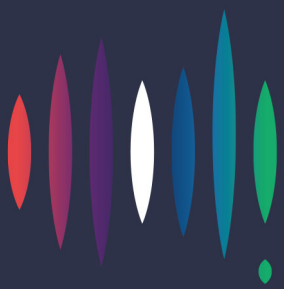
CDR for Energy

Response to ACCC Rules Framework

August 2020



ENERGY CONSUMERS AUSTRALIA

Contents

Version history

VERSION	DATE	COMMENTS
1	28 August 2020	

Summary

The CDR for Energy is a key element of putting consumers in control of their energy services.

> *The application of the Consumer Data Right to the electricity sector should be pursued as a priority under the Consumer Data Right framework regulated by the ACCC. Consumers and their authorised representatives should have access to at least historical consumption data, product data, meter data and customer data.*
> Recommendation 31
> ACCC REPI 2018

The importance of the CDR for Energy

The Consumer Data Right (CDR) for Energy is an important reform that will help provide consumers with the information and tools they need to respond to opportunities in a rapidly changing energy marketplace. Consumers are no longer simply required to choose a provider of their energy services but also which plan structure will best suit their needs. Consumers also face an environment where their decisions about the purchase and operation of Distributed Energy Resources (DER) interacts with their market choices of supplier[1].

Energy Consumers Australia has since early 2017 been pursuing mechanisms to enable consumers to authorise third parties to access their usage data for the purpose of providing a service to the consumer. We have embraced the opportunity presented by the economy-wide Consumer Data Right for the clarity and extensibility it provides.

We are, however, concerned that the ACCC's proposed Rules Framework will frustrate consumers wishing to access their meter data for the currently known use cases. Our preference remains an economy-wide approach. However, if the economy wide approach does not meet the needs of consumers in making decisions around energy, and supporting the entry of new business models to compete with incumbent businesses it will be necessary for those needs to be met by reverting to the development of new energy rules.

In this submission we first review the results of our consumer research which highlights consumers concern that they do not have the information and tools necessary to make effective choices in the energy market, and we explain how we settled on supporting the economy-wide CDR as the means to access the data.

We then detail the known use cases for CDR data. We note that none of the retailer held data is critical for the initial use cases, nor is it required for future use cases that will need to access data sets held by various DER providers.

The submission then turns to our most substantive point, that the ACCC has not properly considered the alternative authentication model for AEMO held data. The ACCC did not include the model as an alternative for consideration in the Privacy Impact Assessment, and in our view the use of

[1] DER includes controllable loads (e.g. hot water, air-conditioning, pool pumps), generation (e.g. solar PV) and storage (e.g. batteries, EVs).

either of the ACCC's models raise issues of privacy breaches and misinterprets the meaning of CDR consumer in the Designation Instrument.

We conclude the submission by providing responses to the consultation questions posed by the ACCC.

Introduction

Energy Consumers Australia appreciates the opportunity to comment on the Australian Competition and Consumer Commission's (ACCC) *Energy Rules Framework Consultation Paper* (the Paper) of July 2020.

Energy Consumers Australia is the national voice for residential and small business energy consumers. Established by the then Council of Australian Governments (COAG) Energy Council in 2015, our objective is to promote the long-term interests of energy consumers with respect to price, quality, reliability, safety and security of supply.

The ACCC is now engaged in developing the Rules to implement the Consumer Data Right (CDR) for Energy. These Rules will build on the Rules already developed that have been applied in banking, the first sector covered by the regime. We greatly appreciate the effort the ACCC has taken to developing the Rules with a view to the CDR being an 'economy wide framework.' As the Paper acknowledges there are some differences between the sectors that will require different Rules to those applied in banking. In our opinion these differences go beyond the use of the 'gateway approach' to include fundamental differences about the nature of the data, specifically that some of the data is an attribute of the premises rather than an attribute of the account holder.

Before expanding on this and the specific matters in the consultation, the rest of this introduction will provide evidence of consumer priorities and the approach Energy Consumers Australia has taken to the provision of information and tools to consumers.

Household and business consumers are more confident in their ability to make choices than they are in the support they get to make those choices through information or tools.

