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Feedback on Real Time Data for Consumers Draft Determination

Dear Danielle,

Energy Consumers Australia (ECA) thanks the Australian Energy Market Commission (AEMC) for the opportunity to respond to the Draft Determination on real-time data for consumers.

In our original rule change request, we proposed that the AEMC amend the electricity rules to provide all consumers with access to their real-time data, at no additional cost, delivered in a manner and form that is meaningful to act upon.

ECA welcomes the Draft Determination's approach to change meter minimum service specifications ('min specs') so that all new meters installed from 1 January 2028 are capable of communicating real-time data, at no additional cost to consumers.

We applaud the Commission changing the direction of the rule change from that proposed in the Directions Paper as a result of stakeholder feedback and independent economic and engineering analysis.

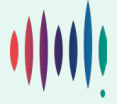
We agree with the Draft Determination's approach to allow charges for consumers wishing to access real-time data in advance of the natural replacement of their smart meter. However, consumers who miss out on updated metering services because their meter was upgraded before 2028 should pay a *regulated* price for upgrading their meter. ECA also proposes an exemption for consumers at risk of or experiencing hardship.

Finally, providing data in a useful format is central to the intent of the rule change, and vital for consumers to share directly in the benefits of this technology. This will provide economic benefits to consumers, increase consumer agency, and improve community trust in the energy transition. We continue to advocate for an obligation on retailers to provide real-time data in a manner and form that is meaningful for them to act upon.

If you have any questions about this submission, please contact Justin Whelan at justin.whelan@energyconsumersaustralia.com.au

Yours sincerely,

Brian Spak
General Manager, Advocacy and Policy



ECA supports the rule change to require real-time data enabled meters from 2028.

Energy Consumers Australia (ECA) welcomes the Draft Determination to change meter minimum service specifications ('min specs') so that all new meters installed from 1 January 2028 are capable of communicating real-time data, at no additional cost to consumers. The Draft Determination is now more consistent than the earlier Directions Paper with our original rule change request, *to provide all consumers and their authorised agents access to their real-time customer data, at no additional cost.*

ECA applauds the Commission's commitment to being evidence-based and changing the direction of the rule change as a result of stakeholder feedback and independent economic and engineering analysis. While the exact arrangements in the draft rule were not modelled in the cost-benefit analysis, they are consistent with the best value scenarios that were modelled, and provide a sensible compromise between 'everyone, right now, at no cost' and the delayed 2040 date proposed in the Directions Paper.

We support bringing the date for providing real-time data at no additional cost to consumers forward to 1 January 2028, at the latest. Setting the date in 2028 instead of 2040, as proposed in the Directions Paper, means smart meters installed between 2028 and 2040 will be real-time data enabled.

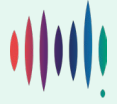
We urge the Commission to reject any attempts to push this date back. Indeed, if the Commission had the benefit of the cost-benefit analysis into updating the meter specification at the time of the accelerating smart meter rule change, the date for requiring this new min spec would likely have been some time ago. Even under the Draft Determination, only 15%¹ of (non-Victorian) consumers will have real-time data capable smart meters installed by the end of the accelerated rollout in 2030. Delaying the date any further means even more consumers miss out on no-cost access to real-time data, potentially for the 10-15 year lifetime of their meters.

Providing consumers and their agents with access to real-time data, at an efficient cost and in a format that can be easily used, will help consumers lower their bills, unlock rewards for using their energy flexibly and, in doing so, help deliver the energy transition. Our research has found that consumers want information that could be provided via access to real time data, and they believe it would help them change their behaviour.²

Demand flexibility and orchestration of consumer energy resources (CER) are increasingly being recognised as a key plank in delivering the energy transition at the lowest possible cost. Allowing consumers to authorise their representatives to receive their real-time smart meter data will also help support a competitive future service industry to produce tools and services that will assist consumers to optimise their consumer energy resources and/or usage. Access to real-time data will be a critical enabler for energy service provision as we shift to a more flexible energy system in which consumers are increasingly expected to participate.

