



5 June 2014

**Australian Energy Market Commission
PO Box A2449
South Sydney NSW 1235
Submitted electronically**

Dear Commissioners,

**Submission to AEMC's Consultation Paper on National Energy Amendment
(Customer access to information about their energy consumption) Rule 2014**

AGL Energy (**AGL**) welcomes the opportunity to make a submission in response to the Australian Energy Market Commission's (**the Commission**) Consultation Paper on national Energy Amendment (Customer access to information about their energy consumption) Rule 2014 (**the Consultation Paper**).

AGL is well placed to comment on the proposed rule change as we have been at the forefront of the energy industry in developing online tools to assist customers in accessing their energy consumption data in an understandable format. An example of AGL's work in this space is 'My AGL IQ', which allows AGL's residential and small business customers to track and compare their energy usage at anytime via the online portal.

AGL supports the provision of accurate, useful information to customers to enable them to effectively manage their electricity consumption.

We would caution, however, against developing overly prescriptive rules for the provision of information to customers. Doing so risks impinging on the level of innovation that would otherwise be able to be exercised by energy retailers that may want to use their quality and type of data provision as a means of differentiation from other retailers, and as a source of competitive advantage. It is in the commercial interests of energy retailers to provide useful and accurate information to customers to enable them to manage their energy usage and many energy retailers are undertaking significant projects aimed at developing and making available to customers and their agents information specific to customers needs.

Please find attached at **Appendix A** a table outlining AGL's responses to the specific questions asked in the Consultation Paper. For the Commission's information, we have also attached a sample report from My AGL IQ at **Appendix B**.

Please contact Leilani Kuhn on 03 8633 6934 or lkuhn@agl.com.au if you wish to discuss any aspect of this submission further.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Alex Cruickshank', written in a cursive style.

Alex Cruickshank
Manager, Metering Regulation & Market Interactions

APPENDIX A - AGL's responses to the questions in Consultation Paper

| # | AEMC Question | AGL Response |
|---|---|---|
| 1 | <p>Proposed assessment framework under the NEL:</p> <p>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?</p> | <p>a) AGL considers that the proposed issues to be considered by the AEMC are appropriate for this rule change request.</p> |
| 2 | <p>Proposed assessment framework under the NERL:</p> <p>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?</p> <p>a) 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?</p> | <p>a) Yes, AGL considers AEMC's proposed issues to consider are an appropriate basis upon which to assess whether the proposed rule meets the NERO and NEO.</p> <p>b) AGL does not consider that there is another class of consumer protections that the AEMC needs to consider.</p> |
| 3 | <p>Obtaining access to electricity consumption data:</p> <p>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?</p> <p>b) Should MDPs be able to provide electricity consumption data directly to customers or their agents?</p> | <p>a) AGL supports the provision of accurate, useful information to customers to enable them to effectively manage their electricity consumption. As pointed out in the consultation paper, customers are already entitled to access their metering and settlements ready data (collectively referred to as 'electricity consumption data') under clause 7.7 of the National Electricity Rules (NER). Our view is that to avoid customers confusion it may be preferable that <i>only</i> authorised energy retailers provide customers with their electricity consumption data. We are not, however, opposed to DNSPs providing this information so long as they do so as part of their regular costs of doing business and do not receive a further regulated benefit for providing this information.</p> <p>b) The comments above regarding possible customer confusion if more than one market participant is responsible for providing customers electricity consumption data apply to MDPs. Like DNSPs, we are not, however, opposed to MDPs providing this information as long as they also do so as part of their regular costs of doing business.</p> |

| # | AEMC Question | AGL Response |
|---|--|---|
| 4 | <p>Minimum format requirements for electricity consumption data:</p> <ul style="list-style-type: none"> 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? | <ul style="list-style-type: none"> a) From AGL perspective, we expect the costs associated with providing data to our customers in the raw format to be minimal as this data is already available to energy retailers and DNSPs. However, the costs associated with providing data in the summary format could be considerable depending on how prescriptive the requirements are regarding the format for providing summary data to customers. b) AGL generally supports COAG Energy Council’s proposed requirements for summary data based on the type of meter installed at a customer’s premises. AGL already provides most of the information proposed to be provided in the raw and summary data format to our customers via My AGL IQ. AGL would caution, however, against developing overly prescriptive rules for the provision of information to customers or passing this responsibility onto AEMO. Doing so risks impinging on the level of innovation that would otherwise be able to be exercised by energy retailers that may want to use their quality and type of data provision as a means of differentiation from other retailers, and as a source of competitive advantage. It is in the commercial interests of energy retailers to provide useful and accurate information to customers to enable them to manage their energy usage. Many energy retailers are undertaking significant projects aimed at developing and making available to customers and their agents information specific to customers’ needs. For example, as mention above, AGL has introduced “My AGL IQ’ which allows customers to access information about their usage, compare their usage with other similar homes and set goals and develop actions plans around their energy usage. A sample AGL IQ report is attached at Appendix B. c) As rule 28 of the NERR requires that energy retailers provide a small customer’s historical billing data for the previous two years upon request, AGL’s view is that this requirement does not need to be repeated in the NER (although it could be referenced). More importantly, the customer should be able to download (electronically) any period that is available, with printed copies of the data being limited to two years. |
| 5 | <p>Time frame to respond to a request for electricity consumption data:</p> <ul style="list-style-type: none"> 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? | <ul style="list-style-type: none"> a) AGL considers 10 business days to be an appropriate timeframe for market participants to respond to a customer’s request for their electricity consumption data. |

