13 September 2021

Ms J Ross
The Treasury
Langton Crescent
PARKES ACT 2600

Lodged electronically: data@treasury.gov.au

Dear Ms Ross,

Consumer Data Right – Exposure Draft Energy Rules

Origin Energy appreciates the opportunity to provide comment on the *Consumer Data Right - Exposure Draft of the Energy Rules* (CDR Energy Rules).

The effectiveness of the Consumer Data Right (CDR) regime in the energy sector is dependent on the development of clear and operationally efficient Rules and standards. Complex and unnecessary CDR Energy Rules will only increase costs and impact on the framework to deliver benefits to customers. Further, the CDR Energy Rules should align with energy regulatory practices and the CDR framework should not duplicate nor replace specific energy requirements.

We consider that the following points warrant further consideration with regards to the drafting of the CDR Energy Rules:

1. Proposed definition of 'secondary user' in the CDR Energy Rules to ensure only those consumers with the appropriate levels of authority on the account are able to access CDR data;
2. AEMO's role as the meter data provider and the defining of meter data in the CDR Energy Rules;
3. The role of external dispute resolution scheme and how it is proposed that customers will interact with the relevant bodies and costs will be allocated to the appropriate bodies;
4. The proposal to include closed accounts within the regime and the data sets to form of the closed account requirements; and
5. The proposed non-application of the CDR Rules to AEMO's as a secondary data holder.

These are discussed further below and in **Attachment A**. Origin has also provided a separate submission on the additional proposal's consultation.

1. Secondary Users

Defining 'eligible consumer' in the energy sector is complex given the account establishment process and the different number of elements that make up a consumer account in energy. The draft CDR Energy Rules define an eligible consumer for energy *(Rule 2.1 Schedule 4 of CDR Energy Rules)* with the definition aligning with primary account holder.

The CDR Energy Rules further defines a 'secondary user' for energy CDR and the definition is dependent on the consumers having "account privileges" in relation to an account. For energy, the draft CDR Energy Rules defines:

> *"account privileges…if they are able to make changes to the account (and not merely make enquiries or view information)"* (Rule 2.2 Schedule 4 of CDR Energy Rules).

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Under the draft CDR Energy Rules, it is proposed that secondary users will be able to access a consumer dashboard and have the authority to access certain data sets under the CDR regime.

We believe that this definition is too broad and has the potential to provide authority to individuals when they do not have the appropriate authority on the account to access the information. This is due to the vast amount of data that will be shared under the CDR energy regime and the narrower application of authority that applies to an account under the energy regulatory framework.

Table 1 below sets out the scope of functions for the varying additional account holders for an energy account at Origin. It can be seen that the general ability to "make changes to an account" could capture all additional account holders. For example, an authorised representative (ie financial counsellor) could be provided with access to the customer account data by merely changing the address – this could be considered as "making a change to an account". We do not believe that this is the intent of the Rule.

Table1: Authority on energy accounts
[Table removed – confidential]

As can be seen above, the distinguishing element of the scope of functions is *"financially responsible for debt"* role. We support Rule 2.2 of Schedule 4 of the CDR Energy Rules being re-drafted to read:

"….(2) For the energy sector, a person has account privileges in relation to an account with a retailer if they ~~are able to make changes to the account (and not merely make enquiries or view information)~~ have financially responsibility for the account."

Extending CDR data arrangements further than the primary account holder, at this time, increases the risk that non authorised data is shared with additional account holders when they may not have the authority to access the data. For example, a secondary account holder may be provided with consumer data of the primary account holder when the primary account holder did not provide the authority to share this information with the additional account holders.

Finally, it is unclear to Origin how it is proposed that a retailer provide a secondary user with a consumer dashboard (*Rule 2.3 of Schedule 4 of CDR Energy Rules*) if they do not have an online account. That is, it is understood that under the CDR Energy Rules, the primary account holder will access their online account and the consumer dashboard would form part of the online account. Additional account holders in the energy sector will only have access to the account to the extent that the primary account holder shares the 'log in' details with the additional account holder. We seek clarification of how additional account holders will access an online consumer dashboard if they do not have an online presence.

2. Provision of Meter Data

The draft CDR Energy Rules refer to AEMO as a "secondary data holder" and state the following:

"AEMO is the secondary data holder for the SR data. This provision requires a retailer that happens to be the direct holder of any AEMO data that is subject to a consumer data request to ignore its data holding in responding to the request, and obtain the data from AEMO for that purpose (Rule 4.4, Schedule 4 of the CDR Energy Rules)."

As Origin noted in in its previous submission, we believe that the CDR Energy Rules should allow for a 'dual role' for providing meter data. That is, if the retailer holds the meter data relevant to the request, then the retailer should be able to provide it. If the retailer does not hold the meter data at the appropriate level – they could seek it from AEMO. This is specifically given the proposal that the exchange of data between AEMO and retailers will be an online system and there may be a requirement to build an API to allow for the exchange of data that a retailer already holds. It could be more costly and inefficient if retailers are required to retrieve data from AEMO to fulfil the data request.

Further, the meter data definition will need to be refined to take into account some changes that are occurring through the industry wide "5 Minute Settlements" project. We believe that there will need to be specific reference to the exclusion of "unmetered supply data" relevant to assets such as streetlights, phone booth and public BBQs. With the commencement of 5 Minute Settlements, these unmetered supply assets will form a new category of supply in market systems and be allocated an on-market NMI.

While they are allocated an 'on-market' NMI, these assets do not have a meter. They have been set up in this manner for the purposes of market and billing settlements.

