



28 August 2020

Consumer Data Right Division
Australian Competition and Consumer Commission
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CANBERRA ACT 2601

Lodged electronically: ACCC-CDR@acc.gov.au

Dear Sir/Madam

Consumer Data Rules – Energy Rules Framework Consultation Paper

Origin Energy appreciates the opportunity to provide input into the Australian and Competition and Consumer Commission's (ACCC) Consumer Data Right (CDR) Energy Rules Framework Consultation Paper.

Origin supports the intent of a Consumer Data Right (CDR) regime to enhance and encourage competition by giving consumers greater access to their data and to have the ability to share this data. Following the finalisation of the Designation Instrument, it is now vital that the ACCC develop additional rules that capture the differences between the banking and energy industries so that the CDR operates as intended in the energy sector.

Given the importance of energy specific rules, we strongly urge the ACCC to provide another opportunity to review and comment on the Energy Rules Framework following this round of consultation and prior to the ACCC releasing draft energy rules for consultation. We note that, with the development of the Open Banking Rules, the ACCC released a 'Rules Outline' paper to provide guidance to stakeholders on the policy decisions that would feature in the CDR Rules. We support this as the minimum so that any major concerns can be raised with the ACCC prior to the release of draft energy CDR Rules.

We have specific concerns regarding how the following elements of the Rules Framework apply to energy:

1. Retailer authentication model and the exclusion of offline consumers;
2. Consumer dashboard and how it applies to data holders;
3. How to define an 'eligible consumer' for the purposes of accessing CDR data;
4. Scope of customers to be included in the regime, including the exclusion of large customers;
5. Time period for the provision of historical data; and
6. Timing for the commencement of CDR in the energy sector.

We have also provided detailed comments on specific issues raised in the Consultation Paper. These are provided at **Attachment A**.

1. Authentication Model and Offline Consumers

The energy sector differs from banking in that the unique identifier of a person's consumption data is a meter – which is not unique to the person themselves but the property at which they are consuming energy. The energy retailer is the only person in the market today who can match a meter number (National Meter Identifier or NMI for electricity) or account with the authorised consumer.

By contrast, in banking a person's account only includes that person's transactions. If they move their account from one bank to another, the transactions stop at the first bank and then start up at the next.

No one new starts accruing new transactions in the closed account at the first bank. Energy is unique in how it requires a combination of verifications to identify both the authorised consumer and their meter number to access consumption data – at a relevant property within a time period.

For these reasons, Origin's preference is for Authentication Model 1. This is where the retailer provides the authentication with the customer. With the necessary information, energy retailers can verify a consumer's data request by validating they are who they say they are and that they resided at a given residence for the defined period. A redirect model provides for greater data security and greater trust to the consumer that only data relating to them is being accessed.

The authentication process aligns itself with an online process only. Origin is concerned with the: 1) privacy implications of allowing offline authentications; and 2) additional processes and system requirements to allow offline verifications. The Data Standards Body (DSB) notes that digitisation is "sector driven and not customer driven"¹ and we would question whether there would be a greater up take of online accounts if it was a requirement to access the CDR regime. Encouraging online accounts would be a more cost effective and efficient means for authentication and the management of consumer data requests.

We note that the development of the authentication model is likely to be complex and we would welcome additional workshops to work through how the model should operate from a policy point of view in the CDR Rules.

2. Consumer Dashboard

The CDR Rules require the establishment of an online dashboard to allow consumers to manage authorisation for the release of CDR data sets. The dashboard will allow consumers to authorise data sets, withdraw authorisation and provide the customer with a high-level view of the data sets that have been shared.

Origin's preference is for the retailer to provide the online dashboard interface for authentication. We recognise that a retailer option will require capabilities to communicate with AEMO as to when data is shared. We agree that a single data holder dashboard provides for a better customer experience.

While we support this approach, there are a number of use case scenarios that will need to be worked through to determine the appropriate CDR Rules. This includes situations where the customer is no longer an active customer with the retailer (ie relevant for meter data), obligations for offline accounts (if they are deemed within scope) and the interactions with the gateway for the updating of notifications and information.

3. Eligible consumer

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. Origin supports 'eligible consumer' being defined on the basis of the primary account holder who has an active, online account with the retailer. We agree with the ACCC's proposal to exclude minors from accessing CDR data.

We are proposing the limitation of CDR to primary account holders because in the electricity sector there is no standard for setting up primary from additional account holders. Origin's current account set up process is to establish a primary account holder who has financial responsibility for the account and has full authorisation over the details of the account. Additional account holders or authorised representatives are included on accounts, however, they do not have the same level of authorisation on the account. Additional account holders are not financially responsible for the account and are unable

¹ ACCC, Consumer Data Right: Energy rules framework, Consultation Paper, July 2020, p33.

to change product or plan features (ie add concession information). Authorised representatives are only provided with specific access to the account based on the primary account holder's consent to access data (ie may only be provided authority to discuss bill payment).

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 payment details of the primary account holder when the primary account holder did not provide the authority to share this information with other nominated persons.

Further, we see a number of hurdles and potential costs that need to be reviewed prior to extending CDR data requests to offline customers. A separate process would need to be established for authentication as well as the management of data requests. Offline accounts should be deferred until further iterations of the CDR Rules.

4. Scope of customers to be included in the CDR regime

Origin supports large business and commercial customers being excluded from the CDR regime. Customers should be defined based on the energy market definitions that apply in each of the relevant jurisdictions.

Consumers differ in their size, sophistication and the range of products and services they require. This is reflected in the consumer protection frameworks. Residential consumers have a much more prescriptive consumer protections framework compared to larger, commercial and industrial consumers. The variances in the framework are appropriate given the significant differences between the energy services required by a residential or small business consumer compared to say a large industrial customer such as a manufacturing plant.

The size and sophistication of larger energy consumers means they negotiate specific contracts for both energy with a retailer and metering and data services directly with meter data providers (MDPs). These services include accessing meter data and can expand to include value-added services, like recommendations and capabilities to manage energy consumption to reduce energy costs. These businesses have an incentive to contract these services directly because energy is a significant input cost for them. They are already utilising existing commercial arrangements to access data as envisioned under the CDR framework for all consumers. Therefore, large customers should be excluded as there is already competition available for both accessing data and providing value add services. Including all consumers may overlay an unnecessary regulatory burden.