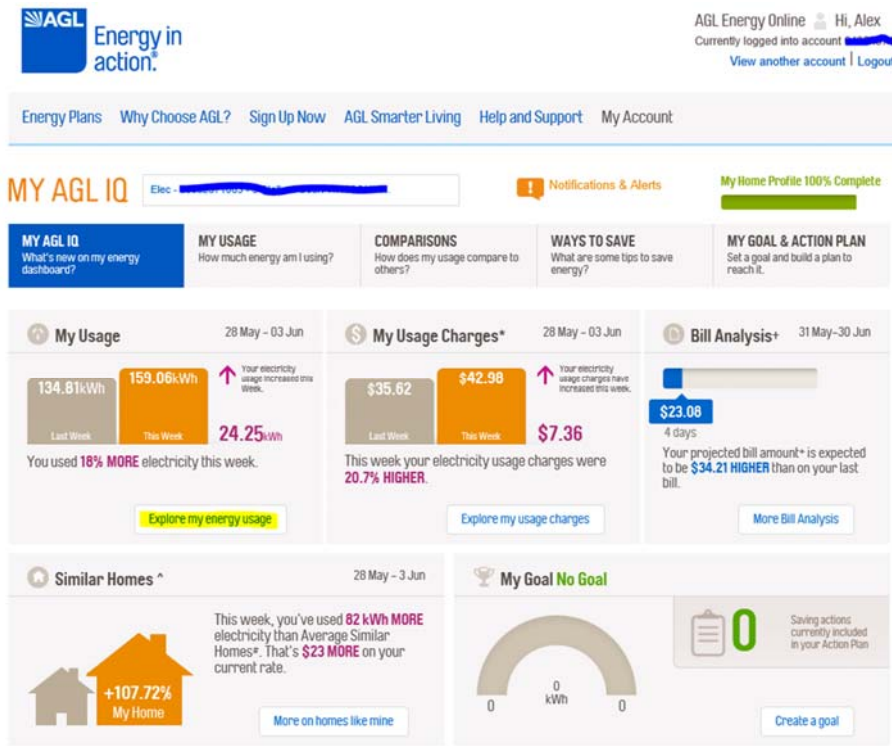
| # | AEMC Question | AGL Response |
|---|--|--|
| 6 | <p>Fees payable by a customer:</p> <p>a) How often should customers be able to request their energy consumption information free of charge in the NERR?</p> <p>b) Are there any other consumer protections we should take into account when assessing this aspect of the rule change request?</p> | <p>a) AGL agrees with the approach put forward by the AEMC in the Power of Choice review regarding charging customers to access data. It is AGL’s view that electricity consumption data should be provided to customers at no charge:</p> <ol style="list-style-type: none"> 1) For any electronic downloads available via a portal; or 2) for requests relating to the customer’s previous two years of electricity consumption data, once in a twelve month period. <p>Any additional data services, or repeated identical data requests in a twelve month period should be provided at a reasonable fee. However, AGL notes that energy retailers customer service offerings are likely to improve as technology advances, and it is likely that energy retailers will be able to provide customers with an increased range of information without incurring substantial costs themselves (meaning that they would be able to provide this service free of charge to customers). Many energy retailers (including AGL) are already doing this.</p> <p>For example, AGL IQ allows a customer to download their energy consumption information in an understandable format whenever they choose. The usage data that can be downloaded will reflect the customer’s usage for up to the last two years or from the date the customer joined AGL, whichever is earlier. Their usage data will be downloaded in CSV format, which can be opened using Microsoft Excel. A sample AGL IQ report is attached at Appendix B.</p> <p>b) AGL does not consider that there are any other consumer protections that the AEMC needs to take into account when assessing this aspect of the rule change request.</p> |
| 7 | <p>Time frame for making and revising the data provision guidelines</p> <p>a) When should the first data provision guidelines be published?</p> <p>b) Should there be an obligation review these guidelines? If so, how often should such reviews take place?</p> | <p>a) If the rule that requires AEMO to develop and publish data provision guidelines is made, AGL recommends that the first data provision guidelines be published by AEMO within six months of the rule change coming into force. As stated above, AGL would caution against AEMO developing overly prescriptive guidelines for the provision of information to customers, as doing so risks impinging on the level of innovation that would otherwise be able to be exercised by energy retailers that may want to use their quality and type of data provision as a means of differentiation from other retailers, and as a source of competitive advantage.</p> <p>b) AGL recommends that AEMO should be required to review these guidelines every five years.</p> |

