

25 September 2014

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

Dear Mr Pierce,

RE: Draft Rule Determination Customer access to information about their energy consumption (ERC0171)

Simply Energy welcomes the opportunity to provide feedback in response to the Australian Energy Market Commission's (AEMC) draft determination on Customer Access to Information about their Energy Consumption Rule 2014. Simply Energy is a member of the Energy Retailers' Association of Australia and supports the Association's submission.

We would like to comment on the following matters:

- Allowing a person authorised by a customer to access data
- Minimum requirements for the provision of electricity consumption data
- Data history and timeframes

Allowing a person authorised by a customer to access data

The AEMC has sought to make it clear that alternative service providers can access a customer's consumption data provided they have the customer's consent. In doing so, the AEMC has not sought to override the requirements of the Privacy Act by abstaining from specifying the nature of the consent required.

Simply Energy supports this recommendation as a balanced and sensible approach to third party access to a customer's consumption data.

Minimum requirements for the provision of electricity consumption data

We support the AEMC's draft proposal that the Australian Energy Market Operator (AEMO) determine the format in which consumers are provided their data in a data provision procedure. First, it will allow time for the industry to consider further what format would be most beneficial for consumers. Second, procedures are a more flexible regulatory instrument allowing the minimum requirements to change as consumer demands change without the need for a formal Rule change process.

We disagree with the AEMC's proposed three month timeframe for implementation of this procedure. This is not realistic if the AEMC wants a procedure that is well thought through and properly formed. There is already a substantial work program governed by the AEMO. The need to complete a data provision procedure within three months will mean that other equally important work the AEMO is progressing may have to be suspended or slowed.

The ERAA supports the two year timeframe as outlined in our previous submission, as it provides consistency with the current National Energy Retail Rules (NERR) requirement for retailers with respect to historical billing

data. The ERAA agrees that this requirement should apply to all the customer's retailers for the two year period.

Data history and timeframes

Simply Energy supports the 2 year time frame from the date of request as it is consistent with the current requirement in the National Energy Retail Rules (NERR) on historical billing data. It is important that the Rules only specify minimum requirements and allows retailers to compete for customers' business by offering better service provision.

For similar reasoning, we cannot support the AEMC's proposal to specify the minimum requirement on charging as free of charge every 3 months or alternatively, up to four times in a 12 month period. To us, this goes well beyond a minimum regulatory requirement and begins to dictate on market outcomes. As an example, Simply Energy will provide its customers with their data free of charge regardless of how far back the customer wishes their data or how frequently they ask for it. The AEMC's proposal seems unnecessary regulation and only adds red tape.

We support the AEMC's proposal that the timeframe for a response be a maximum of 10 business days. However, we believe there should be some protection for unforeseen circumstances. There may be some reason outside the control of a retailer that does not allow the meeting of this timeframe. In this event, the 10 business day requirement will be breached even though a retailer could not control the outcome.

If you have any questions concerning this submission, please don't hesitate to contact me on (03) 8807 1132.

Dianne Shields
Senior Regulatory Manager