



Energy & Water
Ombudsman NSW

Response to

*Standing Council on Energy and Resources
Energy Market Reform Working Group*

*National Smart Meter Consumer Protections
and Pricing Draft Policy Paper Two.*

23 March 2012

Submitted by the

Energy & Water Ombudsman NSW

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Manager,
SCER Secretariat,
Department of Resources, Energy and Tourism
GPO Box 1564
Canberra ACT 2601
EMRWGSecretariat@ret.gov.au

Thank you for the opportunity to comment on the *National Smart Meter Consumer Protections and Pricing Draft Policy Paper Two*.

The Energy & Water Ombudsman NSW investigates and resolves complaints from customers of electricity and gas providers in NSW, and some water providers.

EWON believes that we have sufficient experience of customer issues to provide an informed contribution to the draft policy paper. In NSW Energy Australia (now Ausgrid) has over the last five years been replacing accumulation meters with interval meters within their network. While these meters do not fully meet the definition of 'smart meters' they share many of the same characteristics, especially the basis for Time of Use tariffs and the provision of half hourly data. Further the widespread installation of solar arrays has seen the introduction of interval meters throughout all three networks.

These processes have led to a number of customers contacting EWON, and we have used their experiences to inform our contribution to the debate.

We have provided some broad observations and then responded in detail to the specific questions and draft policy positions. For ease of reference we have adopted the same numbering as the *National Smart Meter Consumer Protections and Pricing Draft Policy Paper Two*.

If you would like to discuss this matter further, please contact me or Chris Dodds, Senior Policy Officer on 82185250.

Yours sincerely

A handwritten signature in blue ink that reads 'Clare Petre'.

Clare Petre
Energy & Water Ombudsman NSW

General comments

Introduction

The introduction of smart meters provides the opportunity for the development of a range of new products suited to individual energy consumption needs. The benefits also include potentially significant cost reductions around data collection and a range of network costs.

There are however some serious implications in moving to a more complex energy market for small retail customers. There is a need for clear information for customers and general education of consumers, as well as an appropriate consumer protection framework.

EWON has identified the following key issues and wishes to make some general comments. The draft policy positions and consultation questions are then directly addressed in the attached table.

Vulnerable customers

EWON believes there needs to be protection for vulnerable consumers particularly in relation to:

- Introductory costs of metering
- Potential rewiring costs when unsafe installations are identified at a point of meter installation
- Tariff structures based on an average consumption which adversely impact on very low users or customers without discretion to change consumption patterns
- New complex products which are marketed to inappropriate customers (such as direct load control product to a life support machine user)
- The issue of informed consent is critical to ensure that small retail customers fully understand the implication of many of the proposed new products arising from the introduction of smart meters.

The needs of vulnerable customers need to be built into the policy decisions being made now to avoid unintentional consequences into the future.

Regulatory framework

The regulatory framework needs to adapt to encompass all the relevant industry players, including new third party service providers.

Competition

Customers need to retain choice (a key objective of the National Energy Market (NEM) reform process). The NSW experience of a network rolling out interval meters is that only the retailer previously associated with that network has

provided tariff choice. The other retailers only offer customers the Time of Use tariff. This has led to a number of complaints based on a perceived lack of choice.

Retailer / Distributor relationships

Given the increased complexity of meter data there has been an occasional lack of capacity and some short falls in business to business transfers of data. This issue is critical to address in the context of a large scale transfer of customers to smart meters.

Third party service providers

EWON believes that the *Draft Policy Paper* correctly identifies a range of potential services which may be offered to customers based on the technical capacities of smart meters. These include:

- information services to help consumers manage their power usage and bills, and compare market offers
- direct load control services which would allow control of certain appliances through the smart meter, in exchange for an offsetting benefit
- a “load aggregator” who obtains a benefit in the wholesale market from aggregating load reductions and then shares the benefit with its customers
- third parties who provide services such as independent price comparison services that may not always be provided by retailers.¹

The key question that arises in the context of these potential services being provided by third parties is what consumer protections need to be in place for these and other possible services?