Finally, AEMO will only have capabilities to provide meter data for these NMIs from the commencement of 5 Minutes Settlements in October 2021. It will take two years post commencement of the scheme for AEMO to be able to fulfil its obligations of providing 24 months of meter data. The CDR Energy Rules should include a transitional provision that states that meter data is limited to the amount of data AEMO holds from the commencement of the CDR regime or two years – whichever is greater.

3. Dispute Resolution Scheme

We recognise that the development of an external dispute resolution scheme for the CDR framework is complex given the presence of both Accredited Data Recipients (ADRs) who will operate across sectors and Data Holders (ie retailers) who are industry specific. On this basis, the CDR Energy Rules propose that complaint management should be allocated on the following basis:

- Disputes with regards to data – referred to the relevant jurisdictional Energy and Water Ombudsman
- Disputes with regards to ADRs – referred to the Australian Financial Complaints Authority (AFCA).

We have some concerns over whether it will be clear to a customer where to direct their complaint and whether a customer will automatically go to the Energy Ombudsman when it is a dispute relevant to an ADR.

We seek further clarification of the management of complaints between the two bodies and suggest that a Memorandum of Understanding be drafted for the management of external CDR disputes. There should be a clear allocation of responsibilities and a process whereby both parties can refer complaints to each other without charge.

4. Closed Account Requirements

We understand that the CDR Energy Rules sets out requirements in relation to required 1) consumer data and 2) product data (*Rules 3.1 and 3,2 of Schedule 4*) for closed accounts. The closed account requirements are in relation to the provision of meter data, billing data and the most recent account data and tailored tariff data relating to the CDR customer within the past two years.

It is unclear from the CDR Energy Rules whether the closed account requirements are only linked to a current active customer with the same retailer. This will be imperative in order for the retailer to be able to link active and closed accounts and to be able to authenticate the consumer to access CDR data.

We further question how the sharing of tailored tariff data for closed accounts will provide additional assistance to the CDR consumer. Tariff data for a closed account is likely to confuse the consumer, making it unclear which data applies to the current account. We do not believe that this is a required data set for closed accounts.

5. AEMO's Role as a Secondary Data Holder

The draft CDR Rules sets out that AEMO will be considered a 'secondary data holder' in relation to shared responsibility data. Under this arrangement, the consumer's retailer will be required to obtain the requested data that AEMO holds from AEMO in response to a request, with the retailer assuming responsibility for disclosing all requested CDR data to the accredited data recipient (ADR). The data to be held by AEMO will be in relation to meter data, NMI standing data and DER Register data.

Given the above arrangements, the CDR Energy Rules sets out that primary data holders (ie retailers) will be subject to the requirements of the Act, CDR rules, data standards and privacy safeguards. These include obligations to protect the privacy of consumer's data, which are subject to civil penalty provisions

and record keeping and reporting obligations, including at a technical level to monitor performance metrics such as timing of responses to requests as specified in the data standards.

We have considerable concerns with the CDR legislative framework not applying to AEMO. There is particular concern in relation to the level of responsibility and liability that is being placed on retailers for the provision of shared responsibility data. There should be specific provisions in the CDR Energy Rules that set out the steps and actions required if AEMO does not meet standard requirements, provides incorrect meter data or are the cause for the delay of delivering CDR data to a consumer.

Retailers should not be made to take on liability for potential breaches or complaints that are related to the data that is provided by a secondary source (ie AEMO).

Closing

Given the importance of these Draft Energy CDR Rules, we strongly urge Treasury to provide another opportunity to review and comment on the Rules following this round of consultation and prior to Treasury finalising the Energy CDR Rules.

If you have any questions regarding this submission, please contact Caroline Brumby in the first instance on (07) 3867 0863 or caroline.brumby@originenergy.com.au.

Yours sincerely

Sean Greenup
Group Manager Regulatory Policy

ATTACHMENT A: Clarification of the Draft Rules based on CDR Amendment markup document

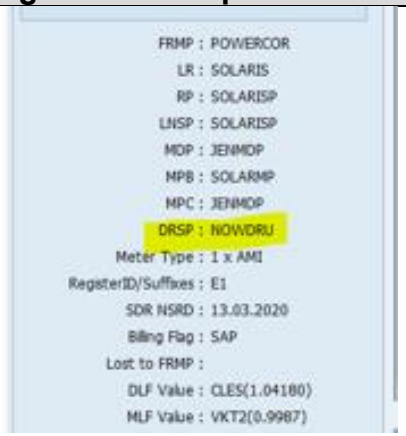
Issue	Draft Rule	Origin's current processes/Comments
Part 1 – Preliminary		
Secondary User Definition (p22)	*secondary user: a person is a secondary user for an account with a data holder in a particular designated sector if:* *(aa) the person is an individual who is 18 years of age or older; and* *(a) the person has account privileges in relation to the account; and* *(b) the account holder has given the data holder an instruction to treat the person as a secondary user for the purposes of these rules.*	The 'secondary user' in the CDR Rules is dependent on having "account privileges" in relation to the account. For energy, the Draft CDR Rules defines *"account privileges…if they are able to make changes to the account (and not merely make enquiries or view information)" (p202).* We support Rule 2.2 of Schedule 4 being re-drafted to read: *"….(2) For the energy sector, a person has account privileges in relation to an account with a retailer if they ~~are able to make changes to the account (and not merely make enquiries or view information)~~ have financially responsibility for the account."*
2.2 Meaning of account privileges—energy sector (p202)	*2.2 Meaning of **account privileges**—energy sector* *(1) This clause is made for the purposes of the definition of **account privileges** in subrule 1.7(1) of these rules.* *(2) For the energy sector, a person has account privileges in relation to an account with a retailer if they are able to make changes to the account (and not merely make enquiries or view information).*	We are concerned that this definition is too broad and has the potential for individuals to access consumer data when they do not have the appropriate authority on the account to access the information. This is given the vast amount of data that will be shared under the CDR energy regime and the narrower application of authority to make amendments on an account under the energy regulatory framework. If Treasury is not open to accepting the amended definition, then we support the banking approach whereby only the primary account holder should be considered an "eligible consumer" for the commencement of the CDR regime. These suggestions are also in keeping with the overarching intent of the CDR regime which is to generate greater competition and transparency within the sector to the benefit of those who are financially responsible for an energy account. By extending the CDR regime to secondary users in the energy sector, it complicates matters significantly from a privacy and technology perspective. It does not provide any additional benefit in terms of greater competition or comparison in the market given the secondary users do not hold such privileges in relation to an account. For the information of Treasury, the below table sets out the scope of functions for the varying additional account holders on an energy account at Origin. The

