31 January 2023

Mr Mitchell Grande
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Australian Energy Market Commission
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Online via: https://www.aemc.gov.au/contact-us/lodge-submission

Dear Mitchell

EMO0040 – Review of the regulatory framework for metering services draft report

Thank you for the opportunity to comment on the draft report.

The comments contained in this submission reflect the feedback of the Energy & Water Ombudsman NSW (EWON), Energy & Water Ombudsman South Australia (EWOSA), and Energy & Water Ombudsman Queensland (EWOQ). We are the industry-based external dispute resolution schemes for the energy and water industries in New South Wales, South Australia, and Queensland.

We have collectively reviewed the draft report and we have only responded to questions that align with issues customers raise, or with each respective organisation's operations as they relate to this draft report.

If you require any further information regarding our submission, please contact Dr Rory Campbell, Manager Policy & Systemic Issues (EWON) on [redacted], Ms Jo De Silva, Policy and Communications Manager (EWOSA) on [redacted], or Mr Jeremy Inglis, Principal Policy Officer (EWOQ) on [redacted].

Yours sincerely

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EMO0040 – Review of the regulatory framework for metering services draft report

Smart meters are a crucial component of a more innovative and efficient energy system that supports an evolving energy market. We emphasise the importance of the following in working toward an accelerated smart meter rollout:

- The rollout must be equitable, not just accelerated. In particular, further government and industry work is needed in relation to site remediation costs for customers who are experiencing, or at risk of experiencing, financial vulnerability.
- Consumer education and information provision about metering and tariffs, especially cost-reflective tariffs, are crucial to the success of an equitable, accelerated rollout.
- Improved cooperation between distribution network service providers (DNSPs), retailers and metering parties is also crucial to the success of an equitable, accelerated rollout.
- There are current data-related issues that may not be resolved by an increased saturation of smart meters. These issues must be addressed to maintain consumer trust and support the rollout. In particular, increased transparency and accountability for metering parties is required to improve consumer experiences. Possibles measures could include better regulation of data provision where contractual relationships between retailers and metering parties are not delivering suitable consumer outcomes and a requirement for metering parties to be members of energy ombudsman schemes.

As acknowledged by the Australian Energy Market Commission (the Commission) in the draft report, any outcomes of the metering review must also be consistent with, and support, other closely related workstreams, such as the:

- review of consumer protections for future energy services by the Australia Energy Regulator (AER)
- incremental Data Strategy reforms by the Energy Security Board (ESB)
- review of unlocking Consumer Energy Resource (CER) benefits through flexible trading by the Commission.

Question 1: Implementation of the acceleration target

1. Do stakeholders consider an acceleration target of universal uptake by 2030 to be appropriate?

We support the acceleration target to ensure the bulk of the rollout occurs within a reasonable timeframe. The acceleration target will help to achieve the existing benefits of smart meters on a wider scale, and enable future benefits that require a critical mass of smart meters.

Question 2: Legacy meter retirement plan (Option 1)

1. Do stakeholders consider this approach feasible and appropriate for accelerating the deployment of smart meters?

We have looked at the positives and challenges of each option in our answer to Question 5.

2. Do stakeholders consider the Commission's initial principles guiding the development of the Plan appropriate? Are there other principles or considerations that should be included?

We support the proposed initial principles overall, particularly the emphasis on the importance of cooperation and information-sharing between key stakeholders in developing a viable plan. As we have argued throughout previous submissions, a fundamental element of accelerating the rollout is improved communication and collaboration between DNSPs, retailers and metering parties.

However, more thought should be given to ensuring the principles support a rollout that is equitable, not just accelerated. For example, one of the proposed principles is that meters should be retired in a manner that enables their efficient replacement based on factors like geography and meter age. Being overly focused on the principle of efficiency could lead to areas with additional deployment challenges being disproportionately left to the later stages of the 2030 target, such as

extremely remote regions with technician resourcing issues and areas with a high density of multi-occupancy social housing with potential shared fusing. Another example is communities with a high saturation of 'plug-in meters', which are generally smaller than standard new meters with different tails for connection. The principle of efficiency alone could lead to customers in these areas being disproportionately subject to significant, costly meter box upgrades. There are solutions for plug-in meter replacement beyond site remediation, and retailers and metering parties should be required to offer a range of solutions including different meter types to ensure an equitable rollout.

