



25 September 2014

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

Via online lodgement

Dear Mr Pierce,

**Draft Rule determination—Customer access to information about their energy consumption (ERC0171)**

Origin Energy (Origin) welcomes this opportunity to respond to the Australian Energy Market Commission's (the Commission) draft Rule determination on customer access to information about their energy consumption.

**Extension of obligation to provide information to DNSPs, MDPs and AEMO**

Origin supports the Commission's decision to allow customers to obtain their data from Distribution Network Service Providers (DNSP). While we had proposed in our submission to the consultation paper that customers could access their data through Metering Data Providers (MDPs), Origin accepts the Commission's reasoning that most customers would be unaware of whom their MDP was and that MDPs may be limited in verifying a customer's identity.

The Energy Market Reform Working Group (EMRWG) had suggested that the Commission extend the obligation to provide customer data to AEMO. Origin would support AEMO being the central contact for data requests, but we appreciate that technology constraints make this impermissible. Origin, therefore, supports the Commission's conclusion that the obligation should not be extended to AEMO prior to any future upgrade to MSATS.

**Third party access to information**

The Commission has stated its preference for deferring to existing privacy rules concerning the nature of consent that retailers and DNSPs require before providing information to a customer authorised representative. Origin agrees with the Commission's approach not to duplicate existing laws and regulations under the *Privacy Act 1988*.

**Data formatting requirements and implementation timing**

Origin remains of the view that individual market participants and third parties are best placed to make customer data available to customers and authorised third parties, particularly given existing investments in consumption data portals (most noticeably in Victoria where advanced meters have been rolled out). Mandating formats and summary data may decrease incentives on market participants to develop their own interfaces to provide data directly to their customers.

That being said, Origin supports a simplified approach to the formatting of consumption data. However, it is not clear from the current Rule drafting what the implementation timeframe is for businesses to start providing data in accordance with the proposed data provision procedure. The currently proposed three months is not sufficient, particularly if that is also meant to include its implementation into business systems.

There is not currently a uniform file format provided at present by MDPs (in most cases the DNSP). Developing a set of agreed procedures for the summary and detailed data format will take a minimum of six months, allowing for sufficient AEMO consultation periods. These discussions will need to cover the more complex requirement for a graphical representation of the consumption data, along with the parameters to be included in the summary data file (on a national basis).

Once agreed, each business - retailers and DNSPs alike - will need to update their internal systems to comply with the new data format requirements. Businesses normally have an ongoing IT development program, with development and implementation lead times. Recent experience from implementing the Victorian Government's *My Power Planner* website indicates these system updates can take a minimum of six months from the time the system specifications (e.g. final procedures and parameter requirements) are confirmed. As such, we would recommend the requirements for providing information in the new format should not commence until at least six months after AEMO publishes the final data provision procedure.

#### **Time frame to respond to a request**

The Commission has chosen to maintain the existing requirement that a customer must receive their information within ten days. Origin accepts this timeframe where customers ask for the information themselves, but we are concerned that bulk requests from customer authorised representatives may be difficult to meet within that ten day period. To that end, Origin supports the clarification in the draft Rule that retailers and DNSPs make a "reasonable endeavour" to provide data within ten days. This can accommodate situations where customer authorised representatives make large bulk requests for data that have a much higher workload compared to a single customer request.

#### **Charging a reasonable data fee**

Origin is conscious that the introduction of customer authorised parties being able to request consumption data could lead to third party businesses submitting bulk data requests to retailers and DNSPs. While we appreciate such players can provide a practical service for coordinating customer data requests, it is important to acknowledge that retailers and DNSPs are not "data provision businesses". To help manage the administrative resources to process bulk customer authorised party requests, we would encourage the AEMC to include a provision in the Rule whereby retailers and DNSPs may apply a reasonable charge to consumption data requests from a customer authorised party.

The current draft Rule also includes a level of ambiguity around how many times a customer can request data for free from retailers and DNSPs. The current implication is that a customer could request their data from both retailers and DNSPs four times each - a total of eight opportunities a year. We ask for the Commission to clarify its intent in the Rule drafting that customers can either: (1) approach retailers and DNSPs for data four times each for free (eight times); or (2) request free access to their consumption data a total of four times a year across both retailers and DNSPs.

#### **General information about consumption data**

We support the Commission's decision not to require the AER to develop 'metering data terminology' guidelines and not to obligate retailers and DNSPs to publish information on their websites about how electricity consumption data is used. In both cases there would not appear to be a material problem or market failure that needed to be addressed by the creation of these obligations.

#### **Drafting comment: NERR Rule 86**

While the intent of draft NERR clause 86 (3) is clear - that customers can obtain their gas data at no cost once every twelve months - the drafting itself could be more precise. We recommend a similar drafting structure to that used in draft NERR clause 86(2) to remove any ambiguity.

### **Closing**

Origin would be pleased to discuss any matters raised within this response further with the Commission. Please contact Timothy Wilson (Retail Regulatory Analyst) in the first instance on (03) 8665 7155.

Yours sincerely

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