Issue	Draft Rule	Origin's current processes/Comments
		distinguishing element of the scope of functions is *"financially responsible for debt"* role. **[table removed – confidential]** We would be happy to provide more detailed summaries of our account arrangements.
1.10B Meaning of eligible (p30) 2.1 of Schedule 4 additional energy specific requirements for eligibility.(p202)	*(b) the CDR consumer is an account holder or a **secondary user** for an account with the data holder that is open;* *2.1 (1) For subrules 1.10B(1) and (2), the additional criteria for a CDR consumer to be eligible, in relation to a retailer at a particular time, are that:* *(a) the CDR consumer is a customer of the retailer in relation to an eligible arrangement; and* *(b) the account relates to the arrangement.*	Please see above with our concerns with the inclusion of "secondary user" as part of the "eligible consumer" requirements.
1.10B Meaning of eligible (p30)	*(2) A CDR consumer is also **eligible**, in relation to a particular data holder at a particular time, if, at that time:* *(a) the CDR consumer is a partner in a partnership for which there is a partnership account with the data holder; and* *(b) the account is open; and* *(c) any additional criteria set by the relevant sector Schedule for this subrule are met.*	We question the consumer which this Rule is seeking to capture? Partnership accounts are defined in the CDR Rules as: *"partnership account, with a data holder, means an account with a data holder that is held by or on behalf of a partnership or the partners in a partnership."* Partnerships are specific legal structures with the vast majority of business customers in the energy sector not falling within this definition. We suggest clarifying this definition if the intent is to capture business customers.
Division 1.5 Application of Rules in relation to SR Data (p41)	*The effect of this Division is that, from the point of view of a CDR consumer or an accredited person, the primary data holder for SR data is treated as if it were the relevant data holder: consumer data requests for the SR data are made to it; authorisations for disclosure are made to it; it is the entity that discloses or refuses to disclose the requested data; any complaints are made to it; it keeps the records that the CDR consumer can request under rule 9.5*	Please see comments in the main body of this submission. We do not believe that retailers should be liable for breaches or disputes in relation to SR data. We are not the source of the SR data and we cannot verify the SR data. We support a MoU or other agreements in place that AEMO is to contribute to costs if the complaint or breach is found to be related to SR data.
1.22 SR data request by a CDR Consumer (p43)	*(4) If the secondary data holder **chooses to disclose** the SR data requested to the primary data holder, it must do so in accordance with any relevant data standards.* *This rule is a civil penalty provision (see rule 9.8).*	How can AEMO "choose" to disclose or not disclose? They should have a mandate to disclose and if they cannot provide the data – then they need to provide the reason as to why not. This may require a new error code for specific scenarios of SR data communication with the primary data holder.

Issue	Draft Rule	Origin's current processes/Comments
	*(5)If the secondary data holder **chooses not to disclose** the SR data requested to the primary data holder, it must notify the primary data holder of its refusal.* *This rule is a civil penalty provision (see rule 9.8).*	The only likely scenario for not disclosing the data is if the retailer or financially responsible market participant did not have a relationship with the NMI in the nominated data request period. How is it proposed that AEMO will match, or authorise, that the NMI or account matches the request?
1.23 SR data request by an accredited person (p43)	*(5)If the secondary data holder **chooses to disclose** the SR data requested to the primary data holder, it must do so in accordance with any relevant data standards.* *Note: This rule is a civil penalty provision (see rule 9.8).* *(6)If the secondary data holder **chooses not to disclose** the SR data requested to the primary data holder, it must notify the primary data holder of its refusal.* *Note: This rule is a civil penalty provision (see rule 9.8).*	Please see comment above (Issue 1.22). How can AEMO "choose" to disclose? They should have a mandate to disclose and if they can't provide the data – then they provide the reason as to why not.
1.25 Dispute Resolution (p45)	*Where a primary data holder requests relevant information from a secondary data holder in relation to a consumer complaint or dispute with the primary data holder that relates to an SR data request, the secondary data holder must provide the information to the extent that it is reasonable to do so.*	Origin believes that there should be a stronger requirement to provide the data that is subject to a dispute. Without a stronger or mandatory requirement, the dispute may never be able to be resolved as retailers are required to delete the data received from AEMO as soon as it has been provided to the relevant ADR.
Schedule 4 – Provisions relevant to the energy sector		
1.3 Means of terms for types of Data (p198) **Customer data**, in relation to a particular person	*Customer data -* *(a) means information that identifies or is about the person; and* *(b) includes:* *(i) the person's name; and* *(ii) the person's contact details, including their:* *(A) telephone number; and* *(B) email address; and* *(C) physical address; and* *(iii) any information that:* *(A) the person provided at the time of acquiring a particular product; and* *(B) relates to their eligibility to acquire that product; and*	It will be important that these are 'required' fields rather than mandatory fields. Each account will have a different level of data depending on the information that the account holder provided at the time of setting up the account. For example, some historical accounts may not have ABN or ACN details included in the account. The CDR standards will need to be flexible to require this information to be provide where it has been captured in a billing system.

