



Maintaining life support customer registration when switching

Draft determination

The Australian Energy Market Commission (Commission) has made a draft rule determination to amend the National Energy Retail Rules (NERR) to reduce barriers for life support customers who want to switch retailer or distribution network service provider (DNSP).

The more preferable draft rule introduces an obligation on the outgoing registration process owner (RPO) (the retailer or DNSP contacted by the customer for life support registration purposes) to provide the customer with a copy of the medical confirmation form (MCF) and/or medical confirmation document used to register the customer's premises within 10 business days of the customer's request. It also allows a customer to reuse confirmation documents for the purpose of providing medical confirmation to the incoming RPO for life support registration. The more preferable draft rule is expected to reduce costs and mobility challenges related to medical visits for life support customers while also maintaining customer safety.

The key components of the more preferable draft rule are:

- A requirement for the outgoing RPO to return the MCF and/or medical confirmation document to the customer within 10 business days of the customer's request, subject to applicable privacy laws.
- A requirement for RPOs to keep the MCF and/or medical confirmation document for the period of time that the person remains a customer and for 110 business days after the customer has ceased to be a customer.
- Allowing customer's to use a medical certificate or medical confirmation form for the purposes of providing medical confirmation.
- A requirement for the incoming RPO to inform the customer that for the purpose of providing medical confirmation, the customer may submit the medical confirmation document that was submitted to their previous retailer or distributor, provided it is dated less than 4 years ago and is legible.

The Commission invites submissions on this draft rule determination, including the more preferable draft rule, by **14 January 2021**.

Background and rule change request

Life support requirements are designed to provide additional customer protections and require retailers and DNSPs to register premises that have a person using life support equipment (such as an oxygen concentrator) that relies on electricity or gas to operate. The requirements facilitate the provision of information to parties that need to be aware of life support equipment at a premise, and impose obligations on retailers and DNSPs to provide additional safeguards around de-energisation.

On 11 June 2020, the Energy and Water Ombudsman of New South Wales (EWON) submitted a rule change request that sought changes to the NERR to maintain life support registration when a life support customer changes premises or retailer. Under the current rules, customers that are registered as life support customers may be required to re-submit medical confirmation following a change of premises or retailer. EWON considers that the resubmission of medical confirmation creates barriers for life support customers from fully participating in the retail energy market. The rule proposal sought to enable the transfer of medical information between the outgoing and incoming life support RPOs. These changes would reduce the need for an incoming RPO to require customers to submit medical confirmation, thus lowering imposts on life support customers.

Rationale for a draft rule

The more preferable draft rule is likely to reduce barriers to engaging in the retail market for life support customers. By clarifying that customers can use medical certificates as medical confirmation and the responsibilities for outgoing and incoming RPOs with respect to the return, storage and acceptance of forms, safety outcomes are likely to be improved. The more preferable draft rule will likely reduce costs for life support customers when compared to current arrangements by enabling these customers reuse their existing confirmation documents for the purpose of providing medical confirmation.

After consideration of EWON's proposed rule and stakeholder submissions, the Commission is of the view that the solution proposed in EWON's rule change request would be likely costly and complex to implement. There is also the potential for the increased risk of inadvertent deregistration of life support customers if the customer expects medical confirmation to be transferred, but they had not provided medical confirmation to the outgoing RPO.

There is limited evidence around the extent of the issue, and the Commission considers that the costs of the proposed solution would likely outweigh the benefits. Nevertheless, the Commission considers that the health impacts in relation to life support customers can be serious, and that alternative solutions which can improve the ease in which life support customers can access competition at lower costs (without reducing safety) should be pursued.

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5 November 2020