their portals and data access processes.

Allowing a person authorised by a customer to access data

UE is supportive of customers and authorised customer representatives to have access to energy consumption data. UE agree with the AEMC that it is not appropriate, in this case, for the energy market regulations to duplicate obligations found in existing privacy laws. DNSPs and retailers are able to determine how to meet their privacy obligations.

Minimum requirements for the provision of electricity consumption data

The AEMC state:

'We evaluated whether a single standardised summary data format and detailed data format should be developed by AEMO in the data provision procedures and uniformly applied across the NEM.⁷⁸ However, we decided not to adopt this approach. We considered that AEMO's data provision procedures should set out minimum requirements that would ensure customers receive their data in an understandable manner but equally, these minimum requirements should not inhibit innovation among market participants in how they provide this data to customers. This approach should not preclude market participants from offering additional or different forms of information if that is what customers prefer as long as the minimum requirements are available.'²

UE are supportive of the metering data provision procedures being less prescriptive and minimum procedures so that innovation in data formats and presentation is not constrained. It is important that any data provided is able to meet its intended use. If the customer or their authorised representative is seeking to assess the best available retail tariff offering then the data should be suitable to upload into the Victorian My Power Planner. In this case, it is important that the ability to have multiple data formats is not allowed to frustrate the analysis of offerings being sought to the detriment of the customer. Similarly any summary data will need to be readily removed to enable successful upload into tools like My Power Planner. To encourage customer confidence to seek innovative offerings then these tools need to be easy to use and obtain the results sought. Multiple data formats in the market also has the potential to make it difficult for specialised third party service providers to easily assist customers as noted in the DSDBI response.

- In light of our comments above relating to NER 7.7, UE note that the objectives of the meter data provision procedures in 7.16 (c) should be to establish the minimum requirements for the provision of metering data only. The reference to settlements ready data is a matter for AEMO and retailers relating to wholesale market transactions, this is not data that DNSPs are readily able to deliver. If the AEMC chooses for the procedures to remain covering settlements ready data, in anticipation of the DRM rule change, then the obligations under 7.7 (a) (7) should clearly reflect that retailers are obliged to provide settlements ready data, not DNSPs.
- In view of the NER obligations relating to both small and large customers and potentially data over a 1 or 2 year period or longer, UE is concerned by the comments that there is an expectation that the data obligations pertaining to such broad obligations would be progressively improved to reduce the timeframes allowed. UE consider that the obligation to provide metering data within 10 business days or as agreed with the customer should be drafted in the NER with the ability to continue to provide portal access on demand within far shorter timeframes. If the last 10 years of data is required within 2 business days this may necessitate costly data warehousing systems for significant volumes of interval data. UE suggest adding drafting along the above lines in NER 7.16 (d) (4), this provides the registered participants with more certainty and may still be a challenging task given bulk requests per new energy services company may be in the order of 500-1000 requests per month for metering data and some additional data. Distributors and retailers must use their best endeavours to provide a customer's metering data, subject to customer verification, within 10 business days of the date of the request or such other

² Ibid p22

period as the customer and the distributor or retailer agree. UE recommend that some flexibility in relation to peak workloads and bulk requests be maintained for registered participants.

- The drafting in NER 7.16 should also require that any amendments to the minimum data standards, level of historic data provision and timeframes should be subject to a cost/benefit test to ensure that any tighter requirements are justified to ensure benefits outweigh the costs.

Duration of time over which data requests should cover

UE supports that the NER does not need to specify the time period for which data is sought eg 1 year or 2 years worth. However, at least 12 complete months of data are required for assessment where tariffs have seasonal components and the data needs to be for the same metering configuration and meter type to enable meaningful tariff comparisons eg for both load and net solar exported data streams or 12 months of load interval data.

The NERR DNSP obligations as proposed in the draft rule NERR 86 are untenable as a civil penalty clause.

The Victorian Flexible Pricing Order, Clause 11 has appropriate drafting for reasonable metering data access free of charge, appropriate charging where data is sought for a longer period and a best endeavours obligation to provide within 10 business days. There is nothing in the drafting that prevents customers using a portal and obtaining data more frequently than once in any 12 month period. At the same time where customers require significant quantities of metering data or support via manual processes etc, there is an ability for the DNSP to charge the customer, ie a user pays system.

- (3) The distributor or retailer must:
 - (a) provide interval metering data for at least 12 complete calendar months prior to the date of the request, where available; and
 - (b) use its best endeavours to provide that data within 10 business days of the date of the request or such other period as the customer and the distributor or the customer and the retailer (as the case may be) agree.
- (4) If at least 12 complete calendar months of interval metering data is not available, the distributor or retailer must provide as much interval metering data as the distributor or retailer is able to provide.
- (5) The distributor or retailer may impose a charge for provision of interval metering data but only if:
 - (a) the request is not the first request made by the small customer within the preceding year; or
 - (b) the interval data relates to a period prior to the preceding two years.

There is no evidence that these provisions have resulted in market failure and UE is not aware of any evidence that metering data over greater time periods has been requested and denied or any charging has been unreasonable. There is no evidence that these lengthier data requests will materially assist consumer education or engagement compared to the additional costs.

