



29 October 2014

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Mr Richard Owens
AEMC acting Senior Director
Australian Energy market Commission

By Electronic On-line Submission

Dear Mr Owens

Customer access to information about their energy consumption

Draft Determination – AusNet Services Submission

AusNet Services welcomes the opportunity to make a submission to the AEMC consultation paper on Customer access to information about their energy consumption.

AusNet Services are pleased that some of the undesirable aspects of the SCER/COAG Energy Council Rules changes have been removed in the Draft Determination.

However we have some concerns that the AEMC Draft Determination appears to have taken less than desirable account of the practical regulatory, metrology and implementation aspects of the proposed outcomes. AusNet Services have reiterated some of the points we made in our submission on the Initial Consultation Paper, and in some cases added other concerns regarding these aspects of the Draft Determination approach.

AusNet Services have also made comments on the actual NER and NERR drafting.

If you have any question with respect to this submission please contact myself on 9695 6629.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Ellis".

Peter Ellis
Network Market Services Manager
AusNet Services

1 Draft Determination Section 3.1 Access to data from DNSPs

1.1 Privacy Issues

The need for the Rules changes to have regard to national information privacy obligations was raised in our submission into the Commission's earlier consultation paper (Initial Submission). However the Draft Determination does not address this important consideration. In AusNet Services' view it is incumbent on the Commission to describe how the new obligations satisfy these principles, to provide confidence to participants that they would not be faced with conflicting obligations, and to achieve consistent interpretation of obligations by participants.

The Australian Privacy Principles (APPs) which are published through the Office of the Australian Information Commission (OAIC) provide a series of principles for the collection, handling, and exchange of personnel information and the OAIC's Australian Privacy Principles Guidelines provide some further interpretative details. However neither provides specific guidance directly applicable to metering data as Personal Information and in particular with respect to the approach to the identification of the Customer (or their "agent") seeking access to metering data.

Our Initial Submission provided detailed commentary on this aspect, making the following key points:

- The consumer protection considerations in the Commission's papers do not have regard to the .
- Other regulatory reform processes have identified that it would be prudent to consider Customer meter readings as personal information as defined in the APPs, but this outcome is currently not captured in any instrument.
- The Privacy Act and the APPs only apply to those organisations with an annual turnover of more than \$3 million in the last financial year. If small Retailers, whose turnover is less than \$3m, are providing metering data then the APPs will not be applicable.
- To overcome specific APP interpretative issues some industries have established their own code, which is provided for under the Privacy Act.

AusNet Services consider that the Rules changes should:

- i. clearly identify that metering data is personal information under the APPs.
- ii. state that the APPs should be applied by all Participants providing metering data under the Rules including any with an annual turnover of less than \$3 million in the last financial year.

1.2 Distributor Customer Identification Issues

Following from the above points regarding metering data as personal information, it is required that the Distributor must clearly identify the person requesting metering data as the Customer at the site.

Retailers presumably take from their Customers information sufficient to identify the Customer during the billing establishment process. This includes name address and other contact information but also birthdates, secret identification questions, and financial records to ensure the positive identification of Customers requesting access to their Personal Information including metering data.

However, Distributors do not have access to all these details as they do not generally have the need for a level of Customer contact which involves access to Personal Information. Most Distributors' contact with, and services to, Customers are based on site details only. The Customer details available to Distributors from Retailers through a regulated B2B transaction are limited to: Customer

name, postal address, and where available phone number(s)¹. AusNet Services have already vetted cases of “inappropriate persons” looking to secure the metering data details of others e.g. landlord versus tenant issues.

The quality of this detail provided by Retailers is somewhat variable and Distributor use of the detail on postal items results in a percentage of non deliveries including for reason of “person not known at the address”. Hence the use of this detail for validation of requests for metering data will lead to a percentage of rejections due to a non match with name details held by the Distributor.

Further there are a material number of revisions made to the contact name provided by Retailers. Any change in the contact name will impact Customer access to their metering data. Hence:

- a Customer validated to get portal access will lose that access if their Retailer notifies of a contact name change.
- a Customer requesting metering data for a period during which their contact name changed, will only be validated to get metering data back in time to that name change date.

Hence Distributors approached by Customers seeking access to their metering data will need to have in place a validation methodology based on the limited and variable quality contact data identified above.

Whatever the approach, it will need to be recognised by stakeholders and Retailers that because Distributors have only the limited and variable quality contact data detailed above as the basis of Customer validation, a percentage of Customers will not be validated at their first attempt and will need to go to their Retailer to obtain the contact details to match that in the Distributors’ systems.

