



## **Draft National Energy Retail Amendment (Expanding competition in metering and related services) Rule 2015 No. [xx]**

under the National Energy Retail Law to the extent applied by:

- (a) the National Energy Retail Law (South Australia) Act 2011 of South Australia;
- (b) the National Energy Retail Law (ACT) Act 2012 of the Australian Capital Territory;
- (c) the National Energy Retail Law (Adoption) Act 2012 of New South Wales;
- (d) the National Energy Retail Law (Queensland) Act 2012 of Queensland;
- (e) the National Energy Retail Law (Tasmania) Act 2012 of Tasmania;
- (f) the Australian Energy Market Act 2004 of the Commonwealth.

The Australian Energy Market Commission makes the following Rule under the National Energy Retail Law.

John Pierce  
Chairman  
Australian Energy Market Commission

## **Draft National Energy Retail Amendment (Expanding competition in metering and related services) Rule 2015 No. [xx]**

### **1 Title of Rule**

This Rule is the Draft National Energy Retail Amendment (Expanding competition in metering and related services) Rule 2015 No. [xx].

### **2 Commencement**

Schedule 1 of this Rule commences operation on 1 July 2017.

Schedules 2 and 3 of this rule commence operation on [xx]

### **3 Amendment of the National Energy Retail Rules**

The National Energy Retail Rules are amended as set out in Schedule 1.

### **4 Amendment of the National Energy Retail Rules**

The National Energy Retail Rules are amended as set out in Schedule 2.

### **5 Savings and Transitional Amendments to the National Energy Retail Rules**

The National Energy Retail Rules are amended as set out in Schedule 3.

## **Schedule 1            Amendments of the National Energy Retail Rules**

(Clause 3)

### **[1] Rule 3                    Definitions**

In rule 3, insert the following definitions in alphabetical order:

*good electricity industry practice* has the same meaning as in the NER;

*maintenance replacement* means the replacement of a small customer's existing electricity *meter* by a retailer that is based on the results of sample testing of a *meter* population carried out in accordance with Chapter 7 of the NER:

- (a) which indicates that it is necessary or appropriate, in accordance with *good electricity industry practice*, for the *meter* to be replaced to ensure compliance with the *metering rules*; and
- (b) details of which have been provided to the retailer under Chapter 7 of the NER, together with the results of the sample testing that support the need for the replacement.

*metering coordinator*, in the case of electricity - has the same meaning as "*Metering Coordinator*" in the NER;

*metering installation malfunction* has the same meaning as in the NER;

*new meter deployment* means the replacement of the existing electricity *meter* of one or more small customers which is implemented by a retailer other than where the replacement is:

- (a) at the request of the relevant small customer or to enable the provision of a product or service the customer has agreed to acquire;
- (b) a *maintenance replacement*; or
- (c) as a result of a *metering installation malfunction*;

### **[2] Rule 3                    Definitions**

In rule 3, substitute the following definition:

*responsible person*, in the case of gas - means the person who, under the applicable Retail Market Procedures, is responsible for *meter* reading;

### **[3] Rule 19                    Responsibilities of designated retailer in response to request for sale of energy (SRC)**

Omit rule 19(2), and substitute:

- (2) The retailer must, as soon as practicable (but not later than the end of the next business day) after the request for the sale of energy is properly made (as referred to in subrule (3)):
- (a) if the premises are energised, forward relevant details of the customer to the distributor for the premises concerned, for the purpose of updating the distributor's records; or
  - (b) if the premises are not energised, arrange for the energisation of the premises by the distributor or the *metering coordinator* (if permitted in accordance with energy laws).

**[4] Rule 20 Basis for bills (SRC and MRC)**

In rule 20(1)(a), omit "*responsible person*" and substitute "*metering coordinator*".

**[5] Rule 21 Estimation as basis for bills (SRC and MRC)**

In rule 21(1)(c), omit "*responsible person*" and substitute "*responsible person or metering coordinator* (as applicable)".

**[6] Rule 25 Contents of bills (SRC and MRC)**

In rule 25(2), insert "(including the provision, installation and maintenance of a *meter*)" after "supply of energy".

**[7] Rule 29 Billing disputes (SRC and MRC)**

In rule 29(5)(a)(ii), omit "*responsible person*" and substitute "*responsible person or metering coordinator* (as applicable)".

**[8] Rule 29 Billing disputes (SRC and MRC)**

Omit rule 29(5)(d), and substitute:

- (d) if a retailer is required to reimburse an amount paid in advance for a *meter* check under paragraph (c) and that amount has been paid by the retailer to the *responsible person* or *metering coordinator* (as applicable) to undertake the test, the *responsible person* or *metering coordinator* (as applicable) must reimburse the retailer for that amount.

**[9] Rule 56 Provision of information to customers**

Omit rule 56(1), and substitute:

- (1) A retailer must publish on its website a summary of the rights, entitlements and obligations of small customers, including:

- (a) the retailer's standard complaints and dispute resolution procedure;
- (b) the contact details for the relevant energy ombudsman; and
- (c) in respect of electricity, details of applicable energisation and re-energisation timeframes.

