

4 June 2014

Mr John Pierce
Chairman
Australian Energy Market Commission
Level 5, 201 Elizabeth Street
Sydney NSW 2000

Dear Mr Pierce

The NSW DNSPs response to the *Customer access to information about their energy consumption consultation paper*.

The NSW Distribution Network Service Providers, Ausgrid, Endeavour Energy and Essential Energy (the NSW DNSPs) welcome the opportunity to provide this joint submission in response to the *Customer access to information about their energy consumption consultation paper*.

We note that the COAG Energy Council has submitted this rule change request to enable customers to obtain better access to their consumption data, information about their electricity usage and to be able to share their data with authorised agents or service providers.

The NSW DNSPs support the principle that all consumers should have a right to access and control the sharing of their electricity consumption data in accordance with privacy, security and other consumer protection arrangements. To that end, we endorse the proposal in the rule change to clarify that customers or parties authorised by customers are entitled to have access to their consumption data from DNSPs.

We also submit that while there should be appropriate consideration of data provision formats, timeframes and fees as envisaged in the rule change request, it is important that the rules are not too prescriptive in this regard. In terms of our submission, rather than providing responses to the specific questions, we seek to address the main issues raised in the consultation paper in Attachment A to this letter.

In addition, we note and support that the rule change will enable NMI standing data to be accessed by customers and their agents. This is an important issue in NSW where it is the practice of DNSPs to provide accredited service providers with their customer's premises NMI to facilitate applications for connection or connection modifications.

If you would like to discuss our submission further or arrange a meeting with NSW DNSP representatives, please contact Mr Mike Martinson, Group Manager Regulation at Networks NSW on (02) 9249 3120 or via email at michael.martinson@endeavourenergy.com.au.

Yours sincerely



Vince Graham
Chief Executive Officer
Ausgrid, Endeavour Energy and Essential Energy

Attachment A – Responses to the issues raised in the Consultation Paper
Attachment B – Provision of NMI standing data to customers or their agents prior to a retail contract for new connections
Attachment C – The NSW DNSPs amended Clause 7.16 – Data provision to customers

Attachment A – Responses to the issues raised in the Consultation Paper

Obtaining access to electricity consumption data

We note that typically a residential or small business customer will seek to access their electricity consumption data from their retailer for the purposes of clarifying their previous bill. Accordingly, it is expected that the retailer would be in the best position to provide the customer with an appropriate level of explanatory material¹ to accompany the data request. However, it is also important that customers are not precluded from obtaining consumption data from their local DNSP.

We endorse the proposed clarification of clause 7.7(a) of the National Electricity Rules (NER) to reflect that a customer (or their authorised agent/service provider) is able to access their consumption data (including NMI standing data) directly from their DNSP (currently the NER only expressly entitles customers to access their electricity consumption data by requesting that data from their retailer). We submit that this clarification better achieves the policy intent in relation to access to data raised by stakeholders in the Power of Choice Final Report², as well as aligning the obligations of DNSPs under Chapter 7 with obligations to customers connected to the network under the National Energy Retail Rules (NERR), specifically clause 86.³ Whilst it is implicit that a customer can authorise an agent to request information under clause 86 we suggest that a complementary amendment be made to clause 86 to expressly provide for authorised agents or service providers to request customer data.

Data provision to customers

The NSW DNSPs note that the COAG Energy Council has proposed a new NER clause 7.16 relating to data provision to customers. The clause requires AEMO to establish procedures for the provision of metering data and settlements ready data including specific details about the content of these procedures. The NSW DNSPs are supportive of the creation of data provision procedures, but are concerned that the clause as drafted is too prescriptive in terms what the procedures should contain. To that end, we provide a simplified clause 7.16 in Attachment C to this submission and provide additional context below. In relation to NMI standing data, we set out in Attachment B why it is important that DNSPs be able to provide customers and their agents with a customer's NMI information.

Minimum format requirements for consumption data

The NSW DNSPs agree with the COAG Energy Council's proposal that electricity consumption data be provided in raw data format⁴. We believe that referencing this as a minimum requirement in the proposed data provision procedures made by AEMO is a cost effective way of ensuring that customers receive timely access to their data.

We note that the COAG Energy Council has also proposed that electricity consumption data be provided in summary format.

¹ For example, it could provide information to the customer about how it accounts for the impact of daylight savings time and how it may aggregate data for invoicing purposes.

² AEMC 2012, Power of choice review - giving consumers options in the way they use electricity, Final Report, 30 November 2012, Sydney, p 55.

³ Section 86 of the NERR provides that "a distributor must, on request by a customer or customer's retailer provide information about the customer's energy consumption or the distributor's charges, but information requested more than once in any 12 month period may be subject to a reasonable charge."

⁴ AEMC 2014, Customer access to information about their energy consumption, Consultation Paper, 8 May 2014, Sydney, p 14.