4. Do stakeholders consider a 12-month time frame to replace retired meters appropriate? Should it be longer or shorter?

A 12-month time frame to replace retired meters under a legacy retirement plan is appropriate if implemented in conjunction with the Commission's recommendation to implement a practicable replacement time frame for malfunctioning meters. That is, setting different timelines of 15 business days for meter malfunctions identified through individual testing and 70 business days for family failure malfunctions identified through sample testing.

Question 3: Legacy retirement through rules or guidelines (Option 2)

1. Do stakeholders consider option 2 feasible and appropriate for accelerating the deployment of smart meters? Are there aspects of option 2 that would benefit from further consideration?

We have looked at the positives and challenges of each option in our answer to Question 5.

Question 4: Retailer target(s) (Option 3)

1. Do stakeholders consider option 3 is feasible and appropriate for accelerating the deployment of smart meters? Are there aspects of option 3 that need further consideration?

We have looked at the positives and challenges of each option in our answer to Question 5.

Question 5: Stakeholders' preferred mechanism to accelerate smart meter deployment

2. What are stakeholders' views on the feasibility of each of the options as a mechanism to accelerate deployment and reach the acceleration target?

We acknowledge the Commission's recommendation to adopt a legacy meter retirement plan (Option 1) as the mechanism to accelerate the deployment of smart meters to achieve universal uptake of smart meters by 2030. Our review of the positives and challenges for each acceleration mechanism option in Table 1, below, supports the Commission's view that Option 1 is the most feasible option. We have not included a review of metering coordinator targets (Option 4) as we agree with the Commission's assessment in the draft report that it is the least viable option.

A significant challenge of any of the three options will be the management of site defects/remediation costs as discussed in our response to Question 8.

Table 1 – Positives and challenges of acceleration mechanism options

Option	Positives	Challenges
Option 1 – Legacy meter retirement plan.	• Encourages collaboration and ownership between DNSPs, retailers and metering parties. • Aligns with existing arrangements for retailer-led meter replacements based on DNSP meter fault notices.	• Potential lengthy timeframe to develop the plan initially and/or revise the plan periodically. • Risk of areas with additional deployment challenges being disproportionately left to the later stages of the 2030 target. • Increased administrative burden on DNSPs.

Option	Positives	Challenges
	• Aligns with existing Australian Energy Regulator (AER) approval and enforcement roles. • Allows flexibility in arrangements for different DNSP regions. • DNSPs could align plans with work to enable uptake of CER eg DNSP planning for electric vehicle charging infrastructure. • Economies of scale more achievable in comparison to the current piecemeal approach. • Retailers and metering parties could achieve improved forecasting and resourcing eg technician resourcing. • Retailer remains the customer-facing party responsible for meter installations. • Increased transparency on the progress of the rollout.	• Increased administrative burden on retailers due to additional retailer performance reporting. • Increased AER workload due to expanded approval and enforcement roles. • Reduced chance of success unless remediation challenges are managed effectively (see Question 8).
Option 2 – Legacy meter retirement by Rules or Guidelines.	Overall as per Option 1, however: • DNSPs, retailers, metering parties and other stakeholders only need to engage in one plan consultation process with a single market body.	Overall as per Option 1, however: • Regulatory burden greater than Option 1. • Timeframe to develop and implement likely lengthier than Option 1. • Less encouraging of collaboration and ownership between DNSPs, retailers and metering parties than Option 1. • Less likely to be flexible in arrangements for different DNSP regions than Option 1.
Option 3 – Retailer target(s).	• Retailer remains the customer-facing party responsible for meter installations. • Aligns with existing AER enforcement role. • Increased transparency on the progress of the rollout.	• Increased overall burden on retailers. • Complex to factor in changes to retailer market shares eg customer churn. • Complex to factor in variations in retailer size, maturity and customer base.

Option	Positives	Challenges
	• Timeframe to develop and commence this approach is likely shorter than Options 1 and 2.	• Least likely of the options to encourage collaboration and ownership between DNSPs, retailers and metering parties. • Information required from DNSPs for effective planning. • Reduced chance of success if remediation challenges are not managed effectively (see Question 8).

