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Australian Energy Market Commission  
PO Box A2449  
Sydney South NSW 1235

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**NATIONAL ELECTRICITY AMENDMENT (CUSTOMER ACCESS TO INFORMATION  
ABOUT THEIR ENERGY CONSUMPTION) RULE 2014 - CONSULTATION PAPER**

Alinta Energy Retail Sales Pty Ltd (**Alinta Energy**) welcomes the opportunity to comment on the *National Electricity Amendment (Customer access to information about their energy consumption) Rule 2014* Consultation Paper (**Consultation Paper**).

Alinta Energy is both a generator and retailer of electricity and gas in Western Australia and the National Energy Market (**NEM**). It has over 2500MW of generation facilities and in excess of 750,000 retail customers, including around 140,000 customers in Victoria and South Australia.

The rule change request (**Rule Change Request**) submitted by the COAG Energy Council (**CEC**) aims to provide consumers improved access to their consumption data. Alinta Energy supports this objective and believes that generally it contributes to the achievement of both the National Electricity Objective and National Energy Retail Objective. Responses to the questions raised in the Consultation Paper and comments on specific aspects of the Rule Change Request are provided in the attached.

Should you have any questions or wish to discuss our submission further, please contact Lauren Zambotti on (02) 9372 2667 or via email: [lauren.zambotti@alintaenergy.com.au](mailto:lauren.zambotti@alintaenergy.com.au).

Yours sincerely

**Shaun Ruddy**  
Manager National Retail Regulation

## NATIONAL ELECTRICITY AMENDMENT (CUSTOMER ACCESS TO INFORMATION ABOUT THEIR ENERGY CONSUMPTION) RULE 2014 - CONSULTATION PAPER

### SUBMISSION

#### Question 1 Proposed assessment framework under the NEL

a) Do you consider that the proposed issues to consider are appropriate for this rule change request? Are there any other issues that we should consider?

Alinta Energy considers that the proposed issues for consideration are appropriate.

#### Question 2 Proposed assessment framework under the NERL

a) Do you consider that it is appropriate that the proposed issues to consider, which we will use as a basis to assess whether the proposed rule meets the NERO, should be the same as those used for assessment against the NEO?

b) Are consumer protections that relate to the provision of information to customers the relevant class of consumer protections for consideration in this rule change request? Are there any other relevant classes of consumer protections that we should consider?

Alinta Energy considers the proposed assessment framework, issues for consideration and consumer protections addressed in the Consultation Paper are appropriate.

#### Question 3 Obtaining access to electricity consumption data

a) Do you think it is appropriate that the NER be amended to allow a customer to access its consumption data by requesting that data from its DNSP?

b) Should MDPs be able to provide electricity consumption data directly to customers or their agents?

Current provisions provide consumers access to their electricity consumption data, however it has been established that access is practically difficult for consumers. Alinta Energy supports the reducing the existing complexity and providing clarification that customers are entitled to have access from either their retailer, distribution network service provider (**DNSP**) or Metering Data Providers (**MDP**) in a standard format. Imposing the requirement to provide consumption data on all Registered Participants, including MDPs, harmonises the obligations under the legislative framework and promotes the objective of the Rule Change Request. As MDPs have direct access to consumption data it makes sense that the obligation extends to them in addition to retailers and DNSPs, this is particularly relevant should measures to improve competition in metering and related services be implemented.

Alinta Energy believes that electricity consumption data should be provided to consumers directly and not their agents. This removes consideration of consent requirements of “agents” or “authorised parties” that may not necessarily be covered by privacy legislation and protects against the misuse of the data, while providing the appropriate level of protection of consumers’ personal information and ensuring there is transparency and consumer awareness and understanding of the data being used by any third party.



**Question 4 Minimum format requirements for electricity consumption data**

- a) What is the nature and magnitude of costs on market participants of providing data in raw format and summary format to their customers?
- b) What information should be required in the summary data format?
- c) Should the NER stipulate a specific period of time in relation to which the electricity consumption data must cover? If so, what is the appropriate period of time?

Providing raw data, whilst potentially having lower cost impacts on participants, Alinta Energy questions the value to consumers due to the format of the data as it would be difficult for consumers to make accurate assessments of their usage profiles. The CEC proposes minimum requirements for the provision of consumption data to consumers which is to be realised by the Australian Energy Market Operator (**AEMO**) developing “data provision procedures” that all Registered Participants and MDPs must comply with. Alinta Energy endorses this approach and believes that provision of summary data as proposed in the Rule Change Request promotes access and provides greater consumer benefit.