These services relate directly, or in some instances indirectly, to the supply of an essential energy service. The recognition of the essential nature of energy lies behind the current national legislative structures which govern energy supply, and from 1 July 2012 (in most jurisdictions) consumer protections in the retail energy market.

Given the integration of these potential new services with the current providers (both in retail and distribution) it would appear to EWON that regulation for third party service providers is correctly placed within the context of current energy regulation.

EWON believes that one possible regulatory model is provided by the National Energy Customer Framework (NECF) approach to exempt retailers. The AER could be authorised to establish Guidelines, with a registration process for third party service providers. The level of detail required and the level of regulation could then be varied in proportion to the impact and complexity of the service being offered.

¹ Smart Meter Consumer Protections and Pricing Draft Policy Paper Two, Dec 2011, Page 24

Such an approach allows for innovation and ensures that the regulatory parameters are set in such a way that new services are not discouraged. Equally it also ensures that for retailers, networks and most importantly consumers, similar protections are provided with the aim of ensuring a safe and stable energy market.

Independent Dispute Resolution for Customers

In Chapter 10 of the draft policy paper there is a discussion about bringing third party service providers under the jurisdiction of the current energy industry Ombudsman Schemes. We note the *Energy Market Reform Working Group* want to achieve consistency for customers in the resolution of their energy disputes².

This principle is one which EWON would support if the third party service providers are regulated by the energy regulatory framework. There are however significant practical issues to be addressed if the current energy Ombudsmen scheme jurisdictions were extended to cover third party service providers.

EWON proposes that Australia & New Zealand Energy and Water Ombudsman Network (ANZEWON) enter into formal discussions with the *Energy Market Reform Working Group* to develop a process to ensure that customers have access to relevant independent dispute resolution services.

Such a negotiation would need to canvas (among other issues) membership and scheme funding, given that current scheme structures are based on a limited membership base that cannot be expected to pay for the increase in workload that an expansion of jurisdiction might entail.

The members of ANZEWON have a shared commitment to the principle of consistency for consumers in the resolution of their energy disputes and we look forward to further discussions.

² Ibid. Page 64

Proposed Draft Policy Positions and Consultation questions

Policy position or consultation question	Policy positions and consultation questions	EWON Position
Consultation Question 2.1 Setting network tariffs	2.1. Are there any changes required to the rules and regulation including the relevant sections of the distribution pricing rules in Chapter 6 of the National Electricity Rules as a result of the potential new pricing arrangements enabled by smart meters?	No comment
Consultation question 2.2 – retail tariffs	2.2. How can effective choice of tariffs for consumers be facilitated given likely network pricing behaviour and retail pressures?	In NSW the retailer previously associated with the distributor rolling out interval meters is the only retailer offering customers a choice of a time of use (ToU) tariff or a standard flat tariff. Many customers have seen this as anti-competitive and feel that they are denied a choice.
Draft Policy Positions 1, 2 and 3 – Critical peak price tariff and critical peak rebates	1. Critical peak price tariffs can be set by both distributors and retailers, but only offered by retailers.	EWON supports this position.
	2. Critical peak rebates can be offered by retailers or distributors.	EWON is concerned about marketing to vulnerable customers and the possibility of customers agreeing to conflicting contracts.
	3. Critical peak pricing tariffs and critical peak rebates must be offered as a voluntary product and only established with a consumer’s explicit informed consent	EWON strongly supports this position. Vulnerable customers for whom this product is unsuitable could be significantly impacted. Protections are essential.
Consultation Questions 2.3, 2.4, and 2.5 – Critical peak price	2.3. What supporting arrangements might be put in place to help consumers gain a better understanding of and benefit from CPP tariffs?	A key issue concerns informed consent. One possibility could be consideration of specific rules disallowing marketing where agents are paid on commission. Also EWON would support more stringent