AusNet Services consider that the Rules changes should:

- i. provide Rules support for the Distributor being compliant with the APPs if they provide metering data to Customers who identify themselves with a site address identical to what the Distributor has recorded, and a name (and where available, telephone number) identical to that provided by the Customer’s Retailer. AusNet Services consider that the advantage of having a clear industry consistent approach outweighs the AEMC concerns in creating duplicate obligations as expressed by the AEMC with respect to the related matter in Section 4.3 of the Determination. In this case the Rules would be providing a specific basis for application of the APP obligation to metering data.
- ii. provide recognition that if the Customer does not provide the correct name and address that the Distributor must reject the request for metering data and that the Customer must obtain the necessary details from their Retailer. As we stated in our Initial Submission, when logging on to the AusNet Services energy portal (My Home Energy) the validation of Customers uses the contact data as described above. About 25% of log-on attempts fail this validation and require the Customer to contact their Retailer. This common failure mechanism should be specifically recognised in the “definition” of best endeavours to provide data in the specified period.
- iii. provide that the primary source of metering data should be the Retailer with distributors giving backstop support, where this may be necessary. We acknowledge that retailers may not be in any better position to provide long term historic information where there has been retailer churn, however this would be a pragmatic default assignment given that a reasonable percentage of customer data requests will be driven by billing queries and examination of current and recent energy usage patterns.

¹ Although specifically related to outage notifications for most individual Customers this will also be the retail account holder.

1.3 Retailer and Distributor Metering Data differences

The Draft Determination states that concerns with respect to data discrepancies between Retailer and Distributor Metering Data would be expected by AEMC to be overcome by the Retailer and Distributor providing the data explaining the discrepancies.

The Distributor in providing metering data will provide whatever data has been sent by the nominated Meter Data Provider (MDP), including any substitutes carried out by the MDP to the regulated metrology requirements. Hence the metering data provided by the Distributor, apart from potentially time variations of substitutions by the MDP, will align with the market data. The Retailer rather could provide to the Customer the MDP data, or could provide the data upon which they have billed the Customer. This may be different to the MDP data (and hence the Distributor data) depending on the Retailer's approach.

Hence rather than an open ended expectation that Retailers and Distributors will work it out without any regulatory obligation, with resultant potentially delayed industry action and confusion, the obligation to explain the difference should rest specifically with the Retailer. Where necessary the Retailer can co-ordinate with the Distributor and/or the MDP.

2 Draft Determination Section 3.2 Access to data from MDPs

AusNet Services concur with the proposed AEMC outcome that MDPs should not have an entitlement to provision of data from MDPs.

3 Draft Determination Section 3.3 Access to data from AEMO

3.1 AusNet Services concur with the proposed AEMC outcome that it is not appropriate for AEMO to provide Customers metering data.

3.2 Access to “*settlements ready data*”

The Draft Determination eg Section 5.1.1 p20 and the NER drafting cover the provision of *settlements ready data* to Customers.

Settlements ready data by definition is metering data which has been delivered by the relevant MDP to AEMO and which AEMO has validated to be used in settlements. It can ONLY be provided by AEMO. Hence if as determined by AEMC in Section 3.3 of the Draft Determination, AEMO cannot for various reasons deliver data to Customers, then *settlements ready data* cannot be made available to Customers. The concept of Customer access to *settlements ready data* should be removed from the Draft Determination and NER drafting.

4 Draft Determination Section 4

Allowing a person authorised by a Customer to access data

AusNet Services' Initial Submission suggested that the approach for validating a Customer authorised representative's (CAR's) request should be somewhat standardised in the Rules. Notionally the APPs are fairly straight forward in that disclosure of personal information (metering data in this case) is lawful if the retail Customer "has consented to the use or disclosure of the information" (APP 6.1). However this could be interpreted differently by different industry parties particularly with respect to how the industry ensure that the Customer has given consent to the CAR. This could result in a very variable approach for Customers or CARs across different Participants eg a query across multiple Retailers, or across a Retailer and a Distributor, could involve different requirements for identification and evidence of consent.

The Draft Determination mentions that current practice for industrial and commercial Customers is for them or their authorised agent to forward a signed letter of authority from the Customer and it is likely that without any other guidance in the Rules, that many Participants are likely to adopt this "safety first" conservative approach.

Further there are also decisions to be made with respect to how long a Customer's consent to a CAR will remain valid. For instance, if the CAR approaches a Participant some months after the initial disclosure seeking another data dump, does the Participant view the Customer as having consented to a second disclosure? Also the Draft Determination indicated that a retail Customer might want multiple quotes and so authorise disclosure to multiple CARs at once. Does there need to be clear guidance for Participants in this matter? One option would be to allow the Customer to select a period of time after which the consent lapses e.g. 3, 6 or 12 months. Or should there be a standardised period?

It will be difficult for Participants to manage CAR authorisations in systems currently without this type of detail and this would be further complicated by a need to also manage potentially multiple CARs and different periods of consent for these different CARs. This will particularly be the case with respect to Distributors, who do not generally have Customer Management Systems with capability for handling multiple details regarding Customer preferences.

Hence AusNet Services consider that the advantage of having a clear, industry consistent approach and some rules with respect to details of CAR consent, outweighs the AEMC concerns in creating duplicate obligations as expressed in the related matter in Section 4.3 of the Determination.

AusNet Services suggest that in recognition of these type of matters that the rules should provide a statement of:

- the consent process and the appropriate minimum level of evidence of CAR authorisation,
- a defined fixed period of time for which a consent remains open and valid ie in lieu of multiple individual time periods, and
- a limitation (ideally one only) to the number of CARs concurrently authorised by a Customer.