Issue	Draft Rule	Origin's current processes/Comments
	(iv) if the person operates a business—the following: *(A) the person's business name;* *(B) the person's ABN (within the meaning of the A New Tax System (Australian Business Number) Act 1999); and* *(c) if the person is an individual—does not include the person's date of birth.*	
3 Billing data, in relation to a particular person (p199)	*means:* *(a) information about a bill that has been issued in relation to the arrangement to which the account relates, including:* *(i) the account number; and* *(ii) the billing period; and* *(iii) the date the bill was issued; and* *(iv) the total amount payable; and* *(v) the tariffs and charges applicable; and* *(vi) details of consumption or estimated consumption of energy; and* *(b) information about a payment or other transaction made in relation to the arrangement, including:* *(i) the nature of the transaction; and* *(ii) the date and time of the transaction; and* *(iii) the amount paid; and* *(iv) the payment method; and* *(c) the account balance at any time.*	For C&I accounts, payments can be received at a parent level and then payments can be transferred to other related accounts to offset the debt. Transfer of payments may be difficult to capture in the CDR regime for certain C&I accounts.
4 Metering data, in relation to a particular person (p200)	*(a) means metering data, other than metering data for a type 7 metering installation, within the meaning given by the National Electricity Rules, that relates to the account; and* *(b) includes:* *(i) the unique identifier for each connection point associated with the metering data; and* *(ii) the meter serial number; and* *(iii) the meter read start and end date; and* *(iv) for a basic meter read—that fact and the meter read value; and*	**1. Comments on sub rule (a)** We believe meter data needs to also exclude all non-contestable unmetered supply which is referred to as NCONUML in MSATS. The 5 minute settlement project is bringing unmetered supply (UMS) into settlement systems, although there will be no meter attached to these assets. Examples of UMS assets are traffic lights, CCTV, Watchman lights, Water pumps, phone booths and public BBQs. From 1 October 2021, all UMS assets will be treated in a similar manner to metered electricity sites. UMS assets will be moved into market systems, standardising the billing processes, while also standardising the messaging between market participants.

Issue	Draft Rule	Origin's current processes/Comments
	(v) for an interval meter read—that fact and the interval length, meter read per interval and sum of meter reads per interval.	MSATS will be publishing monthly reads for non-contestable unmetered sites instead of networks generating off-market reads. This is for billing and network settlements purposes. **2. Comments on sub rule (b)** Again unmetered supply should be excluded from the scheme. With 5 minute settlements, all NCONUMLs will have a meter serial id created for the NMI, even though there is no physical meter present. **3. Transitional Provision for Meter Data** It should however be noted that AEMO will only have capabilities to provide meter data on a future basis from the commencement of 5 minutes settlements. This means that it will take AEMO two years post the commencement of 5 minutes settlement for it to be able to fulfil its obligations of providing two years of meter data. The CDR Rules <u>should</u> include a transitional provision that states that meter data is limited to the amount of data AEMO holds from the commencement of the CDR regime or two years.
5 NMI Standing data, in relation to a particular person (p200)	*(a) means NMI standing data, within the meaning given by the National Electricity Rules, that relates to a connection point associated with the account; and* *(b) includes the following:* *(i) the network tariff code;* *(ii) the unique identifier for the connection point;* *(iii) the NMI;* *(iv) the NMI classification code;* *(v) the NMI status code;* *(vi) the relevant jurisdiction code;* *(vii) the start date from which the information for this NMI is valid;* *(viii) the customer classification code;* *(ix) the customer threshold code;* *(x) information about the distribution loss factor;* *(xi) information about related participants associated with the NMI;* *(xii) the street address associated with the NMI;* *(xiii) information about the meters associated with the NMI;*	Please note that we are raising concerns with this proposed list of NMI standing fields with the DSB. The final decisions between Treasury and DSB need to align. We are question the relevance of many of these categories of data to be returned to an ADR and whether the consumer or ADR will be able to 1) understand and 2) use this data for comparison or price option purposes. Only a subset of this data is relevant to a consumer. In particular, (xi) requires the return of information about the related participant. Set out below is a screenshot of the various participants; (for context, in the screenshot attached, the value represents if the NMI is de-registered/de-classified, meaning the field then displays as NOWDRU.)

Issue	Draft Rule	Origin's current processes/Comments
	(xiv) information about the usage data streams available from the meters.	 If AEMO is going to include all of these in the provision of NMI Standing Data details, how would an average consumer be able to interpret what the fields – and values. Another return could include GLOPOOL for LR. It is unclear and how or why this information is required by an ADR. With regards to (vii) – what is meant by 'Start date'? Is this from when the NMI was created in MSATS? What if there are meter changes within the 2 year period? With regards to (x), what value does distribution loss factor have? What about marginal loss factor is C&I customers are included as this is used in billing calculations. Treasury will need to be cognisant of AEMO's ongoing review of standing data fields. The rules will need to be flexible to amend to the final outcomes of any changes to standing data.
6 DER Register data, in relation to a particular person (p200)	*(a) means DER register information, within the meaning given by the National Electricity Rules, for DER that relate to the account; and* *(b) includes:* *(i) the unique identifier for each connection point associated with the metering data that relates to the DER; and*	The installation date for the DER would also be a useful data category to be included in the DER Register Data.

