15th November 2024

Mr Benn Barr
Australian Energy Market Commission
Level 15, 60 Castlereagh Street
Sydney NSW 2000

ERC0399 – Real-time data for consumers Consultation Paper

Dear Mr Barr

Thank you for the opportunity to provide comment on the Australian Energy Market Commission's consultation on the proposed National Electricity Amendment (Real-time data for consumers) Rule.

The Energy and Water Ombudsman Victoria (EWOV) welcomes this consultation into real-time data. We broadly support enabling options for customers to access their data for increased flexibility, transparency and empowerment. As explored by the Commission in the Consultation Paper, the advantages of increased real-time data access include:

- improving delivery, quality and reliability of digital services
- supporting customers to engage with the increasingly complex energy market
- supporting the uptake of Consumer Energy Resources (CER) and innovative energy services, and help consumers maximise their benefits.

EWOV broadly supports the joint Energy and Water Ombudsman (EWO) submission. We note that some of the issues raised in the joint submission do not occur in Victoria as a result of the Distribution Network Service Provider-led roll out of smart meters. In comparison with other EWOs, EWOV does not face the same issues accessing meter data from a metering co-ordinator to resolve disputes related to consumption or discrepancies between different sources of data.

We echo the EWO submission in asking that the Commission consider:

- how energy ombudsman schemes can obtain real-time data records for dispute resolution purposes, now and in a future where energy ombudsman jurisdiction potentially expands to include third party entities such as solar and battery installers
- how secondary settlement points, to be introduced for small customers from November 2026 under flexible trading rule changes, will fit into the real-time data framework
- stronger privacy and cyber security protections and/or penalty provisions to ensure protection of real-time data for customers impacted by family violence.

This submission highlights the issues that stem from a lack of access to robust, meaningful data about bidirectional energy flows. This submission outlines three key issues:

- EWOV has observed retailers cannot clearly account for when they have accessed and exported from a consumer's asset, undermining trust and confidence in the benefits of CER.
- We observe the incorrect installation or configuration of CER creates a discrepancy between behind-the-meter monitoring data and validated meter data – highlighting ongoing gaps for ombudsman services.
- This is further complicated where there are issues with smart meter dataflows or retailer systems to provide this data.

Accountability through real time data

Access to real-time data can be a key issue for resolving disputes arising from more complex supply arrangements, including Virtual Power Plants (VPPs) accessing CER. Particularly where VPPs access consumer assets on an ad hoc basis (i.e. according to wholesale spot prices), it is crucial for consumers' trust and confidence that they can review how their assets have been used by their provider.

Failure to provide clear information around Virtual Power Plant use of battery

Gary* contacted EWOV with a complaint about his retailer and a related Virtual Power Plant (VPP) agreement. The VPP agreement included selling energy from Gary's battery into the grid when the spot market price exceeded a standard feed-in tariff rate, when his battery was full and when the VPP software "deems it appropriate according to [your] household's energy usage patterns". When the VPP discharged from Gary's battery, he was paid a trading credit in lieu of this feed-in tariff, at the spot market price.

Gary raised a number of issues in his complaint. Firstly, the retailer drew his battery down to 15% by 8pm each night, requiring him to draw from the grid directly at a higher price. Secondly, Gary advised he had been paid very little in trading credits, well below the cost to recharge his battery after these discharge events. While Gary was provided access to the VPP software forecasting discharge events, the provider did not give him information about how and when they had utilised his battery to export into the grid, and without this information, Gary was unable to determine whether he had received the correct benefit. Thirdly, Gary had repeatedly tried to call the retailer to discuss the issue and was unable to get through to the call centre.

Through an EWOV investigation, the retailer agreed an error had been made, but the retailer was unable to document exactly when the VPP software had accessed Gary's battery to discharge to the grid, or provide a true reconciliation of how much energy had been discharged to the grid at what value. The retailer claimed its software would "learn" about consumer's usage and manage the charge in his battery accordingly, to avoid excessively discharging the battery. Despite their inability to produce the required information, the provider was still adamant the consumer would be better off "in the long term" under the contract.

* All names have been changed for privacy reasons.

Non-payment for access to home battery

Duncan* was part of his retailer's VPP and complained that his retailer had failed to effectively invoice and compensate him for accessing his battery. Duncan had signed up with a retailer to receive a bundled solar feed-in tariff, as well as a VPP plan with his retailer, in which he was paid $20 each time his retailer accessed his battery. The consumer noticed his retailer had stopped including information on his bill that noted when his battery had been accessed over the period of a month.

The consumer had contacted his retailer, who agreed it owed him for use of his battery through their VPP but could not confirm what period it owed credit for, and instead applied a $140 credit to his account in lieu of missing payments.

In both these cases, the root cause of the billing complaint was a lack of access to consumer data about bi-directional energy flows, particularly when the VPP had accessed and exported from the consumers' battery, and how much energy was exported. In the first case, Gary* was provided a credit based on wholesale prices for export from his battery – so his ability to review and confirm when the VPP had accessed his battery and what price he was paid was crucial. In the latter case, Duncan* expressed frustration that he could not independently verify how often his battery had been accessed by his retailer.[1] In both cases, the lack of transparency and retailer accountability when accessing CER through a VPP can undermine consumer trust and confidence in the benefits of CER more broadly.

VPP providers need to be accountable to consumers for when they access consumer assets, particularly where this access is ad hoc or consumer benefits paid by VPP providers are complex - for example, based on wholesale spot prices, Frequency Control Ancillary Services or a combination of the two.