It should be noted that AusNet Services (and some other Distributors) have recently been informed by an energy consultant organisation (a future CAR) that they will be sending 100 to 500 data requests per month. This volume of requests across a few CARs will severely stretch Distributor capabilities particularly if the approach is not standardised.

5 Draft Determination Section 5.1 Format of Data

5.1 AusNet Services generally concur with the proposed AEMC high level outcome as we understand it. That is that AEMO in the *data provision procedures* will provide a detailed and a summary data format, and Participants must have those formats available as a default, but could offer other format(s) for selection by Customers.

However the drafting in the Draft Determination and in the proposed NER does not make this fundamental approach nor the details clear.

i) the Draft Determination states

We considered that AEMO's data provision procedures should set out minimum requirements that would ensure Customers receive their data in an understandable manner but equally, these minimum requirements should not inhibit innovation among market participants in how they provide this data to Customers. This approach should not preclude market participants from offering additional or different forms of information if that is what Customers prefer as long as the minimum requirements are available.

This does not specifically state that AEMO in the *data provision procedures* will establish "data formats". The term "minimum requirements" could be viewed as a list of features and parameters rather than a defined format. The Final Determination should make this clearer.

ii) Clause 7.16(d) (5) states that "the manner of data provision allows for web portal, electronic [ie emailed file] and hard copy delivery". This could imply (when taken with clause 7.17 (d)) that a format will be available for all delivery methods.

However it would be expected that hard copy delivery is more than likely going to be a different format to electronic data (especially in the case of detailed format interval data). In our Initial Submission we stated that 2 years of interval data can take nearly 1000 A4 pages when printed and hence some format restrictions may need to be applied to hard copy.

Further potentially the emailed file format may not be ideal for web portal access. The NER wording should make this clear.

6 Draft Determination Section 5.2 Duration of Data

AusNet Services pointed out in our Initial Submission that, whilst we understood the drivers for Customers to have 2 years of metering data, that this was a step change in metrology obligations. We stated

Under the NER and related service level documents, MDPs are only required to maintain metering data in readily accessible systems for 13 months, after which time data is stored in accessible but not necessarily readily downloadable archive facilities for 7 years. These periods are to meet market requirements for data. An MDP accessing archive facilities is time consuming and this is envisaged as being only required to resolve a billing dispute not for “routine” data requests.

We recognise Customers may have a legitimate need for meter data to compare this year’s consumption with the previous year. Therefore it may be beneficial to Customers to have 2 years of meter data available.

If there was a requirement for MDPs to provide metering data for more than 13 months as the basis of meeting Distributors’ and Retailers’ metering data provision obligations, than this would represent a step change in MDP obligations. Potentially in at least some cases this would require a major increase in storage capacity and maybe even in storage management. A transitional period (longer than the 3 months proposed in Section 5.6.3 of the Draft Determination) may be required to enable these IT system changes to be made.

Note also the longer the meter data provision period the greater the likelihood that a contact name change will have occurred which will significantly increase the administrative burden in verifying if the applicant is indeed entitled to the data. Refer comments in Section 1 of this submission.

The Draft Determination is now proposing that Distributors must provide metering data “without a time limitation”. It is quoted that NERR draft Rule 86 provides this obligation. However this Rule just states (Clause 86 (2) (b)) that data must be provided to the *metering rules*. In the NERR *metering rules* is defined as :

(a) for electricity—means the applicable Retail Market Procedures and Chapter 7 of the NER;

As stated above, the NER and related service level documents (ie the *metering rules*), only require for MDPs to maintain metering data on line in readily accessible systems for 13 months, after which time data is stored in accessible but not necessarily readily downloadable archive facilities for 7 years.

It is now unclear what the AEMC is proposing with respect to the duration of data to be provided by Distributors. Is it 13 months for which the metering rules mandate readily accessible, or is it the 7 years of mandated storage, or is it truly “without a time limitation”?

As stated above, even 2 years would require changes to metrology obligations and potentially changes to systems.

An extension to 7 years would mean major changes to data systems and/or major costs for metering data retrieval. It could also mean that, for a Distributor who has changed data service providers, a process and system change not only for their current service provider, but also to instigate a process to routinely access data from a previous service provider who has archived the data they were handling on behalf of the Distributor.

AusNet Services suggest that the vast majority of Customer and CAR metering data requirements can be fulfilled with two years of data, and that the NERR make it very clear that this is the limit of time for which data must be provided. This would appear to be consistent with the obligations placed on Retailers which only require provision of 2 years of data.

A very much less preferred option would be to allow the recovery of costs of providing data back beyond 2 years as suggested in Section 8 of this Submission.

When considering the specific period of time in relation to which the electricity consumption data must cover, the AEMC should consider that 2 years of interval data can take nearly 1000 A4 pages when printed. So it may be appropriate to provide meter data summary information only, or to restrict the period of time, when the metering data is requested in a printed format.

7 Draft Determination Section 5.3 Time frame for response

AusNet Services concur with the proposed AEMC approach that the data provision timeframe should be 10 days, and that because of a number of potential impacting scenarios this be a reasonable endeavours obligation.

8 Draft Determination Section 5.4 Charge for Data

8.1 AusNet Services support a number of the aspects of the AEMC approach, however have specific concerns regarding the methodology for determining when the industry can charge for metering data provision.

