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Australian Competition and Consumer Commission
Submitted via email: adjudication@acc.gov.au

Consumer Data Right energy rules framework: Consultation Paper

Stanwell Corporation Limited (Stanwell) welcomes the opportunity to comment on the Consumer Data Right, energy rules framework consultation paper (consultation paper / CDR framework) provided by the Australian Competition and Consumer Commission (ACCC).

This submission contains the views of Stanwell in relation to the Consumer Data Right energy rules framework and should not be construed as being indicative or representative of Queensland Government policy.

1. Introduction

Stanwell is a major provider of electricity to Queensland, the National Electricity Market and large energy users, throughout Australia.

Stanwell Energy, our retail business, services large industrial and commercial customers in Queensland, New South Wales, Australian Capital Territory and Victoria. We provide a range of flexible solutions that are reliable, transparent and tailored to our customers' needs including but not limited to:

- Power purchase agreement (PPA) options;
- Long-term pricing and strategic relationships;
- Hybrid contracting arrangements; and
- Self-management of consumption and environmental certificate requirements.

Stanwell supports the roll-out of the Consumer Data Right (CDR) to the energy sector recognising the benefits it offers to customers such as providing greater control and easier access to data whilst promoting competition between energy service providers. Stanwell also recognises benefits that are extended to retailers and third parties reducing the complexity of data sharing during customer onboarding and by improving the accuracy of data when assessing energy plans for customers.

Stanwell's key comments on the consultation paper, which are discussed in more detail in sections 2 – 4 below, are:

- Terminology and thresholds for customers should align with the National Energy Customer Framework (NECF) to reduce regulatory confusion.

- **Large Customers** should have access to benefits under the CDR energy framework if, **data types** related to billing and energy plan information are expressly excluded.
- Option 3 **consumer dashboard** whereby the retailer provides the dashboard using the AEMO provided authorisation data application programming interface (API), is Stanwell's preferred option.
- Given the unpredictable nature of COVID-19 and the major reform that is underway in the energy sector, the proposed **implementation timeframe** for the second half of 2021 is too ambitious and would place businesses under financial and human resource pressure. Stanwell considers that implementation in the second half of 2022 would be appropriate, considering the above factors.

2. Eligible Consumers and Data Types

Stanwell considers that large customers should be in-scope of the CDR framework if data types related to billing and energy plan information are expressly excluded.

Large Customers should have the right to access and use their data if it is not commercially sensitive or materially enhanced. Stanwell considers that operational efficiencies can be gained under the CDR framework which will ultimately improve the large customer journey experience (negotiating, selecting, transferring and onboarding) and improve the accuracy of data retailers use when assessing energy plans for customers.

Stanwell acknowledges that under the CDR framework the enhanced data and competition benefits generated for large customers will be to a lesser extent than that experienced by small customers for the following reasons:

- Bargaining power between large customers and retailers is significantly more balanced than it is with small customers; and
- Bilateral negotiations with large customers generate bespoke and tailored agreements that are more likely to meet the customer's needs.

Despite these differences, Stanwell considers that the residual benefits are great enough to justify the inclusion of large customers.

If large customers are in-scope of the CDR framework, specific billing data and energy plan information must be expressly excluded because it is either commercially sensitive and/or materially enhanced¹.

- Section 3.3.6 Billing Data specifies for; "A breakdown of the amounts payable, including the tariffs and charges relating to a bill, basis on which tariffs and

¹ Information is materially enhanced information where: (a) the information was wholly or partly derived through the application of insight or analysis to information to which section 8 applies (source material); and (b) that insight or analysis: (i) was applied by, or on behalf of, the entity that holds the information or on whose behalf the information is held; and (ii) rendered the information significantly more valuable than the source material.

Note 1: The materially enhanced information may have been derived entirely from source material, or from a combination of source material and other information. It is only necessary for the application of insight or analysis to render the information significantly more valuable than the source material.

