

23 October 2025

Mr Geoffrey Rutledge
Chief Executive Officer
Australian Energy Market Commission
Level 15, 60 Castlereagh Street
Sydney NSW 2000

Online via: www.aemc.gov.au

Dear Mr Rutledge

ERC0399 Real-time data for consumers Draft determination

Thank you for the opportunity to comment on this draft determination.

The comments contained in this submission reflect the feedback of the Energy & Water Ombudsman NSW (EWON), Energy & Water Ombudsman South Australia (EWOSA), and Energy and Water Ombudsman Queensland (EWOQ). We are the industry-based external dispute resolution schemes for the energy and water industries in New South Wales, South Australia, and Queensland.

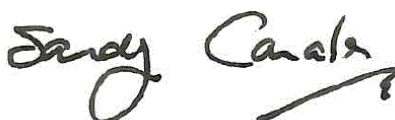
We have collectively reviewed the draft determination and we have only responded to those matters that align with issues customers raise, or with each respective organisation's operations as they relate to the draft determination.

If you require any further information regarding our submission, please contact Dr Rory Campbell, Manager Policy & Systemic Issues (EWON) on 02 8218 5266, Mr Antony Clarke, Policy and Governance Lead (EWOSA) on 08 8216 1861, or Mr Jeremy Inglis, Manager Policy and Research (EWOQ) on 07 3212 0630.

Yours sincerely



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ERC0399 Real-time data for consumers Draft determination

We strongly support enabling options for customers to access their data for increased flexibility, transparency and empowerment. We acknowledge the Commission's considerable efforts to respond to multifaceted sector feedback and develop a framework that balances minimising costs to consumers with achieving timely, wide real-time data access.

In summary, the Commission's draft determination is to:

- change the minimum specifications of new smart meters installed from 1 January 2028 to include embedded functionality to communicate real-time data, both wirelessly and through wired connection
- spread the cost across all consumers and recover it through consumers' bills, consistent with how the costs of metering services are already recovered
- for customers with meters installed before 1 January 2028 without the embedded functionality, allow retailers to charge a customer to retrofit or replace their meter to access real-time data.

The draft rule introduces the following framework:

- real-time data would be defined in the National Electricity Rules (NER) to create a clear and consistent understanding of real-time data
- by July 2026, the Australian Energy Market Operator (AEMO) would publish real-time data procedures that would further specify relevant standards, protocols and technical requirements
- retailers would be required to facilitate access to real-time data by:
 - managing the relationship with customers and customer appointed representatives
 - ensuring metering coordinators make real-time data accessible from the smart meter
- metering coordinators would be required to facilitate access to real-time data in accordance with:
 - a retailer's request
 - any requirements specified in AEMO's real-time data procedures
 - appropriate data protections.

Complaints to our offices do not provide a basis to comment on some of the more technical and logistical aspects of the proposed framework. Our comments focus on:

- what upfront information will be valuable to customers to prevent complaints
- the approach for vulnerable customers
- family violence protections
- retailers' obligation only to provide raw data.

The Commission also proposes a draft rule that would require metering service providers (MSPs) to cooperate with retailers when they request information or assistance related to an ombudsman complaint or dispute.

We welcome this response to concerns we raised in our two previous submissions about ombudsman scheme difficulty in resolving billing disputes where MSP cooperation is required but not forthcoming. This provision would support our strong commitment to working with retailers and MSPs to achieve timely, fair and reasonable outcomes for customers.

While we support this aspect of the draft rule, issues with smart meters and metering competition evidenced in our complaints remain a key area of focus for our offices. We will continue to explore whether stronger measures are necessary to improve consumer outcomes and increase accountability and transparency of MSPs. This includes exploring a requirement for MSPs to be members of energy ombudsman schemes, which we understand is out of scope for this review.

Question 5: What information would be useful for consumers to help them determine if accessing real-time data is beneficial and if any charge to them, to upgrade the meter, is reasonable?

Appropriate upfront information is crucial to build trust and ensure customers are not caught by unexpected costs or left confused. Customers will need clear information on key aspects including:

- the roles and responsibilities of the retailer and metering coordinator, to ensure the customer is not confused about who to contact in the event of a problem
- that both wireless and wired connection access is available
- that the retailer is only able to charge once per premises
- that if they change retailers, their previous retailer will be required to inform their new retailer that real-time data access has been provided
- that customers may pay the cost of retrofitting or replacing a meter as a one-off payment or in instalments
- that if paying in instalments, they may be charged the remaining cost in a lump sum if they change retailers
- the circumstances in which real-time data access can be revoked
- information about what real-time data actually means – for example, that:
 - there could be a latency of up to five seconds – eg this information could help a customer decide whether a device relying on real-time data will deliver promised benefits with that latency
 - data is not validated and may not reconcile with time-lagged and/or validated data – eg without this requirement, retailers may have difficulty resolving billing disputes where customers believe that unvalidated real-time data is their ‘source of truth’ compared to validated billing data
 - data may not be provided in an easily readable or understandable format, and a customer may need to approach their retailer or a third party for a service to make the data suitable or to use the data appropriately on the customer’s behalf.

Competition and costs

The Commission advises that it expects costs for retrofitting/replacing meters without the requisite functionality will be sufficiently limited by:

- including a requirement that the metering coordinator may only charge retailers the reasonable costs incurred to facilitate access to real-time data, and only once per connection point
- the negotiated terms of commercial agreements between retailers and MSPs within the competitive market for metering services.