Issue	Draft Rule	Origin's current processes/Comments
	(ii) the approved small generating unit capacity as agreed with a network service provider in the connection agreement; and *(iii) the number of phases available for the installation of DER; and* *(iv) the number of phases the DER are connected to; and* *(v) information identifying small generating units designed with the ability to operate in islanded mode; and* *(c) excludes any personal information of third parties, including contractors and individuals who install or repair DER.*	
2.1 Meaning of account privileges – energy sector (p202)	*(a) Meaning of account privileges—energy sector* *(1) This clause is made for the purposes of the definition of account privileges in subrule 1.7(1) of these rules.* *(2) For the energy sector, a person has account privileges in relation to an account with a retailer if they are able to make changes to the account (and not merely make enquiries or view information).*	Please see 'secondary user' comments above.
2.3 Data holder dashboards—application of rule 1.15 (p202)	*(b) Data holder dashboards—application of rule 1.15* *(i) For subrule 1.15(1), if a retailer receives a consumer data request from an accredited person on behalf of a CDR consumer who has online access to the relevant account, the retailer must provide the CDR consumer with the consumer dashboard.* *(ii) For subrule 1.15(1), if a retailer receives a consumer data request from an accredited person on behalf of a CDR consumer who:* *1. is an account holder or* ***secondary user for the relevant account; and*** *2. does not have online access to the account:* *the retailer must:* *3. offer the CDR consumer online access to the account, and a consumer dashboard; and* *4. if the CDR consumer accepts, provide the online access to the account and the consumer dashboard.*	Please see 'secondary user' comments above. We support the 'secondary user' definition being amended. Generally, energy accounts are established such that only the primary account holder has access to the online account with Origin. It would be up to the primary account holder to share the primary account holders user name and password. In the banking sector we understand that the profiles of joint accounts can be duplicated. There has not been the same need for the duplication of accounts in energy and the energy framework has evolved such that only one person is provided with full financial authority on the account and has full access to amending an account. Further, the banking framework has been built on the premise that each party receives data sharing notifications and they are able to amend or terminate the data sharing arrangements. This concept is going to be more difficult in the energy sector as only the primary account holder is provided online access to an account.
3.1, Schedule 4 Meaning of Required	***Meaning of required product data and voluntary product data—energy sector***	Energy plan information being limited to 'generally available' offers and <u>not</u> 'restricted plan' information. Energy Made Easy makes available offers that are 'generally available' to the market. It does not include plan information that is provided to a restricted customer group (e.g. Origin's COVID-19 hardship plan is not generally

Issue	Draft Rule	Origin's current processes/Comments
Product Data (p203)	*(iii) For these rules, required product data, in relation to the energy sector, means CDR data for which there are no CDR consumers that:* *1. is within a class of information specified in section 9 or section 10 of the energy sector designation instrument; and* *2. is about the eligibility criteria, terms and conditions, price, availability or performance of a plan; and* *3. is product specific data in relation to a plan; and* *4. is held by the AER or the Victorian agency for the purpose of operating websites that provide such information to the public.* *Note 1: In 2021, the relevant websites were:* • *https://www.energymadeeasy.gov.au/; and* • *https://compare.energy.vic.gov.au/* *Note 2: This data derives from retailers, who are required by the National Energy Retail Law and the Electricity Industry Act 2000 (Vic) to provide it to the AER or the Victorian agency. Those agencies therefore become data holders for it.* *Note 3: This clause does not include all CDR data covered by Section 9 of the energy sector designation instrument, as that section also covers CDR data for which there are CDR consumers (see paragraphs 9(2)(b) and 9(3)(b)).*	available). This position is reflected in the Australian Energy Regulator's (AER) Retail Pricing Information Guidelines governing retailers' obligations to disclose and publish energy offer plans. CDR Rules should reflect our regulatory requirements. Only 'generally' available plans should form part of 'product data' The 'generally available' limitation should apply to both identifiable and non-identifiable offers.
Part 3 - CDR Data that may be accessed under these rules (p203-205) 3.2, Schedule 4 Meaning of required consumer data (p203)	*Rule 3.1* *Rule 3.2*	There is considerable confusion within the industry with regards to the intent and the requirements of rules 3.1 and 3.2 of Schedule 4. Our high level understanding of the requirements is that for <u>open accounts</u>, Data Holders (ie retailers) are required to provide customer data, billing or account data, SR data (NMI standing data, metering data or DER Register data) and tailored tariff data relating to an account that has occurred within the past two years. This is the data to be in scope for the scheme. The Rules then further seem to suggest that for <u>closed accounts</u>, data holders are required to provide AEMO meter data, billing data and the most recent account data and tailored tariff data relating to the CDR customer within the past two years. relating to a transaction that occurred within the last two years, is in scope. The requirements are not clear and we have the following questions: • We assume that the CDR consumer request for open and closed accounts have to be related to exactly the same site, with the same retailer? CDR

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		consumers cannot request data for sites that differ from the account for which they are seeking data? • Details would need to be exactly the same so that authentication can be conducted on the CDR consumer? • How will sharing tailored tariff data for closed account provide additional assistance to the CDR consumer? It is likely to confuse the consumer as to which data is related to the most recent account and there can be changes from one account to another (ie change to network tariffs, metering etc). It is not clear why a consumer would require previous tariff data. The current tariff data will provide the details required for a consumer to carry out a comparison with a future plan or offer. • Closed accounts for C&I customers is going to be challenging. The contact details of a "main contact" is likely to have changed with the movement of people in and out of a business. It is not clear how we will ensure that the person requesting the data is correct i.e. is still responsible for the organization? We seek further clarification as to the intent of these Rules.
4.4 SR data must be obtained from AEMO (p206)	*On receiving an SR data request under Part 3 or Part 4 of these rules, a retailer must request from AEMO, using the service mentioned in subrule 1.20(2), any SR data to be used in responding to the request* *Note: AEMO is the secondary data holder for the SR data. This provision requires a retailer that happens to be the direct holder of any AEMO data that is subject to a consumer data request to ignore its data holding in responding to the request, and obtain the data from AEMO for that purpose.*	As raised in a previous submission, we believe that the CDR Rules should allow for a 'dual role' for providing meter data. That is, if the retailer holds the meter data relevant to the request, then the retailer should be able to provide it. If the retailer does not hold the meter data at the appropriate level – they could seek it from AEMO. This is specifically given the proposal that the exchange of data between AEMO and retailers will be an online system and there may be a requirement to build an API to allow for the exchange of data that a retailer already holds. It could be more costly and inefficient if retailers are required to retrieve data from AEMO to fulfil the data request.
Rule 4.5 Civil Penalties (p206)	*Rule 9.8 (Civil penalty provisions) does not apply in relation to AEMO, the AER or the Victorian agency in relation to energy sector data.*	It does not seem equitable that AEMO is not subject to the civil penalty provisions in the Rules. This is given that Treasury is designating AEMO as the source of data truth for meter data, NMI standing data and DER data. The data that consumers will rely on will be provided by AEMO and there needs to be adequate incentives on AEMO to ensure the data reflects and it relevant to the consumer who has requested the data.
5.1 Meeting internal dispute	***Data holders***	Internal Dispute Resolution It is reasonable that the rules align the CDR dispute resolution requirements with the