Question 6: Feedback on no explicit opt-out provision

1. Do stakeholders have any feedback on the proposal to remove the opt-out provision for both a programmed deployment and retailer-led deployment?

Removing the opt-out provision appears a reasonable step given that the current metering framework already narrowly restricts the ability for customers to opt out. If the opt-out provision is removed completely, it will reinforce the importance of effectively managing the issue of site defects/remediation costs for some consumers, as discussed in response to Question 8. It will also reinforce the need for clear, meaningful upfront information prior to a meter installation, including the benefits of alternative tariff arrangements, as discussed in response to Question 10.

Question 7: Removal of the option to disable remote access

1. Do stakeholders consider it appropriate to remove the option to disable remote meter access under acceleration?

We receive complaints from customers where the option to disable remote access (ie have a Type 4A meter instead of Type 4 meter) mitigates their dissatisfaction with not being able to opt out of a smart meter outright. Refer to Case Study 1 for an example. If the option to disable remote access is removed along with the opt-out provision, it is likely to drive customer complaints.

The Commission should also consider the reasons for disabling remote access beyond customer resistance or preference. For example, having a Type 4A meter can help ensure a customer's meter is read manually if they are in an area with poor or no internet coverage, where other options such as booster aerials have not worked. This reduces the risk of the customer being billed on estimated data based on unsuccessful attempts to read the meter remotely.

Question 8: Process to encourage customers to remediate site defects and track sites that need remediation

1. Do you consider the proposed arrangements for notifying customers and record keeping of site defects would enable better management of site defects?

Site defects/remediation costs is an area of high risk, particularly around ensuring an equitable rollout and maintaining consumer trust throughout an accelerated rollout. We have provided complaints information and case studies in previous submissions demonstrating the consumer impact of site defects/remediation costs, including the fact that they can disproportionately impact customers experiencing, or at risk of experiencing, vulnerability.

We support the proposed arrangements aimed at reducing failures or delays in customers receiving clear, accurate information about site requirements. However, the proposed arrangements to improve record-keeping and communication are a minimum step to address the overall potential for site defects/remediation costs to inhibit an effective, equitable rollout.

The proposed arrangements are not sufficient to prevent site defects/remediation costs from being a significant barrier to any of the acceleration mechanism options being considered (refer to Question 5). For example, under any of the options, customers in regional areas of Australia where historically large numbers of residences have been constructed using fibro asbestos sheeting will be disproportionately impacted by site defects/remediation costs compared to other geographical areas. The Australian Government's Asbestos Safety and Eradication Agency advises that asbestos is present in 1 in 3 homes across Australia.[1]

Even with clear and timely communication, site issues can come as a surprise to customers and the potentially high cost to remediate the issues are not something most households or small businesses can easily accommodate. This is exacerbated for customers who do not want to have a smart meter, a scenario which will increase if the opt-out provisions are removed completely as recommended by the Commission (refer to Question 6).

As discussed in our response to Question 2, retailers and metering parties should also be required to explore alternatives to site remediation where practicable, such as scenarios where a smaller meter type would preclude the customer needing to upgrade their meter board.

We also strongly agree with the Commission's advice that there is a solid case for government funding to support customers undertaking site remediations. Along with this possibility, we suggest the Commission continue investigating industry options like:

- retailer payback options which could be similar to DNSP options under their customer support policies eg some DNSPs approve payment to a third party for safety rectification work if the customer meets specific assessment criteria, with the customer to pay the DNSP back under a flexible arrangement
- full or joint industry funding models if no government funding is made available.

Question 9: Implementation of the 'one-in-all-in' approach

1. Would the proposed 'one-in-all-in' approach improve coordination among market participants and the installation process in multi-occupancy sites?

We have provided complaints information and case studies in previous submissions demonstrating the consumer impact of shared fuse scenarios, and we understand that it is a complex issue to address. We support the proposed approach as the most feasible of a range of less than ideal options, particularly the emphasis on improved market participant collaboration by assigning roles, responsibilities and clear timelines for DNSPs, retailers and metering parties.

Question 10: Strengthening information provision to customers

1. Do you have any feedback on the minimum content requirements of the information notices that are to be provided by retailers prior to customers prior to a meter deployment?

Consumer education and information provision are crucial to the success of an equitable, accelerated rollout. We strongly support the minimum content requirements for information notices to be provided prior to meter deployment.

