



825 Ann Street, Fortitude Valley QLD 4006  
PO Box 264, Fortitude Valley QLD 4006

[ergon.com.au](http://ergon.com.au)

Ref: NB/TF/JD

5 June 2014

Mr John Pierce  
Chairman  
Australian Energy Market Commission  
PO Box A2449  
Sydney South NSW 1235

Dear Mr Pierce

**RE: Submission on the National Electricity Amendment Rule 2014 - National Energy Retail Amendment (Customer access to information about their energy consumption) Rule 2014 Consultation Paper**

Ergon Energy Corporation Limited (EECL), in its capacity as a Distribution Network Service Provider in Queensland, and Ergon Energy Queensland Pty Ltd (EEQ), in its capacity as a non-competing area retail entity in Queensland, hereinafter referred to as Ergon Energy, welcome the opportunity to provide comment to the Australian Energy Market Commission on its *National Electricity Amendment Rule 2014 - National Energy Retail Amendment (Customer access to information about their energy consumption) Rule 2014 Consultation Paper* (the Consultation Paper).

Specific comments in relation to the issues raised in the Consultation Paper are included in the attached submission.

Should you require additional information or wish to discuss any aspect of this submission, please do not hesitate to contact either myself on (07) 3851 6416, or Trudy Fraser on (07) 3851 6787.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jenny Doyle', written over a white background.

**Jenny Doyle**  
Group Manager Regulatory Affairs

Telephone: (07) 3851 6416  
Email: [jenny.doyle@ergon.com.au](mailto:jenny.doyle@ergon.com.au)

Enc: Ergon Energy's submission



**Submission on the  
*Rule Change*  
*Customer access to*  
*information about their*  
*energy data*  
Consultation Paper**

5 June 2014

**Submission on the *Rule Change: Customer access to information about their energy consumption***

**Consultation Paper**

**Australian Energy Market Commission**

**5 June 2014**

This submission, which is available for publication, is made by:

Ergon Energy Corporation Limited and Ergon Energy Queensland Pty Ltd

PO Box 264

FORTITUDE VALLEY QLD 4006

Enquiries or further communications should be directed to:

Jenny Doyle

Group Manager Regulatory Affairs

Ergon Energy Corporation Limited

Email: [jenny.doyle@ergon.com.au](mailto:jenny.doyle@ergon.com.au)

Phone: (07) 3851 6416

Mobile: 0427 156 897

# Introduction

Ergon Energy Corporation Limited (EECL) and Ergon Energy Queensland Pty Ltd (EEQ), welcome the opportunity to provide comment to the Australian Energy Market Commission (AEMC) on its *Rule Change: Customer access to information about their energy consumption* Consultation Paper (the Consultation Paper).

This submission is provided by:

- EECL, in its capacity as a Distribution Network Service Provider (DNSP) in Queensland; and
- EEQ, in its capacity as a non-competing area retail entity in Queensland.

In this submission, EECL and EEQ are collectively referred to as 'Ergon Energy'.

Ergon Energy is generally supportive of initiatives designed to enable customers to have greater access to and understanding of their consumption information, which will ultimately support more efficient decision-making and energy use.

In turn, Ergon Energy sees real value in the outcomes of empowered customers, that is, more meaningful feedback which will, over time, encourage customers and market participants to make more efficient investment decisions. An informed market and responsive market participants will promote greater competition, and reduce requirements for market support and regulation.

Provided that such changes are rationally developed, in meaningful consultation with market participants and effectively implemented, being mindful of time and cost constraints, Ergon Energy believes there will be improved interactions with customers, and streamlined information provision between market participants.

In response to the AEMC's invitation to provide comments on the Consultation Paper, Ergon Energy has provided detailed comments in the attached table. Ergon Energy is available to discuss this submission or provide further detail regarding the issues raised, should the AEMC require.