Issue	Draft Rule	Origin's current processes/Comments
resolution – energy sector (p206)	*(2) For the energy sector, a retailer (including a retailer that is also an accredited person) meets the internal dispute resolution requirements if its internal dispute resolution processes satisfy the applicable requirements for the retailer's standard complaints and dispute resolution procedures under the National Energy Retail Law or the Energy Retail Code (Victoria).*	current energy sector internal dispute resolutions (IDR). Internal dispute requirements in energy are extensive and it's an efficient means for disputes to be dealt with. Processes and procedures are already in place for information exchange and the resolution of matters in a timely manner. We assume that the same principles will apply – that is, the consumer will need to approach the retailer first to resolve an issue prior to contacting an Ombudsman or other energy complaint body. This will be imperative given the proposal that ADR and Data Holder complaints will be referred to differing external dispute schemes.
5.2 External Dispute resolution requirements – energy sector (p207)	***Accredited persons*** *(1) For the purposes of paragraph 5.12(1)(c) of these rules, an accredited person, other than an accredited person to which subclause (3) applies, must be a member of the Australian Financial Complaints Authority in relation to accredited person complaints.* ***Data holders*** *(2) For the purposes of rule 6.2 (Requirement for data holders—external dispute resolution), a retailer must, in each relevant jurisdiction:* *(a) if the jurisdiction has an energy and water ombudsman—be a member of the energy and water ombudsman in relation to data holder complaints; and* *(b) otherwise—take the necessary steps to participate in the dispute resolution process provided by the jurisdiction that is appropriate for data holder complaints.*	Energy Ombudsman Scheme Origin sees a place for the Ombudsman Scheme as mediating party for disputes between Data Holders and consumers. However, it will be imperative that these complaints be managed using the existing complaint framework, which includes the Ombudsman Scheme as an escalation point if the customer is unsatisfied with Origin's handling of the complaint. The case handling procedures usually start with a refer back to the scheme participant if it has not been raised with them. AEMOs Role in Dispute Management It is noted that it is not proposed that AEMO will be a member of a dispute resolution scheme and retailers will manage the disputes on behalf of AEMO. While we recognise AEMO does not have a customer interfacing role, we have major policy concern that retailers will be required to 1) manage and 2) pay the costs of disputes that are not related to the data that retailers provide. We will have no control over the data that AEMO provides and we unable to verify the validity of the data provided. We then question why retailers would be required to pay the costs of disputes are in relation to metering data, NMI standing data or DER data when it is not our data. We request that a requirement be added to the CDR Energy Rules that Data Holders and AEMO are to enter into a Memorandum of Understanding (MoU) for the manage of complaint costs. If the Ombudsman determines a complaint is related to AEMO data, then AEMO should be required to pay part or all the costs that are incurred in resolving the dispute. Proposed interaction between Energy Ombudsman and AFCA

Issue	Draft Rule	Origin's current processes/Comments
		The Draft Rules do not set out a process for determining when and where complaints are referred too. In particular, it is unclear as to whether it will be clear to a customer where to direct their complaint and whether a customer will automatically go to the Energy Ombudsman when it is a dispute relevant to an ADR. We further seek an MoU between the Energy Ombudsman's and AFCA for the management of external CDR disputes. There should be clear allocation of responsibilities in that disputes are referred to each other if the consumer has approached the incorrect external dispute body. In particular, the referral will be at no charge to either the relevant Data Holder or Accredited Data Recipient.
6.1 Responding to correction request (p208)	***Responding to correction request (rule 7.15)*** *(iv) This clause applies to a retailer that receives a request under subsection 56EP(1) or (2) of the Act that relates to AEMO data.* *(v) In relation to the AEMO data, rule 7.15 applies as if paragraphs (b) and (c) were replaced by the following:* *" (b) within 5 business days after receipt of the request:* *(i) initiate the relevant correction procedures under the National Electricity Rules in relation to any NMI standing data or metering data for which correction is requested; and* *(ii) refer any correction request in relation to DER register data to the relevant electricity distributor; and* *" (c) within 10 business days after receipt of the request, give the requester a written notice, by electronic means, that:* *(i) indicates what the retailer did in response to the request; and* *(ii) if it was not possible for the retailer to comply with paragraph (b)—states why it was not possible to do so; and* *(iii) if the retailer did not think it appropriate to do either of the things referred to in subparagraphs (b)(i) or (ii)—states why they were unnecessary or inappropriate; and* *(iv) sets out the complaint mechanisms available to the requester.".*	This Rule proposes that if a CDR consumer requests data to be corrected and it is secondary data holder data (ie metering data, NMI standing data or DER date), retailers should be responsible for initiating a relevant correction procedures under the NER for NMI standing data and metering data and refer correction requests to the appropriate distributor for DER for action. It will require that the retailer has provided the consumer with certain information and performed certain actions. We do not support this proposal and have provided detailed comments in the additional CDR Proposal Consultation Paper.
8.1 Interpretation	*Tranche 1 date means 1 October 2022.*	We do not support this proposed start date. We are seeking a 6 month extension until Q2 2023. We have provided detailed comments in the additional CDR Proposal Consultation Paper.