Policy position or consultation question	Policy positions and consultation questions	EWON Position
		conditions ensuring informed consent is gained, supplemented by a required follow up process that focuses on ensuring that the customer understands the cost implications of the product.
	2.4a. Should minimum terms and conditions be specified for CPP contracts?	Yes
	2.4b. If so what specific issues might be covered?	No comment.
	2.5. Should there be protocols on how a distributor can offer a CPR and a retailer CPP or CPR offers to the same consumer?	Our preferred position is that this product should be offered by retailers only, however if distributors are actively seeking contracts then it is critical that relevant protocols are in place.
Consultation Question 2.6 – Locational network pricing	2.6. What alternatives to tariff-based incentives might be facilitated through smart metering in order to manage locational network issues?	EWON would strongly oppose locational tariffs as a retail product, however we would support the concept of a discount for consumption modification being offered on a locational basis, to address specific network issues.
Consultation Question 2.7 – Load control tariffs	2.7. How can the issue of consumers who lose access to dedicated circuit off peak rates be addressed?	The main issue that customers have raised with EWON related to this issue concerns the existing off peak meter. In many instances the off peak meter has been left and the customer has to pay a service availability charge on a meter which no longer serves any purpose. This could be addressed by both distributors and contractors being required to remove dedicated off peak meters when a smart meter is installed.

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<p>Consultation Question 2.8 consumer choice of tariffs</p>	<p>2.8a. Should all retailers be required to offer a range of retail tariff options to customers including flat tariffs?</p>	<p>Given that some customers (possibly a small minority) will see either no benefit or would be disadvantaged by a ToU tariff then it seems reasonable that there is an obligation to have a flat tariff option (possibly with eligibility requirements), as a suitable consumer protection. Given that under the NERL every retailer will be required to have a standing offer then it appears consistent that retailers be required to offer both a flat tariff and a ToU tariff component.</p>
	<p>2.8b. If retailers are required to provide a range of tariff options to customers does this also mean that networks should also offer a range of network tariffs for retailers?</p>	<p>No comment.</p>
	<p>2.8c. Should these arrangements, if adopted, be transitional? If so, what conditions need to be satisfied before the arrangements can be reconsidered?</p>	<p>If there was a policy decision not to have a requirement for all retailers to maintain a flat tariff offer then EWON believes that at least such a requirement should exist for a transitional period where a customer is on a current contractual arrangement.</p>
<p>Consultation Question 2.9 – Transfers without penalty</p>	<p>2.9a. Should there be a transitional period which allows consumers to move between contracts without penalty?</p>	<p>Yes, EWON supports a transitional period. From our experience of customer complaints this is a major issue. Many customers have signed with a retailer under the understanding that they offer a flat tariff but have then found, given that they have an interval meter, that the original offer does not apply. Also customers with a current contract find it</p>

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		<p>varied when an interval meter is installed, and they are given no choice as to the tariff. If they wish to move to the single retailer in NSW who does have a flat tariff offer they are then penalised.</p>
	<p>2.9b. If so, what conditions need to be satisfied before the arrangements can be reconsidered?</p>	<p>EWON believes this should be a permanent option if a retailer does not offer a flat tariff and another retailer has such an offer.</p>
<p>Consultation Questions 2.10, 2.11 – Supporting informed choice for consumers</p>	<p>2.10. What arrangements need to be put in place to reduce complexity for consumers and assist them to understand the different offers in the market?</p>	<p>The possible new products and tariffs are potentially extremely complex, particularly in comparison to what is offered to small retail customers at present. One of the key issues will be customer informed consent.</p> <p>In the UK a contract offer has to include an actual comparison of the last 12 months consumption on the existing tariff structure and on the proposed offer. This provides the customer with comparative information to assist them make an informed decision. An alternative approach could be a transition period of 2 bills which remain on a flat rate before introduction of the ToU tariff, with the ToU tariff costs provided on the invoice so that customers can make a real comparative assessment of the value or otherwise of the new tariff.</p>
	<p>2.11a. Does there need to be monitoring of new pricing arrangements to ensure that</p>	<p>Yes.</p>