What consumers are telling us

Our research on consumer preferences and expectations through the Energy Consumer Sentiment Survey (ECSS)[2] and the Consumer Expectations Research[3] reveals that consumers' highest priority remains affordability and the area of least satisfaction is current value for money. At the same time consumers expectation is that energy services are simple and easy to manage. Finally, consumers are telling us that they want to be involved in the development of the energy system.

In the ECSS we ask consumers how confident they are about aspects of the energy market. Figures 1(a) and 1(b) below shows the proportion of electricity consumers providing a positive response (% 7 or higher out of 10) by household and business consumers to four questions:

- Choice "How confident do you feel in your ability to make choices about energy products and services, such as which plan or supplier to choose "

[2] https://energyconsumersaustralia.com.au/projects/consumer-sentiment-survey
[3] https://energyconsumersaustralia.com.au/wp-content/uploads/Future-Energy-Vision-Forethought-Household-Full-Report.pdf and https://energyconsumersaustralia.com.au/wp-content/uploads/Future-Energy-Vision-Forethought-SME-Report.pdf

- Information “How confident do you that there is enough easily understood information available to you to make decisions about energy products and services, by which we mean information available on the internet, through energy comparison websites or elsewhere”
- Tools “How confident do you feel that you have the tools and assistance you need to manage your energy use and costs, by which we mean electricity meters, smart phone devices, apps or other tools.”
- Market “How confident are you that the overall market is working in your long-term interests? By ‘the market’ we mean, the energy industry and energy regulators.”

The responses show that household and business consumers are more confident in their ability to make choices than they are in the support they get to make those choices through information or tools. This is one of the factors that feeds into the overall low score for household and business consumers’ confidence that the market is working in their interest. (The factor that explains the recent increase in confidence appears to be the increase in satisfaction with value for money, which in turn is correlated to recent price decrease.)

Figure 1(a): Selected Household ECSS time series data on confidence

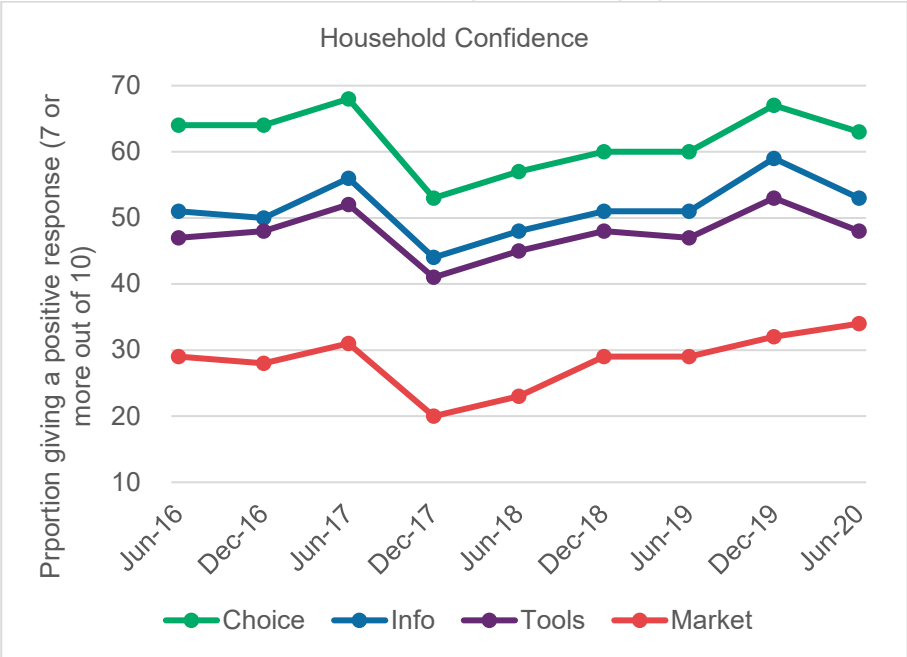
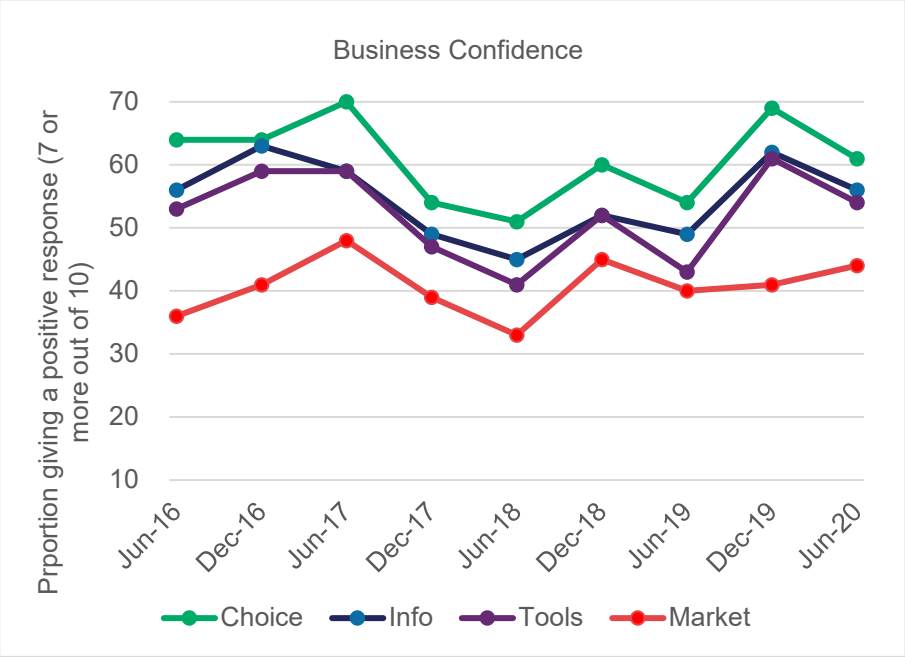