13 September 2021

Ms J Ross
Consumer Data Right
Commonwealth Treasury
Langton Crescent
PARKES ACT 2600

Lodged electronically: data@treasury.gov.au

Dear Ms Ross

Consumer Data Right (CDR) in Energy – Proposals for Further Consultation

Origin Energy appreciates the opportunity to provide input into Commonwealth Treasury's further consultation on specific proposals included in the Exposure Draft of the Consumer Data Right (CDR) Energy Rules.

These proposals are likely to have a material impact on the way the CDR operational framework is developed and implemented in the energy sector. We believe extending the CDR beyond mass market customers to capture large commercial and industrial (C&I) consumers will create a complex system where the costs of extending CDR to commercial and industrial consumers is likely to exceed the benefits.

One of the main purposes of the CDR is to help consumers find the best energy deals and make informed decisions about their energy consumption. To achieve this, the CDR will establish a framework that will give individuals and businesses greater access to their data.

However, to achieve this objective the CDR does not need to apply to all customers. C&I consumers are sophisticated users of energy services. They already enter into highly customised contracts and often employ their own experienced employees to manage energy contracts or engage brokering services to both source energy contracts from retailers, as well as separate contracts for energy services such as metering and network services; something mass market customers cannot do. Extending the CDR to this cohort is unlikely to provide any additional information or benefit - it will simply create complexity in the CDR framework and increase costs without meaningful benefits to consumers. For these reasons, we propose that C&I consumers with complex arrangements ought to be excluded from the CDR regime or, at a minimum, a decision on their inclusion deferred until greater analysis of the complexity, costs and benefits is able to be performed.

We understand that one of the key reasons for Treasury to extend to C&I consumers is concerns raised by brokers around the timeframe for the provision of information. It is not clear whether CDR is the platform for addressing data requests. C&I consumers already have access to bespoke products and operating models that are beyond the level that CDR can provide. If retailers are engaging in the large consumer market, they have incentives to be efficient as a slow response could mean that a retailer misses out on a tender opportunity. Including C&I consumers will be a costly exercise for retailers, especially given that retailers are also likely to use separate IT systems for C&I consumers.

We also consider the proposed 12-month timeframe for implementation is overly ambitious given the system development and testing that needs to occur with Accredited Data Recipients (ADRs), CDR Register and AEMO. We note that the average implementation of major AEMO projects is in the vicinity of 23 months which demonstrates the time required to implement such significant IT projects. We believe the 12-month timeframe for implementation should be extended to 18 months (to Q2 2023). This timeframe seems reasonable given the complexity of the scheme, holiday shut down periods and the limited pool of skilled resources that can be allocated to major energy IT projects.

Further, Origin does not support retailers taking on a data correction role under the CDR regime for meter data, NMI standing data, or DER Register data given there are established market rules for these processes. CDR Rules should not be overriding or in any way conflicting with energy regulatory requirements.

We believe that given the substantive nature of these concerns, the energy sector ought to be provided with another opportunity to review and comment on the policy positions determined in the draft Energy CDR Rules prior to them to becoming formalised.

Origin's response to the consultation questions raised in the Consultation Paper are set out below and in **Attachment A**.

Question1: Do you consider the proposed inclusion of all NEM retail customers, for all data sets, is appropriate? Are there alternative eligibility requirements that you consider would be more appropriate? If yes, please provide detailed reasoning as to why, including supporting information in relation to compliance costs if relevant.

We retain the concerns we raised in previous submissions (and above) that the inclusion of large energy consumers in the CDR framework needs to be considered in the context of size, current regulatory arrangements, the service offerings that are currently available to these consumers, and the cost effectiveness of integrating the complex pricing arrangements into the regime.

Given the difference in regulatory frameworks applicable to small and large energy customers, C&I businesses enter into energy contracts with pricing and terms that are markedly different from "traditional" retail pricing structures commonly used for (small) mass market customers. Larger C&I consumers negotiate customised pricing and terms and conditions to suit their individual business needs. These products and pricing structures are often complex with separate contractual arrangement for different services (i.e. metering services, direct network connection agreements). It is also not uncommon for C&I consumers to aggregate sites where a consumer could have between 100-1000 sites on the same contract arrangement. We have provided detailed comments on the data standards and contract terms in **Appendix A**.

We further have questions with how C&I consumers will be able to access the data through the CDR regime. It is unclear whether a broker would need to become ADR's in order to access and use the volume of data that could be provided through the scheme – especially the significant volume of meter data that could be provided for a single site. If it is proposed that the C&I consumer would obtain the data, will the C&I consumers have the system functionalities and capabilities to accept the volume of data. There are usually system limits on the volume of data that can be sent and received at the one time from a business and if the C&I consumer does not have the system capabilities, they may not be able to receive the data. This needs to be investigated further.

Given the pricing and contract complexities, we propose that C&I consumers with complex arrangements ought to be excluded from the CDR regime or, at a minimum, a decision on their inclusion deferred until greater analysis has been undertaken.

Set out below is a table of example businesses and <u>average</u> consumption of types of industries. Please note that it is average and there can be variances within each segment.

[Table removed – confidential]

Question 2: Do you consider the proposed mechanisms for correction of AEMO-held data provide an effective way to ensure data accuracy? Are there opportunities to improve the proposed mechanism, in a manner that is compatible with current National Electricity Market processes?