It would appear that charging for metering data has a number of drivers:

- To ensure that overall, Customers recognise that this is not a no-cost process, and that on this basis they are getting access to a limited amount of data for free and that they should therefore use their free access wisely,
- To ensure where Customers do not take heed of the first dot point and rightly or wrongly request data above a regulated threshold, that they must meet the costs, and
- To ensure that where Customers request data with above average costs to acquire, that they meet these costs

AusNet Services support there being a charging regime, as if these aims are not achieved, then all Customers will be meeting the cost of the few Customers with excess metering data access requests.

8.2 Charging for multiple requests

The two options presented in the Draft Determination:

- Data once in any 3 months period, or
- Data four times in any 12 months period,

appear to meet two different Customer requirements; the first ongoing periodic assessment of consumption, and the second provision of metering data to multiple CARs on behalf of a Customer seeking a range of advice potentially within a short period.

For Distributors, who are generally without Customer Management Systems any tracking of a Customer's data request history will be difficult; but this will be harder if the charging regime for multiple requests has complicated thresholds.

Hence whilst AusNet Services have no specific preference for the two options, we would not want an approach which combines these options, or in other ways complicates the monitoring of Customer historical requests.

8.3 Recovery of true costs of requests

As detailed elsewhere in this Submission the costs of accessing and providing certain data will be much higher than providing relatively recent metering data:

- In Section 12.2 the impediments in providing standing data and meter register data are detailed, and
- in Section 6 the potential barriers to providing data older than 2 years are detailed.

If in the Final Determination these data sets are retained as legitimate data requests, as well as the situation where the Customer has breached the multiple request limit discussed in 8.2 immediately above, the Distributor should have the right to charge the actual cost of the provision of the data.

This would appear to be consistent with the proposal in the Draft Determination that Retailers when requested for data where they are a previous, but not current Retailer for the Customer, can charge. Presumably this is because the AEMC have recognised that potentially extracting data for a “non-current” Customer will involve extra cost.

9 Draft Determination Section 5.5 Large Customers

9.1 AusNet Services concur with the proposed AEMC approach that Retailers not have an obligation under NERR Rule 56A to provide data free to large Customers because “The minimum requirements are designed primarily to help small Customers have better access to their electricity consumption data”.

9.2 Distributor data to large Customers

However it is unclear why this large Customer “exclusion” is not proposed for the same reason to also apply to NERR Rule 86 with respect to Distributor provision of metering data. Large Customers are generally in a position to gain access to their metering data through their MDPs, and many have in place contract with their MDPs for this reason.

AusNet Services consider that large Customers should be consistently denied access to free data whether from their Retailer or their Distributor.

10 Draft Determination Section 5.6 Time frame for making and revising data provision procedures

As discussed in Section 5 of this Submission the concept of the Data Provision Procedures is somewhat unclear, but we understand it is a technical document defining the “default” file format for data provision. We understand it is not the Data Provision Guidelines which we take to be the small-consumer “manual” for obtaining metering data from industry. We would assume that the Guidelines would be reviewed and revised based on Customer consultation group inputs eg from the AER Customer Consultation Group, or the AEMC Consumer Advocacy Panel, or from similar Jurisdictional bodies. Any change recommendations would be operationalised by AEMO and industry and be implemented through a change to the Data Provision Procedures.

10.1 Timeframe for review

In our Initial Submission we stated:

We acknowledge that Customer understanding and usage of interval metering data is at an early stage and hence establishing the data format and processes will be based on minimal operational experience. However, whilst accepting that this will necessitate the need for ongoing review, we also consider that once investments are made in systems and processes that there should be a period of stability for these to be thoroughly tested in operation. So further reviews should occur based on extensive Customer surveys and should occur no more often than absolutely required.

The AusNet Services view is unchanged.

10.2 Timeframe for development and implementation

Whilst we understand that the AEMC are anxious to get these Rules changes into place and initiate Customers being provided with metering data, we consider that the obligation to provide data will be a major exercise for industry and that the timeframe between the AEMO Data Provision Procedures being published, and the obligation to deliver data compliant with these Procedures, needs to be longer than the three months which is the default for Procedure changes. This default three months is not a firm period and has been varied for larger scale changes in the past. There is currently debate within industry at AEMO retail working groups as to whether this default should be extended. We note that customer data provision obligations are already captured to an extent in national and jurisdictional instruments albeit with less consistency, including through the My Power Planner for Victorian smart meter Customers.

Further AusNet Services consider that the reinforced obligation to provide metering data to Customers should not apply until the AEMO Data Provision Procedures are in place. The AEMC proposal for the obligation to apply immediately the Rules changes are made, will require industry to develop a process with interim metering data formats. This will increase the industry costs and likely result in a number of different formats. This could cause Customer confusion and result in a lack of Customer confidence in the metering data provision process.

11 Draft Determination Section 6 Info re electricity consumption data

AusNet Services concur with the proposed AEMC approach that industry should not have an obligation to publish on their websites details for Customers of metering data terminology and uses of metering data.

However as recognised by the AEMC in the Draft Determination there is a strong need for Customer awareness and understanding of the various aspects of metering data provision and use.