## **[10] New Rule 59A Notice to small customers on deployment of new electricity meters (SRC and MRC)**

After rule 59, insert:

### **59A Notice to small customers on deployment of new electricity meters (SRC and MRC)**

- (1) If a retailer proposes to undertake a *new meter deployment* the retailer must, subject to subrule 6, permit a small customer to elect not to have its *meter* replaced in accordance with this rule (referred to in this rule as the customer's right to **opt out**).
- (2) If a retailer proposes to undertake a *new meter deployment*, the retailer must give to the small customer:
  - (a) a notice in writing no earlier than 60 business days and no later than 20 business days before the retailer proposes to replace the small customer's *meter*; and
  - (b) a second notice in writing no earlier than 10 business days after the notice under subrule (a) was given to the customer and no later than 10 business days before the retailer proposes to replace the small customer's *meter*.
- (3) A notice under subrule (2)(a) and (b) must state:
  - (a) that the customer may opt out of having its *meter* replaced by informing the retailer:
    - (i) in writing, electronically or by telephone; or
    - (ii) by any other method made available by the retailer in addition to the methods specified in subrule (3)(a)(i),  
  
at any time up to the date specified in the notice as being the last day on which customers may exercise their right to opt out (referred to in this rule as the **last opt-out date**);
  - (b) the expected date and time on which the retailer proposes to replace the customer's meter;

- (c) the last opt-out date, which must be no earlier than 3 business days before the expected date on which the retailer proposes to replace the customer's *meter* (as specified in accordance with subrule (b));
  - (d) any upfront charges the customer will incur under its retail contract as a result of the *new meter deployment*; and
  - (e) the retailer's contact details.
- (4) The customer may opt out of the proposed *new meter deployment* by informing the retailer:
- (a) in writing, electronically or by telephone; or
  - (b) by any other method the retailer specifies in a notice under subrule (2)(a) or (b),
- to the address or other contact details specified in the notice at any time after receiving the first notice up until the last opt-out date.
- (5) If a customer does not exercise its right to opt out of the *new meter deployment* by the last opt-out date, the retailer may proceed with the replacement of the customer's *meter* as notified to the customer under this rule 59A.
- (6) The retailer is not required to comply with this rule if, under the terms of customer's market retail contract, the retailer is authorised to undertake the *new meter deployment*.
- (7) **Application of this rule to standard retail contracts**  
This rule applies in relation to standard retail contracts.
- (8) **Application of this rule to market retail contracts**  
This rule applies in relation to market retail contracts.

## **[11] New Rule 91A Metering coordinator and distributor to assist and cooperate**

After rule 91, insert:

### **91A Metering coordinator and distributor to assist and cooperate - electricity**

Where the installation, maintenance, repair or replacement of *metering* equipment is to be undertaken by the *metering coordinator* and requires an *interruption* of supply to the customer's premises:

- (a) the *metering coordinator* must provide such information and assistance as the distributor may reasonably require to enable the distributor to carry out its obligations under rules 90 and 91; and
- (b) the distributor must effect the *interruption* and provide such assistance as the *metering coordinator* may reasonably require to enable the *metering coordinator* to carry out the installation, maintenance, repair or replacement of *metering* equipment; and
- (c) the distributor and the *metering coordinator* must give all other reasonable assistance to each other, and cooperate with each other, in relation to the *interruption* and their respective obligations under these Rules.

### **[12] Rule 97                      Distributor and retailer contact details**

In rule 97(2)(b), omit "." and substitute "; and".

### **[13] Rule 97                      Distributor and retailer contact details**

After rule 97(2)(b), insert:

- (c) the name and contact details of the *metering coordinator* appointed by the retailer or the large customer in respect of each shared customer (if applicable).

### **[14] Rule 101                      Enquiries or complaints relating to the retailer**

In rule 101(1), after "sale of energy," insert "including an enquiry or complaint relating to the customer's electricity *meter*,".

### **[15] Rule 104                      Notification of de-energisation**

Omit rule 104, and substitute:

- (1) If the distributor de-energises a customer's premises in accordance with the energy laws, the distributor must notify the retailer of the de-energisation (including whether the premises were de-energised manually or remotely), and the reason for the de-energisation, as soon as practicable, except where the de-energisation is as a result of the retailer's request.
- (2) If the retailer arranges to de-energise a customer's premises remotely in accordance with the energy laws, the retailer must notify the distributor of the remote de-energisation, and the reason for the de-energisation, as soon as practicable.

## **[16] Rule 106                      Re-energisation - gas**

Omit rule 106, excluding the note, and substitute:

If, in accordance with the energy laws, the retailer is required to arrange for the re-energisation of a customer's gas supply, the retailer must deal with the requirement in accordance with those energy laws.