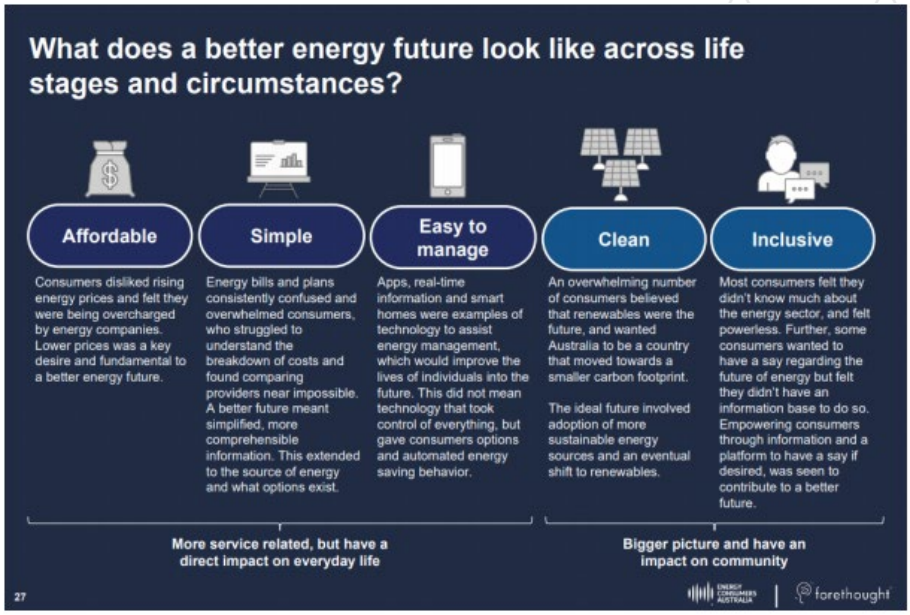
Figure 1(b): Selected Business ECSS time series data on confidence



Energy Consumers Australia's Consumer Expectations Research provides a wealth of information about consumers' experience of energy. It found that household consumers were focused on their everyday lives and often had so much happening, that energy was not top of mind, except at points of transitions in their life, including moving to a new house, starting a family, and retirement. At these transition points, the experiences were often negative, and consumers asked themselves "what's the point" of doing more to understand how to engage with the retail energy market. Similarly, small businesses felt stuck on how to change their experience for the better but were acutely focused on the opportunity cost of energy in reducing their profitability or reducing the number of their employees.