We reiterate our recommendation from previous submissions that the notice should include not just advice of any tariff changes, but information about whether or not the customer has a choice regarding any tariff changes. This could include information about transitional arrangements, if implemented (refer to Question 12).

One of the proposed requirements for the notice is information about "the party the customer should contact to resolve issues, as well as dispute resolution options". We recommend a more

[1] Asbestos Safety and Eradication Agency, Asbestos in the home webpage, https://www.asbestossafety.gov.au/find-out-about-asbestos/asbestos-home

specific requirement to include the telephone number for the customer to contact the relevant energy ombudsman. This would be consistent with bill information requirements in the AER Better Bills Guideline.

2. Are there any unintended consequences which may arise from such an approach?
Retailers will need to be mindful not to become overly reliant on the notice as the sole vehicle to communicate with customers and manage customers' meter deployment experience. The notice must be supported by clear and accurate information over the phone and online in response to customer queries and complaints, as well as other retailer resources like factsheets. Retailers will also need to support customers for whom the notice could potentially be a less effective communication tool, such as Culturally and Linguistically Diverse customers and customers with literacy challenges.

3. Which party is best positioned to develop and maintain the smart energy website?
Possible parties could include those that already provide substantial online energy information such as the Australian Energy Regulator, Energy Security Board or government.

The timeframe for implementation of a smart energy website could be lengthy. We suggest considering an interim measure or alternative measure that is easier to implement. For example, retailers could be required to include this information on their websites and refer customers to it on the information notice. This could operate in a similar way to customer self-read information on bills as required by the AER Better Bills Guideline, whereby the customer's bill must include concise information about self-read options but refer the customer to more detailed information (usually on the retailer's website). We understand, however, that this option would not be in line with the intention for a smart energy website to be developed by an independent party with a level of authority in the sector, rather than a market participant.

Question 11: Supporting metering upgrades on customer request

1. Do stakeholders support the proposed approach to enabling customers to receive smart meter upgrades on request?
This requirement could be helpful for scenarios which are not covered in the current framework, such as a customer with chronic meter access issues seeking a smart meter to enable remote reads. It could also help to avoid smart meters being disproportionately deployed to customers with CER and foster positive experiences for customers who are proactive and engaged with the energy market. Consideration should be given to retailer impact, such as resourcing issues for smaller retailers and how this requirement would interact with the proposed legacy retirement plan.

Question 12: Tariff assignment policy under an accelerated smart meter deployment

1. Options for tariff assignment policies
The recommended improvements to consumer education/information provision (refer to Question 10) will hopefully go some way to improving consumer experiences with tariff assignments both in the lead up to, and following, a meter exchange.

Our review of the positives and challenges for each tariff assignment policy option in Table 2, below, indicates that prescribed transitional arrangements could further improve consumer experiences and support consumer trust throughout an accelerated rollout.

Table 2 – Positives and challenges of tariff assignment policy options

Option	Positives	Challenges
Option 1 – Strengthen the customer impact principles to explicitly identify this risk to customers.	• Allows for more DNSP discretion and flexibility than Option 2.	• Timing risk with on-foot DNSP proposals. • Relatively limited change from current approach so

Option	Positives	Challenges
	• Allows for more AER discretion and flexibility than Option 2. • Stronger requirement to consider the need for transitional arrangements than Option 3.	unclear how much impact it would have.
Option 2 – Prescribe a transitional arrangement so customers have more time before they are assigned to a cost-reflective network tariff.	• Encourages greater customer engagement than Options 1 and 3, including more opportunity for informed energy usage behaviour changes. • Most likely of the options to mitigate customer dissatisfaction with tariff changes when the customer did not wish for a smart meter to be installed. • More equitable approach than Options 1 and 3, with the transitional period applicable to all customers rather than dependent on DNSP area and/or retailer. • Flexibility for customers to opt in to changing tariffs earlier within the transitional period. • Flexibility for retailers to engage with customers to opt in to changing tariffs earlier within the transitional period.	• Timing risk with on-foot DNSP proposals. • Some customers may retrospectively find they would have been better off on a cost-reflective network tariff during the transitional period. • Automatic tariff change at the end of the transitional period could replicate some of the current consumer issues with automatic tariff change upon meter exchange eg some consumers still being dissatisfied with lack of choice.
Option 3 – No change.	• Allows for more DNSP discretion and flexibility than Options 1 and 2. • Allows for more AER discretion and flexibility than Options 1 and 2. • Changes to notice requirements should go some way to improving consumer experiences within current approach if unchanged.	• We have provided cases studies and complaints information in previous submissions demonstrating the consumer issues with the current approach. The Commission also explores the consumer issues in detail in the draft report.