| # | AEMC Question | AGL Response |
|---|---|---|
| 8 | <p>Request from large customers to provide electricity consumption data:</p> <p>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?</p> | <p>a) AGL recommends that the proposed rule 56A of the NERR should only apply to small customers as the electricity consumption data requirements for large customers would vary greatly and are best dealt with on a case by case basis. This would ensure that the data being provided to large customers is tailored to their needs.</p> |
| 9 | <p>Access by authorised agents or service providers to their customers' electricity consumption information</p> <p>a) What is the appropriate term to refer to these third parties (eg agents, authorised parties) in the NER?</p> <p>b) Beyond existing privacy laws, should the NER specify:</p> <ul style="list-style-type: none"> • 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? | <p>a) AGL's view is that the appropriate term for referring to these third parties is "authorised parties".</p> <p>b) AGL does not consider it necessary or desirable for the NER to specify the nature of the consent that must be given for an authorised third party to access a customer's data or impose any additional privacy obligations on authorised parties, energy retailers or DNSPs in relation to the disclosure of electricity consumption data. In AGL's experience, allowing energy retailers to determine how best to meet its privacy obligations, generally leads to a more customer friendly outcome. Furthermore, AGL considers that any additional privacy obligations required for authorised parties, energy retailers or DNSPs in relation to disclosure of electricity consumption should be addressed by amending the existing suite of privacy laws rather than including those requirements in the NER. We note, however, that the <i>Privacy Act 1988 (Privacy Act)</i> does not apply to small organisations that may be authorised parties, which would leave customers unprotected. We therefore consider that necessary arrangements be put in place to ensure that the Privacy Act applies equally to all parties seeking a customer electricity consumption data.</p> |

| # | AEMC Question | AGL Response |
|----|--|---|
| 10 | <p data-bbox="170 159 930 183">Informing customers about the uses of their electricity consumption data</p> <ul style="list-style-type: none"> <li data-bbox="216 220 968 367">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? <li data-bbox="216 375 968 488">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? <li data-bbox="216 496 968 643">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? <li data-bbox="216 651 968 699">d) Are there any other consumer protections we should also take into account? | <ul style="list-style-type: none"> <li data-bbox="1045 188 2007 302">a) AGL's view is that there is not a significant risk or problem in the NEM that necessitates the publication of standard information on the websites of energy retailers and DNSPs about how electricity consumption data is used. However, AGL is not opposed to providing standard information on its website if it is found to be of value to consumers. <li data-bbox="1045 310 2007 488">b) AGL considers that it is not 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 energy retailers and DNSPs. If there is indeed a regulatory 'gap' in the current privacy laws relating to metering data not being considered 'personal information', this should be address through amendments made to the privacy legislation not the NEL. <li data-bbox="1045 496 2007 732">c) AGL considers that there may be value in creating a 'metering data common terminology guidelines' as it would assist communication between market participants and consumers. AGL is also generally supportive of the proposed contents of the guidelines. However, as previously stated above, AGL would caution against developing overly prescriptive rules for the provision of information to customers, as doing so risks impinging on the level of innovation that would otherwise be able to be exercised by energy retailers that may want to use their quality and type of data provision as a means of differentiation from other retailers, and as a source of competitive advantage. <li data-bbox="1045 740 2007 789">d) AGL does not consider that there are any other consumer protections that the AEMC needs to take into account. |

