



Ms Anna Collyer
Chair
Australian Energy Market Commission
GPO Box 2603
Sydney NSW 2001

22 October 2025

To Ms Collyer,

Real-time data for consumers – Draft determination

ENGIE Australia & New Zealand (ENGIE) appreciates the opportunity to respond to the Australian Energy Market Commission's (the Commission) draft determination on a rule change to enable access to real-time data from smart meters.

The ENGIE Group is a global energy operator in the businesses of electricity, natural gas and energy services. In Australia, ENGIE operates an asset fleet which includes renewables, gas-powered generation, and battery energy storage systems. ENGIE also provides electricity and gas to retail customers across Victoria, South Australia, New South Wales, Queensland, and Western Australia.

ENGIE broadly supports the Commission's proposal for a mixed solution that enables real-time data functionality at no charge for consumers with a smart meter installed after a specified date. As there is currently limited demand for real-time data, a transitional approach would help minimise the costs to consumers from this reform. While the Commission has proposed for the draft rule to commence on 1 January 2028, ENGIE contends the implementation date should be determined based on the practicality of metering businesses achieving this timeframe and the timeframes required for the Australian Energy Market Operator (AEMO) and industry to develop and deliver detailed market procedure amendments and system builds.

In this submission, ENGIE provides feedback on the key aspects of the draft rule and the proposed third-party real-time data access framework. In particular, ENGIE considers the third-party access framework should more closely interact with the established Consumer Data Right framework to ensure consumers can fully benefit from real-time data at an efficient cost.

The timing of changes to the min specs of meters should consider views from metering businesses

ENGIE supports access to real-time data being enabled through embedding this functionality in meters. As ENGIE is not a metering business, it is not well-placed to comment on whether 1 January 2028 is an

appropriate date to require all new installed smart meters to have in-built functionality to enable both wired and wireless access to real-time data. Metering businesses will likely supply information to the Commission on the costs of enabling this in-built functionality across different implementation dates in their submissions to the draft determination.

However, in terms of broader feedback, ENGIE has concerns that amending the min specs for smart meters from 1 January 2028 may place the achievement of the targets in the mandated smart meter rollout at risk. To the extent that metering businesses have challenges in procuring sufficient meters that meet the amended min specs, this could delay the installation of smart meters or increase the costs to consumers of industry achieving the targets. As there are no proposed transitional arrangements for retailers to be able to utilise any existing meter stock in 2028, this may also add to the costs ultimately faced by consumers. ENGIE contends that feedback from metering businesses should be a critical input for the Commission when assessing whether its cost-benefit assessment has accurately captured the impacts of this market intervention.

As the amended min specs will only apply to type 4 and 4A metering installations, ENGIE notes this rule change would not be applicable to the new type 8B metering installations that will become more commonplace following the introduction of the 'Unlocking CER benefits through flexible trading' final rule. The Commission identified that a key benefit of the rule change related to Consumer Energy Resources (CER) flexibility and the management of export limits.¹ However, the introduction of secondary settlement points through the 'Unlocking CER benefits through flexible trading' rule change may impact on the potential usefulness of real-time data sourced solely from the primary smart meter. ENGIE considers the final determination should expand on how the proposed rule change will be future-proof in the context of evolving metering arrangements.

The Rules should be drafted in a way that ensures they are not applicable in Victoria

As acknowledged in the draft determination, the draft rule should not apply in Victoria as Victorian customers already have access to near-real time data through their distribution-owned smart meters. For that reason, it is important that the proposed rule 7.15.7 in the National Electricity Rules (NER) is drafted in a manner that ensures it does not apply in Victoria.

ENGIE notes that the Commission's 'accelerating smart meter deployment' rule amendments were similarly not intended to apply in Victoria, but the drafting of the rule amendments were not sufficiently clear to meet that intention. There may be unintended consequences on Victorian distributors, retailers, and customers if the real-time data rules do have full or partial application in Victoria.

¹ Australian Energy Market Commission 2025, Draft rule determination – Real-time data for consumers, September, p.54.

A user-pays approach is appropriate for pre-2028 meters requiring retrofitting or replacement

ENGIE supports the Commission's proposal to introduce a user-pays approach for retrofitting or replacing meters installed prior to 1 January 2028 (or alternative implementation date). Rather than socialising significant costs across all consumers, ENGIE agrees that consumers should decide whether paying to access real-time data from a retrofitted or replaced meter is beneficial for them.

Where a meter replacement is required for a consumer to access real-time data, ENGIE contends the rule change should enable this meter replacement to occur within reasonable timeframes, rather than within 15 business days, as set out in Rule 7.8.10B of the NER and the draft Rule 59E(5)(b) of the National Energy Retail Rules (NERR). Allowing retailers with additional flexibility would address the risk of non-compliance in the initial years of the reform, where there may be insufficient stock of compliant meters to achieve the 15 business day timeframe. Providing this flexibility in the NERR is particularly important due to the potential civil penalties that could apply to retailers if they fail to achieve the prescribed timeframes for meter installations.