Questions 13, 14 & 15: Power Quality Data

We support the development of a Power Quality Data framework that results in the individual and market-wide consumer benefits from power quality data access and exchange detailed in the Commission's draft report. We do not have complaints information that allows us to comment in detail on the technical aspects and practicalities of the proposed power quality data framework.

Question 16: Regulatory measures to enable innovation in remote access to near-real-time data sooner

1. Do stakeholders support the Commission pursuing enabling regulatory measures for remote access to near real-time data?

We strongly support improving customer remote access to near real-time data. We have provided complaint information and case studies in previous submissions demonstrating that it is detrimental to consumer trust when real-time applications do not meet customers' expectations, particularly for monitoring and managing their usage. We do not have complaints information that allows us to comment in detail on the technical and practical aspects of the potential service pathways discussed in the draft report.

The Commission's focus here is on ancillary real-time data benefits that are separate to billing data requirements, which will be better achieved once a critical mass of smart meters is reached. However, our complaints information indicates that there are issues related specifically to billing data that are less likely to be improved simply with increased smart meter saturation (and in fact may be exacerbated as the rollout progresses). In particular, we are seeing issues with meter data provider (MDPs) billing data which impact consumer trust in smart meters, including:

- customers still receiving estimated bills and/or confusing rebills despite having a smart meter
- retailer difficulty resolving internal billing complaints where the customer has a smart meter and MDP cooperation is required
- ombudsman scheme difficulty resolving billing disputes where the customer has a smart meter and MDP cooperation is required.

For example, EWON is investigating a systemic issue affecting many customers relating to a particular MDP and:

- delayed actual meter data delivery
- an increase in estimated meter data.

Refer to Case Study 2 and Case Study 3 for two complaint examples which helped to identify this systemic issue. EWOQ and EWOSA have also identified issues with this MDP in their complaints.

The systemic issue investigation is currently ongoing, but it has become evident in the investigation to date that:

- the mechanism of contractual relationships between retailers and metering parties may not always be sufficient to ensure transparency and accountability for metering parties, particularly in meeting customer expectations of billing and the resolution of complaints
- metering parties appear to have more power in market relationships than was originally intended when the Power of Choice framework was introduced.

Consumer trust will be eroded in an accelerated rollout if customers are at risk of not receiving actual, timely bills based on accurate interval data – one of the most basic promised benefits of a smart meter. It will be further impacted if consumers encounter issues resolving complaints about such issues directly with their retailer or, as a last resort, their state energy ombudsman scheme.

We therefore recommend that the Commission consider measures to increase transparency and accountability for metering parties. One possible measure is better regulation of data provision, particularly where contractual relationships between retailers and metering parties are not

delivering suitable consumer outcomes. This could include more stringent and enforceable timeframes for data provision when it is required to resolve a direct retailer complaint or external dispute.

Another option is to introduce a requirement for metering parties to be members of energy ombudsman schemes. We were previously of the view that energy ombudsman scheme membership for metering parties was not necessary on the basis that retailers are the customer-facing party and should be responsible for managing complaints. However, our cumulative experience with complaints and systemic issues now indicates that it may be a beneficial measure. For example, in comparison to complaints where an MDP is responsible for the provision of data for a retailer-owned smart meter, energy ombudsman schemes have more flexibility in resolving billing disputes involving a manually read meter where a DNSP is responsible for the meter reads. As DNSPs are members of our schemes, we can contact a DNSP directly should we determine that DNSP cooperation will reasonably progress a retailer complaint. The retailer remains responsible for the customer relationship and the overall resolution of the complaint, and contacting the DNSP is the exception rather than the norm. If metering parties were members of energy ombudsman schemes, we would still expect retailers to effectively manage the relationship with the metering party including ensuring their cooperation in complaints resolution. However, we would have additional flexibility to resolve complaints where there are issues with the contractual relationship, such as scenarios where a retailer has taken over a site due to customer churn but does not have an existing contractual relationship with the metering party.

