

Attachment 1 Stakeholder feedback template

The template below has been developed to enable stakeholders to provide their feedback on the questions posed in this paper and any other issues that they would like to provide feedback on. The AEMC encourages stakeholders to use this template to assist it to consider the views expressed by stakeholders on each issue. Stakeholders should not feel obliged to answer each question, but rather address those issues of particular interest or concern. Further context for the questions can be found in the consultation paper.

Organisation: The University of Sydney Law School

Contact name: Dr Penelope Crossley

Contact details (email / phone): penelope.crossley@sydney.edu.au / 02 9351 0388

Please note that this stakeholder feedback should be read as additional to the feedback I provided to the EMT in September 2016. I am also available for further discussions about any of the issues raises but in particular, issues with consumer data, the safety, consumer protection and emergency response aspects and the need for researchers to be able to access the data. I further note that in preparing this submission, I have had the benefit of reading the submissions from the Clean Energy Council, Public Interest Advocacy Centre and Centre for Energy and Environmental Markets (UNSW) and agree with many of their points.

Questions		Feedback
Chapter 4 – Assessment framework		
1.	Is the assessment framework appropriate for considering the proposed rule changes?	Yes. I also agree with the points raised by CEEM.
2.	Are there other relevant considerations that should be included in the assessing the proposed rule changes?	<p>I would also incorporate under the heading “Balance information transparency and confidentiality”</p> <ul style="list-style-type: none"> - consumers to have access to their own data to inform efficient investment and operational decisions <p>I think it is a real issue that some of the most significant benefits in relation to safety cannot be used in the</p>

Questions		Feedback
		assessment framework (though I understand the limitations on the AEMC's rule making powers and why this is the case)
Chapter 5 – Section 5.1.1 – Benefits of a register		
3.	What are the likely uses of a distributed energy resources register?	I refer you to the issues raised by CEEM, with which I am in agreement.
4.	How, and to what extent, could the static information provided by a DER register meet the objectives outlined by the COAG Energy Council, namely:	
	a) more accurate load forecasting?	
	b) improving AEMO's ability to manage power system security during credible contingency, protected and non-credible contingency events?	
	c) improving AEMO's ability to set the bounds of the technical envelope at an efficient level?	
	d) improving efficient market and network investment?	
5.	Are there any other ways that a distributed energy resources register could benefit the National Electricity Market?	<p>In addition to the uses identified, the Register will play an important role in:</p> <ul style="list-style-type: none"> - emergency situations, especially in terms of protecting first responders; - consumer protection, including enhancing the effectiveness of product recalls; and - end of life management, ensuring the DER (which are often hazardous waste) are appropriately recycled or disposed of. <p>I have also had the benefit of reading PIAC's response on this point and agree wholeheartedly with their submission about</p>

Questions		Feedback
		the value of the register to policymakers and researchers trying to better understand demand response and distributed energy resources.
6.	What features does a register need to have in order to meet the objectives outlined by the COAG Energy Council?	
Chapter 5 – Section 5.1.2 – Expected costs		
7.	What costs do you believe would likely be involved in the collection of useful data about DER?	I would suggest that an app be used. All products imported for sale in Australia need to have their data uploaded into the central database by either the importer/manufacturer or retailer. Then when products are installed in individual properties it could be as simple as scanning a barcode for the generic information such as DER chemistry/size etc. This would reduce the time spent by other people having to input data, as they would only have to upload customer and location specific data and would increase the accuracy of the database.
8.	Do you agree with the costs identified by Jacobs for different stakeholders? If not, why?	The initial database set up cost seems significantly higher than earlier figures that were discussed by industry but this may be due to Jacobs having better information than other stakeholders.
9.	Are stakeholders able to provide data or case studies that would support further quantification (in monetary terms) of any of costs likely to manifest?	
10.	How might the nature and magnitude of these potential costs change over time?	This is very dependent on the technologies listed on the database and on levels of compliance. Ideally, costs should reduce over time as processes become more streamlined and people become more used to using the database.

