



**EnergyAustralia**

19 September 2013

Steven Graham  
Chief Executive  
Australian Energy Market Commission  
PO Box A2449  
Sydney South NSW 1235

**EnergyAustralia Pty Ltd**

ABN 99 086 014 968  
Level 33  
385 Bourke Street  
Melbourne Victoria 3000

Phone +61 3 8628 1000  
Facsimile +61 3 8628 1050

enq@energyaustralia.com.au  
energyaustralia.com.au

**Access to NMI Standing Data**

EnergyAustralia welcomes the opportunity to comment on the draft rule determination relating to access to NMI Standing Data. As the proponent of the rule change proposal, EnergyAustralia is pleased that the AEMC has recognised the benefits to industry and consumers associated with clarifying the National Electricity Rules with regard to MSATS access. While supporting the intent of the Draft Determination and broadly supporting the Draft Rule we offer our suggestions for alternative drafting of the Rules below.

**Proposed Drafting**

EnergyAustralia considers that the Draft Rule generally reflects the requirements of industry however we are concerned that the drafting proposed actually introduces additional uncertainty. I refer specifically to the drafting of the amendment to Clause 8.6.2 which currently reads:

**[3] Clause 8.6.2 Exceptions**

After clause 8.6.2(b), insert:

(b1) (service providers): the disclosure of NMI Standing Data by a Customer or the Customer's Disclosees to a person who requires the information for the purposes of providing services in connection with the Customer's sale of electricity to end users.

Discussions with AEMC officers have confirmed that the intent of this rule is to allow third parties acting on behalf of market participants to access NMI Standing Data for the purpose of carrying out their contracted functions. Further, discussions with the Australian Energy Regulator have indicated that they are aware of the rationale for the rule change and we anticipate that they will interpret and enforce the rule in a manner which is consistent with the AEMC's intent. We are concerned however, that the drafting may allow for a different interpretation if the provision is revisited in the future when staff involved in the current process have moved on.

EnergyAustralia considers that there are two key issues with the Draft Rule:

1. It could be argued that the use of the word "disclosure" implies that retailers must first access information before passing it on to the third party acting on their behalf.
2. The clause only allows access to NMI Standing Data. Should service providers be unable to access the metering data of customers, they would be unable to resolve many simple billing enquiries.

EnergyAustralia suggests the following drafting of Clause 9.6.2(b1)

*(service providers): the use, disclosure and reproduction of information by a person who requires the information for the purposes of providing services in connection with the Registered participant's supply or sale of electricity to end users.*

We believe that this revised drafting is unambiguous in allowing third parties acting on behalf of retailers to directly access MSATS and use the data to undertake their contracted duties, whether they be acquisition or service related. We have also sought to acknowledge the needs of distribution entities who face similar issues to retailers as highlighted in United Energy's initial submission on the consultation paper. Inclusion of the words "Registered participant" in place of "Customer" will ensure that that the same level of certainty is afforded to distribution entities who also rely on contractual arrangements with third parties to supply to and service customers and prevents this issue being revisited in the future for a further rule change.

EnergyAustralia believes that this wording more accurately reflects the intent expressed by the AEMC in their Draft Determination and eliminates the potential adverse consequences, highlighted above.

I would like to thank the AEMC for their assistance with this issue and appreciate their approach to working towards a solution which maintains customer protections and provides industry with greater certainty.

If you would like to contact me about this submission, please call me on (03) 8628 1731.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Joe Kremzer', with a long horizontal flourish extending to the right.

Joe Kremzer  
Regulatory Manager