Note 2: The application of insight or analysis may have rendered the information more valuable than the source material by enhancing its usefulness, usability or commercial value.

charges are calculated, discounts and benefits applied and fees charged (which may include charges unrelated to energy usage)².

The basis upon which charges are calculated for large customers is far more complex than it is for small customers. In addition to undertaking basic cost analysis, a rigorous assessment of the consumers business operations, demand response capabilities, potential linkages with renewable projects or environmental schemes may be undertaken. These bilateral negotiations are commercially sensitive and use materially enhanced information.

- Section 3.3.7 Energy Plan Information. The ACCC states that currently plan information provided by retailers to the Australian Energy Regulator (AER) and the Department of Environment, Land, Water and Planning (DELWP) is limited to plan information for small customers, and that it is proposed that large customer plan information from this data set should be excluded.

Stanwell supports the ACCC's position to exclude this information because as stated above, the data is materially enhanced and are generated from commercially sensitive information.

3. Consumer Dashboard Options

The CDR rules require accredited persons and data holders to have an online system that allows customers to manage their data sharing consents and authorisations, respectively, by way of consumer dashboards (dashboards).

As the consultation paper highlights, the dashboard will need to provide data that the retailer is responsible for (such as customer, billing and tariff data) and that AEMO is responsible for (such as NMI and metering data and DER register requests).

Stanwell agrees with the ACCC that a customer should not be required to visit multiple dashboards to access their information. Regardless if the dashboard is provided by either the retailer or AEMO, each party should be accountable for the accuracy and integrity of their data.

Stanwell supports the adoption of Option 3 (section 4.4.3.3 of the consultation paper) for the consumer dashboard. Option 3 proposes a dashboard that is provided by the consumer's current retailer for all energy consumer data requests relating to the consumer, using an AEMO-provided authentication data API³.

Stanwell considers that the adoption of standardised APIs will generate greater consistency amongst data holder dashboards making it easier for customers to use, understand and make informed decisions about their energy choices. Option 3 maintains the traditional customer-retailer relationship rather than burdening customers with establishing and maintaining a new relationship with AEMO.

4. Implementation Timeframe

The ACCC has noted in the consultation paper and during the webinar held on Tuesday 12th August that the energy sector is currently working towards the implementation of major reform initiatives, including the five-minute settlement (5MS) and Global settlement and market reconciliation (GS) mechanism. The commencement of 5MS and GS have

² ACCC, Consumer Data Right, Energy Rules Framework Consultation Paper, July 2020. Page 14.

³ ACCC, Consumer Data Right, Energy Rules Framework Consultation Paper, July 2020. Page 38.

both been delayed by three months, so that they now commence on 1 October 2021 and 1 May 2022⁴ respectively.

The Australian Energy Market Commission (AEMC) stated in the final rule determination that, “a three month delay balances the capacity constraints placed on the industry by COVID-19 against the additional costs and deferred benefits that are caused by a delay to the commencement of the respective rules”⁵.

Recognising the impacts of COVID-19, a heavy reform implementation agenda and the varying degrees of resources that retailers will be required to engage to implement the CDR framework, Stanwell recommends implementation commence no sooner than 1 July 2022.

5. Conclusion

Stanwell supports the roll-out of the Consumer Data Right (CDR) to the energy sector and the high-level principles that have been adopted to ensure interoperability and extensibility across sectors. We recommend that where possible terminology and customer thresholds should be aligned with the NECF to avoid regulatory confusion, large customers should be in-scope if certain data types are expressly excluded, and that an implementation timeframe during the second half of 2022 would be appropriate to accommodate major reform work underway and the ongoing implications of COVID-19.

Stanwell welcomes the opportunity to further discuss the matters outlined in this submission. Please contact Jennifer Nielsen on (07) 3228 4155.

Yours sincerely,



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⁴ AEMC, Rule determination: National Electricity Amendment (Delayed Implementation of Five Minute and Global Settlement Rule 2020), AEMO 9 July 2020. Page i.

⁵ As above.