## Table of detailed comments

AEMC Question	Ergon Energy Response
<p><b>Question 1 Proposed assessment framework under the NEL</b></p> <p>a) Do you consider that the proposed issues to consider are appropriate for this rule change request? Are there any other issues that we should consider?</p>	<p>Ergon Energy generally supports initiatives which will enable customers to better understand their energy consumption and the energy market generally. However, any such initiatives must be introduced in consideration of their effect on market providers, not merely on the benefit they provide to customers.</p> <p>In this regard, Ergon Energy suggests that appropriate consideration is given to the capability of market systems which enable the provision of information, and the systems and processes that DNSPs, Retailers and other participants have developed to support them, which may not be able to be updated rapidly to take account of any new requirements governing data access arrangements.</p>
<p><b>Question 2 Proposed assessment framework under the NERL</b></p> <p>a) Do you consider that it is appropriate that the proposed issues to consider, which we will use as a basis to assess whether the proposed rule meets the NERO, should be the same as those used for assessment against the NEO?</p>	<p>As their objectives are broadly comparable, Ergon Energy does not foresee any difficulty with the issues to consider for this rule change request being assessed against both the National Energy Retail Objective and the National Electricity Objective.</p>
<p>b) Are consumer protections that relate to the provision of information to customers the relevant class of consumer protections for consideration in this rule change request? Are there any other relevant classes of consumer protections that we should consider?</p>	<p>Appendix B, figure B.1 demonstrates the hierarchy of customer protections, and their application in the context of this rule change request. Ergon Energy considers these customer protections as relevant and appropriate for this rule change request.</p> <p>Ergon Energy would not support any additional customer protections which limit the current ability of DNSPs to use the customer consumption data they collect.</p>
<p><b>Question 3 Obtaining access to electricity consumption data</b></p> <p>a) Do you think it is appropriate that the NER be amended to allow a customer to access its consumption data by requesting that data from its DNSP?</p>	<p>In principle, enabling customers to access their consumption data through direct communication with their DNSP is consistent with the National Energy Customer Framework principles and may assist in making customers generally more familiar with the role of DNSPs and the services they provide.</p> <p>However, Ergon Energy notes that such a change will require considerable consumer education, with associated cost, and also, sufficient time to ensure systems and processes can align with requirements. For instance, currently DNSPs collect consumption data in relation to National Metering Identifiers/premises, as distinct from information relating to account holders.</p> <p>Other considerations include:</p> <ul style="list-style-type: none"> <li>• Where a new customer/account holder moves into premises and requests consumption data information, the party supplying this information will need to</li> </ul>

AEMC Question	Ergon Energy Response
	<p>ensure that the privacy of previous customers/account holders is maintained.</p> <ul style="list-style-type: none"> <li>• DNSPs will need to identify customers in order to authorise the release of information to them; this (identifying information) may not be information that is available to DNSPs.</li> <li>• Any amendment to the National Electricity Rules (NER) in this regard will need to be made in consideration of commercial arrangements between Metering Provider/Metering Data Providers (MDP) and customers to supply this data, and that the ability to source data from the DNSP does not undermine competition in this space.</li> </ul>
<p>b) Should MDPs be able to provide electricity consumption data directly to customers or their agents?</p>	<p>Ergon Energy is not opposed in principle to MDPs providing this data. However, Ergon Energy does foresee a number of potential issues, including the need for sufficient measures to be in place to ensure that MDPs can accurately identify customers, and similarly the need for an appropriate mechanism to identify and record authorisation of third parties receiving this information on a customer's behalf.</p> <p>Currently, Ergon Energy makes use of an "Authority to Release Information to Third Parties" form and process, which authorises the release of individual customer or entity information by EECL (and related entities) to third parties. The information release is limited to matters specified on the form, and for a nominated period.</p> <p>In circumstances where no period is specified, it is deemed that the consent is only provided to satisfy a one-off request for information, and any subsequent requests will require a new agreement. Such a process could be mirrored under the process proposed by this rule change request, to enable MDPs to release information.</p> <p>Finally, Ergon Energy seeks clarity on the intended operation of proposed rule 86(1) of the National Energy Retail Rules (NERR) in terms of where an entity other than the DNSP is the registered participant, and the MDP is not part of the DNSP. Is the DNSP still required to provide customers with energy consumption data? We suggest that such contingencies be adequately considered as part of any final rule determination.</p>
<p><b>Question 4 Minimum format requirements for electricity consumption data</b></p> <p>a) What is the nature and magnitude of costs on market participants of providing data in raw format and summary format to their customers?</p>	<p>Ergon Energy, and in particular EECL, anticipates longer term potentially significant cost implications, in the event this rule change request is implemented. Whilst EECL will have the raw data required, the capability to deliver the information as envisaged by this rule change request would require significant system change, otherwise, the information could not be provided in the suggested format or within suggested timeframes. To enable provision of customer data information by EECL as suggested, would require considerable investment, and reasonable timeframes for implementation.</p> <p>Under current requirements, EEQ provides historical billing data to customers in line with their existing retail tariff. For instance, if the customer is on a Time of Use retail tariff, the summary will show Peak/Off Peak/Shoulder, though not demand. Where customers are</p>