5. Time period relevant to data scope sharing

The ACCC proposes that the provision of meter data be limited to two years of historical data. This is reasonable and aligns with the retailer provisions in the NER that require retailers to provide two years of billing information.

A timeframe limit for other data sets also need to be set at 24 months. There should not be a requirement that if a customer has been active for seven years with the same retailer, the retailer is required to provide seven years' worth of data. The data becomes irrelevant after a short period of time given the upgrade or installation of new appliances, the update of demand management technologies (ie solar, batteries), the number of people who are consuming in the household or the product offering at the time.

6. Timing for the commencement of the CDR Scheme in the energy sector

We are concerned with the lack of clarity with regards to the proposed commencement of CDR in the energy sector. The ACCC paper notes that it is proposed that framework development will occur in

2020-21 and technical development in 2021-22 financial years². However, it does not seem that this position has been endorsed by Treasury and there are varying workshops that mention alternative dates – some dates are earlier.

Origin seeks some certainty from the ACCC or Treasury on the earliest date that CDR will be implemented in the energy sector. This will allow for businesses to manage projects, system changes and resources needed to implement major projects, such as CDR.

If you have any questions regarding this submission, please contact Caroline Brumby in the first instance on [REDACTED] or [REDACTED].

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sean Greenup', written over a light grey circular stamp.

Sean Greenup
Group Manager Regulatory Policy

² ACCC, Consumer Data Right: Energy rules framework, Consultation Paper, July 2020, p4.

ATTACHMENT 1: CDR Energy Framework Issues Table

Energy Rules Framework	Origin's Comments
<p>AEMO's Role as Gateway (section 4.1)</p> <p>CDR Rules will relate to the disclosure, collection, use, accuracy, storage, security and deletion of CDR data by the gateway.</p>	<p>Agree that the gateway should function as a conduit for CDR data that is held by other data holders and will not hold or store this data except where this is essential to facilitate with its gateway role.</p> <p>The proposed approach to rules, standards and privacy safeguard appears appropriate. The CDR Rules as they currently apply to banking need to be updated to factor in energy sector specific requirements, especially with the introduction of an additional component - the gateway. Origin believes the privacy safeguards will need to be revisited and ratified once the full functionality and role of the gateway has been established.</p> <p>The information security requirements contained in Schedule 2, Part 2 of the CDR Rules specifically apply to the accredited data recipients (ADRs) and may not be entirely useful when applied to the gateway. As a gateway serving ALL participants of CDR in the energy market, it is important to set rules on the gateway to meet a commonly understood standard in the industry, such as AESCSF.</p> <p>Specifically, there may be circumstances in which AEMO should be able to refuse to authenticate an accredited person because of a belief they will cause harm or misuse to a CDR participant or CDR infrastructure. The circumstances could include belief of potential hacking, IT security concerns, technical reasons, if there are multiple requests for the same account in a short period of time or if the requests are coming from specific countries. These will be issues that will need to be scoped out with cyber security experts.</p> <p>Finally, we have reconciliation and liability concerns (ie this is given the gateway will not store data) if the data received by the Accredited Data Recipient is not the data provided to the gateway or a dispute arises around the data provided to the gateway. We believe that the CDR Rules need to require that the data provided to the gateway by the data holder is deemed to be the data provided to the Accredited Data Recipient. This will assign the liability to the party that provided the data. It is assumed that each data holder will have a record of the data provided if a dispute was to arise.</p>
<p>Authentication Models (section 4.3)</p> <p><u>Model 1: Retailer Authenticates</u></p> <ul style="list-style-type: none"> The data holder authenticates the identity of the consumer via a One Time Password. The consumer authorises the data holder to disclose their data. Current retailer provides the successful authorisation to the gateway (ie AEMO). 	<p>Support Model 1 Retailer authenticates. Retailers are the only party to hold and store customer provided data and it is envisaged that data standards will be developed that will be able to leverage current systems and processes to authenticate a customer.</p> <p>We expect that AEMO will validate which retailer is financially responsible for a NMI for any defined period and direct a data request to each relevant retailer for the period the retailer was responsible. The retailer could then undertake their own validations and, once confirmed, provide AEMO with their proportion of the data set.</p> <p>We feel that there are greater privacy and security risks with Model 2. This Model requires the transfer of customer personal information to AEMO to authenticate the consumer. This personal information could extend</p>

Energy Rules Framework	Origin's Comments
<p><u>Model 2: AEMO (gateway) authenticates</u></p> <ul style="list-style-type: none"> Retailer provides contact details to the gateway (ie AEMO). Consumer redirected to the gateway's authentication and authorisation services. The gateway sends the One Time Password. The consumer authenticates by entering password on the gateway's authentication screen and authorises the data holder to release data. <p>The concept of a 'resident' model is also raised. This is where AEMO would authenticate and release meter data based on NMI, name of retailer and postcode.</p>	<p>to phone numbers, date of birth or passwords that are used to authenticate a customer. There are greater risks that this information could be misused or inadvertently accessed by those that do not have the authority to access the data. Further, the level of consumer trust is likely to be lower if a consumer is requested to authenticate with a body (ie AEMO) to which it has no relationship and potentially little awareness of its role in the energy sector.</p> <p>While Model 1 is Origin's preferred option, there are a number of authentication issues to work through:</p> <ol style="list-style-type: none"> (1) Whether authentication remains online only or offline capabilities are developed. Origin supports online authentication for the commencement of energy CDR. Offline authentication should be considered at a later stage. Origin is concerned with the: 1) privacy implications of allowing offline authentications; and 2) additional processes and system requirements to allow offline verifications. In particular, it is envisaged that an offline authentication may require a two-step process to authenticate whereby a notification is sent to the customer's mobile number, to then check their email address for the One Time Password to authenticate. A one-step process of sending a One Time Password to a mobile number has privacy risks if the password is sent to the incorrect mobile number. (2) When the customer is no longer active with the retailer, but there has been a request for meter data (this is given that meter data will be a 24-month period and could involve non-active accounts). Retailers will be required to verify that the customer was at the premises during the requested time, but there may be difficulties authenticating the customer (customer phone number or email has changed). <p>We note that the paper raises the question as to whether the authentication model should be adjusted based on the size of the retailer. We do not support this proposal. There needs to be consistency across retailers to ensure the efficient operation of the energy markets. Derogations to the rules is costly to any party that requires to interact with them.</p> <p>Finally, we believe that authentication and the management of a data holder consumer dashboard are interlinked. The consumer dashboard will be utilised as a tool for consumers to authenticate. Retailers have both capabilities and means to perform these requirements.</p> <p><u>'Resident' Authentication Model</u></p> <p>We have some concerns with the proposed AEMO 'resident' authentication model where AEMO would release meter data to an accredited data recipient (ADR) if a consumer is able to provide a NMI, postcode and the name of the current retailer. High levels of consumer churn (change retailers), moves, and update contact and account details occur daily. If AEMO were to be the CDR authenticator for meter data (based on this information), there would always be a risk of a timing mismatch between that data update and processing a</p>