## **[17] New Rule 106A    Re-energisation - electricity**

After rule 106, insert:

### **106A      Re-energisation - electricity**

- (1) If, in accordance with the energy laws, the retailer is required to arrange for the re-energisation of a customer's electricity supply, the retailer must deal with the requirement in accordance with those energy laws.
- (2) If the retailer does not arrange the re-energisation of a customer's electricity supply by the distributor, the retailer must notify the distributor that the premises have been re-energised as soon as practicable.
- (3) A retailer must not arrange re-energisation of a customer's electricity supply by a person other than the distributor if the premises were de-energised by the distributor.
- (4) If, in accordance with energy laws, the distributor is required to re-energise a customer's electricity supply, the distributor must deal with the requirement in accordance with those energy laws.
- (5) If the distributor has re-energised a customer's electricity supply, the distributor must notify the retailer that the premises have been re-energised as soon as practicable.
- (6) A distributor must not re-energise a customer's electricity supply if the premises were de-energised by a retailer unless a retailer requests the distributor to re-energise the premises.

## **[18] Rule 107                      Application of this Part**

After rule 107(4), insert:

- (5) A reference in this Part to the de-energisation or re-energisation of a customer's premises includes arranging for the premises to be de-energised or re-energised remotely.



**[19] Rule 113                      De-energisation for denying access to meter**

In rule 113(1)(a), omit "*responsible person*" and substitute "*responsible person or metering coordinator* (as applicable)".

**[20] Rule 121                      Obligation on retailer to arrange re-energisation of premises**

In rule 121(1), insert "or arrange to re-energise the customer's premises remotely if permitted under energy laws" after "re-energisation of the premises".

**[21] Rule 125                      Distributor obligations**

In rule 125(2), renumber subrules (b), (c) and (d) as (c), (d) and (e) respectively.

**[22] Rule 125                      Distributor obligations**

In rule 125(2), insert new subrule (b) as follows:

- (b) advise the retailer that a person residing at the premises requires *life support equipment*; and

**[23] Rule 135                      System testing**

In rule 135(1)(c), omit "*responsible person*" and substitute "*responsible person or metering coordinator* (as applicable)".

**[24] Rule 135                      System testing**

In rule 135(2), omit "*responsible person's*" and substitute "*responsible person's or metering coordinator's* (as applicable)".

## **Schedule 2            Amendments of the National Energy Retail Rules**

(Clause 4)

### **[1] Schedule 1            Model terms and conditions for standard retail contracts**

In clause 5.1(a), after "energy laws" insert ", including, where we sell you electricity, the provision, installation and maintenance of your *meter*".

### **[2] Schedule 1            Model terms and conditions for standard retail contracts**

Omit clause 5.2, and substitute:

This contract does not cover the physical connection of your premises to the distribution system, including the maintenance of that connection and the supply of energy to your premises and, where we sell you gas, provision of metering equipment. This is the role of your distributor under a separate contract called a customer connection contract.

### **[3] Schedule 1            Model terms and conditions for standard retail contracts**

Omit clause 6.2 and substitute:

You must tell us promptly if:

- (a) information you have provided to us changes, including if your billing address changes or if your use of energy changes (for example, if you start running a business at the premises); or
- (b) you are aware of any change that materially affects access to your *meter* or to other equipment involved in providing *metering* services at the premises.

### **[4] Schedule 1            Model terms and conditions for standard retail contracts**

Omit clause 11(a), and substitute:

- (a) You must allow safe and unhindered access to your premises for the purposes of (where relevant):
  - (i) reading, testing, maintaining, inspecting or altering any *metering* installation at the premises; and

- (ii) calculating or measuring energy supplied or taken at the premises; and
- (iii) checking the accuracy of *metered* consumption at the premises; and
- (iv) replacing *meters*.

**[5] Schedule 1 Model terms and conditions for standard retail contracts**

After clause 11(b), insert:

- (c) If we propose to replace your electricity *meter* we must give you a notice with the right to elect not to have your *meter* replaced unless:
  - (i) your *meter* is faulty or sample testing indicates it may become faulty; or
  - (ii) you have requested or agreed to the replacement of your *meter*.

**[6] Schedule 1 Model terms and conditions for standard retail contracts**

In clause 15(a), omit "request your distributor to reconnect" and substitute "arrange for the reconnection of".

## **Schedule 3            Savings and Transitional Amendments to the National Energy Retail Rules**

(Clause 5)

### **[1] Schedule 3            Savings and Transitional Rules**

After Part 4, insert:

## **Part 5                    Rules consequent on making of the National Energy Retail Amendment (Expanding competition in metering and related services) Rule 2015**

### **1                    Definitions**

In this Part:

**Amending Rule** means the National Energy Retail Amendment  
(Expanding competition in metering and related services) Rule 2015.

**effective date** means [1 July 2017].

**required alterations** means the amendments set out in Schedule 2 of the  
Amending Rule.

### **2                    Variation date**

- (1) Retailers must make the required alterations to their standard retail contracts by the effective date.