

## **Part 4 Relationship between distributors and customers**

### **Division 1 Preliminary**

#### **77 Application of this Part**

This Part applies only in relation to:

- (a) customers with an existing connection; and
- (b) deemed standard connection contracts; and
- (c) deemed AER approved standard connection contracts.

#### **78 Variation or exclusion of provisions of this Part by deemed AER approved standard connection contracts**

A deemed AER approved standard connection contract may vary or exclude any or all of the other provisions of this Part, whether by express statement or by implication.

### **Division 2 Customer connection services**

#### **79 Application for customer connection services**

(1) **Application of this rule**

This rule applies where a customer is seeking the provision of customer connection services in respect of an existing connection at the customer's premises.

(2) **Who may apply**

An application for the provision of customer connection services is to be made to a distributor by a retailer on behalf of the customer (but only if the retailer has a relevant contract with the customer in relation to the premises).

(3) **Responsibilities of retailer**

The retailer must make the application promptly on behalf of the customer.

(4) **Responsibilities of distributor**

The distributor must, as soon as practicable after the retailer notifies the distributor of the formation of the relevant contract under subrule (2), provide customer connection services in respect of the customer's premises.

(5) **Services to be provided in accordance with energy laws**

The customer connection services are to be provided subject to and in accordance with any relevant requirements of the energy laws.

(6) **Definition**

In this rule:

**relevant contract** means:

- (a) in the case of a small customer—a customer retail contract; or
- (b) in the case of a large customer—a contract for the sale of energy to the customer.

## **80 Provision of information to customers**

- (1) A distributor must publish the following information on its website:
  - (a) a description of the distributor's customer connection contracts and how copies of the contracts may be obtained;
  - (b) details of distributor service standards and any associated GSL schemes;
  - (c) details of applicable energisation and re-energisation timeframes;
  - (d) notice of a customer's rights in respect of the negotiation of different terms;
  - (e) details of charges for customer connection services;
  - (f) information relating to new connections or connection alterations;
  - (g) a description of the distributor's and customer's respective rights and obligations concerning the provision of customer connection services under the energy laws;
  - (h) a summary of the rights, entitlements and obligations of small customers, including:
    - (i) the distributor's standard complaints and dispute resolution procedure; and
    - (ii) the contact details for the energy ombudsman.
- (2) If a customer requests information of the kind referred to in subrule (1), the distributor must either:
  - (a) refer the customer to the distributor's website; or
  - (b) provide the information to the customer.
- (3) However, the distributor must provide a copy of any information of that kind to the customer if the customer requests a copy.
- (4) The information or a copy of the information requested under this rule must be provided without charge, but information requested more than once in any 12 month period may be provided subject to a reasonable charge.

### **Note**

This rule is classified as a tier 2 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

### **Division 3 Deemed standard connection contracts**

#### **81 Model terms and conditions for deemed standard connection contracts**

- (1) Model terms and conditions for a deemed standard connection contract are set out in Schedule 2.
- (2) A statement in Schedule 2 that is underlined and in square brackets indicates that a required alteration must be made by omitting the statement and substituting the matter referred to in the statement.
- (3) Termination of a deemed standard connection contract does not affect any rights or obligations that have already accrued under the contract.

### **Division 4 Negotiated connection contracts**

#### **82 Small customer complaints and dispute resolution information**

- (1) A distributor must include, in a negotiated connection contract with a small customer, provisions to the effect of the following:
  - (a) the small customer may, if they have a query, complaint or dispute, contact the distributor;
  - (b) the distributor is obliged to handle a complaint made by a small customer in accordance with the distributor's standard complaints and dispute resolution procedures, which can be found on the distributor's website or provided to the customer on request;
  - (c) the distributor must inform the small customer of the outcome of the customer's complaint;
  - (d) if the small customer is not satisfied with the distributor's response to the customer's complaint, the customer has a right to refer the complaint or dispute to the energy ombudsman.
- (2) The provisions required to be included in the negotiated connection contract must provide the distributor's contact details for the small customer to contact the distributor in connection with a query, complaint or dispute.