AEMC Question	Ergon Energy Response
	<p>on a demand-based tariff, the summary will detail Peak/Off Peak/Shoulder Demand.</p> <p>Where data provision is required in a different format or where information is requested to be included or removed, it would require the development or change to existing tools to extract different data from systems. As such, these requirements would not be implemented without cost, time and resources implications.</p> <p>For example, EEQ currently provides customers with data in a NEM 2012/13 format, for a fee, and does not currently provide summary data of Type 5-7 meters to customers in a diagrammatical format of the customer's usage or load profile over a period of time. To do so would require development of additional tools (which would require approval) as well as training of frontline staff. EECL does not currently provide this information to customers, nor does it have the resources, capability or tools to do so.</p> <p>As mentioned above, historically, the sourcing of this data has come at a cost to customers as provision of metering data above minimum requirements for Type 5-7 metering (i.e. summarisation of metering data) is an Alternative Control Service – for which a quoted fee is charged.</p> <p>In consideration of the likely cost impacts, Ergon Energy seeks further information regarding the following proposed drafting changes for Chapter 7 of the NER:</p> <p><i>Proposed Clause 7.7(a)</i></p> <p>Where this clause relates to rights of access to metering data, settlement data and standing data, and 7.7(b) refers to the electronic access to the energy data from the meter, the intention of 7.7(a)(2) is unclear:</p> <ul style="list-style-type: none"> <li>• Is the intention that the customers, authorised parties or service providers have rights to electronic data in Market Settlement And Transfer Solutions, or Financially Responsible Market Participant (FRMP) or DNSP systems, or indeed, directly from the meter as 'Energy Data'?; or</li> <li>• Is the intention that customers, authorised parties or service providers can receive that data <i>from</i> the FRMP or DNSP?</li> </ul> <p><i>Proposed Clause 7.16(3)</i></p> <p>From a practical implementation point of view, the intended operation of this clause remains unclear, particularly what is meant by "<i>at a minimum should include, a net distribution system load profile relevant to the distribution system (in whole or in part) to which that customer's usage relates</i>".</p> <ul style="list-style-type: none"> <li>• Is the term '<i>net distribution system load profile relevant to the distribution systems</i>' a reference to Australian Energy Market Operator's (AEMO) Net</li> </ul>

AEMC Question	Ergon Energy Response
	<p>Systems Load Profile (NSLP)?</p> <ul style="list-style-type: none"> <li>Does this mean, in practice, that the FRMP or DNSP needs to present accumulation metering data as interval data, based on the NSLP or simply state the relevant NSLP?</li> </ul> <p>Ergon Energy also notes clauses 7.16 (4) and (5) are similarly unclear.</p>
<p>b) What information should be required in the summary data format?</p>	<p>Ergon Energy questions whether providing a comparison of the customer's data against the NSLP will provide any benefit to customers. Inclusion of this information is more likely to create confusion, particularly for small customers, and lead to additional imposts on providers of information, as they will also need to absorb the costs of explaining information that provides little insight into their customer's consumption.</p> <p>Ergon Energy recommends that summary data format information requirements satisfy a minimum threshold in the short term, leaving data providers to determine what information will be most useful to their customers. In the medium term, customer feedback on the value of the information they received could then inform AEMO's development of more detailed data format requirements.</p>
<p>c) Should the NER stipulate a specific period of time in relation to which the electricity consumption data must cover? If so, what is the appropriate period of time?</p>	<p>Ergon Energy suggests consideration of including a maximum time period for which a customer can request data free of charge (this would align with current rules in relation to billing information) and recommends access being capped at two years of data.</p>
<p><b>Question 5 Time frame to respond to a request for electricity consumption data</b></p> <p>a) Is 10 business days an appropriate time frame for market participants to respond to a request from their customers for their electricity consumption data?</p>	<p>Ergon Energy believes 10 business days is only practical or achievable (on the basis of our experiences with interval data), where sites have remotely read meters, or where only basic consumption data is required.</p> <p>In all other circumstances, Ergon Energy strongly supports a level of discretion for market participants to provide the requested information within a reasonable timeframe, depending on the context of the request.</p> <p>Furthermore, Ergon Energy suggests that what constitutes a 'reasonable' timeframe should be considered in the context of the potential variables associated with requests, such as the number of accounts involved, time of year etc.</p> <p>For example, EEQ has a number of customers with multiple accounts (i.e. one customer has 140 accounts) and provides them with summary billing data to satisfy their reporting requirements (National Greenhouse Emissions Reporting, for instance). Customers also request this information at the end of the financial year for accounting, taxation and budgeting purposes.</p> <p>Similarly, where meters are interval data capable, but are registered in the market as Type 6, customers can access the interval data (again at a cost), but a field crew is required to attend the site to physically extract the meter data.</p> <p>In these scenarios it would not be reasonably possible to satisfy the 10 business day</p>

