



By email: exemptionregister@esc.vic.gov.au

19 February 2018

Essential Services Commission
Level 37, 2 Lonsdale Street
Melbourne VIC 3000

Dear Commission,

Draft Decision: Register of non-licensed electricity providers: registration guideline (information for registration and public register)

Consumer Action is pleased to respond to the Draft Decision regarding the registration guidelines for non-licensed electricity providers (**Draft Decision**). While we were disappointed that the General Exemption Order (**GEO**) did not provide access to the Energy and Water Ombudsman Victoria (**EWOV**) for consumers of Solar Power Purchasing Agreements (**SPPA's**) or Community Energy Projects (**CEP**), we are pleased that other embedded network customers will now have access to cheap, effective energy dispute resolution. Further, we hope and expect that access to EWOV will broaden in the coming years to include all energy consumers—and establishing an effective register now will help to smoothly facilitate that process.

Accordingly, our comments are predicated not only what will be necessary now to ensure consumers and EWOV have access to the information they will need to manage disputes, but also on the information that will be needed as all energy providers eventually fall under the jurisdiction of EWOV.

We have framed our submission as a series of direct responses to the questions raised on page twelve of the Draft Decision.

About our organisation

Consumer Action is an independent, not-for-profit consumer organisation based in Melbourne. We work to advance fairness in consumer markets, particularly for disadvantaged and vulnerable consumers, through financial counselling, legal advice and representation, and policy work and campaigns. Delivering assistance services to Victorian consumers, we have

Consumer Action Law Centre

www.consumeraction.org.au

a national reach through our deep expertise in consumer law and policy and direct knowledge of the consumer experience of modern markets.

Question 1

Is the additional information we are proposing to request and publish (1.1 to 1.5) appropriate as identifiers that make it easier for customers to better search the public register to find their electricity provider? Please explain why or why not?

Consumer Action strongly supports the ESC's proposal to gather the additional information outlined in the Draft Decision, at 1.1 – 1.5.

As the ESC notes, collecting and publishing this information will provide electricity customers of non-licensed electricity providers with transparency of who supplies and sells their electricity. This is essential information if consumers are to effectively raise and resolve disputes with sellers and suppliers – as all consumers have a right to do.

In addition to publishing the information, Consumer Action urges the ESC to ensure that publication is accessible and user friendly for consumers of all levels of energy literacy. For example, it will be important to clearly explain the difference between an owner or operator of the energy supply, as opposed to an agent or manager (such as Winconnect).

Given the primary purpose of the register is to enable members of the public to better find their electricity provider, it is also important to specify what customer contact details must be made available. Consumer Action would expect that an address, phone number and e-mail should all be required – and other contact points, such as web-sites and social media contact points such as Facebook business pages, where relevant.

Finally, the register must be easily searchable, presented in plain English with a minimum of jargon – and wherever jargon must be used, the meaning should be very clearly explained.

Question 2

Is the additional information we are proposing to request but not publish (2.1 to 2.4), appropriate to help us and customers better understand the nature and scale of these segments of the electricity market and effectively regulate these sections of the market?

Consumer Action recommends that the information gathered but not published on the public register should be made available to researchers and those working on policy reform in the public interest. As the Distributed Energy Resources (**DER**) grow in popularity and make up a growing proportion of the over-all energy mix, it will be increasingly important for policy makers to understand that segment of the energy system – and how it impacts on traditional networks, and consumers of energy from those networks.

Consumer Action further recommends that extensive information be gathered around SPPA's, as this is a complex and growing area of disputation which we see coming through our practice. It is important that the unpublished register include the address of all sites where an

SPPA provider has installed panels. Further, the postcodes where SPPA business have put in SPPA systems should be on the public register – including the number of installs in each postcode. This is a growing segment of the market, and should be closely tracked so that when EWOV does gain jurisdiction information is readily available for consumers to progress their disputes as quickly and easily as possible.

Question 3

Is there additional *information that should be captured to improve customers' ability to search the register or provide the commission with a better understanding of these segments of the electricity market?*

In addition to providing consumers with the information they need to pursue a complaint against their provider, the register should also provide basic information about exactly how to that complaint may be lodged.

In addition to internal dispute resolution information, the register should prominently display whether the provider is an EWOV member, and provide contact details for EWOV, a short statement on how EWOV may assist, and what the consumer can expect from engaging with EWOV.

Hardship specific numbers should also be provided, with details of minimum standards for payment difficulty that apply (once consultation on relevant applicability of the Energy Retail Code has concluded).

To further aid accessibility, the register must also have a dedicated phone number for consumers who require assistance, operating at reasonable hours with minimal wait times. The phone line should offer Translating and Interpretation Services (**TIS**) for those who require it.

Finally, the register must include a link or other contact point for the consumer to engage with the ESC to advise on their experience using the register, whether the entity they were looking for was easy to find, or if the entity has not shown up on the register at all. There may be instances where entities should be registered, but have not gone through the process of doing so—and it should be clear where and how a consumer can bring that to the ESC's attention. This link or contact point should be prominently displayed and easy to use.

Question 4

Is this draft decision on the guideline useful for non-licensed electricity providers that are required to register with the commission, to understand the information requirements and process for registration?

In our view the Draft Decision is very clearly expressed, and the consultation process enables non-licensed electricity providers to clarify any points that are unclear to them.

Finally, Consumer Action suggests that a timeframe should be established for review of the register to ensure that the information being collected and/or published is meeting the needs for which it is gathered, or whether aspects of the register could be amended to better serve consumers. Needless to say, we also look forward to ongoing monitoring by DELWP regarding SPPA's and CEP's, in the expectation that EWOV coverage will eventually be broadened to cover all energy consumers, regardless of the model by which they purchase their energy.

Please contact Zac Gillam, Senior Policy Officer at Consumer Action on [REDACTED] or at [REDACTED] if you have any questions about this submission.

Yours sincerely

CONSUMER ACTION LAW CENTRE

Gerard Brody
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