Energy Rules Framework	Origin's Comments
	<p>consumer data request. The result could be a consumer receiving consumption data for a property that is not actually theirs. Receiving incorrect data would not deliver a positive consumer experience and could have privacy law implications.</p> <p>Further, the release of raw interval data (type 4) can provide significant amount of intelligence about a premises. The times that a person leaves the premise or the days no one is home. The inadvertent release of this data to a non-occupier or consumer of the energy can have privacy and security risks for a consumer.</p>
<p>Consumer Dashboard – data holder (section 4.4)</p> <p>The CDR Rules mandate a requirement for data holders to offer an online consumer dashboard to CDR consumers that allows consumers to manage the providing and withdrawal of authorisations. The dashboard also notifies the CDR consumer if there is disclosure of data.</p> <p>ACCC options includes:</p> <ol style="list-style-type: none"> 1) Option 1 – retailer to provide the dashboard, but requires AEMO to notify retailer of data sharing. 2) Option 2 - AEMO to provide dashboard. 3) Option 3 – retailer to provide dashboard using AEMO provided authorisation. 	<p>Support Option 1 in principle. This is where retailers will provide the online data holders dashboard interface for authentication but with capabilities to communicate with AEMO as to when data is shared. We agree that one data holder dashboard provides for a better customer experience.</p> <p>While we support the one data holder dashboard, we believe that the ACCC will need to work through various use case scenarios to determine the appropriate CDR Rules. For example:</p> <ol style="list-style-type: none"> 1. If data is requested from a data holder and the customer transfers on the next meter read, do the obligations for the dashboard cease at the time of customer transfers? 2. If a customer switches within the cooling off period and switches back to a previous retailer. There will be additional complications when AEMO's customer switching rule change is implemented in 2021. Customers will be able to switch retailers within 2 days of signing a contract. This will be within the 10 business days cooling off period and then the customer still has the option to switch back to the previous retailer in this time. Where do the obligations for the dashboard sit in this scenario? 3. If data is requested from a data holder where the customer is no longer a customer of that data holder. Where does the consumer dashboard obligations lie if there is no active account for the customer? This is in the instance of meter data. Will the dashboard still apply to meter data requests? 4. What are the obligations on AEMO to update the data holder if data has been shared or requested? How does this notification occur? What will be the timeframe for updating the information? <p>Further, the banking sector requires duplication of dashboards for joint account scenarios as both parties are required to provide authorisation to the release of data. Origin does not duplicate online accounts for secondary or other account holders to access. These additional account holders can only access the online account if the primary account holder shares log in details. This has implications for who is an 'eligible customer' and the potential system and cost implications if the authority to access CDR is extended beyond the primary account holder.</p> <p>Origin does not support Option 2 as it would require AEMO to obtain and store certain information about the consumer for which has been proposed that AEMO would be the conduit for the flow of data rather than the storage of data.</p>

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<p>Account holders, joint account holders and nominated persons (section 4.2.3.1)</p> <p>ACCC proposes that the CDR consumer must have an account with a retailer to be an eligible consumer. This includes joint account holders and they are considering the extent to which to include other nominated persons.</p>	<p>Defining 'eligible consumer' in the energy sector has a number of elements and is complex given the establishment of accounts by different retail businesses.</p> <p>Generally, a consumer in the electricity industry is one who purchases electricity from an energy retailer. Accounts have been established by Origin on the basis that the person that sets up the account, has financial responsibility for the account and has full authorisation over the details of the account. However, the definition of 'consumer' in the Designation Instrument goes further to include <i>"to whom electricity is supplied in connection with the arrangement"</i>. This definition could extend to include a person who occupies the premises (ie family member, tenants, licensees) but is not a person who the primary account holder has provided authority over the account (ie secondary account holder or authorised representative). A concern Origin has is that a person could take on the role of an occupier of a premises to obtain CDR data for which it does not have the level of authority on the account to access. This could occur where an additional account holder does not have equal access on an account.</p> <p>The elements of an 'eligible customer' is discussed further below.</p> <p><u>Account holders, joint accounts and nominated persons</u></p> <p>The establishment of accounts is likely to vary between retailers as there is no energy sector standard for: 1) the structure of accounts; or 2) the information or authority that is provided on an account. Given the variances that are likely in the market, it will be important that the ability of the consumer to access CDR data reflects the consent provided on the account.</p> <p>Origin's account establishment process more closely reflects the "nominated persons" description in the ACCC Consultation Paper. This is where a person may be added to an account as a known person by the primary account holder, and who have been authorised, to some extent, to transact on behalf of the account holder. While Origin has 'joint accounts', joint account holders do not have identical authority on an account.</p> <p>A summary of the different account establishment arrangements are set out below:</p> <ol style="list-style-type: none"> (1) Primary account holder – there is only one account holder and this person has full authority over the account. (2) Primary account holder and additional persons (also known as secondary account holder) authorised on the account as nominated by the primary account holder person. While Origin refers to these accounts as 'joint accounts', they are not as described by the ACCC as joint account holders because they do not have identical authority on an account. The additional account holder does not have the same rights over access to the account as the primary account holder (ie they cannot request changes