APPENDIX B – My AGL IQ sample report

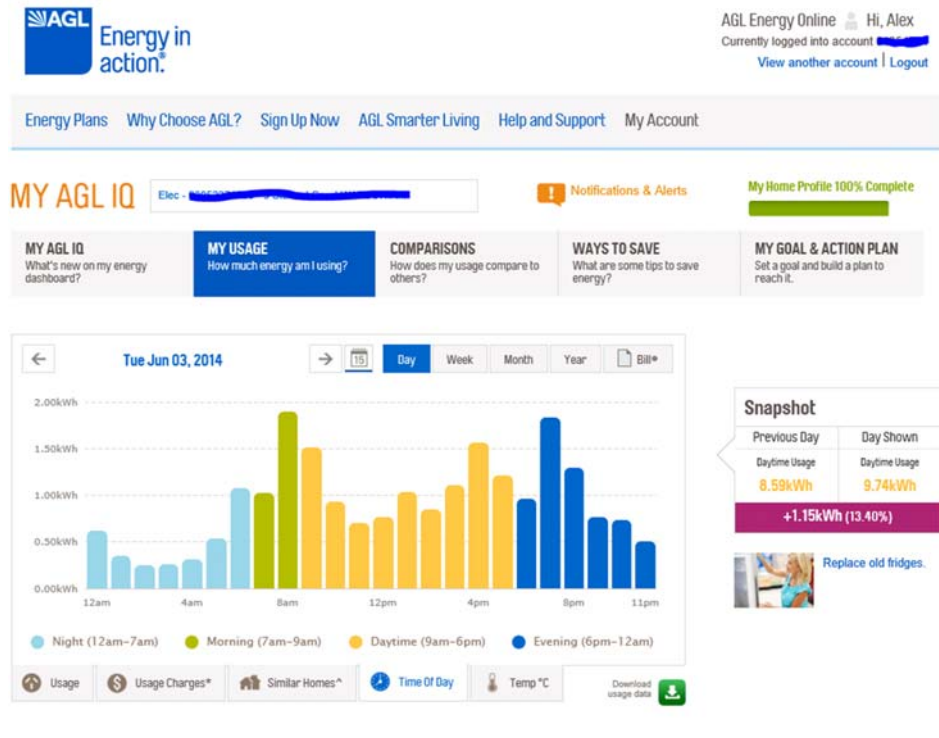
AGL IQ Data Screen



Data Detail



Daily View of Data Detail



Snapshot of a section of the downloaded data (loaded into Excel)

| AccountNumber | NMI | DeviceNumber | Device | RegisterCode | RateTypeDescrip' | StartDate | EndDate | ProfileReadValue | RegisterReadValue | QualityFlag |
|---------------|-----|--------------|--------|--------------|------------------|-----------------|-----------------|------------------|-------------------|--------------|
| Redacted | | | MRIM | 74584#001 | Flexible pricing | 27/05/2014 0:00 | 27/05/2014 0:29 | 0.199 | | 0 A = Actual |
| | | | MRIM | 74584#001 | Flexible pricing | 27/05/2014 0:30 | 27/05/2014 0:59 | 0.169 | | 0 A |
| | | | MRIM | 74584#001 | Flexible pricing | 27/05/2014 1:00 | 27/05/2014 1:29 | 0.18 | | 0 A |
| | | | MRIM | 74584#001 | Flexible pricing | 27/05/2014 1:30 | 27/05/2014 1:59 | 0.189 | | 0 A |
| | | | MRIM | 74584#001 | Flexible pricing | 27/05/2014 2:00 | 27/05/2014 2:29 | 0.156 | | 0 A |
| | | | MRIM | 74584#001 | Flexible pricing | 27/05/2014 2:30 | 27/05/2014 2:59 | 0.157 | | 0 A |
| | | | MRIM | 74584#001 | Flexible pricing | 27/05/2014 3:00 | 27/05/2014 3:29 | 0.142 | | 0 A |
| | | | MRIM | 74584#001 | Flexible pricing | 27/05/2014 3:30 | 27/05/2014 3:59 | 0.147 | | 0 A |
| | | | MRIM | 74584#001 | Flexible pricing | 27/05/2014 4:00 | 27/05/2014 4:29 | 0.149 | | 0 A |
| | | | MRIM | 74584#001 | Flexible pricing | 27/05/2014 4:30 | 27/05/2014 4:59 | 0.141 | | 0 A |
| | | | MRIM | 74584#001 | Flexible pricing | 27/05/2014 5:00 | 27/05/2014 5:29 | 0.274 | | 0 A |
| | | | MRIM | 74584#001 | Flexible pricing | 27/05/2014 5:30 | 27/05/2014 5:59 | 0.264 | | 0 A |
| | | | MRIM | 74584#001 | Flexible pricing | 27/05/2014 6:00 | 27/05/2014 6:29 | 0.43 | | 0 A |
| | | | MRIM | 74584#001 | Flexible pricing | 27/05/2014 6:30 | 27/05/2014 6:59 | 0.483 | | 0 A |
| | | | MRIM | 74584#001 | Flexible pricing | 27/05/2014 7:00 | 27/05/2014 7:29 | 0.448 | | 0 A |
| | | | MRIM | 74584#001 | Flexible pricing | 27/05/2014 7:30 | 27/05/2014 7:59 | 0.436 | | 0 A |
| | | | MRIM | 74584#001 | Flexible pricing | 27/05/2014 8:00 | 27/05/2014 8:29 | 0.551 | | 0 A |

Notes:

1. The device shown here is an AMI meter from Victoria, shown in MSATS as manually read but is actually remotely read with daily updates.
2. For multiple registers, a line is shown for each register.
3. Profile read value is populated for internal meters, Register read value for Basic meters.