AusNet Services consider that a small-consumer “manual” for obtaining metering data from industry and utilising this data (the Data Provision Guidelines we have discussed in Section 10 above) should be in place before the industry data provision obligations are “launched”. These Guidelines should include the matters raised in this submission with respect to Customer identification, including the potential restrictions Distributor will have in this matter and the potential for Customers to be referred to their Retailer. It should also clearly explain the periods of data available, and the potential costs of data provision.

Rules Drafting Comments

In the following three sections of this Submission AusNet Services have provided comments on the proposed drafting of the changes to the NER and the NERR. AusNet Services are concerned that there are a number of matters of drafting which will result in a less than rigorous regulatory/legal framework and/or result in a level of misunderstanding and confusion as to the outcomes expected. AusNet Services have generally NOT proposed alternate drafting to implement the approaches recommended in those parts of our submission above, but rather have suggested aspects of the AEMC's current drafting which require review.

12 Misalignment of between the NER and the NERR drafting

Whilst AusNet Services is pleased that the AEMC is proposing through these Rules changes to move to consistency in the industry obligations under the NER and the NERR for metering data to Customers, there are still a number of drafting improvements which could be made to better align the two Rules.

12.1 Duplication across the NER and NERR

A number of the obligations are being duplicated under the NER and the NERR. Whilst it is understood that the two Rules have somewhat different drivers, where they both cover obligations to Customers it would be of benefit for one to take the lead role and the other to quote the "lead" Rules rather than state again the obligation.

The current duplication would appear to have a number of issues with potential misalignment in details and resulting differences in industry and other stakeholder interpretation, and complicated requirements for multiple Rules changes as this aspect of Customer service evolves.

12.2 Extent of data access defined in the NER compared with the NERR

NER Clause 7.7 (a) defines the data to which various stakeholders are entitled. This includes *metering data, NMI standing data, settlements ready data* or data from the *metering register*. New clause 7.7 (a) 1 extends access to this data to Customers more directly.

However nothing in the NER and NERR changes reflects the complications for both Retailers and Distributors of providing all this data to Customers. Appendix A to this submission details the wide range of data under the sources specified in 7.7 (a). Much of this data is not directly available to other than the metering provider or the metering data provider, and a proportion of it is not available in electronic format (eg the *meter register* includes Test Certificates which for many metering providers are stored in hard copy).

In Section 3.2 of this submission, AusNet Services points out the issues with the provision of *settlements ready data* given that it is only available from AEMO and that the AEMC's Draft Determination rules our data provision to Customers from AEMO. We suggest that this should be removed from the data provision obligations to Customers.

The NERR does not envisage the provision of other than "energy consumption", "historical billing data", and "charges for Customer connection services". Hence, whilst the current NER drafting does support the provision of all the identified data in Clause 7.7 (a) by Retailers at a Customer's request and it would appear currently without a concern by Retailers, the increased interest in access to data which has driven this Rules change and the increased visibility and awareness of the broad obligation, could see Customers (or their CAR) requesting the full set of data in 7.7 (a) just because they can, rather than to satisfy any specific data requirement.

Further given that the Draft Determination is proposing that data be provided "without a time limitation", it could be implied that the provision of *NMI standing data* and data from the *metering*

register would on request include historical data as much of this data would be varied over time with meter changes, network configuration changes, tariff changes etc etc.

Given that the NECF does not envisage this large set of data being provided to Customers, and that in almost all cases this full data set will not assist the Customer in any real way (apart for curiosity!), it is recommended that the data provision requirements are preferably limited to metering data only, or if absolutely required a defined subset of the *NMI standing data* and data from the *metering register*.

If a defined subset of the *NMI standing data* and data from the *metering register* is included AusNet Services consider that the format of this data needs to be defined to ensure that Customers get a consistent set of data from all parties.

12.3 Differences in terminology across the NER and NERR

The concerns expressed in Section 12.1 are particularly of concern where the terminology used in the NER and the NERR when referring to the same aspect of data provision are different. Whilst it is recognised that some terms used throughout the NERR do not align to the NER and/or benchmark industry terminology, and hence are difficult to revise without a wholesale change through one or other of the Rules documents, every opportunity should be taken to use the same terminology in both Rules.

For example: The NERR requires the provision of “energy consumption” or “electricity consumption” by Retailers and Distributors, and “historical billing data” by Retailers. These are not defined terms and hence it is not entirely clear whether either of these are the same as the *metering data* defined in the NER as being the data provided by the Retailer or the Distributor to the Customer. Given that *metering data* has a clear metrology definition it would be preferable for the NERR to also use this term, or as suggested in Section 12.1 of this submission for the NERR to just make reference to the NER with respect to the detail of the data to be provided.