Questions		Feedback
Chapter 5 – Section 5.2 – Governance		
11.	Please comment on the suitability of the following:	
	a) Should 'small scale' systems be limited to generation systems below 5 MW? Should any further limitations be imposed (e.g. a minimum capacity or a threshold in MWh for energy storage)?	It depends on the technologies that the register intends to capture in the first instance.
	b) Is the NER definition of 'connection point' an appropriate spatial demarcation for 'behind the meter' DER? If not, what is an appropriate spatial demarcation for 'behind the meter' DER?	Yes
	c) Is a 'distributed energy resource' " <i>an integrated system of energy equipment co-located with consumer load</i> "? If not, what else could it be characterised as?	I agree with the CEEM submission on this point.
12.	Regarding the management of a DER register:	
	a) To what extent should the types and capacity of DER eligible for inclusion in the register be defined in the NER or in an AEMO guideline?	I would specify general rules for deciding which technologies should be included on the register in the rules and then leave all of the specifics to the AEMO guidelines, which can be amended more easily.
	b) Should the nature of the information being collected and recorded in the register and any other requirements, such as how often parties need to report the data, be determined in an AEMO guideline?	It depends on how you plan to encourage/enforce compliance. If having this in the NER would give you more scope then it may be appropriate to put at least some of these requirements in the NER.
	c) What types of principles, factors or other criteria should AEMO be required to consider when developing guidelines on the collection and recording of information on DER?	All of the potential uses of the data including for safety and consumer protection purposes. Please refer to my comments on the data to be collected in my EMT submission from September 2016. I further agree with CEEM on this point.
Chapter 5 – Section 5.3 – Data collection and compliance		

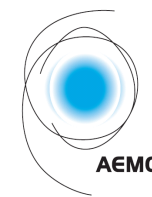
Questions		Feedback
13.	How often does the data need to be collected and updated to achieve the objectives of a DER register?	Ideally the data will be collected and updated in real time.
14.	Do you agree that there is a need for consistency across network regions in what data should be collected?	Yes. This will facilitate a more useful database and consistency in the information available for market institutions, participants and consumers. A uniform approach also means that subsequent occupants of a property with DER installed can be provided with information in identical formats, this will enable the education of consumers about the information they are receiving.
15.	If DNSPs' connection application processes are considered a good method of collecting data, what changes are needed to existing processes?	I agree with the PIAC submission on this point.
16.	Should obligations on parties other than DNSPs be considered to support data collection? If yes, which parties are best placed to collect and report this data?	I agree with the PIAC submission on this point.
17.	How would an obligation on the parties identified above best be applied and enforced? Please provide details.	
18.	Will a register be beneficial if the levels of compliance in relation to providing information are similar to the low levels of compliance with the DNSP connection application processes? What levels of compliance are needed?	No. To receive the full benefits and ensure the benefits outweigh the costs widespread compliance is required.
19.	How else can compliance levels be improved?	Consider the use of penalty units or in the initial phases, potentially a reward similar to that used by the Queensland Government.
20.	How can compliance best be maintained over time as technology changes?	Ensure that the app is easy to use, requires minimal inputting of data, the rationale for its use is clearly explained to installers/retailers/manufacturers/consumers and is updated regularly in response to feedback.
Chapter 5 – Section 5.4 – Transparency and confidentiality		
21.	Given the nature of information that may be required to be provided by registered participants under the proposed rule change, are existing regulatory arrangements (such	I do not have concerns about the need for additional privacy requirements during the collection of data but I do have

Questions		Feedback
	as the protected information provisions under the NEL and Privacy Act 1988) regarding the collection and disclosure of information adequate to protect market participants and consumers whose DER systems are included in the register?	<p>concerns about the release of private data to unrelated third parties (parties with whom the consumer does not already have a contractual or other relationship) without explicit consent. I believe that in these circumstances explicit informed consent should be required and potentially also the use of an opt-in system.</p> <p>A delicate balance needs to be struck here as I concede that PIAC makes a good point that it may be in the best interests of consumers to participate in a demand response programme where a third party has identified that this may be required.</p> <p>I also note the importance of University researchers and NFP consumer advocacy groups getting access to data (with fees waived accordingly). If we were able to conduct research on this data, we could potentially improve policy outcomes and better understand the role of DER in the NEM.</p> <p>I am also aware that the Australian Energy Storage Alliance (AESA) would like to seek residential data provided in an aggregated form for battery storage only, most likely aggregated by postcode or by region. The AESA proposes to use this aggregated battery storage data for entry into the Australian Energy Storage Database (portal). As this service is freely provided on-line at no charge, the AESA also would need this aggregated data supplied at no cost.</p>
22.	If not:	
	a) What are the likely nature, and magnitude, of potential consequences of insufficient protection of such information?	Insufficient protection of this information may lead to the unwanted harassment of consumers by companies marketing products and services.

