



Meridian Energy Australia Pty Ltd
Level 15, 357 Collins Street
Melbourne VIC 3000

10 May 2019

Australian Competition and Consumer Commission
CDR Draft Rules Submission

Email: ACCC-CDR@acc.gov.au

Consumer Data Rights draft rules (banking)

Meridian Energy Australia Pty Ltd and Powershop Australia Pty Ltd (MEA Group) thanks the Australian Competition and Consumer Commission (ACCC) for the opportunity to provide comments in response to the Consumer Data Rights draft rules (banking) (the Draft Rules).

Background on the MEA Group

MEA Group is a vertically integrated generator and retailer focused entirely on renewable generation. We opened our portfolio of generation assets with the Mt Mercer and Mt Millar wind farms and in early 2018 acquired the Hume, Burrinjuck and Keepit hydroelectric power stations, further expanding our modes of generation. We have further supplemented our asset portfolio by entering into a number of power purchase agreements with other renewable generators, and through this investment in new generation we have continued to support Australia's transition to renewable energy.

Powershop is an innovative retailer committed to providing lower prices for customers and which recognises the benefits to customers in transitioning to a more distributed and renewable-based energy system. Over the last five years, Powershop has introduced a number of significant, innovative and customer-centric initiatives into the Victorian market, including the first mobile app that allows customers to monitor their usage, a peer-to-peer solar trading trial and a successful customer-led demand response program. Powershop has also been active in supporting community energy initiatives, including providing operational and market services for the community-owned Hepburn Wind Farm, supporting the Warburton hydro project, and funding a large range of community and social enterprise energy projects through our Your Community Energy program.

Comments on the Draft Rules

Rules 3.5 and 4.7 (Refusal to disclose) and 7.7 (Rules relating to privacy safeguard 11)

MEA Group has two concerns with respect to the 24 hour timeframe in which a data holder must: (a) report their refusal to disclose CDR data under Rules 3.5 and 4.7; and (b) send a notice to a CDR consumer when incorrect data was disclosed to an accredited person under Rule 7.7.

First, regarding Rules 3.5 and 4.7, it is unclear to MEA Group whether the 24 hour reporting period commences upon the receipt of the consumer data request, or from the point at which the data holder determines that it has valid grounds to refuse the disclosure. The ACCC should clarify the requirement in this regard.

Second, irrespective of when time starts to run, MEA Group does not consider 24 hours a reasonable response time for any of Rules 3.5, 4.7 or 7.7. The ACCC will appreciate that once a relevant event has occurred, a data holder's evaluation of the criteria in paragraph (1) of Rules 3.5 and 4.7, or the confirmation of whether CDR data is incorrect under Rule 7.7, will not always be simple or quick to perform, and may involve a number of stakeholders within a business, i.e. an issue may be identified by a front-line employee, before being forwarded to a manager or legal

counsel, who may then engage with subject matter experts to help them form a view. Further, not all stakeholders within a business may be able to act quickly if the relevant event occurs on a weekend or public holiday.

Rule 9.4 (Reporting requirements)

MEA Group suggests that the obligation to report CDR complaint data under paragraphs (1) and (2)(a) of Rule 9.4 should only apply if the data holder or accredited data recipient actually has CDR complaint data to report for the relevant reporting period.

It is unlikely that all CDR participants will receive CDR consumer complaints in each reporting period, and possible that some CDR participants may not receive any CDR consumer complaints for two or more consecutive reporting periods, particularly after a settling period following implementation. Taking these considerations into account, nil return reporting appears to achieve little but to signal to the ACCC the number of CDR participants in each designated sector at any given time. We accept this information may be useful to the ACCC, but would suggest the benefits will not outweigh the impost on CDR participants.

MEA Group wishes to stress that it is supportive of Rule 9.4 in principle, and appreciates that it will not only provide valuable insights as to the behaviours and compliance of CDR participants, but also assist in the further development and refinement of the CDR regime. However, MEA Group submits that none of these benefits will be reduced or denied if our suggested approach is adopted. In the event the ACCC does not accept this approach, MEA Group proposes in the alternative that CDR participants who do not have CDR complaint data be required to report only every other year, or if this is also unacceptable to the ACCC, annually.

Implementation and timelines

MEA Group makes the general observation that the implementation of the Consumer Data Rules, at least in their current draft form, will be a significant and costly undertaking for energy retailers such as Powershop, particularly as we adapt our technology platforms to accommodate the product data request and consumer data request services and consumer dashboards. Consequently, MEA Group would request that as the Consumer Data Rules are progressed with respect to the energy sector, a reasonable period of implementation is agreed in cooperation with energy retailers.

If you would like to discuss any aspect of this submission please do not hesitate to contact me.

Yours sincerely,



Lynne Sutton
General Counsel
Powershop Australia Pty Ltd
Meridian Energy Australia