



5 June 2014

Australian Energy Market Commission
PO Box A2449
Sydney South NSW 1235

Lodged online (Project number ERC0171)

Dear Sir/Madam

Re: Consultation Paper: National Electricity Amendment (Customer access to information about their energy consumption) Rule 2014

Thank you for the opportunity to comment on the Australian Energy Market Commission (AEMC) *Consultation Paper – National Electricity Amendment (Customer access to information about their energy consumption) Rule 2014*.

As an industry-based external dispute resolution scheme, the Energy and Water Ombudsman (Victoria) (EWOV) provides alternative dispute resolution services to Victorian energy and water customers by receiving, investigating and facilitating the resolution of complaints. Our comments in this submission are based on our extensive experience dealing with disputes between customers and their energy companies. Rather than addressing the individual questions in the AEMC Paper, we have made general comments about EWOV cases that have a consumption data access component, particularly in the context of Victoria's Smart Meter-enabled environment.

Data provision requirements in Victoria

In Victoria at present, retailers' obligations to provide customers with their energy consumption data are set out in Part 8, Section 27 of the *Energy Retail Code (Version 10a) (ERC)*.¹ Under the ERC, retailers must provide historical metering data to a current customer on request and without charge². For customers with a Smart Meter, interval data must be provided in an electronic or other form which 'makes the information understandable and accessible to the customer'. In either case, retailers must use 'best endeavours' to provide the data within 10 business days of the request, or within another 'agreed period'. On interval metering data

¹ <http://www.esc.vic.gov.au/getattachment/0d91ae04-024f-4fbd-803b-93880419a9d2/Energy-Retail-Code-v10a.pdf>

² Retailers may charge a fee for more than 2 years' data, or where multiple requests are made in one year – provided the data is not requested in relation to a genuine customer complaint.

specifically, the June 2013 *Advanced Metering Infrastructure (AMI Tariffs) Order*³ extends these obligations to both retailers and distributors.

Although Victoria is not currently covered by the *National Energy Customer Framework* (NECF), we make this submission in anticipation of Victoria transitioning to, or harmonising its energy laws with, the NECF.

Consumption data access case numbers

Each case that EWOV receives is categorised with a primary and sometimes a secondary issue. However, because consumption data access cases are not particularly common, there is no discrete issue category for this type of complaint. As such, it is difficult for us to derive figures about the number of such cases, but we can offer the following comments based on our experience handling consumption data access complaints across the Billing, Customer Service, Transfer and Provision categories.

Consumption data access issues related to billing complaints

In most cases with a consumption data access component, this is a secondary issue. Complaints are typically centred on a billing issue, such as high, re-issued, erroneous or delayed bills. In some of these cases, the customer has requested but not received consumption data in their efforts to resolve the dispute before contacting EWOV. In others, access to consumption data is requested by the customer as part of their desired complaint resolution.

Case study: Customer seeks data in relation to an electricity billing delay (2013/4640)

The customer had not received an electricity bill since July 2012; the retailer told the customer that this was because the distributor had not supplied meter readings. Dissatisfied, the customer contacted EWOV in January 2013. To resolve the complaint, the customer sought bills for the affected period, as well as his consumption data presented in a Microsoft Excel file.

In response to an Assisted Referral, the retailer contacted the customer, agreeing to provide bills within three weeks. This did not occur, and the case proceeded to EWOV's Real Time Resolution (RTR) process. At RTR, the retailer advised that bills had now been issued and NEM 12 data requested from the distributor, and that the customer could expect to receive this data by 1 March 2013.

However, the customer did not receive his bills, and the consumption data that he was given covered the wrong period, and was presented in a PDF rather than a Microsoft Excel file. The customer re-contacted EWOV and we opened an Investigation. Repeated delays in provision of the metering data by both the retailer and the distributor saw the case upgraded. Once the data had been received, the investigation found that there had been some errors in the customer's billing.

³ <http://www.gazette.vic.gov.au/gazette/Gazettes2013/GG2013S216.pdf>

Outcome

Apologising for the inconvenience caused, the retailer acknowledged that substituted data had led to a billing delay and error, which would be rectified by applying a \$138.24 credit to the customer's account. It agreed to provide the customer with NEM 12 files covering the affected period within three weeks, and provided a direct contact for the customer should he not receive the data, or have concerns about its accuracy. The customer accepted this resolution and the case was closed.

Stand-alone data access complaints

EWOV receives relatively fewer cases that are focused primarily or solely on consumption data access. Customers who do complain about the inability to access electricity consumption data seek it for a range of purposes, including to:

- track and understand their consumption
- verify their bills (including the application of Feed-in-Tariffs [FiTs]⁴)
- assess whether flexible pricing may be suitable for the household
- compare electricity prices using the Victorian Government's *My Power Planner* comparator.

These customers typically approach EWOV because a request (or multiple requests) for data have been ignored by their electricity retailer or distributor, or because they have been told that the data is not available, or attracts a fee.

Because such cases tend to be straightforward, most are referred back to the provider as either an Assisted Referral or Unassisted Referral⁵, rather than being investigated by EWOV. This has implications for our case data: our records for these case types are limited to the customer's 'side of the story', and unless the customer returns to EWOV dissatisfied, the case is closed.

Case study: No access to consumption data after repeated customer requests (2013/66209)

The customer contacted EWOV in October 2013, dissatisfied that after repeated requests, his retailer had not provided him with his electricity consumption data. On the second attempt, the retailer had committed to providing the data, but after another four weeks, the customer had not received it.

⁴ It appears that solar customers are overrepresented in cases with a consumption data access component. This probably reflects higher energy interest and knowledge among solar customers as well as the greater complexity of solar billing.