Questions		Feedback
	b) Should the NER limit, on the basis of confidentiality concerns, the information that registered participants or others would be required to provide to AEMO under the DER Register Guidelines? If yes, how?	No. Arguably AEMO is more likely to have an interest in protecting individual data than DNSPs. If the role of regulation is to enable better forecasting and system operation then AEMO should be given the information to be able to do this function. Greater transparency may also be used by AEMo to identify those areas which are most suitable for demand response interventions and to improve competition within the sector.
	c) Should the NER limit, on the basis of confidentiality concerns, how AEMO may use or disclose information provided to it under the DER Register Guidelines? If yes, how?	Yes – individual information should not be disclosed to unrelated third parties without the explicit consent of the property owner. In particular, insurance companies and companies with whom the property owner does not have a contractual relationship should have limitations placed on their access to an individual's information.
23.	Are there any competition concerns raised by the establishment of the register?	No
Chapter 5 – Section 5.5 – Safety issues and emergency response		
24.	Would the sharing of data collected under a DER register be useful to emergency services, and if so, how?	Yes – both NSW Fire Brigades and RFS have advised me that if they go out to a fire and then identify the presence of a battery, they have to call out the Hazmat Team who will then respond to the blaze. By having this two-step process, this delays responding to fires and places individual fire fighters at risk by having them enter into properties that are on fire and then trying to have to correctly identify the presence of a battery. If this information was available to them prior to getting to the blaze, it would speed up response times, ensure the efficient allocation of resources (such as the location of Hazmat services) and increase safety. Such a resource would also be useful in a bushfire situation where the RFS have to choose which properties they should try to save. The presence of batteries in a property may change the risk assessment of which properties would benefit from early

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		intervention or later, cannot be saved, and thus this information is valuable.
25.	Are there existing mechanisms currently in place (e.g. requisite IT systems) that could facilitate the practical sharing of data with emergency responders on a real time basis?	I gather that some state fire authorities can supply some of this information when 000 is called. However, 000 is not normally called during a bushfire situation for each house and thus this situation would not be workable. It almost needs to have a Google maps style functionality where it will flash up that the property has a DER requiring special treatment and then what the hazardous material/battery chemistry is.
26.	Is the proposed DER register the most practical mechanism to provide emergency services with the required information?	Realistically, probably not but in the absence of any other option it is the best available. It would also be helpful to have a uniform approach taken nationally as during emergency situations, interstate personnel are often drafted in and thus having similar systems would be a huge advantage.
27.	What important features does a register need to have in order to meet the needs of emergency services?	Google maps style functionality where someone can see on a map whether Hazmat services will be required.
28.	To what extent is energy related information already shared between relevant bodies (e.g. AEMO/CER) to emergency services for safety reasons?	
Other comments on the rule change request or consultation paper		
29.	Do you have any other comments on the rule change request or the consultation paper?	Off-grid storage systems present many of the same risks as on-grid storage systems particularly in relation to the emergency services, end-user safety and recycling at end of life. Equally, many of the benefits associated with registering storage such as facilitating product recalls, better market planning, and improving competition in the market are the same for on-grid and off-grid systems. Given the relatively low cost per storage device associated with establishing a national energy storage register compared to the potential gravity of the harm posed to an unsuspecting emergency

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	<p>services worker or volunteer in a fire situation, it seems a missed opportunity to exclude off-grid systems from such a register.</p> <p>Please also see the CEEM submission in response to this question as I agree with their response.</p>



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Chapter 5 – Section 5.3 – Data collection and compliance		

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