Our previous two submissions outlined evidence from our complaints that contractual relationships between retailers and metering parties are not always delivering suitable consumer outcomes. Our offices have ongoing systemic issue investigations which continue to demonstrate these issues. EWON further explored customer outcomes from metering services in:

- its March 2025 report *Spotlight On Electricity metering competition: who benefits?*¹
- a cross-sector panel at EWON's May 2025 Consultative Council Meeting, which included a representative from the Commission
- two cross-sector roundtables convened in July 2025 and September 2025 to deep dive into smart meter issues, which included participants from the Commission.

We sent detailed information to the Commission and other participants following the roundtables, confirming our continued commitment to exploring smart meter issues solutions. This includes considering whether better regulation of the contractual relationships between retailers and MSPs is needed where they are not delivering suitable consumer outcomes.

Customers experiencing vulnerability

The Commission's draft rule determination is to not include specific provisions for customers experiencing vulnerability. Retailers will be allowed to charge all customers for access to real-time data if the smart meter installed at their premises was installed before 2028 and does not meet the new minimum specifications.

We disagree with this decision based on insights from our complaints, outreach activities and the two EWON metering roundtables. For example, there is sector-wide agreement that site remediation costs have a disproportionate impact on customers experiencing vulnerability. This was out of scope for the Commission to address with the *Accelerating smart meter deployment* rule change. In the *Real-time data for consumers* review, the Commission has an opportunity to help prevent inequitable consumer outcomes by including specific provisions to prevent real-time data access charges for customers on affordability ('hardship') programs, customers experiencing payment difficulty and customers experiencing family violence.

We also note that the final rule in the *Improving consumer confidence in retail energy plans* rule change, prohibited fees for customers experiencing vulnerability. The decision to allow retailers to charge these customers for access to real-time data, if the smart meter installed at their premises was installed before 2028 and does not meet the new minimum specifications, is inconsistent with this rule change. It also does not meet the consumer protections test.

Question 8: Our draft rule would introduce a range of requirements on different parties to enable customers to access real-time data. Do you consider that our draft rule would support a good customer experience for customers requesting access?

Family violence

We strongly support the requirement for retailers to treat real-time data as 'affected customer information' for the purposes of family violence, meaning that it must not disclose real-time data without the consent of an affected customer. If real-time data was to fall into the wrong hands it could contribute to serious threats to victim-survivor safety and/or additional controlling measures for perpetrators. For example, real-time data could be used to identify when a victim-survivor is likely to be at home.

¹ <https://www.ewon.com.au/page/publications-and-submissions/reports/spotlight-on/metering-services>

Raw data

We acknowledge the Commission's reasoning for:

- only requiring retailers to facilitate access to raw, unvalidated data values
- not requiring retailers to translate real-time data from raw data values.

However, as explored in our two previous submissions, insights from complaints about retailer data applications indicate that access to raw data only may not be in line with many customers' expectations of their retailers. Transparent, upfront information about what real-time data actually means will be crucial to help manage customer expectations.

Dispute resolution

The Commission proposes changes to the National Electricity Rules (NER) that would commence 1 July 2026, and:

- enable retailers who have received a request for information or assistance from an energy ombudsman relating to a customer complaint or dispute under section 85 of the National Energy Retail Law (NERL), to request information or assistance from the metering coordinator, if reasonably necessary for the retailer to respond to the energy ombudsman's request
- require metering coordinators who receive such a request from a retailer to cooperate with the retailer by promptly:
 - providing any information in their custody or control and responding to any reasonable request for assistance
 - requesting information or assistance from a meter data provider or metering provider where that information or assistance needs to be provided by the meter data provider or metering provider
- require meter data providers and metering providers who receive such a request from the metering coordinator to cooperate with the metering coordinator by promptly providing any information in their custody or control and responding to any reasonable request for assistance.

We welcome this rule change and thank the Commission for responding to the extensive feedback in our two previous submissions about dispute resolution challenges. This provision would support our strong commitment to working with retailers and MSPs to achieve timely, fair and reasonable outcomes for customers. We are pleased that the provision:

- applies to all ombudsman disputes and complaints, not just those relating to real-time data
- will commence from 1 July 2026, sooner than other draft rule determinations
- includes a requirement for the information or assistance to be provided "promptly" – we recognise that including a more prescriptive timeframe could impede our ability to work dynamically with retailers and metering service providers.

However, we are concerned that the requirement for cooperation from metering entities is only triggered by an ombudsman complaint. Requiring cooperation earlier would enable retailers to resolve customer complaints without the need for escalation to an ombudsman. We suggest that the Commission consult with retailers about potential opportunities to support the provision of data and information at all stages of a customer dispute or complaint.

We also note that the proposed rule change only necessarily applies to retailers and not to potential third-party providers of real-time data services, who would not be in an ombudsman's jurisdiction. This further emphasises the need for extending consumer protections to new energy services that

are being contemplated under the *National Consumer Energy Resources Roadmap* and *Better Energy Customer Experiences* review.

While we support this aspect of the draft rule, issues with smart meters and metering competition evidenced in our complaints remain a key area of focus for our offices. Our continued work in this space, such as EWON's two cross-sector roundtables, has provided crucial contextual information for the concerns outlined in our previous two submissions – but has not contradicted any of them. We will continue to explore whether broader, more stringent measures are necessary to improve consumer outcomes and increase accountability and transparency for MSPs, including:

- better regulation of the contractual relationships between retailers and MSPs where they are not delivering suitable consumer outcomes
- requiring metering parties to be members of energy ombudsman schemes (which we acknowledge was not within the scope of the current review).