The changes to enable flexible trading arrangements currently under review by the Commission may increase the need for improved transparency and accountability for metering parties, as the proposed introduction of secondary settlement points has the potential to further increase their market power. We will explore this in more detail in our response to the Commission's consultation on unlocking CER benefits through flexible trading.

Question 17: Regulatory measures to enable innovation in local access to near-real-time data sooner

1. Do stakeholders support the Commission considering regulatory measures for local access to near real-time data?

We support measures that result in more options for customers to access their data for increased flexibility, transparency and empowerment. We do not have complaints information that allows us to comment in detail on the technical and practical aspects of the potential service pathways to local access to near real-time data.

Question 18: Addressing short term cost impacts and ensuring pass through of benefits

1. Are stakeholders concerned about the risk of short-term bill impacts as a result of the accelerated smart meter deployment? To what extent would the above offsetting and mitigating factors address this risk?

We have some concerns about the potential impact on affordability complaints, particularly given the existing volatile energy market conditions and cost of living pressures that have been building since early 2022. This underlines the need for the rollout to be equitable, not just accelerated. For example, customers who live in premises or areas with deployment challenges (including those experiencing, or at risk of experiencing, vulnerability) are more at risk of bearing additional costs of smart meter deployment in the short-term without having access to the benefits.

If you require any further information regarding our submission, please contact Dr Rory Campbell, Manager Policy & Systemic Issues (EWON) on 02 8218 5266, Ms Jo De Silva, Policy and Communications Manager (EWOSA) on 08 8216 1851, or Mr Jeremy Inglis, Principal Policy Officer (EWOQ) on 07 3087 9423.

Appendix 1 – Case studies

Case study 1

A customer installed rooftop solar in August 2022. A smart meter was installed soon after. The customer was unhappy that he did not have the choice to opt out of having a smart meter as he had concerns about the impact of the remote communications on his health and the health of his wife. His retailer provided detailed information to try and address his health concerns. The customer was still concerned, so the retailer gave him the option to disable the remote communication capability. The retailer advised that this would mean the meter would need to read remotely each quarter, which could incur an additional cost.

The customer contacted EWON as he was unsure whether the retailer was providing him with correct information. EWON confirmed that the retailer provided correct information about the options available to him under the rules. EWON also provided information about his health concerns including advice from the Australian Radiation Protection and Nuclear Safety Agency.

Case study 2

A customer received reduced solar feed in credits from his retailer from May 2021, compared with previous years. He then received a bill in July 2021 based on an estimated meter reading. He contacted the retailer, and it advised him that his solar system had not been generating additional solar, however this was inconsistent with the amount shown on his inverter.

The customer contacted EWON as he was not able to resolve the issue with the retailer. During our investigation, the retailer advised that there was no actual meter data received from the MDP between 2 July 2021 to 2 January 2022, due to a 'backend issue'. The meter data advised that there was an issue that prevented the actual data from being republished and required manual intervention from the MDP to republish the actual data. The retailer also advised that the MDPs inhouse system was recording the data, however there was an issue with a business-to-business process error with the data being sent to the retailer.

The EWON complaint and issue with the meter data was raised with the MDP by the retailer in November 2021, however the actual data was not received until April 2022. After receiving the actual data, the retailer rebilled the customer's account resulting in the account being in credit by $200. The retailer also applied a $150 credit to the customer's account as a customer service gesture.

Case study 3

A customer had solar installed at the property and had a smart meter installed in November 2021. The customer then received estimated bills from the retailer, with no feed-in credits which she considered to be high. She contacted the retailer on multiple occasions, however, was provided with inconsistent information. She was then advised that an internal system change that she had other customers had been impacted and the issue would be investigated. The customer was unable to resolve the issue with the retailer.

EWON contacted the retailer to obtain more information and it advised that an issue with the MDP had resulted in a delay in the actual meter data being sent to the retailer. The retailer also advised that it had raised a service order with the MDP however system had automatically objected to the order, resulting in further delays. In May 2022, the actual meter data was sent by the MDP to the retailer and the retailer rebilled the account for $720 for a 9-month period. In the interests of resolving the complaint, the retailer waived the balance of the account and advised that all future bills should be based on actual meter data.