¹ AEMC, *Draft rule determination on real-time data for consumers*, September 2025, p.ii

² ECA, *Consumer Energy Report Card Data*, June 2025; accessible online here: <https://energyconsumersaustralia.com.au/our-work/surveys/consumer-energy-report-card-data>



Price regulation is the best approach for consumers who miss out on updated smart meters under the rollout.

Under the AEMC's projections, approximately 85% of households will not have a smart meter enabled with real-time data at the end of the accelerated meter rollout in 2030. For this cohort of consumers, a stronger mechanism to protect consumers from unreasonable costs to upgrade their meter – or otherwise provide them with real-time data – is necessary. Regulating the price retailers can charge consumers to upgrade their meters to be real-time data enabled is the best approach to deliver fair costs in the current energy market.

As we wrote in response to the Directions Paper,

“The AEMC should consider the benefits of the AER price regulating real-time data access, rather than assuming that the “competitive market” will drive prices lower and deliver fair value for consumers. There are only a few players in Australia’s smart meter market, and it is unclear if competition alone will deliver fair costs for consumers.”

The AEMC does not appear to have given due consideration of price regulation in response to our and other stakeholders’ submissions,³ instead simply declaring faith in market competition to deliver the best outcomes for consumers.

This part of the energy market does not generate meaningful competition, as the party paying for the service (the consumer) is not the one comparing service providers (metering coordinators). That is done by electricity retailers, who have no market incentive to gain the best value from metering service providers as they are not the customer, and simply pass on these costs to them. There are any number of other market “failures” with regards to energy metering in the NEM – e.g., there is imperfect competition within metering and the values of different metering services flow differently to the various actors in the supply chain. As the Draft Determination itself notes, a consumer’s relationship is with their electricity retailer;⁴ who then engage such services based on their own institutional interests.

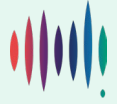
When informed of the price of this upgrade by their retailer, consumers have no means to assess value or compare alternative offerings; they are unlikely to even be aware this is a third-party charge being passed on by the retailer. Very few households are even aware of the existence of metering service providers.

The suggestion that consumers should or even can navigate this part of the energy market in order to ‘shop around’ for the best value, requiring a complete change of retailer – the basis of competition theory the AEMC is relying on – does not make sense. As the Justice and Equity Centre wrote in response to the Directions Paper,

“Even were we to assume consumers could be willing and able to shop around for the best deal on data alone, the proposal inappropriately puts the onus on consumers to do so. Considering the level of information and understanding required, and the nature of the services as a small component of the

³ ECA, *Response to real-time data for consumers directions paper*, February 2025, p.7; JEC, *Response to real-time data for consumers directions paper*, March 2025, pp.7-9; EWON, EWOSA & EWQ, *Response to real-time data for consumers directions paper*, February 2025, p.6

⁴ AEMC 2025, section 4.3.7



overall cost of their electricity service, this is both unreasonable and likely to raise the risk of poor outcomes for most consumers.”⁵

Aside from market competition, the Draft Determination relies on a provision requiring MCs to only charge retailers the ‘reasonable costs’ incurred to facilitate access to real-time data, and only once per connection point.⁶ We agree that the cost should be reasonable and only paid once. However, ‘reasonable’ is not defined, and it is unclear how either consumers or regulatory bodies would know when this rule is breached, outside formal complaint processes.

It is our view that the enforcement mechanism proposed for unreasonable charges⁷ provides insufficient consumer protection. The AEMC suggests imposing penalties on MCs and retailers that charge customers for access to real-time data when their meters are already real-time data enabled. However, there are no monitoring or enforcement mechanisms proposed for when the charges to upgrade meters are permitted but unreasonable.

Given the above, price regulation is the most effective way to deliver the best value to consumers.

If price regulation is not supported in this rule change, it is incumbent on the AEMC to ensure that credible safeguards are in place to ensure the best outcomes for consumers. Consumers must not be expected to bear the risk of any failures of a market-reliant approach taken by the AEMC.

Energy consumers at risk of or experiencing hardship should not be charged a fee to access their real-time data.