In addressing the fundamental question of what better looks like, the Consumer Expectations Research revealed that households have five objectives from the future energy system, shown in Figure 2.

Figure 2: Consumer vision for the future retail energy market



Through this research energy consumers are telling us that their number one priority is affordability, but that energy services need to be simple and easy to manage. Consumers are not, however, disengaged from the policy aspects of energy supply. They want to have a say but feel powerless.

Approach to providing information and tools

> *Increasing the availability of relevant and personalised electricity consumption and pricing data to consumers and third parties will benefit consumers in many ways. It will facilitate development of new products and services, better inform decision making, enhance consumer and business outcomes (including on price) and facilitate greater efficiency and innovation in the economy.*
> ACCC REPI 2018

As observed by the ACCC in the *Retail Electricity Price Inquiry* in 2018, increasing the availability of consumption and pricing data will benefit consumers in many ways.[4] The National Electricity Rules already require retailers and networks to provide meter data to a retail customer or authorised representative on request. (NER 7.7(a)(7)) under procedures to be developed by the Australian Energy Market Operator (AEMO). AEMO made the *Metering Data Provision Procedures* (the Procedures) in September 2015 with effective date of 1 March 2016.[5]

The Privacy Impact Assessment (PIA) conducted by KPMG in relation to the CDR for Energy also commented on these Rules provisions, saying:

> *As we have described in **Section 7.1(g)** of this report, there are established procedures under the NECF and the VERC to enable consumers of electricity services to access up to two years of data. While these procedures exist, they are underutilised because of issues including low customer engagement, lack of understanding about the meaning of their energy data and the insights that can be drawn from the data, lack of competition to disclose data in a helpful*

[4] https://www.accc.gov.au/regulated-infrastructure/energy/retail-electricity-pricing-inquiry-2017-2018/final-report
[5] https://aemo.com.au/-/media/archive/files/electricity/consultations/2015/mdpp-final-clean.pdf

> *manner and uncertainty about how to use the data in a beneficial way.* (P.35)

We believe this is an incorrect attribution of the reason for under-utilisation, and that it instead lies with the failure of the Rules and Procedures to provide any clarity about how retailers and DNSPs need to deal with Privacy Act obligations.

With respect to verifying the identity of a retail customer or customer authorised representative the Procedures at clause 2.1(b) stated:

> *It is the responsibility of retailers and DNSPs to determine what needs to be done to ensure their* Privacy Act 1988 (Commonwealth) *obligations have been met.*

The lack of guidance on what would constitute satisfactory activities to meet Privacy Act obligations saw retailers and DNSPs institute disparate approaches, with some DNSPs requiring a 'wet signature' of the customer even when they held no wet signature to compare it with.

Responding to this inability of the Rules to give effective access to metering data, Energy Consumers Australia in 2017 proposed an 'industry led' solution.[6] The core element of this was a 'common contract' approach to authorisation which was primarily modelled on the standards of 'explicit informed consent' used to authorise transfers between retailers in energy and telecommunications. The contract fundamentally fulfilled the functions of accrediting service providers.

Our paper closely followed the May 2017 completion of the Productivity Commission's (PC) *Data Availability and Use* inquiry.[7] In November 2017 the Australian Government announced that in response to the inquiry report it would legislate a national Consumer Data Right with first application in banking, energy and telecommunications.[8]

Initial discussions with industry on Energy Consumers Australia's proposal failed to secure their support for the proposition that privacy obligations would be met. Before this could be further explored the COAG Energy Council through the Australian Government initiated the review *Facilitating Access to Consumer Energy Data*[9] conducted by HoustonKemp who provided their report *Open consumer energy data* in June 2018.[10]

