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Consumer Data Right: Priority Energy Datasets

The Australian Energy Regulator (AER) welcomes the opportunity to comment on Treasury's *Consumer Data Right, Priority Energy Datasets* consultation.

We support the extension of the Consumer Data Right (CDR) to the energy sector, and the proposed scope of energy data that should be subject to the Treasurer's initial designation, for CDR in energy.

As the Commonwealth's independent energy regulator, we work to make all Australian energy consumers better off, now and in the future. Our Strategic Statement¹ outlines our strategic objectives, that include driving effective competition and equipping consumers to participate effectively in energy markets. These objectives are aligned with the policy intent of the CDR for energy.

We achieve these objectives by empowering consumers and encouraging market engagement, to enable them to make the best choices for their circumstances and to have confidence to choose the products, services and suppliers they want. The primary mechanism for us to conduct these activities is the Australian Government's only energy retail product and price comparison service, Energy Made Easy (energymadeeasy.gov.au), that we operate. We are therefore in a unique position to provide comment, as both a repository of retail product data and as a service provider seeking to deliver a more efficient and personalised experience for consumers, using their energy data.

Facilitating access to a consumer's data, with their consent, will enable the AER to provide a more personalised product comparison experience for consumers. It will enable delivery of

¹ AER, Strategic Statement, August 2017, <https://www.aer.gov.au/publications/corporate-documents/aer-strategic-statement>

more accurate and granular price estimates that better reflect a consumer's unique circumstances, enabling them to more confidently compare the products and services available to them.

In Attachment A to this submission, we provide detailed comment on the priority datasets proposed for designation, in the context of Energy Made Easy (EME).

We look forward to working with Treasury, the ACCC and the Data Standards Body, in support of the implementation of CDR in the energy sector.

Yours sincerely



Sarah Proudfoot
General Manager, Consumers and Markets

Attachment A

Retail product data

The consultation paper outlines the retail product data the AER collects from energy retailers, and the instruments under which retailers are required to provide it. While this consultation is focused on the priority datasets that should be subject to designation—and not the parties who may be obliged to make the data available—we consider that it is relevant to articulate at this stage of the process, how retail product data is presently managed by the AER.

The AER provides energy retailers with access to a secure online portal, to provide their data to EME to meet their legislative obligations. The AER has developed a data standard for the retail product data and provides a technical document to retailers containing the data standard, that includes the data formats and validation rules. Retailers submit their data by uploading a Comma Separated Values (CSV) file to the portal system. The AER provides technical support to retailers for this process.

The EME data standard is designed to ensure that:

1. retailers are providing all required plan and contract information to meet their legislative and regulatory obligations
2. the consumer website (energymadeeasy.gov.au) is able to accurately represent the retailers' product information, including pricing
3. EME can generate plan information documents that retailers must reference and use in all communication with customers, as required under the AER's guidelines

The existing energy legislative framework currently prohibits AER disclosing or sharing the retail product data it holds. Therefore the AER is not permitted, nor equipped, to make this data available on-demand by automated means, via EME. We field many requests to release or share the EME data—given that the product data available via the website is effectively in the public domain—and there are parties who frequently use unauthorised practices such as 'screen scraping' to harvest the EME dataset for their own purposes, including operating third-party product and price comparators. This comes at a cost to the AER, from both a resourcing and computing expense perspective, and presents risks in the wider use of this data, given it cannot be accurately interpreted without the supporting EME data standard documentation.

We therefore endorse the designation of retail product data as a priority dataset for CDR in energy, so that a broader range of parties can have controlled access to this data. Access to retail product data, would better enable independent research and analysis of the retail energy market, and support those seeking to develop value-added products and services for consumers.

However, while we are broadly supportive, should the AER be obligated to make the EME retail product data available, additional funding would be required to develop the necessary systems or APIs to facilitate this, and to support these systems and data access processes on an ongoing basis. As the retail product dataset within EME, is structured to meet the needs of EME, AER would welcome the opportunity to input into the development of the CDR data standards for retail product data.

We have an interest in ensuring that our operation of EME is not adversely affected by any proposed changes to the retail product dataset under CDR. We consider it is also prudent to limit any additional regulatory burden for retailers given the potential for this to lead to increased costs to consumers, as a result of duplication of retailer data management processes.

Data to support the Energy Made Easy use case (product comparison)

While EME holds retail product data, it is highly dependent on consumers providing information and data about their household or small business energy usage, in order for us to provide meaningful energy product and estimated pricing information in return.

The effectiveness of this service is limited for many consumers, due to the absence of easily accessible and standardised consumer data. EME relies on consumers answering a series of questions about their household and/or providing data they obtain from their energy bills. Feedback to the AER from consumers and their advocates suggests that the inconsistency in energy bill formats and language used throughout, makes this task complex for many consumers, who choose not to engage as a result or receive a sub-optimal experience in EME.

Facilitating access to a consumer's data, with their consent, will enable the AER to provide a more personalised product comparison experience for consumers. It will enable delivery of more accurate and granular price estimates that better reflect a consumer's unique circumstances, enabling them to more confidently compare the products and services available to them.

The datasets of most value to EME that would improve the effectiveness of the service and enhance the consumer experience, include metering data, National Metering Identifier (NMI) standing data, Distributed Energy Resource (DER) register data and billing data.

Metering data is of most value for the purpose of calculating price estimates based on a consumer's historical energy usage pattern. **NMI standing data** and **DER register data** would support EME to narrow its focus for a consumer's product comparison, to ensure they are presented with products that they are most likely to be eligible to acquire. For example, products that may be available only within certain distribution networks, that require a specific metering configuration or products that require the consumer to have solar panels or batteries installed.

While EME does not presently incorporate a use case for **billing data**, we recognise that it presents an opportunity to obtain additional information about a consumer's unique circumstances, that might better support them with product comparison. For example, bill data may include details of specific rebates or concessions that should be factored into EME's price estimates.

We consider that in some cases, billing data is also more likely to reveal information about "tailored" products. For example, a customer may be offered a plan that is generally available and visible on Energy Made Easy, to which the retailer applies an additional benefit based on the customer's unique circumstances. It is feasible to consider that rates, fees and conditions for the generic product and the product the customer is offered will be the same, but that a unique discount or rebate may be offered to that customer. In these cases, such information about a customer's unique characteristics and/or relationship with their retailer, could more reasonably be ascertained from the customer's billing data, rather than any specific "tailored" product dataset.