It states that where customers have an accumulation meter, the net distribution system load profile (NSLP) relevant to the customer's applicable distribution network should be made available and where customers have an interval meter, customers should be provided with usage or load profile information.

While the NSW DNSPs view is that more data in the marketplace is generally preferable, NSLP will be of no value to a customer given that the data is unlikely to accurately reflect (or give insight into) their particular usage patterns, particularly as there is a diversity of individual customer profiles, even within the same customer segment. Furthermore, the NSLP has no correlation to the way a customer is billed by their retailer as it is only used to determine how the retailer is billed by AEMO and in most cases, the NSLP will not have been finalised until well after the customer has received their bill. Accordingly, it should not be referenced in either the NER or data provision procedures.

In terms of summary data, we submit that the raw 'MDFF' file format used by Metering Data Providers (MDPs) to forward to retailers should be the data format provided to customers. The advantage of adopting this format (and specifying it in the data provision procedures rather than in the NER) is that it contains a gross summary of a customer's usage or load profile information that is already in a format prescribed (and updated) by AEMO. This is a more preferable solution to extracting electricity consumption data from MSATS which does not contain all consumption data for every customer, only contains net interval data to support the settlement process and additionally, does not account for reactive energy, making assessment of demand characteristics problematic.

We submit that if the MDFF format is adopted, it would remove the need for the AER to develop metering data common terminology guidelines (as proposed in the rule change request), because a glossary with definitions is already available in relation to the MDFF format on AEMO's website (and is easily reproducible on market participants' websites).

More generally we submit that the development of a more sophisticated analytical presentation of data for customers is something best left open to the market to develop rather than prescribing it in the NER/NERR. This will allow market participants to provide a range of product offerings that will enable customers to select the one that best suits their individual needs and circumstances. In terms of the manner of data provision (web portal, electronic or hard copy delivery), we submit that this is best addressed in the data provision procedures rather than in the proposed clause 17.6(c)(7).

Timeframe for data provision

We note that the COAG Energy Council has proposed that retailers and DNSPs must respond to a request to provide data within 10 business days. While the NSW DNSPs are comfortable with this timeframe (for requests from individual residential or small business customers), it will be dependent on the customer's ability to effectively demonstrate that the request relates to the time period the customer was at the particular site or premises⁵. In regards to the data itself, it is important to recognise that the data provided to customers where manually read interval meters or accumulation meters are installed, may contain estimated and/or substituted data (especially for data requested for periods earlier than most recent meter reading).

⁵ While a DNSP will have energy consumption data relating to sites in their geographic area, it may not necessarily have the same level of data in relation to specific customer details in order to verify data requests for a particular site or premises, due to customer and retailer churn.

We also note the COAG Energy Council has proposed to allow agents or service providers acting on behalf of a customer to obtain access to their customer's electricity consumption data from their customer's retailer or DNSP.

The NSW DNSPs' position is that the agent or service provider must be able to demonstrate that it has the authority to act on the customer's behalf (and can demonstrate that the request relates to the time period the customer was at that particular site). Any delay in establishing the validity of this authority should be excluded from the timeframe for data provision. We also submit that for requests involving multiple customers or sites, that the DNSP is allowed the flexibility to nominate a longer (but reasonable) data provision timeframe. We also would not support a shorter time period than 10 business days being set by the data provision procedures as contemplated by proposed clause 7.16(c)(6)(ii). We consider that 10 business days is the minimum time period to respond to a data request.

Fees

Small customers should be able to request access to their electricity consumption data at no additional cost over a defined period (for example, once every 12 months). Customers should also have the option of approaching their retailer if they do not want to wait until the next scheduled meter read to access their data. Under such circumstances, it would be appropriate that DNSPs be able to recover the additional costs incurred in undertaking the special meter read at the request of the customer or retailer.

A fee is also appropriate where non-standard or more sophisticated data profiles are required, where data is requested more than once over a defined period, where multiple customers or customer sites are involved or where ongoing data provision is required. Given the expected volume of such requests is currently unknown, we submit that DNSPs should have the ability to set appropriate fees and timeframes with the overriding requirement that the charge for such services be a reasonable fee to cover expenses directly and reasonably incurred in providing the information. This is consistent with similar provisions such as those in Chapter 5A for site inspection and negotiation fees⁶. For this reason we do not consider that it is necessary for fees to be set or addressed through the AEMO procedure.

Informing customers about the uses of electricity consumption data (privacy requirements)

The NSW DNSPs submit that NER/NERR should not be prescriptive about how customers provide consent and authorise access to their data. This is because the existing privacy regimes provide comprehensive controls with respect to the disclosure of the personal information contained in electricity consumption data. These include those introduced by the *Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)* which amended the *Privacy Act 1988* and incorporated the Australian Privacy Principles. Relevantly, the amendments introduced new mandatory information required to be included in an organisation's publicly available privacy policy and strengthened enforcement measures to include enforceable undertakings, civil penalties (in the case of serious breaches) and powers to conduct assessments of privacy performance within organisations. Accordingly, there is no need for further energy specific regulation.