We support the proposal by AER in their response to the Directions Paper that

“...during the proposed transitional period, customers identified as experiencing payment difficulty and or hardship should not be charged a fee to access their real-time data. These consumers often face financial barriers that do not allow them to access the necessary assistance they need to help them manage their energy usage and reduce their energy costs ... removing the transitional fee for these consumers could improve their engagement with energy efficiency tools, support more effective energy usage and potentially lead to lower energy costs.”⁸

In a similar vein, the combined submission from EWON, EWOSA & EWOQ noted that

“... if costs to access real-time data are high, customers will face an increased switching burden and further barriers to benefiting from the energy transition. This is most acute for people experiencing or at risk of vulnerability, such as low-income renters, people impacted by natural disasters and people impacted by family violence.”⁹

The AEMC rejected this proposal in the Draft Determination, on the basis that

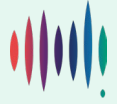
⁵ JEC 2025, p.8

⁶ AEMC 2025, section 2.4.3

⁷ AEMC 2025, section 2.4.4

⁸ AER, *Response to real-time data for consumers directions paper*, February 2025, p.2

⁹ EWON, EWOSA & EWOQ 2025, p.2



“The Commission considers that other reforms are better placed to ensure vulnerable customers can access tools that may help lower bills. This includes reforms that specifically consider ways to support vulnerable customers, such as reform that would progress from the AER’s Review of payment difficulty protections in the National Energy Customer Framework.”

We respectfully disagree with this assessment for the following reasons.

It is more appropriate to consider exemptions to charges for real-time data now, at the point where who pays such charges are being determined in this rule change, than in a future reform package that may or may not focus on this question among other considerations. The timeline for these other reforms mean that any changes to rules or other instruments are at least another 18 months away. There is also no way to know at this time whether those reforms will eventuate, let alone whether they will provide adequate substitution for this proposal.

While the cost-benefit analysis (CBA) commissioned by AEMC did find that the *average* benefit of access to real-time data for non-CER consumers was small, such benefits are of significantly greater marginal value for those struggling the most with high energy bills and the cost of living. The use of wholesale figures also conceals the impact on consumers: using the CBA’s own figures, the retail energy bill savings from the ‘eyeball’ case are approximately \$80/year, i.e. in the order of \$1000 over the life of the smart meter.

For consumers facing hardship and payment difficulties, real-time data offers real promise: they can immediately see the impact of changing their behaviour, and how much electricity is used by different appliances. Real-time data provides agency in a very real way for these consumers, which is crucial for motivating and empowering actions needed to successfully transition out of hardship programs.

Access to real-time data will also enable support services (including retailers and third-party services) to more effectively assist hardship customers and those on payment plans to lower their energy bills. These consumers are disproportionately renters, living in homes with very poor energy performance, and reliant on higher use of expensive heating and cooling solutions. This means they are likely to benefit more from being able to ‘eyeball’ real-time energy usage information. They are also more likely to be motivated to access and change their energy use based on this real-time data, with the support of hardship program support services. This will in turn help to reduce forced disconnections, which have enormous negative impacts on already vulnerable households.

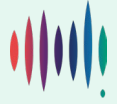
Given the small size of this cohort, the additional system-wide cost of waiving upgrade charges for this cohort will be negligible.

Providing data in a useful format is central to the intent of the rule change.

Our original rule change request was that customers’ real-time data was “delivered *in a manner and form that is meaningful for them to act upon*” (emphasis added).

The draft rule change does not deliver this outcome. As the Commission itself says in the Draft Determination, “raw real-time data itself is not valuable for consumers.”¹⁰ It relies on the development of

¹⁰ AEMC 2025, p.34.



third-party products and services for it to be of any value to consumers in understanding and managing their own energy use. In response to the Consultation Paper, other stakeholders agreed that real-time data should be meaningful for consumers, rather than raw data.

ECA suspects an obligation to provide real-time data in a useful format would be a low cost burden on retailers because many retailers already offer similar services. Moreover, retailers would have two years, which is plenty of time to adapt their existing offerings or develop new services for their customers.

Real-time data that enables consumers to see and adjust their energy usage is something that consumers have said they want. The AEMC's suggestion that very few consumers are interested in real-time data is inconsistent with our consumer research. In our June 2025 Consumer Energy Report Card survey,¹¹ we found that

- 80% of consumers reported interest in being able to track their energy use whenever they want;
- 73% of consumers rated "being able to monitor energy usage in real time and adjust your usage throughout the day to save money" as "moderately, very or extremely" important.