13 Draft National Electricity (NER) Amendment Drafting Comments

13.1 Rule 7.7 Entitlement to metering data and access to metering installation

The proposed drafting in clause 7.7(a) has the following issues:

- (1) by definition a retail Customer is a Customer “of” a Retailer so to say “a retail Customer of a Retailer” is tautological;
- (2) a CAR has no relationship with either a Retailer or DNSP, so the rule should not infer one (which it currently does);

Hence in clause 7.7(a), suggest revise paragraph (7) as follows:

- ~~(7) a retail Customer or Customer authorised representative, or:~~
- ~~(i) a Retailer; or~~
- ~~(ii) a Distribution Network Service Provider,~~

upon request by that *retail Customer* or *Customer authorised representative* to the Customer's *Retailer* or Customer's *Distribution Network Service Provider* for information relating to that *retail Customer's metering installation*;

13.2 Rule 7.7 Entitlement to metering data and access to metering installation

Revised clause 7.7(a1) states:

- (a1) Without limiting paragraph (a) a:
 - (1) *Retailer* is entitled to access or receive *NMI Standing Data*;
 - (2) *Customer authorised representative* is entitled to access or receive the relevant data referred to in paragraph (a); and

(3) *Retailer* or a *Distribution Network Service Provider* is entitled to access or provide the **relevant data referred to in paragraph (a)** to a *Customer authorised representative*,

after having first done whatever may be required or otherwise necessary, where relevant, under any applicable privacy legislation (including if appropriate making relevant disclosures or obtaining relevant consents from *retail customers*).

However in the definition of Customer Authorised Representative the reference to the data to be provided is expressed differently i.e. as "information under Chapter 7". There should be consistency in the way this information is referred to, including perhaps a new defined term.

Note these comments on the propose drafting do NOT make drafting comments to implement the suggestion in Section 12.2 of this submission, that the data provision to Customers be limited to only *metering data*, or to *metering data* and a limited select amount of *NMI standing data*.

13.3 Rule 7.8.2 Security controls – access to meter by Customer

This clause currently reads:

(c) The *Metering Provider* must allocate 'read-only' passwords to *Market Participants*, *Local Network Service Providers* and *AEMO*, except where separate 'read-only' and 'write' passwords are not available, in which case the *Metering Provider* must allocate a password to *AEMO* only. For the avoidance of doubt, a *financially responsible Market Participant* may allocate that 'read-only' password to a *Customer* who has sought access to its *energy data* or *metering data* in accordance with rule 7.7(a)(7).

Given that the proposed NER change is to give a CAR access to metering data through changes to 7.7(a)(7), does this lead to an industry requirement to give a CAR direct access to meters? This is not stated as the intent of the Rules changes, and AusNet Services consider that this would raise further concerns with respect to Customer consent to CARs, and the industry capability to potentially manage changes to CARs access meters.

If access to meters by CARs is proposed then this clause will need to be revised to explicitly allow CAR meter access.

13.4 New Rule 7.16 Data provision to retail Customers

New clause 7.16 has some minor drafting issues:

7.16 Data provision to retail Customers

(b) The *data provision procedures* must include a minimum period of 3 months between the date when the *data provision procedures* are *published* and the *data provision procedures* commence, unless the change is made under clause 7.1.4(e) in which case the amended data provision procedures effective date may commence on ~~be~~ the same date as the date of publication.

As suggested in this Submission Section 3.2 *settlement ready data* is not capable of provision under this determination.

(c) The objective of the *data provision procedures* is to establish the minimum requirements for the manner and form in which *metering data* ~~and settlements ready data~~ should be provided to a *retail Customer* in response to a request for such data from the *retail Customer* or *Customer authorised representative*.

(d) The *data provision procedures* must:

(1) specify the manner and form in which *retail Customers' metering data* and *settlements ready data* must be provided, including ~~a~~:

- (i) a *detailed data format*; and
- (ii) a *summary data format*;

- (3) for *retail Customers* for whom *accumulated metering data* is available, specify a summary data format;
- (4) include a timeframe in which a *Retailer* or a *Distribution Network Service Provider* must, using reasonable endeavours, respond to a request made under clause 7.7(a)(7). The timeframe to be included must:
 - (i) take account of procedures in place relating to the validation of *metering data*; and
 - (ii) be no more than 10 *business days* from the date the request is received by the Retailer or the Distribution Network Service Provider (as appropriate);
- (5) ensure the manner of data provision allows for web portal, electronic and hard copy delivery.

13.5 Chapter 10 New Definitions

The new definition in Chapter 10 is inconsistent with the terminology in the body of the proposed NER changes. Further as identified in Section 13.2 the reference to “information under Chapter 7” (being the information that the draft rule is facilitating access to) is expressed differently in the proposed clause 7.7(a1) i.e. it says “relevant data referred to in paragraph (a)”. There should be consistency in the way this information is referred to, including perhaps a new defined term.

Customer authorised person representative

A person authorised by a *retail Customer* to request and receive **information under Chapter 7** on the *retail Customer's* behalf.

data provision procedures

Procedures for the provision of *metering data* ~~and settlements ready data~~ in response to requests under clause 7.7(a)(7), developed and *published* by AEMO.

13.6 Chapter 10 Substituted Definitions

In Chapter 10 it is proposed to substitute new definitions:

retail Customer

Has the same meaning as in the National Electricity Law.