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	timeframe.
<p><b>Question 6 Fees payable by a customer</b></p> <p>a) How often should customers be able to request their energy consumption information free of charge in the NERR?</p>	Ergon Energy regards the current timeframes in the NERR, whereby consumers can request this information without charge once per 12 month period, as appropriate.
<p>b) Are there any other consumer protections we should take into account when assessing this aspect of the rule change request?</p>	In the absence of indications that current consumer protections are failing or ineffective, Ergon Energy does not support the introduction of additional regulatory requirements.
<p><b>Question 7 Time frame for making and revising the data provision guidelines</b></p> <p>a) When should the first data provision guidelines be published?</p>	Ideally, Ergon Energy believes the guidelines should be finalised well in advance of the commencement of any new Rules requirements governing access to data, to allow for the maximum period of time for industry participants to ensure compliance and capability.
<p>b) Should there be an obligation review these guidelines? If so, how often should such reviews take place?</p>	Ergon Energy recommends that review obligations should be aligned with those that currently exist for other NER guidelines, i.e. every three years.
<p><b>Question 8 Request from large customers to provide electricity consumption data</b></p> <p>a) Should proposed rule 56A of the NERR only apply to small customers or should it apply to all customers, which would include large customers?</p>	<p>Ergon Energy currently provides electricity consumption data upon request, and does not discriminate in the provision of data on the basis of customer type. In this regard, Ergon Energy is not opposed to the application of proposed rule 56A of the NERR to all customers.</p> <p>However, as large customers have greater flexibility in negotiating the terms and conditions of their contractual arrangements, Ergon Energy believes information provision requirements would be more appropriately dealt with for large customers via their respective contracts.</p>
<p><b>Question 9 Access by authorised agents or service providers to their customers' electricity consumption information</b></p> <p>a) What is the appropriate term to refer to these third parties (e.g. agents, authorised parties) in the NER?</p>	<p>Ergon Energy's preference would be for the use of the term 'authorised parties', as the process described would effectively ensure they are authorised by the consumer to access their electricity consumption information. Ergon Energy recommends that written authorisation should be required to be presented to as proof of authorisation.</p> <p>It is worth noting, accepting and verifying identity information is currently the domain of retailers; should DNSPs be required to provide this information to customers and their authorised parties, the ability to verify identity will need to be developed.</p>
<p>b) Beyond existing privacy laws, should the NER specify:</p> <ul style="list-style-type: none"> <li>• the nature of consent a customer must give to authorise a person to access its data; and</li> <li>• any additional privacy obligations on authorised parties, retailers or DNSPs in relation to the disclosure of</li> </ul>	<p>Written consent must be received which demonstrates that the customer was specifically informed about the consent they have provided and the extent of the powers they have granted to an authorised person.</p> <p>The means by which this consent can be demonstrated could take several forms, for instance, ticking a box to describe the information provided and providing a signature to</p>

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<p>electricity consumption data?</p>	<p>authorise another person having access to their information or accessing it on their behalf.</p> <p>Where such an authorisation has been provided, retailers and DNSPs would need to be made aware of the consent to disclose the data to the authorised party. Ergon Energy also recommends that conditions upon which any authorised party can use the data are made clear, and they are expressly prohibited from using/disclosing the data for any purpose other than what the customer has consented to. However, as mentioned previously, this prohibition should not limit DNSPs or retailers from using the information in a manner consistent with their usual business requirements.</p>
<p><b>Question 10 Informing customers about the uses of their electricity consumption data</b></p> <p>a) Is there a significant risk or problem in the NEM that necessitates the publication of standard information on the websites of retailers and DNSPs about how electricity consumption data is used? What are the benefits associated with this proposal? Are there examples where a similar approach has been applied in other industries?</p>	<p>Best practice dictates that retailers and DNSPs using electricity consumption data should keep customers fully informed about the collection and use of their data, and the condition upon which they will collect it.</p> <p>Ergon Energy considers that appropriate drafting of information sheets or any agreement between data providers and customers would make this information clear for customers.</p>
<p>b) Is it appropriate for energy-specific regulations to be used to extend privacy law by requiring information about how electricity consumption data is used to be published on the websites of retailers and DNSPs?</p>	<p>Ergon Energy regards the current provisions of privacy law as sufficient to ensure the appropriate use of electricity consumption data. There is a risk of unintended outcomes or inconsistencies where unnecessary departures are made from existing privacy law. Ergon Energy does not believe that privacy law should be further extended to create energy-specific regulations.</p> <p>However, Ergon Energy recommends that any proposed changes or extensions include meaningful consultation with the Privacy Commissioner, Office of the Australian Information Commissioner.</p>
<p>c) Is there a significant risk or problem in the NEM that would require the creation of 'metering data common terminology guidelines'? What are the benefits associated with this proposal? Are there examples where a similar approach has been applied in other industries?</p>	<p>Ergon Energy does not have any immediate concerns regarding risks associated with the absence of metering data common terminology. However, in the interests of informing customers, it would assist the market to communicate in a consistent and clear manner with customers, based on terminology that is analogous across participating jurisdictions.</p>
<p>d) Are there any other consumer protections we should also take into account?</p>	<p>Ergon Energy regards the current and proposed additional consumer protections as adequate, but acknowledges that there may be need for review and amendment in the future.</p>