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	<p>to accounts, are not responsible for debt etc). This is a common account set up for both residential and business accounts.</p> <p>We do not have account set up as described by the ACCC where two persons on the account would have the same level of authorisation on the account. Only one person is provided with full authority and only this person is financially responsible for the account.</p> <p>(3) Authorised representative on the account (ie could be financial counsellor, power of attorney, interpreter etc). An account holder can nominate an 'authorised representative' to discuss the account on their behalf. The authorised representative can make account enquiries or make payments, but they cannot claim concessions or amend an account by signing to a new agreement. Authorised representatives may be engaged because of language barriers or other health reasons of the primary account holder. The account holder needs to provide consent to the terms on which they provide the authorised representative access to the account.</p> <p>Given the nature of our account set up, we support the banking approach whereby only the primary account holder should be considered an "eligible consumer" for the commencement of the CDR regime. We believe that there are potential privacy and technical issues that would need to be resolved before CDR Rules should be applied to other account holders. In particular, there are increased risks of data inadvertently being shared with other individuals who do not have appropriate authority on the account to access the information. We believe the ACCC should consider these in a later phase of the CDR Rules Framework.</p> <p>There are a number of issues that the ACCC will need to consider in the determining the persons who can access account details:</p> <p>(1) Account holders access to online accounts.</p> <p>Currently, 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. Additional account holders and authorised representatives are not able to set up a separate online account to access information on an account. This varies to the banking sectors as 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 authority on the account and has full access to amending an account.</p> <p>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 more difficult in energy given that only the primary account holder is provided online access to an account.</p>

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	<p>(2) Authorised representatives</p> <p>An authorised representative is likely to be someone who is external to the premises who has been assigned given language barriers, financial distress or could be an attorney. These people are not likely to be at the house consuming. We question whether it will be appropriate for these people to access all of the CDR data as it is unlikely that they are privy to all data sets such as the customer provided data.</p> <p>(3) Sharing of information where the level of access on the account are not equal.</p> <p>Whether the secondary account holder has the right to share data relating to the primary account holder in the circumstance where they do not have the same level of authority on the account. We consider that the primary account holder would need to consent to the secondary account holder sharing data. Additional considerations will also need to be given to vulnerable (ie financially vulnerable or language interpreters) or domestic violence situations to ensure that data is not inadvertently shared.</p> <p>(4) Whether the account is linked to the account number or NMI</p> <p>Accounts are not unique to a customer in energy. If a customer moves between standing and market offers, a new account may be established. If the customer moves between products and offers with the same retailer, a new account may be established. This issue will need to be explored further.</p> <p>Further, AEMO's systems are developed to access information based on NMIs and they do not hold information as to whether there are multiple NMIs associated with 1 account. Therefore, there may be 1 account but 3 NMIs. It would seem that the return of data will need to be based on NMI information.</p> <p>The above issues will need to be taken into consideration when determining the eligible consumer definition. Further there are a number of other 'customer' related issues that need to be considered including:</p> <ul style="list-style-type: none"> • If a consumer is a small business electricity consumer but a large gas consumer, are the obligations voided to provide the gas product plan data? Origin would suggest that there would be no requirement if the customer is a large gas customer as there are no specific product requirements or standards for these customers? • How are embedded network customers to be defined? There has been discussion of including on market embedded network customers and excluding off market embedded network customers. This will need to be clear in the CDR Rules.
Minors (section 4.2.3.2)	Support the proposal to exclude minors from being considered an 'eligible consumer'.

Energy Rules Framework	Origin's Comments
ACCC proposes to exclude minors from being an 'eligible consumer'	
<p>Active Account (section 4.2.3.3)</p> <p>ACCC proposes that only 'active accounts will be subject to data sharing.</p>	<p>Agree with the proposal that an account has to be active in order for data to be shared.</p> <p>Use case scenarios will need to be worked through when a customer has multiple active accounts. For example, 1 primary account and 2 holiday homes attached to the account. Another example is when there is 1 primary property, but it covers 2 business sites. Further consideration needs to be given to whether an account needs to be in reference to NMI.</p> <p>The exception to active account may need to be for metering data as an account may not be active with a retailer for the period of time in which a consumer requests data. This is given over a two year time period, the consumer may have moved retailers 2-3 times within that period. The CDR Rules will need to address: 1) the use of a consumer dashboard for inactive accounts: and 2) authentication process if the contact details for an inactive account are no longer correct. There may be some technical and compliance issues around authenticating an inactive account that need to be worked through.</p>
<p>Online and offline Accounts (section 4.2.3.4)</p> <p>ACCC proposes that customer can have either an online account or offline account to access CDR energy data.</p>	<p>Support CDR data requests being limited to online accounts. This aligns with the banking sector.</p> <p>We acknowledge the ACCC's comments on the slower uptake of online energy accounts in comparison to banking. This could be given high level of functionality and conveniences that online services provide to banking accounts compared to the energy sector. What the banking data does demonstrate is that a large proportion of the population has the ability to set up online accounts</p> <p>We question whether the uptake of online accounts for energy would be greater if it allowed them to access CDR data and participate in the regime. Origin believe that there is merit in exploring the option of increasing of customer awareness of online accounts instead of launching into offline accounts at the same time.</p> <p>There is likely to be significant effort and cost to developing a separate process to authenticate offline customers. It is likely to require a two-stage authentication process (ie text sent to mobile number to tell the customer to check their email address) as it may not be secure to provide a one step process. The customer would need at least an email address or a mobile number in order to authenticate.</p> <p>There are further complications with offline accounts with regards to consumer dashboard requirements. In</p>