DNSP IT systems are not static, they are continually enhanced and tuned. MDPs have an obligation to have 13 months of interval data on line and up to 7 years backup in an archive. DSNPs have limited ability to back bill customers beyond a 12 month period and may also seek to archive data in an effort to maintain system performance. The need to provide data over a longer time period free of charge may result in costly data extractions from archived or retired IT systems, which ultimately will be paid for by all customers through higher network charges. A preferable rule would seek to minimise the inefficiency of

manual processes and extensive data requirements by customers cross subsidising those who obtain extra and possibly unnecessary information free of charge.

Where DNSPs move to a new IT system, extract of historic data in IT projects beyond what is needed for estimation algorithms is extremely expensive. IT projects generally seek to limit the transfer of historic data and network charges etc beyond what is needed to respond to immediate/recent customer concerns. Obligations that extend these arrangements to span years, meet unlimited or bulk requests would involve significant archiving costs.

UE concur with the AEMC view that the rules should promote certainty for customers and registered participants by clarifying their respective rights and obligations and as a minimum this would be to provide up to one or two years of metering data. As such UE suggest the following amendments to the proposed NERR 86 which provides more certainty for DNSPs and customers and does not provide a free cost alternative to retailers more limited obligations which would serve to increase network costs and ultimately costs to all customers. UE query how these broader, more flexible rules with no efficient price signal attached to the request can better meet the NEO and NERO.

Many of the consultation responses noted that portals and smart phone apps are available for customers to gain access to and download their data. UE is not aware that customers are constrained in the number of uses or extracts of data from these tools and suggests that these arrangements will continue to be provided to customers free of charge. UE recommends that the drafting encourage the most efficient means of data access as opposed to creating customer cross subsidies. Where customers need to have data extracted and provided by email on a more frequent basis this will generate more costs than the current regulations. Rather than increase costs to all customers, UE suggest that this be provided on a user pays basis. Customers can request every 3 months, if this recommendation were adopted, where they needed manual phone support and data extraction a reasonable charge should be applied.

Rule 86 Provision of information

Omit rule 86 and substitute:

- (1) A distributor must, on request by a customer, a person authorised by a customer to act on its behalf or a customer's retailer, provide information about ~~the customer's energy consumption or the distributor's charges~~ or the customer's energy consumption. Where the request relates to a small customer, the distributor must provide in accordance with sub clause (2).
- (2) The distributor must wWhere electricity is connected, information:
 - (a) ~~must be provided~~ provide at least 12 complete calendar months metering data in accordance with the ~~metering rules~~ metering data provision procedures without charge, where available; and
 - (b) may be provided subject to a reasonable charge where it has been requested more than once in any ~~312~~ 12 month period or exceeds the minimum requirements in the ~~metering data provision procedures rules or~~ the metering data requested relates to a period prior to the preceding two years
- (3) Where gas is connected, information must be provided without charge but information requested more than once in any 12 month period may be provided subject to a reasonable charge.

UE recommend that the drafting proposed above be adopted in the Final Determination which reflects the more pragmatic approach adopted in Victoria and provides more clarity and avoids vexatious or unnecessary requests. The proposed drafting is more appropriate for a clause that includes civil penalties.

Application of clause 56A of the NERR to large customers

UE concur with the AEMC view that the minimum requirements are designed primarily to help small customers have better access to their electricity consumption data. In line with this principle, UE consider that the same principle equally applies to NERR 86 relating to the DNSP obligations and the proposed amendments to clause 15.2 of the deemed standard connection contracts.

If the arrangements provide for extensive meter data time periods and frequent free requests by large customers, it is likely that energy service providers and retailers will channel requests to DNSPs rather than incur costs. Ultimately where an easier route to lengthy data requests is provided, it will be used and ultimately all DNSP customers will pay through increased costs. In this respect the proposed framework does not lead to efficient investment or efficient requests.

UE recommends the following changes to 15.2;

15.2 Access to information

Upon request, we must give you information about your energy consumption or our charges for customer connection services. If you are a small customer ~~we~~ we may charge you a reasonable fee for information requested:

- (a) more than once in any 312 month period, exceeds 12 months metering data or the information sought exceeds any minimum requirements we are required to meet, where this contract relates to electricity; or
- (b) more than once in any 12 month period, where this contract relates to gas.

The AEMC has sought stakeholder feedback on the timeframes to update the deemed distribution – customer contracts. If Victoria has not yet adopted NECF, then the contracts can be deemed consistent with the Final Determination. If Victoria has adopted NECF, UE suggest that a transition period of up to two months is allowed to update websites, contracts etc.

Timeframe for AEMO to make and revise procedures

AEMC state that the new rule would take effect immediately and the AEMO metering data provision procedures would take effect three months after the final determination and publication of these procedures by AEMO.

UE is supportive of the rule taking effect and allowing customers (or authorised parties) to request their electricity consumption data from retailers and DSNPs as soon as the rule is made.

Until the new AEMO metering data provision guidelines are published and the resolution of any issues that this creates with the Victorian obligations is considered, UE is not in a position to advise that three months is sufficient. Given the possible need to change standards or to arrangements for improved data extraction from archive to the data formats for each meter type/meter configuration, UE suggest that 6 months is more appropriate. Alternatively, the date of effect of the new metering data provision guideline could be agreed in the consultation process once the minimum metering data requirements were better



understood. Where the scope of requirements for data formats and amendments to our systems is not yet known, it is premature to conclude that three months is sufficient and lock into the NER.

General Information about electricity consumption data

UE agree with the AEMC views not to proceed with the meter data common terminology guidelines and the need to publish further information on metering data on websites using the common terms.