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27 October 2025

Drew Butterworth
Director
Australian Energy Market Commission
Level 15, 60 Castlereagh Street
Sydney NSW 2000

Submitted electronically

Dear Mr Butterworth,

Re: Draft Determination - Real-time data for consumers (ERC0399)

Red Energy and Lumo Energy (Red and Lumo) are pleased to make this submission to the Australian Energy Market Commission's (the Commission's) Draft Determination on Real-time data (RTD) for consumers.

We acknowledge that some consumers, particularly those who have invested in Consumer Energy Resources (CER), will value the additional information that this rule change will provide. Similarly, some consumers will enter into retail contracts that involve a greater degree of exposure to fluctuating price signals and may seek to adjust their consumption profile in real time.

However, there remains some uncertainty about the scale and the timing of more active market participation by small consumers and hence, the value they might attach to RTD. The Commission should consider this further as it develops a final rule, noting the alternatives available to more active consumers. We also encourage the Commission to revisit its estimates of the cost and timing of implementation, which we expect to be more substantial and complex than the draft determination suggests.

Data security and third party access

Further consideration should be given to the security of sensitive energy data. Specifically, we are concerned that the Commission's proposal for third party access falls short of the benchmark established by the Consumer Data Right (CDR) and its application to energy. Red and Lumo continue to hold the view that RTD is particularly sensitive and that clear and tight controls around its collection, retention and use are warranted. This is consistent with the *Privacy Impact Assessment* to support the designation of energy data under the Consumer Data Right (CDR). Granular RTD from a smart meter can be used to identify a consumer's presence, habits and preferences. Consequently, third parties with access to this data should be subject to strict compliance requirements and auditing by agencies such as

the Australian Competition and Consumer Commission and Office of the Australian Information Commissioner.

The CDR framework involves accreditation of data recipients (and evaluates their technical capability to maintain the integrity and security of data), authentication of data requests with an emphasis on informed consent, limits on data use and effective monitoring and enforcement. Further work is necessary to identify how such controls could apply to real time meter data. A further issue is the definition of RTD, which the Commission proposes that AEMO should develop in subordinate energy instruments. This also contrasts with the CDR, where individual datasets are designated by the Treasurer and cannot be amended as readily.

Red and Lumo's preferred option is for the Commission to further consider how it can incorporate RTD for energy within the CDR. This is because of the extensive controls and safeguards that it offers. We acknowledge this will take some time and involves regulatory changes outside the energy sector. As we note, however, we do not expect this will substantially delay the benefits of RTD. They will only start to accrue at some further point in the future when more consumers embrace the transition and seek to participate more actively.

Our less preferred option is for the Commission (and AEMO) to replicate CDR protections in the energy sector, both through the Rules and Procedures. This would operate in parallel to the CDR and hence, would be duplicative and less efficient, particularly when RTD will be used to deliver services that the CDR is also intended to support. It is likely that consumer agents would seek accreditation under both frameworks, duplicating consent management, data standards and technical requirements, while also creating a parallel compliance and enforcement program.

Operational issues and implementation

Noting the Commission proposes to issue a final determination by 4 December 2025, there may be insufficient time for AEMO to finalise Procedures by the 1 July 2026 publication date due to the complexity of RTD and the minimum consultation period of 140 business days required by the National Electricity Rules. As such, the Commission may wish to reconsider the date by which RTD should commence to ensure thorough stakeholder engagement, full consideration of this issue and comprehensive analysis of feasible options.

One of the key issues is the management of consent in the context of switching and moves. Red and Lumo support the Commission's position that retailers are best-placed to obtain consent from consumers for access to RTD but this requires careful management. We request the Commission consider the desired outcome and allow AEMO and market participants to work together to develop the underlying procedures and process to achieve that outcome in an efficient and effective manner.

To address practical implementation challenges, we ask the commission to reconsider its draft Rule as the outgoing retailer will not be able to revoke access after they have lost responsibility for the premises. The obligation for securing a consumer's privacy must lie with the incoming retailer who should be obligated to revoke access or reset passkeys to ensure the previous occupant and their accredited parties no longer have access to RTD at the premises. Drawing upon experience from CDR, there will be a need for retailers to validate any request by an accredited recipient, potentially providing a passkey to their customer which is then passed on to the accredited recipient.

A further example is the principle that consumer access to RTD is not interrupted when they change retailers. Rather than proposing that the outgoing retailer inform the incoming retailer that the customer has been provided with RTD access, we suggest a meter's capability to provide RTD, and that it is currently enabled to do so, are better attributed as metering features and recorded in market Standing Data. This would obviate the need for retailers to share customer-specific information directly, potentially via B2B transactions as the Commission suggests in its draft determination.

Similarly, the proposal for retailers to provide the NMI and address of a customer requesting RTD to the metering participant is superfluous. This is because the NMI identifies the supply address to an industry participant through Standing Data; instead we recommend the communication of key information such as the meter or meters, and whether exchange or reconfiguration is required. Again, in this case we encourage the Commission to specify the desired outcome, rather than prescribe processes and specific information. A goal-oriented approach will allow Industry to deliver an appropriate, cost-effective solution instead of being required to provide a solution via a particular mechanism.

Cost-benefit analysis

We also recommend that the Commission carefully review the cost of implementing this change. In particular, we encourage the Commission to consult with metering manufacturers and participants about the cost of changes to incorporate a physical connection point, WiFi capacity and the ability for secure passkey management.

Redesigning meters to incorporate a physical data port, in addition to wireless access and creating a secure, read-only, authenticated data stream requires careful analysis, design and implementation. Enabling RTD functionality for a Type 4A meter will generate additional operational costs since remote communication will not be enabled and physical attendance will be required. Accordingly, a reasonable cost of providing a meter or enabling the service should be applicable for all service requests.

While some meters today may have the ability to provide data locally, the full scope of the Commission's proposal also places obligations on market participants and other entities (depending on the accreditation framework) to develop systems and processes that impact design and recertification of meter design. AEMO's High Level Impact Assessment will

provide more detail about the complexity of this task and should be a key input to the Commission's assessment.

The cost-benefit analysis does not account for the revocation, renewal and provision of passkeys. This will be a complex process involving communication between numerous parties and clear communication to consumers about how this will operate in practice, particularly as passkeys will need to be revoked and renewed every time a consumer moves into a new premises.

Finally, the cost-benefit analysis suggests that the majority of the financial benefits will accrue from site monitoring where a consumer's CER has greater nameplate capacity than the site's export limit. However, the cost of the initiative is borne by all consumers, which implies a degree of cross subsidisation for those with the most to gain from RTD.

About Red and Lumo

We are 100% Australian owned subsidiaries of Snowy Hydro Limited. Collectively, we retail electricity and gas in New South Wales, Queensland, South Australia, Victoria and in the ACT to over 1.5 million customers.

Red and Lumo thank the Commission for the opportunity to comment on the draft determination. Please contact Sean Jennings on 0403 846 585 or me on 0438 671 750 if you wish to discuss or have any further enquiries regarding this submission.

Yours sincerely

A handwritten signature in dark ink, appearing to read "G Hargreaves".

Geoff Hargreaves

Manager - Regulatory Affairs

Red Energy Pty Ltd

Lumo Energy (Australia) Pty Ltd