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	<p>particular, the current CDR Rules³ state the withdrawal of authorisation can only be done via: 1) written notice; or 2) on the consumer dashboard. This highlights that offline authentication has follow on affects to the CDR Rules in relation to amending and reviewing authentication as well as withdrawing authentication.</p> <p>Finally, we question how the offline requirements will operate if it is determined that additional account holders are able to access CDR data. The banking sector requires that the primary account holder select the data sets which can be shared and we question how this will be managed in an offline scenario.</p>
<p>Large Customers (section 4.2.3.5)</p> <p>Exclude large commercial and industrial customers.</p>	<p>Support large commercial and industrial customers being excluded from the CDR regime.</p> <p>Large customers should be defined based on the market definition of customers. The market definition of 'large' and 'small' customer is used throughout the operation of the NEM to determine the regulatory requirements that apply to these customers. The framework recognises differences between residential, small and large businesses. There is no other universal definition used in the energy sector given that there are no uniform definition for network tariffs (ie they vary per network) across the NEM and that different definition applied across the jurisdictions are based on different usage levels.</p> <p>The market definition of large should be adopted given the generic, and largely non-regulated, consumer protections covering larger, commercial and industrial consumers. Contracts for large customers are commercially negotiated and there is no standard data forms for either the collection of information nor requirements for a bill. This framework is in contrast to the more prescriptive consumer protections framework for small consumers. The variances in the framework are appropriate given the significant differences between the energy services required by manufacturing plant compared to a residential consumer.</p> <p>Further, the CDR Rules should reflect the NER rules in relation to the ability of a consumer to elect to aggregate sites in order to be considered a large customer. For example, a company like Telstra may elect to bundle smaller sites into a large customer contract. When this occurs, all sites are treated as large customers and the small customer protections do not apply. It is likely that if a customer has elected to bundle sites into a large customer arrangement, that they will want the large customer arrangement to also apply in the CDR regime. It should be noted that for large customers, there are existing processes whereby customers have access to real time energy monitoring capabilities (ie via web portals, hand held devices, commercial energy displays) or they can request their data directly to a retailer or via a third party when seeking an energy contract from the</p>

³ Rule 4.25

Energy Rules Framework	Origin's Comments
	<p>market. A large proportion of large customers will have brokers who act on the customers behalf who already have access to portals or other customised tools developed to assess large customer offers. The options are diverse and adequately provide a means for large customers to obtain information regarding their energy consumption, especially billing and meter data.</p>
<p>Sensitive Data (section 3.3)</p> <p>Sensitive data sets could include:</p> <ul style="list-style-type: none"> • Customer eligibility for concessions. • Hardship programs. • Life support equipment. 	<p>Agree, in principle, that the following data sets should be considered sensitive data sets:</p> <ul style="list-style-type: none"> • Customer eligibility for concessions; • Hardship programs; and • Life support equipment. <p>It seems appropriate that these are separately categorised to allow ADRs to clearly explain the purpose and benefit of a consumer consenting to the sharing of these data sets. The onus should be on the Accredited Data Recipient to obtain the additional consent. We do share DSBs Consumer Experience (CX) research findings that some customers may not want this data shared. The ACCC will need to work with the industry to determine the capabilities of excluding this data from a data set if the customer chooses for it not be shared.</p> <p>A consideration with these data sets is that they may change from bill to bill. There are regulatory obligations for retailers to validate customer concession details with the appropriate regulatory bodies and if they are no longer eligible, then the concession will be end dated and removed. If this data is to be provided, it needs to be recognised that the data is relevant at a point in time. Even if a concession is noted on a historical bill or information returned, it does not mean the customer is eligible on a future basis. This applies also to hardship and life support registrations. They are dynamic and change based on customer circumstances.</p>
<p>Time Period for Providing data</p> <p>ACCC proposes that meter data be limited to 2 years of historical data.</p> <p>There is no discussion on time periods for other data sets.</p>	<p>Agree the provision of two years of historical metering data appears reasonable. This would align with the retailer provisions in the NER that require retailers to provide two years of billing information. The use cases for customers to access data for greater than 24 months are very limited.</p> <p>We further request that billing history, customer provided data and product data be limited to the time that the customer has an active account or a maximum of 24 months. 24 months to align with the current billing data requirements in the NER.</p> <p>We do not support a requirement that if a customer has been an active customer for seven years, that we provide seven years' worth of customer provided data or billing history data. The data becomes irrelevant after a short period of time given the upgrade or installation of new appliances, the update of demand management technologies (ie solar, batteries), the number of people who are consuming in the household or the product offering at the time. A requirement to provide information for a time period longer than 24 months will be irrelevant in the energy sector.</p>

Energy Rules Framework	Origin's Comments
<p>Customer Provided Data (section 3.3.2)</p> <p>ACCC proposes the customer provided data include:</p> <ul style="list-style-type: none"> • Customer name or business name; ABN or ACN; contact name for a business. • Customer contact details – telephone email address, billing address and supply address. • Information used to authenticate the customer. • Information that relates to the eligibility to enter into an arrangement – ie concession, hardship. 	<p>Do not agree the proposal to provide <i>“information used to authenticate the identity of the customer or an associate or the outcome of an authentication process”</i>. Origin believes that this should not be included as it goes beyond the intent of the Designation Instrument. This is given we believe that:</p> <ol style="list-style-type: none"> 1. The Designation Instrument merely seeks that it be confirmed that the customer is an account holder and authorised to request information on the account; 2. There is no energy standard to authenticate a customer with a retailer and retailers may choose various forms of identity to authenticate (ie phone number date of birth, password or answers to person questions such as “Mother’s maiden name?”). This data further opens the customer up to identity fraud or misuse or data; and 3. The customer will be able to view and manage authentication on a consumer dashboard. <p>It is noted that the ACCC propose that ABN or ACN details of a business be included. These details are not always captured when establishing a billing account as these details are not essential to the billing of energy to a premise. The CDR Rules need to be flexible to require this information to be provide where it has been captured in a billing system.</p> <p>In general, there are some data quality concerns with this data set. While we are continually striving to improve the quality of the data captured, there are still historical accounts where mobile numbers or emails have not been captured or the service provider has incorrectly captured these details. While the move into a more digitalised world has seen data quality improve, the ACCC will need to be cognisant that not all customer provided data sets will be complete or may not be correct (ie a phone number may be added in as 1234567).</p> <p>As raised with Treasury, Origin still has concerns with the level of data that is proposed to be included within the customer data set. Origin views that a minimalist approach should be taken with the development of the data set given:</p> <ol style="list-style-type: none"> 1. An accredited data recipient should already have the identifying information and contact details of the customer because they are directly engaging with the person who will need to pass authentication with a data holder. Thus, the accredited data recipient should not need to directly source this information from the data holder; 2. The collection of this information does not seem necessary for an accredited data recipient to provide goods and services to the customer. The sharing of data is for assisting customers with comparison services – not acting as an ‘agent’ for the customer. 3. There are potential privacy implications if the information returned to the accredited data recipient does not match the information held by them, especially domestic violence situations where data is provided