Policy position or consultation question	Policy positions and consultation questions	EWON Position
	complexity does not impede the realisation of demand response and consumer benefits?	
	2.11b. Should the AER undertake such monitoring?	This should be an AER responsibility however Ombudsman complaint data could be a valuable resource for the AER process.
Consultation Question 2.12– General Transitional Arrangements	2.12. Are there any other transitional arrangements that would help consumers adjust to new pricing arrangements?	Distributor and retail information in plain English, provided in a timely manner is essential for a smooth transition. Such information should be vetted by the AER to ensure clear information is provided and that essential messages are not buried in marketing materials.
Consultation Question 2.13 – Permanent flat tariff for vulnerable consumers	2.13a. Should a flat tariff option be available for vulnerable consumers on a permanent basis?	Yes.
	2.13b. Should that option be required for both standing offers and market offers?	For standing offers only.
Draft Policy Position 4 – Hardship provisions	4. The AER should monitor whether hardship consumers are overrepresented on any particular tariff type.	Yes, this should be included in the AER hardship program indicators.
Consultation Question 2.14 Appropriate tariffs to hardship consumers	2.14. Should retailers be obliged to recommend the most appropriate tariff to consumers in their hardship program?	Yes.
Concessions regimes	Recognising that Concession regimes are a jurisdictional responsibility, States and Territories may wish to review their concessions frameworks in light of the services supported by smart meters.	EWON believes that in the move to the NECF there is a need for a national review of the various concession and customer assistance regimes. This review is long overdue and would assist retailers who struggle with differing jurisdictional approaches as well as consumers who need access to this assistance.

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Community service obligations	Recognising that CSO's are jurisdictional responsibility, States and Territories may wish to review their CSO frameworks in light of the services supported by smart meters.	Given the co-operation shown in the development of the NECF there is no reason that a national approach should not be developed in this area.
Consultation question 3.1 – Issues for third parties in market	3.1. Are there further issues to those outlined above that need to be considered for third parties who are not agents of the distributors or retailers?	See EWON's earlier detailed comments in this submission.
Draft Policy Position 5– Third parties service providers	5. EMRWG considers, except for the case of the provision of customer's data, that there are important issues to be resolved in providing for third parties in the market framework and systematic consideration should be given to these issues in the overall development of market arrangements for the delivery of smart meter services to consumers.	See EWON's earlier comments in this submission.
Consultation questions 3.2 and 3.3 – Third party services	3.2 What services - other than those listed above - could be made available by third parties through a customer's smart meter?	No comment.
	3.3 What controls should apply to third parties in relation to such service offerings?	Controls should be managed within the energy regulatory framework.
Draft Policy Position 6 – SCC as a mandatory function for network emergencies	6. Distributor-initiated SCC will be allowed for emergencies to manage network demand.	EWON supports this.
Draft Policy Position 7– SCC as a discretionary distribution product	7. Distributors should be allowed to offer SCC as a discretionary product to manage network demand, subject to the appropriate consumer protections being in place.	EWON considers it preferable that such offers should be made through retailers for small retail customers.
Consultation Questions 4.1, 4.2 and 4.3.– SCC as a discretionary distribution product	4.1 Are the existing planned interruptions of supply rules sufficient to protect customers if SCC was offered as a product by distributors?	EWON believes there needs to be specific obligations to inform customers of planned interruptions built into any SCC contracts.
	4.2. How ready are the distribution businesses to	EWON has concerns over marketing to vulnerable

Policy position or consultation question	Policy positions and consultation questions	EWON Position
	offer these products to consumers?	customers. This is an area where retailers have experience and have a regulated role (for example hardship programs). At present, distributors have neither the experience nor the infrastructure to deal with small retail customers. We believe they would need to develop the appropriate systems and arrangements, consistent with the relevant consumer protections before products could be offered to consumers.
	4.3a What additional consumer protections, including marketing requirements, should be placed on distributors in offering these products to consumers?	Energy Assurance Limited membership with stringent enforcement and oversight. Further specific rules disallowing marketing where agents are paid on commission could be considered. Finally more stringent conditions ensuring informed consent is gained supplemented by a follow up process, such as a verification call to the customer, that focuses on ensuring that the customer understands the implications of the product could be made a requirement.
	4.3b. What information should be provided to consumers with these products, and who should be responsible for providing it?	The party signing up the customer should be required to provide an AER approved product information statement.
Draft Policy Position 8– SCC as a discretionary retail product	8. For avoidance of doubt, SCC may not be used as an alternative to disconnection action and may not be offered to any customers entering or participating in a hardship program.	EWON supports this position.
Consultation question	4.4a In what circumstances might consumers benefit	No comment.