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[6] https://energyconsumersaustralia.com.au/publications/electricity-meter-data-portability-discussion-paper
[7] https://www.pc.gov.au/inquiries/completed/data-access#report
[8] https://ministers.pmc.gov.au/taylor/2017/australians-own-their-own-banking-energy-phone-and-internet-data
[9] http://www.coagenergycouncil.gov.au/publications/call-submissions-facilitating-access-consumer-energy-data
[10] http://www.coagenergycouncil.gov.au/publications/call-submissions-facilitating-access-consumer-energy-datahttp://www.coagenergycouncil.gov.au/sites/prod.energycouncil/files/publications/documents/Consumer%20Energy%20Data%20final%20report.pdf

The final report title was a reference to the December 2017 report *Open Banking*[11], which the Australian Government had joined in May 2018 to its earlier response to the PC to implement the economy wide Consumer Data Right under the auspices of the ACCC. In its July 2018 *Retail Electricity Prices Inquiry* the ACCC recommended that the CDR for electricity **sector should be pursued as a priority** under the CDR framework.

Through these processes Energy Consumers Australia supported the adoption of the economy-wide approach for facilitating consumer access to data. We had three primary motivations for doing so:

1. The economy-wide approach provided a framework under which clarity could be given for data holders that the release of information did not constitute a breach of the Privacy Act.
2. The economy-wide approach does not suffer the risk of jurisdictional derogation that arises from a regime based on the national energy laws.
3. The economy-wide approach is extensible to the datasets related to consumers' Distributed Energy Resources and smart energy systems which are not covered by the National Electricity Law or the National Retail Energy Law.

The risk with the economy-wide approach has always been that it would be slow to implement and that it would compromise the benefits to consumers of energy in pursuit of benefits in sectors other than energy. In our view the approach taken by the ACCC and its interpretation of the legislation is realising this risk.

Energy Consumers Australia is now open to the proposition that the needs of energy consumers may well be better met by pursuing access to data via changes to the National Electricity Rules.

[11] https://treasury.gov.au/sites/default/files/2019-03/Review-into-Open-Banking-_For-web-1.pdf

Value of Consumer Data to Energy Consumers

Known Use Cases for Consumer Data

The PIA conducted by KPMG includes a paragraph describing the use cases for CDR data. We find this somewhat surprising as the intent of the Privacy Principles is that they always be applied in context. The PIA described the use cases as:

> *Through our research and consultations, we identified that common use cases being considered in the energy industry included: switching plans and tariffs, purchasing solar panels (and understanding feed-in arrangements), purchasing batteries, conducting energy efficient audits and assisting with energy rating assessments for buildings. Use cases with Open Banking included short-term financing for DERs, budgeting for energy costs based on seasonal factors and cash flow management for paying bills. Some stakeholders queried that not all use cases require an ongoing consent (up to 12 months) for CDR Data; a one-time use to collect CDR Data may be sufficient and it should be deleted after the ADR has provided that good or service to the CDR Consumer.*[12]

The first three use cases were the use cases Energy Consumers Australia identified with KPMG, to which we have added a fourth. It is worth noting that the use cases that involve combining data from multiple sources include financing options, an area where there has been recent controversy both in the formulation of and appeal on the New Energy Technology Consumer Code and more recently on the 7:30 report.[13]

Our description of the three use cases are:

1. Choosing plans. We put the emphasis on the consumer's ability to not just choose provider (to switch) but also to choose plan structure. We note that in the *Retail Electricity Price Inquiry* the ACCC also observed (Recommendation 14):

> *The ACCC considers that steps should be taken to accelerate the take up of cost-reflective network pricing.*
>
> *Governments should agree to mandatory assignment of cost-reflective network pricing on retailers, ending existing opt-in and opt-out arrangements. Mandatory assignment of the network tariff should apply for all customers of a retailer that have metering capable of supporting cost-reflective tariffs (that is, a smart or interval meter). Retailers should not be obligated to reflect the cost-reflective network tariff structure in their customers' retail tariffs, but*

[12] https://treasury.gov.au/publication/p2020-89229

[13] Tuesday 17 August, 2020. https://www.abc.net.au/7.30/solar-customers-complain-about-buy-now-pay-later/12571778 We note that the ability of the provider to undertake detailed credit assessment does not change the fact that many providers of credit eschew these inquiries.

should be free to innovate in the packaging of the network tariff as part of their retail offer.