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	<p>on a potentially protected account; and</p> <p>4. Potential risk that private information is provided to an additional account holder when appropriate authorities have not been provided.</p>
<p>NMI Standing Data (section 3.3.3)</p> <p>ACCC proposes data fields = Local network service provider, Metering installation type code, Meter serial ID, NMI suffix for each datastream, Network tariff code, Controlled load, Unit of measure, Datastream type or interval type, Average daily load, NMI, NMI classification code; and Street address</p>	<p>Agree that NMI Standing Data returns should be limited to 'current' or 'active' accounts. NMI standing data is relevant to current supply – especially in terms of meter type and NMI classification.</p> <p>The ACCC 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.</p>
<p>Metering Data (3.3.4)</p> <p>ACCC proposes:</p> <ul style="list-style-type: none"> • Type 7 (unmetered supply) excluded. • Metering data definition is taken from the NER, under which AEMO determines metering data file formats and receives metering data in the required format for market settlement purposes. • Excludes non-standard data collected by the meter under commercial arrangements with the metering data provider. • Meter data should be limited to previous two years. 	<p>Support meter data being limited to the data at the register level at the connection point provided by MDPs. The relevant meter data should be limited to the 'billing' data as received by AEMO from MDPs. It is important to recognise that there is a difference between 'settlement' meter data and 'billing' meter data. It is the 'billing' meter data that will be relevant to consumers and the calculation of a retail bill.</p> <p>Type 7 (unmetered supply) exclusion should be extended to include 'non contestable unmetered loads'. Non contestable unmetered load is a change that is being made through the 5-minute settlements process. Unmetered loads may not necessarily be on a type 7 metered. Information and data on unmetered loads is not relevant to CDR framework.</p> <p>We support meter data being limited to the previous two years of metering data. This time period is consistent with the current retailer and distributor obligations under the National Energy Rules to provide metering data on request from a small customer.⁴</p> <p>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</p>

⁴ Rules 56A and 86A of the National Energy Retail Rules

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	<p>data. The CDR Rules may require 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.</p> <p>As noted by the ACCC, meter data for the purpose of the CDR regime should not include non-standard data collected by the meter. With the introduction of Power of Choice, meter data providers (MDPs) have been investing in metering technologies to provide additional 'smarts' to meters to differentiate themselves from other meter providers and provide non-traditional services to customers. These additional features are procured under special commercial arrangements between MDPs and customers, are not part of the conventional energy retail offering; they embody and deliver data that is materially enhanced by the MDP with the use of certain IP. For these reasons, the Rules should ensure that it does not form part of the dataset under the CDR energy regime.</p>
<p>DER Register (section 3.3.5)</p> <p>The Distributed Energy Resource (DER) Register is an AEMO managed database of information about consumer owned DER devices that can generate or store electricity or actively manage energy demand.</p>	<p>The Distributed Energy Resource (DER) Register commenced in December 2019. It has been operational for less than 12 months.</p> <p>The National Electricity Rules require network service providers to request users (through installers) to specify the DER technology installed at a given premises (through the network connection process) to then provide data to AEMO⁵. This information relates to the presence of solar, batteries, or small-scale systems in a premises or business.</p> <p>While we are not privy to the data that is being provided, there have been industry discussions with regards to the level and accuracy of information that is being provided by installers. The DER Register will only be useful to the extent that the information is accurate and useful to a consumer. Data quality issues, through the AEMC, need to be addressed to ensure the data that is intended to be provided, is provided.</p> <p>Further, we note the DER Register is in an infancy operational phase and there have been a number of recent AEMC Rule change consultations to further develop the functionality and use of the DER Register. The CDR Rules should be flexible to allow changes to the inclusion or exclusion of data fields as this framework develops further.</p> <p>We agree that installers detailers are not relevant and should not be included within the DER data set.</p>
<p>Billing Data (section 3.3.6)</p> <p>ACCC proposes that the CDR rules include the</p>	<p>The types of billing information are broadly phrased which may include information that may need further clarification in the CDR Rules. Specific comments on a number of the billing types are set out below (the</p>

⁵ Treasury, Priority Energy Datasets – Consumer Data Right, 29 August 2019, p9.