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4.4 – SCC as a discretionary retail product	from SCC as a discretionary retail product?	
	4.4b How ready is the market to offer these products?	These are complex products with significant implications for customers. Currently the market only offers small customers retail arrangements that are simple products with little variation. We have recently seen the difficulties related to the introduction of a solar tariff in NSW which has been a challenge to the data transfer arrangements between retailers and distributors. We believe business to business arrangements need to be considered further if new products are to be introduced.
	4.4c What consumer protections should apply if these retail products were offered?	See response to 4.3(b)
	4.4d How could the risk of ensuring that these products are not offered, or accepted, by consumers as a means of avoiding de-energisation or mitigating financial hardship be managed?	See 4.3(a)
Policy Position 9 -Third parties and discretionary SCC	9. EMRWG considers that at least the same controls as apply to retailers and distributors should apply to third parties regarding any offer of SCC to consumers as a discretionary product.	EWON supports this position.
Consultation Question 4.5 – SCC and embedded generation	4.5a Under what circumstances could export supply capacity control be used?	No comment.
	4.5b Should energy exported to the grid be subject to a supply capacity limit?	No comment.
	4.5c. If so, how should this limit be set?	No comment.
Draft Policy Position 10	10. Distributors, retailers may offer	As indicated previously

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and 11 – Offers of DLC	DLC products and services to consumers.	EWON would prefer that such products not be offered through distributors to small retail customers.
	11. In principle, third parties may also offer DLC products and services to consumers.	EWON supports this position, with appropriate consumer protections in place.
Consultation question 5.1 third party offers of DLC	5.1a What issues arise for third parties who are not agents of the distributors or retailers in providing DLC products to consumers for energy management purposes?	Marketing rules and dispute resolution currently apply to retailers and the same rules should apply to third parties.
	5.1b. Are consumers sufficiently protected by these third parties' compliance with the general consumer law or should consideration be given to incorporating these functions in the energy Rules?	EWON believes that these third parties' functions should be incorporated into the current energy regulatory framework. Given that energy supply is an essential service, the current regulatory regime (suitably applied) should apply to all parties active in the energy market.
Draft Policy Positions 12, 13 and 14 – DLC contractual arrangements	12. To access DLC customers will be required to enter into separate contracts with the distributor and/or retailer, and must give explicit informed consent to those contracts.	EWON supports this position.
	13. For a transitional period, DLC contracts would have a maximum length of 24 months and during the transitional period, customers will have the right to exit the contract without penalty.	EWON supports this position.
	14. In the longer-term, these contracts may contain a cost that the customer incurs for early termination of the contract. This must be clearly stated and reflective of the true cost to the business of this early cessation of the contract.	Vulnerable customers whose circumstances dramatically change need protection. For example an elderly couple who unexpectedly become permanent carers of grandchildren or a person whose personal health dramatically changes would need some penalty free

