



26 April 2013

Australian Energy Market Commission
PO Box A2449
Sydney South NSW 1235

Lodged online: Reference ERC0153

CONSULTATION ON NATIONAL ELECTRICITY AMENDMENT (ACCESS TO NMI STANDING DATA) RULE 2013

Alinta Energy Retail Sales Pty Ltd (**Alinta Energy**) welcomes the opportunity to comment on the AEMC consultation paper "*National Electricity Amendment (Access to NMI standing data) Rule 2013*" and the proposed rule change as put forward by EnergyAustralia.

Alinta Energy is both a generator and retailer of electricity and gas in Western Australia and the Eastern States energy markets. It has over 2500MW of generation facilities and in excess of 700,000 retail customers, including around 100,000 customers in Victoria and South Australia. As an incumbent retailer in WA and a new entrant retailer in the National Energy Market, with an outsourced customer service model Alinta Energy is well placed to comment on this review.

Whilst not directly responding to the questions posed in the consultation paper Alinta Energy would make the following comments.

Rule Change Request

Alinta Energy supports the need to address any ambiguity that exists within the National Electricity Rules around access to National Meter Identifier (NMI) standing data. In seeking to address this issue Alinta Energy supports the rule change request and solution proposed by EnergyAustralia.

This proposed rule change seeks to ensure the continuation of benefits and efficiencies are maintained through the current practices under which retailers have been operating for some time. Whilst also ensuring ongoing compliance with confidentiality obligations are maintained.

Retailer Authorised Agents Access to NMI Standing Data

Alinta Energy has in place contractual arrangements with a leading energy industry outsourced service provider who provides a number of generally required retail services. In

order to provide these services in an efficient manner access to MSATS and NMI standing data is required.

The practice of providing MSATS access to third party agents has been widely undertaken within the industry and was deemed consistent with the intent of the rules and has occurred without demonstrable customer or market detriment.

Consequently, the proposed rule change seeks to clarify and make explicit the fact that retailers, and agents acting on their behalf, are permitted to access standing data for the legitimate purpose of conducting relevant retailing activities, including but not limited too:

- customer acquisition;
- billing and settlements;
- customer transfer; and
- other retailer functions as required.

In order for the market to continue to operate in an efficient manner, where these efficiencies provide consumer benefit, Alinta Energy supports the proposed rule change

Data Access and Privacy

Whilst agents of retailers are not directly licensed or authorised under regulatory frameworks, their conduct is still subject to the same standards and requirements as prescribed in jurisdictional customer protection regulations, the Australian Consumer Law, and potentially the National Energy Customer Framework if it is introduced in Queensland, New South Wales and Victoria. This requirement is based on the legal principle of agency, which prescribes that a principal will be liable for the actions of its agent as long as the agent acts within the scope of the agency agreement.

The principle of agency dictates that compliance rests with the registered market participant for the actions of their agents. This responsibility provides sufficient incentive on registered participants to ensure third party compliance and appropriate commercial arrangements are in place.

Alinta Energy does not believe additional accreditation or compliance requirements are needed or would be in the long term interests of consumers or the market, as to date there has been no demonstrated consumer or market detriment resulting from current practices.

Power of Choice Review

Alinta Energy notes the references to the Power of Choice review in the consultation paper. Recommendations contained in the power of choice review underpinned by market developments, such as the roll out of Advanced Interval Metering, and the introduction of flexible pricing, where there will be a heavy reliance of third party providers, are further evidence of the need for clarity around third party access to NMI standing data.



The success of a number of customer choice energy efficiency programs hinge on the ability of third party agents ability to access consumer data, including NMI standing data.

Should you have any questions or wish to discuss our submission further, I may be contacted on (02) 9372 2653, or via email: shaun.ruddy@alintaenergy.com.au

Yours sincerely

Shaun Ruddy
Manager National Retail Regulation