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<p>following categories of billing data:</p> <ul style="list-style-type: none"> a) information about a bill issued under the arrangement, such as billing period, bill issue date, pay-by date and amounts payable b) a breakdown of the amounts payable, including the tariffs and charges relating to a bill, basis on which tariffs and charges are calculated, discounts and benefits applied and fees charged (which may include charges unrelated to energy usage) c) information about amounts deducted, credited or received under a government energy charge rebate, concession or relief scheme or under a payment plan d) account information, such as account and customer ID, information about persons authorised to act on the account and the extent of those authorisations e) information about payments made in connection with the account and associated payment methods f) information about retailer-generated estimated meter reads and customer self-meter reads used by the retailer for billing purposes. 	<p>comments are cross referenced to the ACCC's proposals in the left-hand column of this table):</p> <ul style="list-style-type: none"> • (b) should reflect the display of tariffs on the bill (ie tariffs) and should not include any breakdown of the make-up of the charges (ie network, metering or other charges). It should be noted that it is likely that there may be pro-rata amounts and tariffs if there has been change of rates or the customer is not entitled to a full amount. This also applies to discounts that may occur across billing periods or the customer has changed products during a billing period. This also applies to (c). Origin assumes that when there is reference to the inclusion of "<i>fees charges (which may include charges unrelated to energy use)</i>", the ACCC is referring to Australia Post fees, late payment or credit card type fees. • (c) The full details of hardship arrangements are also not noted on a bill. For example, the bill may just show a regular instalment amount as part of the customer's hardship plan. A third party will not be able to distinguish the instalment amount as a hardship or some other arrangement. Further, see (b) above in relation to the potential for pro-rating or other changes in rates or eligibility during a billing period. • (d) authorisations are not related to billing data. This information is not presented on bills. Provide information/details about all primary and secondary account holders or potentially authorised representatives to the authorised third party. Origin questions how this information could be shared if the other account holders or authorised representatives has not consented to this information being shared. This information is more relevant to the authorisation/authentication process and not billing. • (e) should be limited to payment method only if it is linked to direct debit. We do not provide this on the bill – the billing system merely records whether there has been a payment on the account. It is difficult to capture this information given the myriad of payment options (ie BPAY, IVR transaction, credit card, CentrePay, online transaction) and the fact that the customer could change the way they pay their bill each month or quarter (ie one month BPAY, next month Australia Post etc). We have a high level view of payment options but it is not provided on the bill. Further, if a customer was on a direct debit arrangement, we could not provide the details linked to the direct debit (ie credit card/bank account). This would raise privacy issues and go beyond the capabilities of systems. • (f) should be limited to the consumption data that is included on the bill for billing purposes. This may be an estimated read or customer self read. It is important that it is linked to the consumption used for billing purposes as there may be situations where a retailer has generated an estimation and then a customer self read is provided. Both could be included in billing systems but it is the read used to bill that will be critical.

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	<p>The requirements for billing data should align with the processes followed in the sector. Energy retailers already have obligations to provide billing data and authorised third parties are able to seek billing data on behalf of a customer. These requirements should be reviewed to determine the types of data already provided and determine whether there is a need to the type of billing requirements.</p>
<p>Energy Plan Information (section 3.3.7)</p> <p>ACCC propose that retailer provided data includes tariffs and charges, tariff type, contract terms, discounts, benefits, fees and eligible criteria</p> <p>Proposal to exclude large customer plan information from the product data.</p> <p>Seeks any limitations that should be placed on accessing energy plan information.</p>	<p>Support energy plan information being limited to 'generally available' offers and <u>not</u> 'restricted plan' information. The general product requirements should align with the requirements of the electricity sector and <u>not</u> include restricted plans nor below the line offers. 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 (ie hardship plan that is not generally available). This position is reflected in the Australian Energy Regulators (AER) Retail Pricing Information Guidelines which energy retailers are required to comply in terms of disclosing and publishing offer plans.</p> <p>The 'generally available' limitation should apply to both identifiable and non-identifiable offers.</p> <p>We agree that the product data provided by AER or DELWP should not include plans that are currently in use by customers but are not available to new customers.</p> <p>We support the exclusion of large customer product information. Information for large customer is not developed or distributed in a standard form.</p>
<p>Dispute Resolution (section 4.5)</p> <p>ACCC proposes to align energy sector internal dispute resolution requirements with existing energy requirements.</p> <p>ACCC questions whether additional rules are required.</p> <p>Treasury is considering external dispute resolution options.</p>	<p><u>Internal Dispute Resolution</u></p> <p>Support the rules aligning the CDR dispute resolution requirements with the 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.</p> <p>We support the approach that if a data holder operates across a number of sectors (ie offers electricity and telecommunication), they are required to meet the requirements of the primary sector in which they operate.</p> <p><u>External Dispute Resolution</u></p> <p>We note that the paper states that Treasury is considering external dispute resolution scheme. Determination of an external arrangement will be key to the framework development.</p> <p>Origin believes that if data complaints are to be dealt with by Jurisdictional Energy Ombudsman Schemes, the scheme needs to be extended to these additional parties prior to the commencement of the CDR Rules. This</p>

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	<p>is to ensure:</p> <ul style="list-style-type: none"> • Participation, enforcement of decisions and ensure customers receive the benefits of such a scheme. Without a mandatory membership of the Scheme, response 'opt in' levels will be low (or zero); and • They become financial members of the Ombudsman Schemes. Non-memberships have the potential to lead to cross-subsidy issues where members will need to cover the cost of investigations for issues related to non-members.
<p>Phased Implementation – Retailers (section 4.6)</p> <p>ACCC are proposing to:</p> <ul style="list-style-type: none"> • Adopt a phased approach by sequencing retailers, by bringing the largest retailers into the regime initially and then phasing the remaining retailers above a certain threshold: <ul style="list-style-type: none"> ○ Option 1: AEMO, Origin, EA, AGL and local incumbents (ActewAGL, Ergon and Auroa). ○ Option 2: AEMO, Origin, EA and AGL. ○ Option 3: AEMO and 10 largest retailers. • Exclude small retailers below a customer number threshold, but allow them to voluntarily 'opt in'. • AEMO be subject to the data holder obligations at the commencement of the scheme. • Require most, or all, retailers to comply with the authentication process at the commence of CDR energy regime. • Reciprocity to apply to data holders who become accredited data recipients ahead of the scheduled timeframe. This would bring 	<p><u>Sequencing of data holders</u></p> <p>The benefits of CDR to consumers will be greatest when all designated data holders are operational and are sharing data as part of the data sharing energy CDR frameworks. The outcome for consumers will be sub-optimal until this occurs as not all consumers will be able to access their data in the same timely manner. We thus believe that the consumer benefits will be best delivered through Option 3 where AEMO and the 10 largest retailers commence as part of Tranche 1. The fluency of the energy market and the high levels of switching also leans towards a greater level of retailer participation at the commencement of the scheme.</p> <p>As part of the ACCC's consideration of phased implementation, the ACCC should consider the customer experience if an ADR obtains consumer consent and then subsequently determines the customer is not with a retailer who offers the service. This will create customer dissatisfaction if this occurs.</p> <p><u>Retailer authentication</u></p> <p>The phasing of the application of the CDR regime to retailers raises questions in relation to authentication. Authentication will be important to the release of CDR data. AEMO cannot authenticate without the retailer involvement and thus it would seem that all retailers will need to be able to authenticate at the commencement of the scheme in order for customer to receive some of the data sets. For example, the sharing of meter data may need the authorisation from a number of retailers if the consumer has been supplied with energy by a number of different retailers over a two year period.</p> <p><u>Sequencing of AEMO's obligations</u></p> <p>It is noted that AEMO will take on a number of different roles in the CDR framework: 1) data holder; and 2) gateway. Each of these roles have varying rules and obligations that apply to them. It would seem appropriate that AEMO become compliant with each of these roles when it is determined that each of the obligations commence. That is, if it is deemed that data sets are transitioned with product data to commence before other data sets, then AEMO will only need to be compliant with the gateway obligations at the commencement of the CDR energy regime. It may be that the regime commences and AEMO becomes complaint with the data holder role for meter data and NMI standing data at a later date.</p> <p><u>Reciprocity</u></p>