**Note**

This rule is classified as a tier 2 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

#### **83 Liabilities and immunities**

A distributor must not include any term or condition in a negotiated connection contract with a small customer that limits the liability of the distributor for breach of the contract or negligence by the distributor.

**Note**

This rule is classified as a tier 1 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

## Division 5 Distributor obligations to customers

### 84 Distributor service standards and GSL schemes

- (1) A distributor must comply with any applicable distributor service standards, including under a GSL scheme.
- (2) The distributor and the retailer must each use their best endeavours to provide each other at no cost and in a timely manner, information or documentation that the other reasonably requires to carry out their obligations to allow a GSL payment to be made to the customer.
- (3) In this rule:

**GSL payment** means a payment that a distributor is required to make under a GSL scheme.

### 85 Fault reporting and correction

A distributor must maintain a 24 hour fault information and reporting telephone number (the charge for which is no more than the cost of a local call).

**Note**

This rule is classified as a tier 1 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

### 86A Provision of information - supply of electricity

- (1) In the case of supply of electricity, a distributor must, on request by a customer, *customer authorised representative* or a customer's retailer, provide information about the;
  - (a) customer's energy consumption for the previous 2 years in the manner and form required by the *metering data provision procedures*; or
  - (b) distributor's charges.
- (2) Subject to paragraph (3), information referred to in paragraph (1) must be provided without charge.
- (3) Information under paragraph (1) may be provided subject to a reasonable charge where it has been requested:
  - (a) directly by a customer more than 4 times in any 12 month period;
  - (b) in a different manner or form than that specified in the *metering data provision procedures*; or
  - (c) by a *customer authorised representative* as part of a request for information about more than one customer.

**Note**

This rule is classified as a tier 3 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

## 86B Provision of information - supply of gas

- (1) In the case of supply of gas, a distributor must, on request by a customer or a customer's retailer, provide information about the customer's energy consumption or the distributor's charges, but information requested more than once in any 12 month period may be provided subject to a reasonable charge.

### Note

This rule is classified as a tier 3 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

## 87 Referral to interpreter services

A distributor must refer a residential customer to a relevant interpreter service if a referral is necessary or appropriate to meet the reasonable needs of the customer.

## Division 6 Distributor interruption to supply

### 88 Definitions

In this Division:

**distributor planned interruption** means an *interruption* of the supply of energy for:

- (a) the planned maintenance, repair or augmentation of the transmission system; or
- (b) the planned maintenance, repair or augmentation of the distribution system, including planned or routine maintenance of *metering* equipment (excluding a *retailer planned interruption*); or
- (c) the installation of a new connection or a connection alteration;

**transmission system:**

- (a) for electricity—means a transmission system within the meaning of the NEL; or
- (b) for gas—means a transmission pipeline within the meaning of the NGL;

**unplanned interruption** means an *interruption* of the supply of energy to carry out unanticipated or unplanned maintenance or repairs in any case where there is an actual or apprehended threat to the safety, reliability or security of the supply of energy, and includes:

- (a) an *interruption* in circumstances where, in the opinion of the distributor, a customer's installation or the distribution system poses an immediate threat of injury or material damage to any person, any property or the distribution system; or
- (b) an *interruption* in circumstances where:
  - (i) there are health or safety reasons warranting an *interruption*; or
  - (ii) there is an emergency warranting an *interruption*; or
  - (iii) the distributor is required to *interrupt* the supply at the direction of a *relevant authority*; or

- (c) an *interruption* to shed demand for energy because the total demand for energy at the relevant time exceeds the total supply available; or
- (d) an *interruption* to restore supply to a customer.

## **89 Distributor's right to interrupt supply**

A distributor may, subject to and in accordance with any requirements of the energy laws, *interrupt* the supply of energy at any time, including for a *distributor planned interruption* or an *unplanned interruption*.

