



19 September 2013

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Dear Anita,

**RE: Access to NMI Standing Data**

United Energy (UE) appreciates the opportunity to comment on the Australian Energy Market Commission (AEMC) Draft Determination on Access to NMI Standing Data Rule.

UE agrees with the AEMC that the range of Registered Participants with access to NMI standing data does not need extension, although the AEMC intends to clarify that a prospective retailer may access the NMI standing data. However, UE's submission had a further point, ie that access be extended to service providers of those Registered Participants, including LNSP's, not just the service providers of Retailers.

UE concurs with the view in the paper that it is standard industry practice for businesses to use service providers to provide the delivery of energy network or supply services as indicated by the AEMC's statement;

*'It is standard practice for businesses to use service providers including contractors and agents. This is the case for retailers and other registered participants, who often use contractors and service providers in the delivery of electricity services to consumers. These commercial arrangements are made on a contractual basis outside the NER and do not affect the responsibility of the retailer to meet its obligations under the NER.'*<sup>1</sup>

Further the AEMC state:

*'The Commission considers that the current exception provisions under clause 8.6.2(b) of the NER, would not allow retailers to disclose NMI Standing Data to their service providers in connection with the sale of electricity. The Commission does not consider that a service provider in providing these services is providing 'advice' to the retailer which is a condition of disclosure under the exemption in clause 8.6.2(b) of the NER.'*<sup>2</sup>

UE consider that this same statement of disclosure and "advice" relates to all types of confidential information including B2B, meter register and metering/energy data. To better deal with the uncertainty the AER compliance bulletin has created for participants the Draft Rule exemption should relate to Registered Participants for the purposes of providing sale or supply services in connection with the Registered Participant's sale or supply of electricity to end users.

<sup>1</sup> AEMC Rule Determination, Access to NMI Standing Data Rule 2013, 8 August 2013, page 29

<sup>2</sup> Ibid, page 32



The AEMC agrees that the compliance risk faced by registered participants in relation to the AER's compliance bulletin should be removed. The AEMC notes that this means that business models would not need to be changed to comply with the NER and therefore this would avoid costs and meet the NEO. UE support the extension of the coverage of the exemption in 8.6.2 to give effect to this aspect of the AEMC's recommendations.

UE request that this clarity be provided in the Final Rule to extend to all Registered Participants and their service providers in line with industry practice. To do otherwise will create significant uncertainty and additional costs to consumers. UE suggest the following drafting be adopted in addition to the AEMC's proposed drafting in (b1) which caters for the prospective retailer accessing NMI standing data.

(b2) (**service providers**): the disclosure of information by a ~~Customer or the Customer's Disclosees~~ Registered Participant or the Registered Participants Disclosees to a person who requires the information for the purposes of providing services in connection with the ~~Customer's Registered Participant's supply or sale~~ of electricity to end users.

These proposed changes better facilitate the intent of the EA proposal and improve consistency across the NEM instruments. The changes are not intended to dilute responsibility regarding confidentiality and privacy that reside with the principal agent being the registered participant.

UE also recommend that since the Registered Participants Disclosees and Customers Disclosees are italicised terms in 8.6.2 (b), proposed (b2), and the proposed 8.6.2 (b1), that definitions be included in Chapter 10 to aid clarity.

Should you have any questions in relation to this submission please do not hesitate to contact me on (03) 8846 9856.

Yours sincerely

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**Manager Regulatory Strategy**