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		options.
Consultation Questions 5.2 – DLC contractual arrangements	5.2a. Are there any unintended consequences of enabling consumers to enter into DLC contracts with one or more parties?	No comment.
	5.2b. What conditions need to be satisfied before the transitional arrangements (if any) can be reconsidered?	No comment
	5.2c. What additional consumer protections, including marketing requirements, should be placed on distributors in offering these products to their customers?	See response for 2.10
Draft Policy Position 15 – Contractual arrangements on moving premises	15. DLC contracts will terminate when a consumer moves house, unless otherwise agreed with the customer. Terms and conditions must be clearly stated in the contract.	EWON supports this position.
Consultation Questions 5.3 – DLC and explicit informed consent	5.3a Are there additional steps to those in the NECF and ACL which should be taken by parties offering DLC to ensure that explicit informed consent is obtained?	There are more significant implications with DLC therefore there is a need for greater stringency on explicit informed consent. For example a confirmation phone call should require more than a series of yes answers from the consumer. The AER should approve a confirmation script.
	5.3b. Should guidelines be produced to assist parties to obtain this consent?	EWON supports this position.
	5.3c. Who should develop and monitor these guidelines?	The AER.
Draft Policy Positions 16, 17 and 18 – DLC and customer exclusions	16. Appropriate provisions would be incorporated into the NECF to ensure that DLC services would not be offered to customers registered with medical life support requirements.	EWON supports this position
	17. No customer will be required to involuntarily place any appliance on DLC, including as a condition of	EWON supports this position

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	<p>participation in a hardship program.</p> <p>18. Retailers must demonstrate that, if customers on a hardship program have agreed to a DLC service, this service is co-ordinated with all other assistance provided to customers.</p>	EWON supports this position
<p>Consultation Question 5.4 – DLC and exclusions</p>	<p>5.4. Are there any groups who should not be offered DLC services?</p>	<p>Customers should not be excluded if the product meets specific individual circumstances. For vulnerable customers there needs to be strong protections and an easy penalty free termination provision if circumstances change.</p>
<p>Consultation Question 5.5 – Notification of load control</p>	<p>5.5. Should customers be informed when load control is activated?</p>	<p>Yes.</p>
<p>Consultation Question 5.6 – DLC and manual override</p>	<p>5.6. As the manual override of some DLC services may produce adverse consequences for consumers, including reduced financial benefits, is it a service which should be offered in a contract?</p>	<p>A manual override could be essential particularly for health reasons. It should be an option in any offering of DLC to small retail customers.</p>
<p>Draft policy position 19– accumulated readings on the bill</p>	<p>19. In accordance with the requirements of the National Energy Retail Rules, the bill should contain an accumulated total for the start and end reads derived from the smart meter.</p>	<p>EWON supports this position. This issue is a source of a significant number of complaints to EWON.</p>
<p>Draft Policy Position 20– Time based tariffs</p>	<p>20. All TOU retail tariffs should be published as applying on the local time, rather than AEST and this should be clearly specified in the tariff information.</p>	<p>EWON supports this position . This issue is also source of a significant number of complaints to EWON.</p>
<p>Draft Policy Position 21 – Notification of estimates/substitutes on customers’ bills</p>	<p>21. In advising customers that a bill contains estimated and/or substituted data, retailers are to describe the data as ‘estimated’ in all circumstances.</p>	<p>EWON supports this position</p>
<p>Consultation questions 6.1 and 6.2 Notification to customers of estimations</p>	<p>What are the costs and benefits of:</p> <p>a) using a threshold approach?</p> <p>b) showing the scope of any estimations on the bill?</p>	<p>EWON supports a threshold approach, as long as relevant consumer protection are built into a threshold.</p>

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	6.2a. Should a threshold be applied to the reporting of the scope of estimations on the bill?	Yes
	6.2b If a threshold is used how should this threshold be determined?	Through an AER guideline, determined after consultation with the relevant stakeholders.
	6.2c. How should customers be informed of the threshold if implemented?	Through the proposed education program.
Draft Policy Position 22 and 23 – Estimations methodology	22. A customer’s past behaviour during the previous CPP event (if available) should be used in estimating their consumption in the event of a meter failure during a CPP event.	EWON supports this position
	23. All customers should have the right to challenge estimated readings on the bill if they believe that the estimate is not a reasonable estimate of their likely energy use.	EWON supports this position
Consultation Question 6.3 Estimations methodology for critical peak pricing	6.3a. Should changes to the metrology procedure be made to more accurately establish an estimation methodology in critical peak pricing?	No comment
	6.3b. If so, how should these changes be progressed?	No comment
Draft policy position 24 – Monitoring of estimated and substituted data	24. AER will having an ongoing role in monitoring the use of estimated and substituted data.	EWON supports this position . The AER should also take into account the Energy Ombudsman complaint data.
Consultation Questions 7.1 and 7.2 – Objectives of consumer engagement	7.1a. Are the objectives of the consumer engagement program sufficiently comprehensive?	Yes
	7.2b. If not, what other objectives should be identified?	
	7.2 Are there any other issues which should be promoted in a consumer engagement program?	Distributor and retailer involvement are essential as they have the most direct relationship with customers.
Draft Policy Position 25 –Coordination of	25. The Commonwealth government and/or the state or territory	EWON supports this position