## **90 Distributor planned interruptions**

### **(1) Planned interruption arrangements**

A distributor may arrange a *distributor planned interruption* by:

- (a) giving the affected customer the notice under subrule (1B); or
- (b) other than in the circumstances described in paragraph (c), obtaining the affected customer's explicit consent to the *interruption* occurring:
  - (i) on any date within a date range of 5 business days; or
  - (ii) on a specified date,in which case subrule (1A) applies; or
- (c) where a person residing at the premises requires *life support equipment*, obtaining the affected customer's explicit consent to the *interruption* occurring on a specified date, in which case subrule (1A) applies.

### **(1A) Record of consent**

If the distributor obtains the consent of the affected customer pursuant to subrule (1)(b) or (c):

- (a) the distributor must retain the record of consent for a period of at least 2 years in a format and including such information to enable the distributor to answer enquiries from the customer relating to the consent; and
- (b) subrules (1B) and (2) regarding planned *interruption* notices will not apply.

### **(1B) Notice to be given**

If the distributor has not obtained an affected customer's consent to the *distributor planned interruption* occurring within a date range or on a specified date in accordance with subrule (1) (as applicable), the distributor must notify each affected customer by any appropriate means of the *interruption* at least 4 business days before the date of the *interruption*.

### **(2) Contents of notification**

The notification must:

- (a) specify the expected date, time and duration of the *interruption*; and
- (b) include a 24 hour telephone number for enquiries (the charge for which is no more than the cost of a local call); and

- (c) include a statement that any enquiries regarding *distributor planned interruptions* are to be directed to the distributor.

(3) **Restoration of supply**

In the case of a *distributor planned interruption*, the distributor must use its best endeavours to restore the customer's supply as soon as possible.

**Note**

This rule is classified as a tier 1 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

**91 Unplanned interruptions**

In the case of an *unplanned interruption*, a distributor must:

- (a) within 30 minutes of being advised of the *interruption*, or otherwise as soon as practicable, make available, by way of a 24 hour telephone service (the charge for which is no more than the cost of a local call), information on the nature of the *interruption* and an estimate of the time when supply will be restored or when reliable information on restoration of supply will be available; and
- (b) if the telephone service is automated—provide options for customers who call the service to be directly connected to a telephone operator if required; and
- (c) use its best endeavours to restore supply to affected customers as soon as possible.

**Note**

This paragraph is classified as a tier 1 civil penalty provision under the National Energy Retail Regulations. (See clause 6 and Schedule 1 of the National Energy Retail Regulations.)

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

Where:

- (a) the installation, maintenance, repair or replacement of *metering* equipment is to be undertaken by the *metering coordinator*; and
- (b) such installation, maintenance, repair or replacement requires an *interruption* of supply to the customer's premises; and
- (c) a *retailer planned interruption* cannot be undertaken in order to effect the *interruption*; and
- (c1) the retailer has requested the distributor to carry out a *distributor planned interruption*,

then:

- (d) the distributor must effect the *interruption*:
  - (i) on a date agreed with the retailer and the small customer for installing or repairing a *meter* under clause 7.8.10A, 7.8.10B or 7.8.10C of the NER; or

- (ii) failing agreement under paragraph (i) on a date no later than 25 business days from the date of the request from the retailer,  
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
- (e) 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
- (f) the distributor and the *metering coordinator* must give all reasonable assistance to each other, and cooperate with each other, in relation to the *interruption* and their respective obligations under these Rules.

## **Division 7                      Miscellaneous**

### **92                      Compliance by small customer who is not owner of premises**

If a small customer is unable to fulfill an obligation in respect of:

- (a) premises (including, but not limited to, access to premises) under a customer connection contract; or
- (b) access to premises under these Rules,

because the customer is not the owner of the premises, the customer is not in breach of the contract or Rules if the customer takes all reasonable steps to ensure that the owner or other person responsible for the premises fulfils the obligation.