We also note that the COAG Energy Council has proposed that information be provided on the websites of retailers and DNSPs about how a customer's electricity consumption data is used. In this respect, we note that personal information contained in electricity consumption data is already subject to the requirement that the organisation's privacy policy set out clearly how the information is collected, held, used and disclosed. The *Privacy Amendment (Enhancing Privacy*

⁶ See clauses 5A.C.4 and 5A.D.4 of the NER.

Protection) Act 2012 (Cth) introduced new mandatory content for privacy policies and measures to improve transparency about personal information handling practices.

The organisation's privacy policy must be made available to customers and other individuals free of charge and in an appropriate form, which for most organisations (including the NSW DNSPs) involves publication of the policy on their websites.

Energy specific legislation requiring the publishing of information about electricity consumption data on organisations' websites would introduce overlap, complexity and potential confusion for customers and others. Accordingly, we do not support the proposed amendments to clause 86 of the NERR in this regard.

Attachment B - Provision of NMI standing data to customers or their agents prior to a retail contract for new connections

In NSW, applications for connection and alterations to connections are generally carried out by Electrical Contractors or Accredited Service Providers (ASP) on behalf of customers. Subsequently, it is not uncommon for the NSW DNSPs to be contacted directly by the ASP, Electrical Contractor or customer requesting NMI standing data to complete the necessary forms and requests to undertake this work.

From an operational perspective, the NSW DNSPs would like to be able to provide the NMI directly to the customer or their authorised agent in relation to such requests rather than directing them to request this information from the Retailer. We are concerned that by not providing this information when requested by customers or ASPs we may be perceived as being unhelpful, uncooperative in helping to facilitate a customer's connection or request for alteration to an existing connection.

The NSW DNSPs do not consider that it was the intended policy intent for clause 7.7(a) of the NER to be interpreted as restricting DNSPs from issuing NMI standing data to customers or their authorised agents. We seek confirmation that this position will be addressed as part of this Rule change process.

Attachment C – The NSW DNSPs amended clause 7.16 – Data provision to customers

7.16 Data provision to customers

(a) AEMO must establish, maintain and *publish* procedures for the provision of *metering data* and *settlements ready data* in response to requests under rule 7.7(a) (7) (the **data provision procedures**).

(b) The objective of the data provision procedures is to establish the minimum requirements for the manner and form in which *metering data* and *settlements ready data* should be provided to a customer in response to a request for such data from the customer, or an agent or service provider authorised to act on behalf of that customer.

(c) The data provision procedures must:

(1) specify the manner and form of provision of *metering data* and *settlements ready data* for customers, including a:

- (i) raw data format; and
- (ii) summary data format;

~~(2) for customers for whom *interval metering data* is available, specify the summary format, which, at a minimum should include the customer's:~~

- ~~(i) nature and extent of *energy* usage for daily time periods, calculated by reference to usual peak *energy* usage;~~
- ~~(ii) usage or load profile over a specified period;~~
- ~~(iii) a diagrammatic representation of the information referred to in subparagraph (i) above;~~

~~(3) for customers for whom *accumulated metering data* is available, specify the summary format which, 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;~~

~~(4) require the manner and form of data provision must have regard to the metering data file format published by AEMO and used for the purposes of the *Market Settlement and Transfer Solution Procedures*;~~

~~(5) ensure the manner and form of data provision takes into account differences between groups of customers consuming at various consumption thresholds;~~

(6) include a timeframe in which a *financially responsible Market Participant* or a *Distribution Network Service Provider* must respond to a request made under rule 7.7(7), having regard to:

- (i) procedures in place relating to the validation of *metering data*; and
- (ii) a minimum time limit of 10 *business days* ;

~~(7) ensure the manner of data provision allows for web portal, electronic and hard copy delivery.~~

(d) AEMO may from time to time and in accordance with the *Rules consultation procedures*, amend or replace the data provision procedures, referred to in paragraph (a).

(e) *AEMO* must *publish* the first data provision procedures no later than [insert date] and there must be such procedures available at all times after this date.

(f) *AEMO* must conduct a review of the data provision procedures at least once every [insert time frame] after the first data provision procedures are published.

(g) All *Registered Participants* and *Metering Data Providers* must comply with the data provision procedures.

~~(h) The AER must, in accordance with the Rules consultation procedures, make and publish guidelines (the Metering Data Common Terminology Guidelines) that define a set of common terms that can be used when describing which parties have access to metering data and how metering data is used in the National Electricity Market.~~

~~The Metering Data Terminology Guidelines must:~~

~~(i) Contain a list of common terms and definitions relating to metering data and uses of that metering data the in national electricity market by registered participants, metering providers, metering data providers and AEMO; and~~

~~(ii) Provide guidance on what circumstances the common terms and the associated definitions are most appropriately used;~~