We agree with this recommendation but believe a smoothly functioning CDR enabling consumers to understand the bill impact, without behaviour change, of different price structures is an essential precondition to widespread take-up of these price structures.

2. Buying DER. The more a consumer can self-consume the electricity generated from rooftop PV the higher the benefit to the consumer. The only way to fully estimate the impact of solar on a consumer's bill, without behaviour change, is to compare half-hourly consumption against half-hourly generation.

3. Energy Efficiency. The 'thermal response' of energy consumption is a good indicator of the quality of insulation of a house, or the efficiency of its appliances. Comparisons of the rate of change of consumption to the rate of change of ambient temperature compared to similar houses is an extremely useful indicator. The US company Recurve uses this approach to identify houses that can benefit most from energy efficiency programs.[14]

4. Industry or Community Studies. This use case was flagged to Energy Consumers Australia by an advocacy group for an agricultural sector, who has been engaged in ARENA funded trials. To provide assistance to members a group that wants to develop reference points of consumption for members needs the ability for members to easily authorise access to consumption data.

Importantly, none of these use cases require any of the data held by the retailer. The consumer's current energy plan is available from their bill, though sometimes in hard to understand ways. There is currently a pending Rule Change Request with the AEMC from the Commonwealth Minister seeking a review of billing information. When consultation on that occurs Energy Consumers Australia will propose that the Plan ID as utilised in the *Retail Price Information Guideline* be included on the bill.

Future Use Cases for Energy Data

Future uses of energy data relate to data sets not currently included in the CDR for Energy. This data is primarily real time data from DER, including the current state of PV generation, storage charge state and local voltage. This data will be combined with historic consumption data, user stated preferences and market price signals and operating characteristics for smart energy systems to control DER operation.

There is currently an ARENA funded project called My Energy Marketplace which is developing a consumer-facing energy data hub that will give greater visibility over household energy use.[15] This project is currently only addressing data being voluntarily made available and is attempting to

[14] Energy Consumers Australia understands that Recurve sought to pilot this scheme with the NSW Govt but was frustrated by the inability to access meter data.
[15] https://arena.gov.au/news/smart-energy-devices-to-empower-consumers/

develop its own consent framework. It is our expectation that clarity on consent will only be possible through the CDR framework.

This additional set of use cases will provide a new more challenging set of issues. Firstly, the DER is primarily an attribute of the dwelling, not the account holder. Where they are rented premises the owner of the property will be the appropriate 'consumer.' They may choose to delegate responsibility to the tenant. Secondly, while the relationship between the owner and the 'platform provider' of the DER support tools will be clear on installation, it is possible that this will break down through subsequent transfers of ownership of the property.

In no case that we can see is it important that the service provider wishing to access this data can also access banking data. There may be some limited benefit in accessing telecommunications data. AEMO held data in the form of the DER Register will facilitate transactions by being able to identify the make and model of DER installed.

We raise this use case to reflect the importance of the CDR being adaptable to circumstances and to recognise the relationship between a consumer and their data is not necessarily an 'account holder' relationship. Importantly the retailer will be irrelevant in establishing the true consumer who owns the DER data.

Authenticating the Consumer for AEMO Held Data

Legislative provisions

In the Paper the ACCC is proposing to use one of two alternatives of authentication that it describes as 'strong' authentication. The Paper also seeks comments on an alternative form of authentication, saying:

> *Finally, we are also seeking feedback on whether it would be appropriate from a policy perspective to adopt an alternative or additional method of authentication in relation to these specific data sets. Instead of 'strong authentication', which relies on the consumer's identity, it may be possible to permit authentication based on some other factor(s), allowing AEMO to share data it holds without the need for retailer input. We welcome views on whether it would be appropriate to permit these specific data sets to be shared, for example, where a person is able to provide the NMI, postcode and the name of the current retailer for a premises.* (P.32)

We regret the ACCC's differentiation of this alternative form of authorisation as something other than strong. We believe that for the purposes of accessing AEMO held data it is as strong as is necessary or, indeed, possible.