Policy position or consultation question	Policy positions and consultation questions	EWON Position
consumer engagement by Government	governments should have a co-ordinating role in the consumer engagement program for the widespread installation of smart meters to enhance the understanding of the program by the community.	
Consultation Question 7.3 Role of government in non-mandated rollout	7.3. What should be the co-ordinating role of government in a consumer engagement program in the absence of a mandated roll out?	No comment
Draft policy position 26 – Involvement of stakeholders in consumer engagement programs	26. To develop relevant strategies for the consumer engagement program and to recommend the most appropriate strategies for different customer groups and circumstances, the involvement of industry and consumer representatives is essential.	EWON supports this position however we would argue there is also a role for Energy Ombudsman schemes to contribute their experience.
Consultation Question 7.4 – responsibility for different stages of consumer engagement	7.4a. Who should take the lead role for consumer engagement and the provision of consumer education and information at each stage of a mandated roll out?	Distributors and retailers.
	7.4b. Does this responsibility change with a non-mandated rollout?	No, if anything it is more important. There needs to be a closer relationship rather than a passing of the responsibility from one party to another.
Policy position 27 – Registering Devices on the HAN	27. Customers will be able to register a device on the HAN without having to enter into a contract with any party.	EWON supports this position
Consultation question 8.1 Registering Devices on the HAN	8.1. Should such registration be provided at no direct cost to the customer?	No comment
Draft Policy Position 28– Access Implications of Registration	28. Registering an IHD device or other device capable of receiving and displaying metering data and logging on to a web portal provided constitutes a request for access to metering data.	No comment
Consultation question 8.2 – Consumers’ access to data	8.2. Should consumers be able to access their own meter data via an IHD, web portal or similar devices	EWON supports this position

Policy position or consultation question	Policy positions and consultation questions	EWON Position
	free of charge?	
Draft Policy Position 29 – Third party access to data	29. In accordance with current practice, consumers may authorise provision of their data to any authorised third party.	EWON supports this position
Consultation question 8.3– Third party access to data	8.3. Are there any policy or regulatory changes needed to ensure that where consumers give consent to third parties to access their data this can be readily implemented?	No comment
Draft Policy Positions 30, 31 and 32 – Messaging through the IHD	30. Distributors can send messages on imminent power emergencies and planned interruptions, in accordance with the regulatory requirements, to consumers through their IHD without consent.	EWON supports this position
	31. Neither the retailer nor distributor, or any third party, can send marketing or similar information to consumers through the IHD without the customers’ explicit informed consent to receive the information	Such a service could be based on a model of e-mail notifications where customers have a right to unsubscribe.
	32. For retailers this consent can be obtained at the entry to the contract or during the contract period. Distributors and other third parties must have clear mechanism whereby this content is obtained. All parties must be able to provide clear evidence of this informed consent.	EWON supports this position
Consultation Question 8.4 – Messaging through the IHD	8.4a Is it reasonable to assume that the retailer could send information on pending price increases and other changes to contractual terms through the IHD without a customer’s consent?	Yes, but not replacing obligations under NECF.
	8.4b. If not, should the retailer obtain the prior explicit informed consent of the customer for using this medium for transmitting such information.	
Consultation Questions	10.1 Should any party offering	See previous comments.