~~Otherwise, a person to whom electricity is sold by a Retailer, and supplied in respect of connection points, for the premises of the person, and includes a person (or a person who is of a class of persons) prescribed by these Rules for the purposes of this definition.~~

The deleted text replicates the definition of “retail Customer” in the NEL. While it is convenient to reproduce it so people don’t have to go the NEL to find it, it is unnecessary and risky because it will require an amendment to the Rules if the definition in the NEL is amended (and likely could not be done as part of the AEMC’s fast-track rule change process because it’s more than just correcting a typo). Further, it isn’t something that is done for other definitions in the NER that refer back to the NEL.

Note: In the context of Chapter 5A, the above definition has been displaced by a definition specifically applicable to that Chapter. See clause 5A.A.1.

Retailer

Has the same meaning as in the National Electricity Law.

~~Otherwise, a Customer who engages in the activity of selling electricity to end users.~~

The deleted text is:

- inconsistent with the definition of “Retailer” in the NEL and therefore creates confusion
- broader than the way “Customer” is defined in Chapter 10 of the NER, thereby capturing anyone who engages in the activity of purchasing electricity ... at a connection point, but is not registered with AEMO under Chapter 2.

The Draft Determination makes no mention of any intent to capturing a broader class of people than those who hold authorisations under the NERL.

**14 Draft National Energy Rules (NERR) Amendment
Drafting Comments**

14.1 Rule 28, 56 56B, 86 Defining of timeframes for requests

In Section 8.2 AusNet Services has made some comments with respect to the frequency of free metering data requests by Customers. However the drafting of these Rules only allows for one of the options considered.

14.2 Rule 86 Provision of information

In the new Clause 86 (1)(b) there is reference to “a person authorised by a Customer to act on its behalf”. This term is much wider than the “Customer authorised representative” (CAR) in the NER and it will include anyone with a power of attorney or such other authorisation.

It is suggested as per Section 12.3 of this Submission that the NERR use the same term as the NER.

Appendix A Details of Metering Register and NMI Standing Data

metering register

A register of information associated with a metering installation as required by schedule 7.5.

Schedule 7.5 Metering Register

S7.5.1. General

- (a) The *metering register* forms part of the *metering database* and holds static *metering* information associated with *metering installations* defined by the *Rules* that determines the validity and accuracy of *metering data*.
- (b) The purpose of the *metering register* is to facilitate:
 - (1) the registration of *connection points*, *metering points* and affected *Registered Participants*;
 - (2) the verification of compliance with the *Rules*; and
 - (3) the auditable control of changes to the registered information.
- (c) The data in the *metering register* is to be regarded as confidential and would only be released to the appropriate party in accordance with rule 7.7.

S7.5.2. Metering register information

Metering information to be contained in the *metering register* should include, but is not limited to the following:

- (a) Connection and metering point reference details, including:
 - (1) agreed locations and reference details (eg drawing numbers);
 - (2) loss compensation calculation details;
 - (3) site identification names;
 - (4) details of Market Participants and Local Network Service Providers associated with the connection point;
 - (5) nomination of the responsible person; and
 - (6) transfer date for *Second-Tier Customer* and *Non-Registered Second-Tier Customer* *metering data* (i.e. to another *Market Customer*).
- (b) The identity and characteristics of metering equipment (ie instrument transformers, metering installation and check metering installation), including:
 - (1) serial numbers;
 - (2) metering installation identification name;
 - (3) metering installation types and models;
 - (4) instrument transformer ratios (available and connected);
 - (5) current test and calibration programme details, test results and references to test certificates;
 - (6) asset management plan and testing schedule;
 - (7) calibration tables, where applied to achieve metering installation accuracy;
 - (8) Metering Provider(s) and Metering Data Provider(s) details;
 - (9) summation scheme values and multipliers; and
 - (10) data register coding details.
- (c) Data communication details, including:
 - (1) telephone number(s) for access to energy data;
 - (2) communication equipment type and serial numbers;
 - (3) communication protocol details or references;
 - (4) data conversion details;
 - (5) user identifications and access rights; and
 - (6) 'write' password (to be contained in a hidden or protected field).
- (d) Data validation, substitution and estimation processes agreed between affected parties, including:
 - (1) algorithms;

- (2) data comparison techniques;
 - (3) processing and alarms (eg voltage source limits; phase-angle limits);
 - (4) check metering compensation details; and
 - (5) alternate data sources.
- (e) Data processing prior to the settlement process, including algorithms for:
- (1) generation half-hourly 'sent-out' calculation;
 - (2) Customer half-hourly load calculation; and
 - (3) Local *Retailer* net load calculation.

NMI Standing Data

The following data in respect of a *connection point*:

- (a) the *NMI* of the *connection point* and the street address of the relevant *connection point* to which that *NMI* is referable;
- (b) the *NMI* checksum for the *connection point*;
- (c) the identity of the *Local Network Service Provider*;
- (d) the code (known as a TNI) identifying the relevant *transmission node* which identifies the *transmission loss factor* and/or *transmission use of system charge* for the *connection point*;
- (e) the relevant *distribution loss factor* applicable to the *connection point*;
- (f) the Network Tariff (identified by a code) applicable in respect of the *connection point*;
- (g) the *NMI* classification code (as set out in the *Market Settlement and Transfer Solution Procedures*) of the *connection point*;
- (h) the read cycle date, or date of next scheduled read or date in a relevant code representing the read cycle date or date of next scheduled read, for that *connection point*;
- (i) the profile type applicable to the *connection point*; and
- (j) such other categories of data as may be referred to in the *Market Settlement and Transfer Solution Procedures [MSATS]* as forming *NMI Standing Data*,