The cost-benefit analysis investigated network-wide economic benefits of access to real-time data, but did not consider the intangible benefits of an increased sense of agency. If you can see in 'real-time' the impact on your consumption of turning the air conditioner up or down a degree or two, or turning a tumble dryer on, you feel like you have more control over your use and a great ability to reduce cost.

Real-time data is an opportunity to support trust in the transition. Consumers have heard repeatedly that smart meters will enable them to manage their consumption better. Accessing their consumption data in a format that is useful to them is the primary way to build consumer trust in smart meters, and the energy transition more generally, and support them to share in the benefits of this technology.

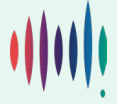
Given this, there is a clear need in the final rule for the AEMC to ensure that retailers provide data in a useful format to consumers. The value of this rule change to all consumers, particularly those without CER, is little addressed if there is no certainty that consumers receive their real-time data in a useful format. While we understand that tools displaying information in a useful format are increasingly common among retailers using smart meters that provide non-real-time data, there is no guarantee that retailers will provide similar functionality for real-time data if not required to do so. All consumers receiving real-time data, either because they pay no additional cost or because they have opted to pay an additional cost, should receive the data in a useful format that supports them to understand and manage their energy usage.

Questions asked in the Draft Determination

Question 1: Would our draft rule encourage consumers and energy service providers to access real-time data from smart meters? What is the benefit of this?

The draft rule goes some way towards encouraging consumers to access real-time data from smart meters. By changing the min specs from 2028, consumers will progressively gain access to the benefits

¹¹ ECA, *Consumer Energy Report Card Data*, June 2025; accessible online here: <https://energyconsumersaustralia.com.au/our-work/surveys/consumer-energy-report-card-data>



of this technology, with approximately 15% of meters being real-time data capable by the end of the accelerated rollout in 2030.

However, raw data is not in itself useful for most consumers. This is something the AEMC itself accepts. Given one of the primary purposes of the rule change is to support consumers to see, understand and act on their real-time energy usage, there is a clear need in the final rule for the AEMC to ensure that retailers provide data in a useful format to consumers. Without this, the draft rule will not encourage many consumers to access their real-time data even if it is available to them.

Question 2: Should the min specs be changed to require all new meters installed from 2028 to be able to communicate real-time data both wirelessly and through a wired connection? Would changing the min specs increase benefits whilst imposing low costs on all consumers?

We support the proposed requirement for both wireless and wired connection access, to facilitate straightforward access and ensure redundancy.

Question 3: Do you agree with the costs the CBA estimates would be incurred to implement our draft rule? Would these costs decrease over time?

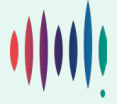
We do not have any reason or alternative evidence to disagree with the cost estimations provided in the CBA.

Question 4: Our draft approach is to progressively enable consumers with new meters installed from 2028 to access real-time data at no charge. What is the benefit of enabling more consumers to access real-time data from smart meters, at no charge, sooner?

The Commission notes that only 15% of smart meters are expected to be rolled after the 2028 start date. This means that 85% of consumers will need to wait up to 15 years for their smart meter to be replaced with one capable of providing real-time data, or pay for an earlier upgrade themselves.

Enabling more consumers to access real-time data from smart meters sooner than proposed, at no additional charge, would mean that a greater proportion of households and businesses would be in a position to share in the benefits of this technology. These benefits include information that facilitates more efficient use of electricity in order to lower energy bills, increased agency, and increased social licence for the energy transition in general. Reduced energy demand in peak periods is also of system-wide benefit, reducing costs for everyone.

In principle, a rule change that guaranteed everyone access to real-time data at no additional charge well before 2043 or thereabouts (when the last smart meters installed before the 2028 start date reach end of life), would be beneficial for consumers. However, we accept the findings of the cost-benefit analysis that doing so may not provide the best net benefit for the energy market as a whole, based on current technologies, costs, and what the CBA noted is a very limited current understanding of consumer behaviour in response to this technology. Further research on the latter topic would therefore be of significant value.