⁵ An Unassisted Referral occurs when a customer has not yet spoken with their company about their complaint and they are referred back to the company's contact centre. An Assisted Referral occurs where a customer has spoken with someone at their company's contact centre about their complaint, but it remains unresolved and the matter is referred by EWOV to a higher level complaint resolution officer at the company.

The customer wanted to access the data to verify his bills and assess whether a flexible pricing plan might be more suitable for his household. EWOV referred the customer's complaint to a higher level complaint resolution officer at his retailer.

Smart Meters and energy web portals

Having seen the large-scale roll-out of Smart Meters, Victoria is in a unique position to comment on customers' experience of the transition. Between 1 July 2013 and 31 May 2014, EWOV received 9,212 Smart Meter and solar cases in which Billing or Customer Service was the primary issue. Since the widespread introduction of flexible pricing in September 2013, EWOV has also monitored flexible pricing cases. Between 1 September 2013 and 31 March 2014, we received 60 cases about flexible pricing. Of these, seven (12%) were about consumption data access.

Following installation of a Smart Meter, some customers complain to EWOV about the loss of consumption information that was previously included on their bills, including start and end meter reads for the billing period and separate consumption information for off-peak appliances such as hot water systems. Some customers have sought additional consumption information, but seemed to have a limited understanding of what specific information retailers have the capacity or obligation to provide in the Smart Meter context. Our cases also suggest that Smart Meter installation can generate customer demand for data that is not yet available, such as where a meter has been installed but is not yet configured appropriately.

The roll-out of Smart Meters in Victoria has also seen the emergence of energy web portals, which allow customers to view their electricity consumption data. Although energy web portals are one means by which retailers and distributors can meet their ERC obligations to make consumption data available to customers on request, there is no regulatory obligation on either retailers or distributors to provide them. According to the Victorian Government's *Switch On* website, energy web portals are now offered by five electricity retailers and three distributors in Victoria.⁶

Since the emergence of energy web portals, EWOV has received a number of related complaints. Some customers have reported difficulty registering for or using distributor energy web portals due to, for example, incorrect meter or account information, unsuitable configuration of the customer's Smart Meter, or a lack of response to requests. Some customers have complained of their retailer not offering a portal, not offering their portal to all Smart Meter customers, or failing to inform customers of the availability or unavailability of a portal. A small number of customers have also had concerns about the accuracy, comprehensiveness or timeliness of consumption data accessed via an energy web portal.

In addition to these complaints that specifically concern portal access, accuracy or timeliness, we have also seen energy web portals beginning to play a role in other types of complaints. For

⁶ See <http://www.switchon.vic.gov.au/how-can-i-take-charge-of-my-power-bill/smart-meter-compatible-web-portals>

example, some customers refer to energy web portal data in their own efforts to resolve billing disputes, and in some of these cases, customers have come to EWOV concerned about discrepancies between their bills and the consumption data they have accessed via an energy web portal. In a small number of cases, customers have reported observing discrepancies between consumption data accessed through their distributor's and retailer's portal. At the same time, retailers are increasingly referring customers to their energy web portals during the course of billing disputes.

Case study: Customer switching decision is based partly on energy web portal access, which is later withdrawn (2013/67849)

The customer contacted EWOV in November 2013 about misleading marketing of a solar offer. The customer had transferred to a new retailer via a third party switching website, basing his decision on the offer of an 18c per kWh FiT and access to consumption data via the retailer's energy web portal.

After transferring, the customer found that he was receiving a FiT of only 10c per kWh. The retailer also closed down its energy web portal. The customer had made contact with the retailer several times, but was dissatisfied with the outcome. The customer contacted EWOV and an Assisted Referral was raised, but later failed. The customer re-contacted EWOV, and the case went through to RTR.

Outcome

At RTR, the retailer confirmed that it was no longer offering an energy web portal, and that the third party switching website had quoted incorrect rates. The retailer offered a \$50 payment to recognise the inconvenience.

The customer was initially dissatisfied with this offer, which he felt was insufficient recognition of the misleading tariff information that had led him to switch. However, because third party switching sites are not within EWOV's jurisdiction, we referred the customer to Consumer Affairs Victoria for that aspect of his complaint. The customer accepted the \$50 payment from his retailer and the case was closed.

Data format and features

From EWOV case data, it appears that a majority of customers requesting consumption data do so without specifying a desired format or specific features. However, in some instances, customers have requested specific file formats (for example, Microsoft Excel) or files with specific features (for example, using certain units of measurement, or presented in a graph). Some customers complained that the data they received was confusing or did not meet their needs.

In other cases, customers came to EWOV seeking information explaining their consumption data, or the format it was presented in, rather than the data itself. Customers sought explanations of, for example, rounding procedures, the difference between NEM 12 and NEM 13 data, and the reason for data being presented in particular intervals.

EWOV also has extensive experience working with electricity consumption data in our case handling. In the course of this work, we have observed some NEM 12 data file features that are likely to confuse consumers should they receive similar files, including:

- missing or duplicated data for some intervals – often as a result of outages or daylight savings change-overs
- spreadsheets containing data for multiple meters (not only the relevant customer's meter/s)
- inclusion of extraneous or unfamiliar data (such as kVAh in addition to kWh)
- use of 15-minute (rather than the standard 30-minute) intervals.

We trust the above comments are helpful. Should you require further information or have any queries, please contact Caitlin Whiteman, Senior Research and Communications Officer, on (03) 8672 4273 or at caitlin.whiteman@ewov.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Cynthia Gebert', with a stylized flourish at the end.

Cynthia Gebert

Energy and Water Ombudsman (Victoria)