

25 September 2014

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

Lodged electronically: www.aemc.gov.au

Dear Mr Pierce,

RE: Draft Rule Determination Customer access to information about their energy consumption (ERC0171)

The Energy Retailers Association of Australia (ERAA) welcomes the opportunity to provide feedback in response to the Australian Energy Market Commission's (AEMC) draft determination on Customer access to information about their energy consumption Rule 2014 (the **Draft determination**).

The ERAA represents the organisations providing electricity and gas to almost 10 million Australian households and businesses. Our member organisations are mostly privately owned, vary in size and operate in all areas within the National Electricity Market (NEM) and are the first point of contact for end use customers of both electricity and gas.

The AEMC's Consultation Paper (Consultation Paper) released in May 2014 was instigated by the COAG Energy Council's rule change request. A number of interested parties including the ERAA provided submissions to this consultation. The AEMC's Draft determination now proposes to make a number of draft rules to address the issues identified in the Consultation Paper.

Customer access to electricity consumption data from Distribution Network Service Providers

The Draft determination recommends expanding the National Electricity Rules (NER) to allow for the ability of consumers to seek their consumption data from Distribution Networks Service Providers (DNSPs). As noted in our submission to the Consultation Paper the ERAA supports this expansion of the NER subject to suitable consent being provided.

This enhancement will enable customers to access historical consumption data irrespective of the relationships that a consumer may have had with multiple retailers whilst at that site. In a scenario where a customer has requested two years' consumption data and switched retailers six months prior to this request, the current retailer is only able to provide data for those last six months. However, whilst the customer remains at a site, they remain connected to the distribution network, irrespective of the retailer. Therefore the DNSP is able to fully meet the customer's data requirements where they have established that the same customer was at this site for the period of data requested.



The ERAA notes that the AEMC metering reform proposes to ring fence a DNSP's metering services from the monopoly poles and wires business. This proposal will need to be taken into account when formulating the rule changes to provide the DNSP responsibility for data provision, as well as how such an activity will be funded.

Allowing a person authorised by a customer to access data

The Draft determination seeks to address a limitation in the NER that prevents customers explicitly authorising their service providers to access their consumption data on their behalf, by amending the NER to permit this to occur¹.

The nature of the consent required by service providers authorised by the customer has not been specified, as the Draft determination considers that existing laws including privacy will address this issue². The ERAA supports this recommendation on the assumption that these parties undertake processes that are equivalent to existing retail practices that maintain customer's privacy. The ERAA maintains that as retailers are custodians of their customer's consumption data, they will continue to seek reassurances that appropriate consent has been received from these service providers.

Minimum requirements for the provision of electricity consumption data

The Draft determination considers that the obligation to provide data should be set out in the NER, while the precise format (or formats) should be determined by the Australian Energy Market Operator (AEMO) in its data provision procedures³. The ERAA supports recommendations that these procedures should be kept to a minimum requirement so not to impede market innovation in data provisioning. The ERAA also supports the removal from the proposed rules of the reference to net distribution system load profiles as their relevance to consumers would only introduce confusion and complexity in the market.

The ERAA however recommends that the draft Rules are amended to remove clauses 7.16 (d)(2) and 7.16 (d)(3). Both these clauses will constrain development of data provision procedures as the market develops and evolves. In addition to this, the ERAA would also recommend removal of clause 7.16 (d)(5). Prescribing how consumption data is to be delivered to customers in the Rules will limit new and innovative ways in which this data may be transmitted as the market evolves.

The ERAA looks forward to participating in a transparent and inclusive consultation run by AEMO on developing the data provision procedures.

Data history and timeframes

The consumer data history requirements outlined in the Draft determination requires retailers to provide energy consumption information for a two year period from the date of the request⁴. The ERAA supports the two year timeframe as outlined in our previous submission, as it provides consistency with the current National Energy Retail Rules (NERR) requirement for retailers with respect to historical billing data. The ERAA agrees that this requirement should apply to all the customer's retailers for the two year period.

The timeframe for a retailer to respond to requests for consumption data is considered in the Draft determination to be a maximum of 10 business days, with the precise timeframe to be specified by AEMO in the data provision procedures. The Draft determination considers the obligation to respond within a specified period of time should be a reasonable endeavour's obligation. The ERAA's view is that a timeframe of 10 business days with a reasonable

¹ AEMC Draft Rule Determination Customer access to information about their energy consumption Rule 2014, p.18

² Ibid, p.19

³,Ibid p.21

⁴ Ibid, p.23

endeavour's obligation, balances the objectives of minimising administration costs as well as ensuring data quality is maintained.

The Draft determination outlines a minimum requirement that customers receive data free of charge every 3 months or alternatively, up to four times in a 12 month period. The ERAA's view is that the current provisions described in the NER for provision on an annual basis are adequate. It is also unclear whether the customer can make up to four separate requests to both the retailer and DNSP. Therefore, we request clarification from the AEMC on the application of this requirement on retailers and DNSPs.

The ERAA also agrees that a reasonable market based fee should apply for requests in excess of the final prescribed number and that these rules should apply to small customers only.

Implementation timetable

The ERAA is concerned that the three month period from publication to commencement of the AEMO procedures is inadequate for retailers⁵. In preparation for commencement of the rule change, retailers will be required to amend their processes and systems which will require a substantial amount of work. Further, the consultation period for the development of the AEMO procedures may also be as brief as three months, which would be insufficient to work through the extensive detail required to develop the new procedures.

The ERAA recommends that AEMO is required to undertake a minimum six month consultation period in addition to a similar time frame allowed for implementation.

Should you wish to discuss the details of this submission, please contact me on (02) 8241 1800 and I will be happy to facilitate such discussions with my member companies.

Yours sincerely,



Cameron O'Reilly
CEO
Energy Retailers Association of Australia

⁵ Proposed NER Clause 7.16