Ms Anna Collyer
Chair
Australian Energy Market Commission
GPO Box 2603
Sydney NSW 2001

20 February 2025

Dear Ms Collyer,

Real-time data for consumers – directions paper

ENGIE Australia & New Zealand (ENGIE) appreciates the opportunity to respond to the Australian Energy Market Commission's (AEMC) directions paper on a rule change request that proposes changes to improve access to real-time data for consumers and their authorised representatives.

The ENGIE Group is a global energy operator in the businesses of electricity, natural gas and energy services. In Australia, ENGIE operates an asset fleet that includes renewables, gas-powered generation, and battery energy storage systems. ENGIE also provides electricity and gas to retail customers across Victoria, South Australia, New South Wales, Queensland, and Western Australia.

ENGIE commends the AEMC on producing an interim directions paper in response to considerable stakeholder feedback on the initial consultation paper rather than proceeding with a draft determination. While ENGIE broadly supports the AEMC's proposed staged implementation approach, ENGIE is concerned about the proposed arrangements for third-party access to real-time data and the associated risks to consumer privacy and data protection.

ENGIE's response to this directions paper provides commentary on several key areas, including the proposed staged implementation approach, retailer obligations to provide real-time data access, the consumer consent pathway, privacy outcomes, and the definition of real-time data.

Staged implementation approach

The adjustment to new regulatory rules may create short-term barriers to real-time data implementation

ENGIE supports a staged implementation approach to facilitate the scaling of real-time data access for consumers. However, ENGIE notes that Metering Service Providers (MSPs) are likely to experience several key barriers to successful implementation in the short term. MSPs are currently preparing for a step-up in

the rate of smart meter installations in response to the AEMC's 'Accelerating smart meter deployment' reform that will commence in December 2025. The introduction of a requirement to provide real-time enabling technology through smart meters may impact MSP's approach to procuring smart meters to minimise the number of 'redundant' meters currently installed through the acceleration program. ENGIE contends it may be appropriate to extend the implementation timeline to twenty years to allow MSPs to adjust to the new regulatory requirements to minimise the potential impacts on smart meter supply during the acceleration program.

Regulatory differences across Victoria and NECF regions may hinder national uptake

ENGIE notes that the staged implementation of real-time data-enabled smart meters in NECF regions would introduce technological differences between these smart meters and those in Victoria. As a result, third parties may face challenges in offering real-time data services across both regulatory environments.

Retailer and metering party obligations

Proposed obligatory timeframes should be aligned with the National Electricity Rules (NER)

ENGIE supports practical and realistic timelines to ensure consumers have timely access to real-time data. As such, ENGIE suggests the proposed timeframe for providing real-time data to a customer upon request if a meter needs to be retrofitted or replaced should be aligned to rule 7.8.10B of the National Electricity Rules.[1] Upon alignment, ENGIE contends the default timeframe should be extended to twenty years due to the uncertainty around real-time enabled smart meter supply from vendors, particularly in the early stages of the rollout.

Third parties and the consumer data right

Any framework to enable third-party access to real-time data should be integrated within the Consumer Data Right (CDR)

ENGIE is concerned that the AEMC's proposed arrangements for third-party access are primarily aimed at expediting the rule change process rather than establishing a well-structured and enduring consumer protection framework through the CDR, which ultimately may stall its development.

The CDR was designed to facilitate secure and efficient consumer data access while maintaining strong privacy protections, which is exactly what this rule change requires. For example, under the CDR framework, retailers have the right to refuse a data-sharing request if it poses a financial or physical risk to customers, such as in cases of family violence. It is uncertain whether similar protections would exist under the proposed framework, even with provisions for accrediting third parties.

[1] Australian Energy Market Commission, *National Electricity Rules, Rule 7.8.10B*, 2025. Link.

ENGIE contends it would be better regulatory practice to advance amendments to the CDR framework to incorporate real-time data access rather than create a parallel framework with lesser consumer protections. Given that legislative amendments to the CDR are likely to take less than fifteen years and the uptake of real-time data is in its infancy, integrating real-time data access into the existing CDR framework would likely future-proof the regulation underpinning real-time data access and promote consumer confidence to participate. This approach may also provide more opportunities for third parties to develop innovative service offerings over time, with accredited data recipients being able to access real-time data and utilise this in conjunction with energy account and billing data, as well as data from other industries that provide consumer data through the CDR framework.

Consumer consent pathway for third parties to access real-time data

Consent pathway efficiencies should not compromise consumer protections

ENGIE notes that while the AEMC's preferred MSP-centred pathway may be a more efficient mechanism for facilitating consent, ENGIE is concerned that this pathway undermines consumer privacy protections compared to the retailer-centred approach.

Retailers have established contractual relationships with customers and possess extensive experience in ensuring that consent is properly managed, particularly in relation to the formation of energy contracts and data sharing through the CDR. Access to this detailed information means that retailers are well-placed to verify consent has been provided by the appropriate person in the correct format. MSPs, in contrast, primarily focus on metering operations and service delivery, with limited experience in consumer protection and managing consent. A retailer-centred pathway would therefore act as an important protection in the validation of consumer consent.

Consumer consent should be standardised to reduce differing interpretations

ENGIE proposes that the AEMC develop a standardised consent form that third parties must complete and submit to either the retailer or the MSP, depending on the consumer consent pathway chosen. ENGIE contends that a standardised consent form would help mitigate some ambiguity regarding what constitutes legitimate consumer consent. Uniform requirements, such as a standardised consent form, would help ensure that all third parties adhere to consistent consent guidelines, which would reduce the likelihood of a third party claiming a level of consent that was otherwise invalid.

The definition of real-time data

The proposed definition of real-time data may not adhere to technical challenges

ENGIE acknowledges the AEMC's effort to define real-time data by specifying the data points, frequency, and latency of delivery. While ENGIE supports the intent behind this definition, ENGIE notes that certain elements of the definition could benefit from further refinement. Specifically, the rigid timeframes of

"within a second" and "every second" may not fully account for the technical challenges that can arise in real-world scenarios, such as Wi-Fi connection issues.

AEMO procedures should further define real-time data

ENGIE supports AEMC's proposal for the Australian Energy Market Operator (AEMO) procedures to further describe real-time data relevant to technical matters. Embedding the technical details within AEMO's market procedures would allow for greater flexibility and enable AEMO to periodically make updates in response to technological developments and market conditions. This approach would ensure that the regulatory framework underpinning real-time data would remain adaptable, yet fit-for-purpose.

Some consumers may find the proposed definition of real-time data difficult to understand

ENGIE notes that while any definition to define real-time data should prioritise accuracy, it may be worthwhile to also make the definition accessible to consumers. For example, some consumers may find the proposed definition difficult to interpret due to technical terms such as voltage, current, and phase angle which may potentially deter uptake. It may be beneficial to establish a secondary, simplified definition that retailers can use when communicating with customers, particularly during phone conversations to ensure it is accessible for a general audience.

Concluding remarks

ENGIE looks forward to working actively with the AEMC to support the objective of this rule change while considering implementation and any adverse outcomes related to consumer data privacy.

Should you have any queries in relation to this submission please do not hesitate to contact me by telephone on 0400 731 274.

Yours sincerely,

Ronan Cotter

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