MSATS Standing Data ex Market Settlement and Transfer Solution Procedures [MSATS Procedures]

Table 44-C – Common NMI standing data items returned to a FRMP or LNSP in all Jurisdictions for a stage 2 search / request

MSATS Name	Data item description	MSATS standing data table
NMI	A national metering identifier.	CATS_NMI_DATA
TNI Code	A code representing the transmission node identifier.	CATS_NMI_DATA
DLF Code	A code representing the distribution loss factor.	CATS_NMI_DATA
NMI Classification Code	Refer to clause 4.9.	CATS_NMI_DATA
Embedded Network Parent Name	A code representing the name of the parent for any associated embedded network.	CATS_NMI_DATA
Embedded Network Child Name	A code representing the name of the child for any associated embedded network.	CATS_NMI_DATA
Meter Serial ID	The meter serial ID of the meter associated with the next scheduled read date and network tariff code details provided (Description of items is listed in Table 44C).	CATS_METER_REGISTER
Next Scheduled Read Date	The next scheduled read date in date format.	CATS_METER_REGISTER
Register ID	The register id of the register that the network tariff code and network tariff code additional information refers to.	CATS_REGISTER_IDENTIFIER
Network Tariff Code	A code representing the network tariff.	CATS_REGISTER_IDENTIFIER
Network Tariff Code Additional Information	Additional text to supplement the network tariff code if this is a complex network tariff code.	CATS_REGISTER_IDENTIFIER
Feeder Class	A code for logical grouping of NMIs based on the DNSPs distribution feeder.	CATS_NMI_DATA
Customer Classification Code	A code that defines the consumer class as defined in the National Energy Retail Regulations, or in over-riding jurisdictional instruments.	CATS_NMI_DATA
Customer Threshold Code	A code that defines the consumption threshold as defined in the National Energy Retail Regulations, or in over-riding jurisdictional instruments.	CATS_NMI_DATA
LNSP	A code representing the identity of the Local Network Service Provider.	CATS_NMI_PARTICIPANT_RELATIONS
MDP	A code representing the identity of the Metering Data Provider (Category D).	CATS_NMI_PARTICIPANT_RELATIONS
MPB	A code representing the identity of the Metering Provider (Category B).	CATS_NMI_PARTICIPANT_RELATIONS
MPC	A code representing the identity of the Metering Data Provider (Category C).	CATS_NMI_PARTICIPANT_RELATIONS
Address	This includes all address fields, which comprise DPID, building name, flat number, flat type, floor number, floor type, house number, house number suffix, location descriptor, lot number, street name, street suffix, street type, unstructured address1, unstructured address2, unstructured address3, postcode, locality, and state.	CATS_NMI_DATA

Jurisdiction	A code that identifies the jurisdiction in which the NMI is located.	CATS_NMI_DATA
NMI Status Code	Refer to clause 4.11	CATS_NMI_DATA
Suffix	A code representing the NMI datastream..	CATS_REGISTER_IDENTIFIER
Profile Name	A code representing the name of the profile.	CATS_NMI_DATA_STREAM
Metering Installation Code	Refer to clause 4.12.	CATS_METER_REGISTER
Average Daily Load	The electrical energy delivered through a connection point or metering point over an extended period normalised to a "per day" basis (kWh).	CATS_NMI_DATA_STREAM
Meter Status	A code to denote the status of the meter within the NEM.	CATS_METER_REGISTER
Meter Register Status	A lookup code to indicate if register is active.	CATS_REGISTER_IDENTIFIER
Datastream Status Code	Code used to indicate the status of the suffix. This value must correspond to a valid Stream Status Code in the MSATS_Codes_Values_table. Refer to clause 4.11.	CATS_NMI_DATA_STREAM
Datastream Type	A code to indicate the type of data that the datastream will report includes interval and basic.	CATS_NMI_DATA_STREAM
Unit of Measure	A code to identify the Unit of Measure (UOM) for data held in this register.	CATS_REGISTER_IDENTIFIER
Time Of Day	Industry developed Codes to identify the time validity of register contents.	CATS_REGISTER_IDENTIFIER
Multiplier	Multiplier required to take a register value and turn it into a value representing billable energy.	CATS_REGISTER_IDENTIFIER
Dial Format	Describes the register display	CATS_REGISTER_IDENTIFIER

MSATS Name	Data item description	MSATS standing data table
Controlled Load	format. Indicates whether the energy recorded by this register is created under a controlled load regime. Controlled Load field will have "No" if register does not relate to a controlled load, it should contain a description of the controlled load regime.	CATS_REGISTER_IDENTIFIER
Actual/Cumulative Indicator	Actual/Subtractive Indicator. Actual implies volume of energy actually metered between two dates. Cumulative indicates two meter readings are required to determine the consumption between those two read dates. For an interval meter, Actual/Cumulative Indicator is normally = A.	CATS_REGISTER_IDENTIFIER
MeterRead Type	Code indicating the method and frequency of meter reading.	CATS_METER_REGISTER