

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

Submitted via www.aemc.gov.au

25 September 2014

Dear Mr Pierce,

Submission on customer access to information draft determination (ERC0171)

EnerNOC is grateful for the opportunity to comment on this draft determination.

We agree with the Energy Market Reform Working Group:

“One of the clear goals of this Rule change, and the wider Power of Choice review, is to support consumer choice by improving not only direct consumer data access, but also access for third party service providers (with consent) to support innovation and competition in services.”¹

Third party access to large customers’ data is an area where there are practical problems at the moment. Unfortunately, the draft rules fall short of resolving these problems in two ways:

1. Coverage of large customers
2. Coverage of ongoing access to data

1 Coverage of large customers

The recommendations from the Power of Choice review regarding access to data covered all customers, not just small customers.²

¹ COAG Energy Council Energy Market Reform Working Group submission to ERC0171 discussion paper, 16 July 2014, p. 3.

² Recommendation 5 in the Power of Choice final report related to these issues, and was not restricted to any particular class of consumer. Recommendation 6 was restricted to residential and small business customers, but it only covered the inclusion of load profiles on customer bills.

The Power of Choice draft specifications were explicit:

“All consumers should be able to access their energy and metering in the standard format data free of charge.”³

[our emphasis, as throughout this submission]

The rule change request noted that:

*“The specific issues which the proposed rule is seeking to address includes ... ambiguity in the current rules relating to the fees that can be charged. Some third parties have noted that they have been charged significant fees to retrieve a customer’s data **on behalf of industrial and commercial businesses.**”⁴*

The proposed rule hence included all customers in its drafting, not just small customers. It is troubling, therefore, that the draft determination proposes to deviate from the proposed rule by excluding large customers from the proposed National Energy Retail Rule 56A.

The effect of this exclusion is that there would be no requirement for data requests from large customers (or persons authorised by them) to be responded to without charge, or even for any charge to be reasonable.

The draft determination states that:

“Stakeholders consistently suggested that proposed rule 56A of the NERR should only apply to small customers because large customers would have their own contracts in place.”⁵

It then mentions EnerNOC’s submission as a contrary view in a footnote.

This is not an accurate summary of stakeholder views. It is a summary of retailers’ views, but there are exceptions amongst networks, for example:⁶

*“Ergon Energy is not opposed to the application of proposed rule 56A of the NERR **to all customers.**”⁷*

More importantly, consumer and third-party representatives take the opposite view. For example, the Public Interest Advocacy Centre, the Alternative Technology Association, Uniting Care Australia and CHOICE state:

“Given the potential of electricity consumption data to assist all users to better manage their energy use, including at peak times, we

³ AEMC, Power of Choice Draft Specifications, 30 November 2012, p. 2.

⁴ Standing Council on Energy and Resources, *Customer access to their energy and metering data under the National Electricity Rules*, Rule change request, October 2013, p. 7.

⁵ Draft determination, p. 27.

⁶ United Energy (p. 6) also don’t say that rule 56A “should” apply only to small customers, only that they believe it could.

⁷ Ergon Energy submission, p. 7.

believe this data should be available free-of-charge to all users, large and small.”⁸

Similarly, Energy Conservation:

“Energy users should be considered co-owners of their consumption data. All customers have an equal right to prompt free access to their energy data and should be covered by the rule.”⁹

And Energy Tailors:

“Energy Tailors believes that all customers should have access to this information.”¹⁰

It is not reasonable to pay attention only to industry submissions, and to ignore those from consumers and from the third party service providers who are experiencing the problems that the rule change is intended to address.

The draft determination implies that the inclusion of large customers in the original drafting may have been accidental.¹¹ Since the rule change proposal specifically highlights the issue of fees charged for access to large customers’ data, it seems more likely that this was a deliberate choice. We believe it was the correct choice.

We therefore strongly recommend that draft retail rule 56A be amended to cover all customers, as originally proposed.

2 Coverage of ongoing access to data

One-off access to two years of historical meter data is useful in helping a customer understand their load profile, and hence which tariffs or retail deals may be most appropriate for them. More innovative services, however, depend upon continuing access to data, so that the customer’s consumption patterns can be tracked. Such services include:

- Evaluation of energy efficiency measures
- Bill verification
- Alerting about changes in load profile which may require re-evaluation of tariff choices
- Demand-side management

⁸ PIAC, ATA, Uniting Care, and CHOICE submission, p. 2.

⁹ Energy Conservation submission, p. 5.

¹⁰ Energy Tailors submission, p. 5.

¹¹ Draft determination, section 5.5.1.

For such services, the most appropriate model is for the customer authorised representative to make a single request for the ongoing provision of data as it becomes available. Such arrangements are possible now, but there is no standardisation over methods, and fees vary hugely and arbitrarily.

Since many innovative services depend on such access, it would be helpful for the proposed *data provision procedures* to include this form of data provision explicitly. In particular, this form of data provision requires different treatment of customer consent – since it is not a one-off process, the customer needs some way to withdraw consent if their relationship with the third party ends.

We therefore recommend that draft rule 7.16 be amended to include reference to ongoing provision of data.

I would be happy to provide further detail on these comments, if that would be helpful.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Paul Troughton', with a long horizontal flourish extending to the right.

Dr Paul Troughton
Director of Regulatory Affairs