For ombudsman services, access to real-time data could provide a single "source of truth" for dispute resolution.

Complaints arising from retailer's apps and behind-the-meter data accuracy issues

EWOV observes issues arising from discrepancies between validated metering data, and third-party devices providing monitoring data or apps provided by CER service providers. Though meter errors do occur, EWOV more frequently observes these discrepancies can be caused by a misconfiguration or third-party installation issue. This can drive a complaint about whether billing is correct, whether metering works correctly or whether consumers' CER assets are working correctly.

Solar app data misaligned with billing data

Janice* complained to EWOV about a billing error related to her solar feed-in. Janice had installed a solar system with a 13.6 kWh battery in the previous year. Janice is a pensioner, who reported she burnt wood for heating in winter but used her air-conditioner in summer.

Jancie reported that her solar system app shows her solar system was generating and feeding back to the grid large amounts of feed-in on sunny days and the battery was fully

[1] Feedback provided EWOV's follow up consumer survey

charged by late afternoon every day. However, Janice reported that the bills do not reflect solar credits for feed-in from her panels.

Janice called her retailer but was unable to get answers as to why there was a mismatch between the data on her solar app and the data on her retailer app and bills. Janice believed her solar system should be close to self-sufficient and expected not to pay any more than $70 for three months comprising a standing charge and minimal usage on extremely cloudy days. Janice believed that a suitable resolution would be a sizable refund.

The retailer reported to EWOV they had conducted a meter test which confirmed there was no issue with the data being reported, and that they had billed correctly using the available reads provided by the distributor.

Janice's solar installer was responsive to queries throughout our investigation, but was also unable to explain the data discrepancy between two apps. The solar installer provided EWOV with Janice's data from the installer's app (i.e. behind-the-meter data).

EWOV's investigation cross referenced the bills with the Janice's metering data and confirmed Janice had been billed correctly for solar export and for total import. This confirmed that the Janice's solar and battery system was exporting to the grid, and she had been paid correctly for all solar export.

As part of the conciliation process, the retailer offered to waive the cost of the metering test.

While EWOV resolved Janice's complaint relating to her retailer, we were unable to resolve exactly why Janice's app data was incorrect. In this case, EWOV considered the behind-the-meter CER was likely not properly configured by the installer, creating a discrepancy with the validated meter data.

EWOV does not currently have jurisdiction over installers, as they are not required to be members of EWOV. This means EWOV cannot access relevant information or hold installers to account. Where installers are unresponsive or unwilling to provide consumers a remedy, consumers may have to pay to correct the faulty installation.

The cause of a data discrepancy can be difficult to identify. Data discrepancies caused by errors within a retailer's own app can create consumer confusion. Determining a resolution is further complicated where CER installers have not properly accounted for a consumer's existing supply configuration. These two points are demonstrated in the case study below.

Misaligned data - retailer app error and misconfiguration of off-peak hot water by battery installers

Sandra* complained to EWOV about a billing error. Sandra had installed a battery in May 2022. She advised EWOV that there was a significant discrepancy between the usage recorded on her retailer's app compared with the battery monitoring app. She reported that on some days the battery appeared to be fully charged, however her retailer app still showed usage and charges.

Sandra reported to EWOV she brought this to her retailer's attention on a number of occasions, questioning the accuracy of her meter. After several emails, Sandra's retailer advised there was an issue with their app – whereby graphs showing usage and solar data

were incorrect. The retailer subsequently provided amended bills from October 2021 to April 2022, the meter details were corrected and a credit applied to the consumer's bill.

Sandra was confused by the amended bills, and was still unsure why there was a discrepancy in usage between the retailer's app and the battery provider's app. Sandra contacted EWOV.

Sandra contacted the original battery installer, who sent a technician to check the battery was installed and connected correctly. The technician determined that one of the circuits wasn't showing on the battery app and alerted Sandra's retailer. The retailer was then able to confirm that Sandra's off-peak dedicated circuit – which turned on at night and as a booster in the afternoon – was not connected by the battery installer.

Sandra's case highlights how consumer confusion can arise from multiple data issues – both in front-of-the meter and behind-the-meter – compounding the difficulty in determining the source of the issue. In Sandra's case, the original CER installer was receptive to her complaint and sent a technician, which helped resolve the case. However, in other cases EWOV observes CER installers can be unresponsive to consumer complaints, and likely would require consumers to engage and pay for an expert to identify the source of the issue.

Third party monitoring devices and estimated reads

EWOV has observed examples where there has been a communications fault within the smart meter or between the meter and DNSP for an extended period, limiting the ability of the DNSP to conduct a remote read. In these circumstances, the ability of a consumer to access meter data via their retailer is limited, and may indicate a stronger case for direct access to real-time data. However, this would likely require clear installation requirements and data formatting standards to avoid further issues about data discrepancies.

While improved access to real time data may resolve some of the three issues outlined above, the AEMC may wish to consider how consumers will access and navigate a broader data architecture more holistically, under a more fit-for-purpose consumer protection framework.

If you would like to discuss any aspect of our submission, please do not hesitate to contact Nicole McCutcheon, General Manager - Legal, Regulatory and Public Affairs at Nicole.McCutcheon@ewov.com.au or 0474 361 222 or Ben Martin Hobbs, Policy Insights and Engagement Manager at Ben.MartinHobbs@ewov.com.au or (03) 8672 4239.

Yours sincerely,

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