The Consultation Paper notes that it is proposed that retailers take on the data correction role for meter data, NMI standing data and DER Register data. This would require retailers to initiate the correction of data if a consumer did not believe the data provided through the CDR scheme is correct. We understand that this provision is to satisfy a Privacy safeguard requirement.

We have concerns with this proposal as 1) CDR processes should not replace existing B2B processes and quality measurement processes outlined in the National Electricity Rules and 2) retailers can neither verify or correct data for which it is not the source. These are B2B processes and their supporting technical standards have been established by energy regulators.

Further, the CDR framework is being built on the premise that consumers will receive data on an instantaneous basis from an ADR. The correction process will not be instantaneous – it will take time to resolve a disputed item. For example, if a customer queries their meter data, a retailer may need to request either 1) meter investigation or 2) another special meter read. These are agreed timeframes for meter providers to undertake this work and provide the data to the retailer. Thus, including the data correction data correction as part of the CDR regime may not meet the consumers expectation of receiving responses on an instantaneous basis.

The CDR Rules might be better to direct the consumer to the data correction processes that already exist in the National Electricity Rules to satisfy the Privacy safeguards with regards to identifying and correcting data. Current processes could then be utilised by issuing B2B service orders for the meter provider to investigate and amend data, if necessary. As part of the current industry processes, customers will be notified if data has been corrected and an ADR can request the updated data once the customer has been notified.

Specific examples of the industry processes are explained below.

Meter Data and NMI Standing Data

For meter data, the NEM has a robust process to manage meter data quality and to request investigations into meter data and/or the actual metering installation at a customer premises. For data queries, the market B2B systems already transactions for market participants (retailers, networks) to request a review of meter data from the publishing Meter Data Provider (MDP).

PMD is a fully automated request via B2B to receive an automatic data resend from the MDP systems for any NMI for any period (for a valid market participant). VMD is a B2B transaction, where a market participant can post to the MDP a text message that allows the market participant to describe what they need investigated (i.e. customer queries read or request read).

There are market rules for the turnaround times from the MDP for PMD and VMD and their usage. If the PMD or VMD process does not change the readings as collected from the meter, a B2B service request for a meter investigation can be used to request the meter provider to attend site and undertake a meter test to confirm the meter is installed and operating correctly.

DER Register Data

In terms of DER register data, The National Electricity Rules require network service providers to request users to specify the DER technology installed at a given premises (through the network connection process) to then provide data to AEMO. This is information that relates to the presence of solar, batteries, or small-scale systems in a premise or business.

Origin understands that the purpose of the proposed register is to improve the visibility of distributed energy assets in the grid, which in turn, could improve the ability of AEMO to operate the power system in the National Electricity Market, and Network Service Providers (NSP) to make network investment decisions. The register did not fully consider use of this information by consumers.

Retailers are not privy to the quality and accuracy of information provided and included in this register as it is the responsibility of the NSP, through the installer, to update this information within 20 days of installation. It is not clear whether installers are correctly providing the required information. This register formally commenced on 1 December 2019.

Given the arrangements are between the installers and the NSP, we do not see a role in arranging for the correction of data that has been provided through this process. However, if it is determined that retailers should be involved, a new B2B service order would need to be developed to allow for this communication.

Question 3: Does the staged implementation approach provide sufficient time to implement the CDR while meeting the intent to facilitate consumer access to their data?

The implementation timing of October 2022 is not achievable. Rules are still being finalised and the Data Standards Body are aiming for draft standards in November 2021. Once these framework elements have been determined, system scoping, design, changes and testing need to be conducted. Retailers' design and testing is reliant on an AEMO API build and the timing for AEMO's build is unclear to retailers. There is already a substantial body of proposed changes to energy regulations that will need to be delivered over that timeframe.

We estimate that we will require an 18-month implementation timeframe for CDR and seek a Q2 2023 implementation start date. Considering industry shutdowns over Christmas and Easter periods and with the standards and Energy Rules being finalised in November 2021, there would only be a little over 12 months for system development and testing. This time sequence is set out in Table 1.

[Table removed – confidential data]

A Q2 2023 implementation timeframe is reasonable considering the average time AEMO and industry requires to implement major energy projects in the NEM. AEMO's current workplan highlights that the average time to implement system changes after a finalised Energy Rule is approximately 23 months. For example, implementation of 5MS will take approximately 47 months from the time the Rule was finalised and electricity B2B changes will be 15 months. These examples are set out in Table 2.

Table 2: AEMO Workplan average time to implement system changes after Rules determined

[Table removed – confidential data]

We have further projects in the pipeline with the likelihood of further substantial and mandatory reform in response to the ESBs NEM 2025 recommendations.

Aside from the major project implementation, Origin is currently in the process of implementing a new customer management and billing system for its' small energy customers. This involves migration of consumer accounts to the new platform. We have a considerable number of resources assigned to this project during 2021 and 2022.

Question 4: Are you able, at this point, to identify your potential costs and timing to be ready to implement the CDR, and the implication these have for your business?

[Response removed. Confidential data]

Question 5: Are you able to identify any requirements of the draft rules that will make compliance with CDR more challenging?

Detailed comments on the Draft Energy Rules have been provided in a separate submission.

If you have any questions regarding this submission, please contact Caroline Brumby in the first instance on (07) 3867 0863 or caroline.brumby@originenergy.com.au.

Yours sincerely

Sean Greenup
Group Manager Regulatory Policy

ATTACHMENT A: C&I Consumer Issues with Data Standards and Payloads

[Response removed. Included detailed comments on Payloads/APIs and examples of bills. These comments and responses have been published to GitHub with the confidential details of bills removed]