Question 5: What information would be useful for consumers to help them determine if accessing real-time data is beneficial and if any charge to them, to upgrade the meter, is reasonable?

Information about both the cost and benefits for consumers must be accessible and transparent. Under the draft determination, there is no means of ensuring that consumers are even aware of the fact that their electricity retailer is working with MSPs to upgrade their meters. Nor is there any requirement for transparency about costs, including any 'handling costs' added by the retailer. Under these conditions, it is almost impossible for consumers to determine if the charge to them is reasonable. This is why we have argued above and in response to Question 6 that price regulation is preferable.

We also suggest that at the time of real-time data enabled smart meters being installed, there should be an obligation on retailers to proactively provide information in an accessible format to their customers about the potential benefits of this technology. Under the Draft Determination, this information would only be provided following a consumer requesting access to their real-time data. This relies on consumers somehow knowing from other sources that this technology exists and might be available to them. This relies on an unrealistic view of consumer awareness of these technologies. If the technology is already in place, there is no benefit or logic to concealing this information from consumers; the cost of doing so would be a severe limiting of consumer uptake of the benefits this technology – defeating the primary purpose of the rule change.

This information provided by retailers should include any services provided by the retailer to translate the raw data into a useful format that supports consumers to track their energy usage in real time, either due to the rule requirements we have proposed elsewhere in this submission, or as a voluntary customer service such as already exist with many retailers' online portals and phone apps.

Question 6: Would any other regulatory mechanisms better enable all consumers to access real-time data from smart meters, at low cost to the market?

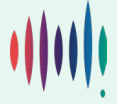
We have raised significant concerns earlier in this submission about the Commission's reliance on market competition to ensure consumers only pay "reasonable" charges. We maintain that these charges should be regulated, given the conditions for genuine market competition are not in fact present for consumers.

Question 7: We proposed a definition of real-time data and a requirement on AEMO's real-time data procedures. Would these provide industry with sufficient clarity on what real-time data is, and how real-time data would be made accessible from smart meters?

Other stakeholders are better placed to answer this question.

Question 8: Our draft rule would introduce a range of requirements on different parties to enable customers to access real-time data. Do you consider that our draft rule would support a good customer experience for customers requesting access?

We support most of the requirements detailed in section 4 concerning the role and requirement of different parties in facilitating customers' access to real-time data, including the primary obligation on



retailers, the 15 day limit (with clear rules on allowable exceptions) for providing data access, consent requirements, and protections for those experiencing family violence. These establish a simple framework for consumers to navigate and provide important measures to protect vulnerable consumers, while giving clarity to retailers, MCs, and customer appointed representatives.

However, if the real-time data provided to customers is not provided in a form that actually enables people to understand and monitor their energy use, it will not provide a good customer experience for most people. The Commission itself notes in the draft determination that raw data is of no use to consumers; it must be translated into something meaningful before it will support consumers to take more control over their energy use. This is why our initial rule change request was that real-time data must be *“delivered in a manner and form that is meaningful for them to act upon”* (emphasis added).

As we have argued elsewhere, as part of this rule change there should be an obligation on retailers to provide the real-time data in a useful format. Many retailers already have online portals and apps which do this, just not in real time. Imposing this obligation should have minimal impact on retailers, given they will have more than 2 years to implement it.

Question 9: Would our draft rule introduce appropriate security measures to protect customer information from being accessed by unauthorised parties?

Technical questions concerning security measures are best answered by other stakeholders.

We support the Draft Determination requiring informed active customer consent to any third-party access to their data as specified in section 4.2. The procedures detailed in that section will ensure that consumers retain control over their own meters and consumption data. This is vital to maintaining community trust in the energy market, and for protecting privacy.

We also support the decision to enable registered participants to pull real-time data from smart meters at no charge, if the meter is installed from 2028, or if a charge has already been paid to make real-time data accessible from the smart meter. The benefits of DNSPs having access to this data are well noted in the Draft Determination. Allowing MCs to separately charge for access to this data after consumers have already paid for it would amount to private companies profiting from data that rightfully belongs to consumers, and in effect leave consumers paying twice – once directly, and then through increased network charges.