The cost of providing summary data should be considered by AEMO in developing the data provision guidelines. This includes the consideration in determining exactly what manipulation of the raw data is required to provide the proposed summary data noting that minimum requirements will be dependent on meter type. To minimise costs Alinta Energy supports the alternative proposed in the Consultation Paper that AEMO process and create summary data, rather than Registered Participants.

The obligation to provide electricity consumption data free of charge should be limited to a maximum 12 month period. Where the data is requested from a retailer the obligation must be subject to the retailer being financially responsible for the period for which the data is requested.

**Question 5 Time frame to respond to a request for electricity consumption data**

- a) Is 10 business days an appropriate time frame for market participants to respond to a request from their customers for their electricity consumption data?

Alinta Energy believes the 10 business day time frame for market participants to respond to a request from their customer for consumption data is adequate subject to the data being readily available and subject to the agreed data format and any timeframes to implement processes and protocols AEMO require in extracting the data. The 10 business days should be defined as a best endeavours obligation. The time frame requirement should only apply to data from interval meters where remote communication has been established and is fully operational.

**Question 6 Fees payable by a customer**

- a) How often should customers be able to request their energy consumption information free of charge in the NER?
- b) Are there any other consumer protections we should take into account when assessing this aspect of the rule change request?



Alinta Energy views associating the provision of energy consumption data with a consumer's billing period as problematic, as product offerings have different billing periods ranging from one to three months. This would not only provide unequal access to consumers, but would add further complexity to the rights of consumers seeking access to their electricity consumption data and the obligation on participants to provide such data.

Customers should be able to request their energy consumption data from an individual participant and receive data free of charge once per 12 month period; subsequent requests including requests for additional data or in other forms may have a cost attached.

**Question 7 Time frame for making and revising the data provision guidelines**

- a) When should the first data provision guidelines be published?
- b) Should there be an obligation to review these guidelines? If so, how often should such reviews take place?

The publication of data provision guidelines should occur not more than 12 months following determination of the Rule Change Request. The development of the guidelines must involve consultation with stakeholders and participants. Reviews of the guidelines should only occur where there is a demonstrated failure in the provision of customer data, or where technology or other legislative rule changes have consequential impacts on the data provision rules/obligations. Any such amendment or review of the document must require consultation with stakeholders and participants.

**Question 8 Request from large customers to provide electricity consumption data**

- a) Should proposed rule 56A of the NERR only apply to small customers or should it apply to all customers, which would include large customers?

The proposed rule 56A should only apply to small customers, as large customers are able to negotiate commercial arrangements to facilitate information provision. Further the data required by large customers is likely to be more comprehensive requiring additional resources in the extraction and provision of such data and is therefore more appropriate to be dealt with at a commercial level.

**Question 9 Access by authorised agents or service providers to their customers' electricity consumption information**

- a) What is the appropriate term to refer to these third parties (eg agents, authorised parties) in the NER?
- b) Beyond existing privacy laws, should the NER specify:
  - the nature of consent a customer must give to authorise a person to access its data; and
  - any additional privacy obligations on authorised parties, retailers or DNSPs in relation to the disclosure of electricity consumption data?

See answer to Question 3.

**Question 10 Informing customers about the uses of their electricity consumption data**

- a) Is there a significant risk or problem in the NEM that necessitates the publication of standard information on the websites of retailers and DNSPs about how electricity consumption data is used? What are the benefits associated with this proposal? Are there examples where a similar approach has been applied in other industries?
- b) Is it appropriate for energy-specific regulations to be used to extend privacy law by requiring information about how electricity consumption data is used to be published on the websites of retailers and DNSPs?
- c) Is there a significant risk or problem in the NEM that would require the creation of 'metering data common terminology guidelines'? What are the benefits associated with this proposal? Are there examples where a similar approach has been applied in other industries?
- d) Are there any other consumer protections we should also take into account?

Alinta Energy does not believe there is a risk or market failure in the NEM that necessitates the publication of standard information on the websites of retailers and/or DNSPs about how electricity consumption data is used. Alinta Energy favours a more general consumer awareness and education program as to how electricity consumption data can be used.

It is not appropriate for energy-specific regulations to seek to extend the privacy laws by requiring information about how electricity consumption data is used to be published on the websites of retailers and DNSPs. The existing privacy legislation obligations with respect to disclosure of the collection, management and use of personal information are sufficient.

Common terminology guidelines are likely to be technical and provide limited benefit to consumers. An alternative would be for a plain English factsheet on consumers' ability to access such data and how the data may be used. The Australian Energy Regulator should look to develop this information in consultation with market participants. This would provide a useful reference point for registered participants to direct consumer enquires and ensure that consistent transparent information is being provided.