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<p>forward the obligations that would otherwise apply to those data holders at a later date.</p>	<p>The concept of reciprocity in the CDR legislation is that a data holders obligations are brought forward if they become an ADR prior to their legislative requirement to become a data holder. Reciprocity is a key element of CDR framework to deliver the intended benefit to consumers. Origin believe that the CDR Rules should cover reciprocity from the commencement of the regime in energy to ensure there is a transparent framework of requirements and competitive distortions are not introduced into the market.</p>
<p>Phased Implementation - data sets (section 4.6.4.5)</p> <ul style="list-style-type: none"> • Tranche 1 – Generic product data (this comes from Energy Made Easy and DELWP). • Tranche 2 – NMI data, metering data, DER register data, customer data, billing data and tailored tariff data. 	<p>Support, in principle, the two-tranche approach for the transition of data sets. However, the CDR Rules should be flexible to allow for another tranche of data if it is found that the quality of data or the capabilities to deliver all data sets in the second tranche is found to be not possible. For example, the DER Register has only recently become operational and both the use and the quality of the data still needs to be assessed.</p>
<p>Accreditation (section 4.7)</p> <p>ACCC raises a number of options in relation to accreditation in the energy sector:</p> <ul style="list-style-type: none"> • Tiered Accreditation – whether some data is more sensitive than others and require different levels of accreditation to access. • Streamlined accreditation – whether the ACCC should take an approach similar to streamline accreditation in the banking sector where certain parties (ie data holders) are not subject to the accreditation requirements. • Whether additional conditions should be included under which an accredited person may become a data holder for the energy data it receives (ie a customer can direct that their CDR data be directed to a new retailer). 	<p><u>Accreditation</u></p> <p>Support the continuation of a single level accreditation process as has been implemented for the banking sector. A single tiered arrangement will provide for data security and efficiencies for accredited data recipients that operate across sectors. Energy companies hold a vast amount of customer data and data subsets such as direct debit bank account details (this data is being proposed by the data standards body) is highly sensitive data and require appropriate data security platforms for the receiving party with the transfer of this information.</p> <p>A tiered accreditation will add unnecessary complexities with regards to the requirements required for different sectors. A tiered accreditation will require the segregation of data sets to ensure that only the authorised data sets for the level of accreditation is provided to the accredited third party.</p> <p><u>Streamlined accreditation</u></p> <p>Support the continuation of a streamlined accreditation process. Retailers, who will be data holders, are required to provide detailed information to the industry regulator to become authorised to sell energy. Given the level of regulatory oversight of the energy sector, it appears reasonable that the banking streamlined accreditation process could be extended to data holders who wish to become accredited data recipients. The elements of the streamlined process will need to be reviewed to determine their applicability to energy.</p> <p><u>Conditions</u></p> <p>Banking has an additional condition that if a customer switches providers, they are able to transfer their CDR data to the new provider. This requires explicit informed consent to transfer the data.</p>

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	<p>Origin has concerns with this concept from an energy perspective. A switching rule change is due to commence in late 2021/22 that changes the notification requirements for switching. There are 2 key changes:</p> <ol style="list-style-type: none"> 1. notification of a customer transfer will occur after the fact (ie 1 day after the transfer has been completed). Therefore, any data would not be transferred until after the transfer has been completed and the data would be needed to establish and account; and 2. customers will be able to transfer within 2 days of signing a contract, but still have a 10 business day cooling off period. It means that data may be transferred, but then the customer transfers back within a short period of time. Data may be transferred when the customer has actually cooled off. <p>Finally, data holders would need to build systems to be able to transfer to each other as CDR data exchange will happen through the gateway.</p>
<p>Estimating regulatory costs (section 5)</p> <p>Estimate of regulatory costs of implementing and complying with CDR energy requirements.</p>	<p>We believe regulatory/compliance cost cannot be estimated until we have a clearer framework operating model for the energy industry – we feel that there are still large elements of the framework that are unknown. The decisions on the CDR Rules framework for energy will contribute to the determination on system and process build and thus the impacts on the business. We note that we will have another opportunity to provide a cost estimate at the time of the consultation on the draft CDR Rules. This may be a more appropriate time to provide estimates of industry costs that can be verified by decisions in the CDR Rules.</p> <p>We note that the explanatory material to the <i>Treasury Laws Amendment (Consumer Data Right) Bill 2019</i> makes reference to the compliances costs to the Banking Sector being approximately \$86.6 million per year, and in the energy sector by an average of \$9.9 million per year. Origin understands that these estimated costs were obtained from a report provided to the Government from HoustonKemp.</p> <p>Origin believes the costs to the energy sector for implementing CDR will have been significantly understated by HoustonKemp. The HoustonKemp Report contained limited technical analysis of the issues faced by the energy industry in implementing the CDR framework, they did not obtain any financial data from energy participants to estimate costs and the Report contained many technical errors. As we have previously highlighted to Treasury, relying on this report will not provide regulators with the true cost impacts to the industry.</p> <p>We question how AEMO's costs will be recovered in the market and whether there will be a specific CDR cost category. Costs should be fairly recovered from market participants.</p>