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10.1 and 10.2 – Third party entry to Ombudsman schemes	products such as DLC through the HAN become members of the relevant Energy Ombudsman scheme?	
	10.2 What are the implications and risks of this approach?	
Draft Policy Positions 33 and 34 – Customer Impacts and metering installations	33. Low income households should not be placed in additional or unexpected financial hardship as a result of the need for electrical repairs being identified during the installation of a smart meter at their premises.	This is a difficult situation. Unsafe electrical wiring needs to be addressed immediately however some customers may not have the necessary resources to do this. While EWON supports this as a principle the practical implementation issues are complex and need further consideration.
	34. Jurisdictions should be responsible for determining how to assist low income customers in these circumstances, depending on the nature of their rollout.	EWON believes that there needs to be recognition of the national benefits of a smart meter roll out and that it is unsatisfactory to leave the responsibility of this complex issue completely in the hands of the individual jurisdictions. We support a national approach, where possible.
Draft Policy Position 35 – Radiofrequency Emissions and Smart Meters	35. Consumers must be informed about the standards which apply to radiofrequency emissions in respect to smart meters, the obligations on distribution businesses to comply with these standards, the outcomes of any relevant trials, and the compliance monitoring role of ACMA.	No comment
Consultation Question 12.1 Radiofrequency Emissions and Smart Meters	12.1. Who should be responsible for communicating information to consumers? What role should the distribution businesses take?	No comment
Draft Policy Position 36, 37 and 38 Remote energisation and re-	36. Remote energisation and re-energisation should become the standard practice across all	EWON supports this position

Policy position or consultation question	Policy positions and consultation questions	EWON Position
energisation	jurisdictions.	
	37. Remote re-energisation could be carried out using the Arm or Monitor Supply functions of smart meters, depending on the jurisdictional decisions.	No comment
	38. Jurisdictions should amend legislation, regulations and codes of practice to facilitate the implementation of remote energisation and re-energisation as standard practice for smart meters.	EWON believes that there needs to be further consideration of this issue to ensure that the equivalent of the current consumer protections is carried forward into a remote disconnection regime.
Draft Policy Positions 39 and 40 Customer information	39. Guidance must be provided to customers to assist them to undertake the relevant safety checks in their premises before remote energisation or re-energisation is undertaken.	EWON supports this position
	40. Retailers and distributors must not remotely energise or re-energise if they are not assured it is safe to do so.	EWON supports this position
Consultation Question 13.1 – Customer information	13.1 What are the options for providing guidance to customers on their obligations regarding remote energisation and re-energisation of electricity supply?	No comment
Draft Policy Position 41 and 42 – Customer Choice	41. Customers may be offered the option of a manual energisation or re-energisation, which may be on a cost-recovery basis.	No comment
	42. Jurisdictions should make provisions to assist disadvantaged groups of consumers for whom remote energisation or re-energisation is not appropriate.	EWON supports this position
Consultation Questions 13.2 – Customer choice	13.2. What are the implications for these customer’s premises being energised or re-energised using the on command or the switch on and monitor supply command?	No comment

Policy position or consultation question	Policy positions and consultation questions	EWON Position
Draft Policy Position 43 – Customer access to the meter	43. Electricity retailers and/or DNSPs must develop procedures for the remote energisation or re-energisation of premises where customers do not have convenient access to their meter.	EWON supports this position
Consultation Questions 13.3 – Customer access to meter	13.3a When an energisation request is made by a customer should distributors and retailers ensure that the safety risks are mitigated by asking the customer to ensure that the main switch is turned off?	Yes.
	13.3b. What additional requirements are necessary when customers with smart meters make a request for an energisation that a remote energisation is carried out safely?	No comment
Draft Policy Position 44 and 44 – Worker health and safety	44. Training and communication for electrical tradespeople should be promoted to raise awareness of the possibility of remote re-energisation when electrical work is undertaken.	No comment
	45. Codes of practice, guidelines and other documentation relevant to the electrical trades should be amended to recognise the possibility of remote re-energisation.	No comment
Consultation question 14.1 embedded generation	14.1. Are there any areas in which the minimum functionality may inhibit the use of embedded generation?	No comment