ENGIE supports the proposed 'real-time data' definition

ENGIE agrees with the Commission that it is important to include a definition of real-time data in the National Electricity Rules. ENGIE supports the Commission's proposed definition, as well as the proposal for the specific technical details to be clarified in AEMO procedures. This approach should ensure the framework is adaptable and AEMO can periodically update the technical features in response to technological developments and market conditions.

Retailers are the appropriate party to facilitate their customer's access to real-time data

ENGIE agrees that the retailer is the most appropriate party to facilitate a customer's access to real-time data from their smart meter. Retailers have existing relationships with customers and are well-placed to engage with metering coordinators on their customers' behalf to enable real-time data functionality.

ENGIE also supports metering coordinators having the option to directly communicate with customers where this may be efficient to finalise the facilitation of real-time data access.

The introduction of customer-appointed representatives may create data security issues and undermine the usefulness of the Consumer Data Right

While ENGIE is supportive of retailers facilitating real-time data access for a customer, ENGIE has concerns about the proposed approach for retailers to also facilitate access for 'customer-appointed representatives' that they have no existing relationship with.

While there are differences between real-time data and the datasets currently available through the Consumer Data Right (CDR), such as the validation and storage of data, ENGIE contends it is inefficient to bypass an established framework for third-party access to consumer data and to instead duplicate elements

of that framework. As noted in ENGIE's earlier submissions to this review, the CDR facilitates secure and efficient consumer data access while maintaining strong privacy protections.²

Even if real-time data is not most appropriately facilitated by the CDR framework, ENGIE is concerned that establishing a second and separate data-sharing arrangement in the energy sector may undermine the usefulness of both frameworks. For example, while third-parties may be able to provide specific consumer use-cases with their access to real-time data, they may have had the opportunity to develop and provide even more innovative services if they also had access to electricity tariff and product data or other datasets from the CDR (including from other industries within the ecosystem, such as banking).

ENGIE acknowledges that the Commission does not have the remit to amend the CDR framework. ENGIE asks that the Commission work with the Australian Government and collaborate on a future-proof reform that ensures the most efficient interactions between the existing CDR framework and the real-time data requirements.

In terms of the proposed framework presented in the draft determination, the high-level process for retailers to facilitate access to real-time data for a customer-appointed representative is flexible and appears relatively straightforward. However, ENGIE has several concerns about the practical implementation of the process that should be further considered before a final rule is developed. These concerns include that:

- Retailers do not have full visibility of the third-parties' processes to obtain customer consent for access to real-time data. While the draft NERR allows for the retailer to verify consent, this could be an arduous and time-consuming task for retailers to effectively police whether third-parties are meeting the requirements of the draft Rule 59D of the NERR.
- The accreditation process and criteria for customer-appointed representatives are currently vague, which makes it challenging to comment on whether this process will sufficiently ensure that third-parties have appropriate cyber security and privacy arrangements to manage risks arising from the sharing of real-time data.
- It is not clear that AEMO has the appropriate skills and expertise to oversee a consumer data privacy framework and ensure accredited participants are equipped to securely manage data. While AEMO currently manages market registrations that include obligations to appropriately manage data, the proposed rule change and its introduction of third-party access to data significantly uplifts the risks to consumer data privacy and security. To the extent the energy laws and rules limit the Commission in assigning the accreditation role to a more appropriate body, the Commission should collaborate with the Australian Government to develop broader reforms that ensure an appropriate body is appointed with the relevant skills and expertise to manage a complex data privacy and security framework.

² ENGIE 2024, Submission to Real-time data for consumers – Consultation paper, November, p. 3; and

ENGIE 2025, Submission to Real-time data for consumers – Directions paper, February, p. 3.

- The creation of a bespoke accreditation process may be inefficiently duplicative for third-parties that are also accredited to provide services under the CDR.
- The arrangements to ensure continued real-time data access when a customer transfers between retailers would require market changes and additional consultation, such as new business-to-market and business-to-business processes for an outgoing retailer to inform the incoming retailer of the real-time data access arrangement. The incoming retailer may also be exposed to compliance risks if it does not undertake its own verification of the customer's original consent with the customer-appointed representative.
- The process to revoke access to real-time data is currently vague, particularly where the data is being accessed by a customer-appointed representative. While the Commission has sought to allow flexibility in relation to the revocation process, this is a critical aspect of the proposed framework with potentially significant data privacy risks. ENGIE contends the revocation should be developed and consulted on further before the rules are finalised.

Concluding remarks

Should you have any queries in relation to this submission please do not hesitate to contact me on, telephone, 0436 929 403.

Yours sincerely,

Matthew Giampiccolo

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