To make the latter case we draw the ACCC's attention to the *Meanings of CDR data, directly or indirectly derived and CDR consumer* in s5gAI of the legislation. CDR data means the data in the designation instrument. A person is the CDR consumer if "the person is identifiable, or reasonably identifiable, from the CDR data; or other information held by" the data holder.

The definitions do not seem to envision a circumstance in which a different data holder is used to identify the CDR consumer. On this reading both versions of the ACCC's authentication process don't meet the requirements of the legislation, the data holder needs to identify the consumer from the data they hold.

We further note the particular cases in energy where a consumer can have a contractual relationship with a retailer, yet the retailer holds absolutely no details about the consumer. This circumstance arises if a consumer moves into vacant premises where the electricity supply has not been disconnected and commences to use the electricity.

Finally, the definition of 'customer' in the Designation Instrument does NOT limit customers to those persons who have a purchasing arrangement with a retailer. The instrument defines a '*customer*' at 5(1)(b) as:

> *a reference to a* customer *is a reference to a person who purchases electricity under the arrangement, or to whom electricity is supplied in connection with the arrangement;*

We note that the second statement in the disjunction means that every occupant of a dwelling is a customer as is the owner of rented property.

Privacy considerations

The desire to use the two models of authentication proposed by the ACCC are based in our view on a very selective reading of the PIA. The ACCC rightly notes that the PIA recommended the 'strong' authentication models referred to it by the ACCC, but it did not consider at all the alternative model.

We find this a disappointing position because the ACCC was aware of the alternative model before the PIA was completed. As it was not referred to KPMG for the PIA if the ACCC adopts it, as we argue above it must, then it will be necessary to refer it.

We believe that the alternative model for AEMO data meets the privacy objectives better than the ACCC versions considered by the PIA. We note that the data being held by AEMO – the DER Register, NMI Standing Data and Usage (meter) data – are attributes of the property and not attributes of the account holder.

The PIA noted this concern as being the possible privacy issue of information about the householder's collectively being accessed by the account holder, but we phrase it in the reverse as the ACCC procedure denying access to the householder (the resident) of information that pertains to them. It is as much a contravention of Privacy Principles to deny access to data as it is to release it inappropriately.

In saying this we note the observation in the Paper that:

> *We note that the SPIA found consensus among stakeholders that energy data does not generally have the same sensitivities as banking data.* (Page 26)

This is exactly the point we make in relation to access to the data held by AEMO. This is particularly the case if the following circumstances apply:

1. The consent is to a once off access to the data for the purposes of providing a specified service (one of the three described above),
2. The data is provided to the service provider but in fulfilling the service the service provider only presents the data in some summarised form (e.g. as a specification of the best plan, the amount of energy that would be self-consumed from solar panels), and
3. The data is deleted by the service provider once the service is provided.

We understand that the banking use cases mostly relate to ongoing consents, but this is not necessary for the four use cases that we know of in energy. We note, an ongoing consent may be required for a 'switching service' that perpetually looks for better deals for a consumer. However, the current Rules require consent to be renewed annually which is problematic for this type of service. Further our focus is on improving all the offers in the marketplace. There is already a relatively high switching rate in energy, we want to improve the outcomes for consumers by improving the switching that already occurs not generate more of it.

Finally, under the heading of privacy, by involving the retailer unnecessarily in the authentication process the proposed ACCC procedure creates a privacy issue of its own. The consumer may not wish to alert their current retailer of their interest in getting a price comparison (or any other service). In particular Energy Consumers Australia does not support the practice of 'saves' by which we mean offers made to consumers only after the retailer has received advice from other sources that the consumer is interested in changing providers. The practice of 'saves' facilitates rather than eradicates the problem of retailers allowing consumers to drift onto high priced plans hoping the consumer will not notice.

In short, there is a positive harm to the consumer from the release to the retailer of the information that the consumer is seeking to grant access to their usage data. This was why in the model proposed in Energy Consumers Australia's 2017 paper our focus was exclusively on the provision of usage data by the DNSP and not the retailer (at that stage AEMO did not hold all the meter data, this will only occur as a consequence of Global Settlement).

Timing Considerations

The implementation of the CDR is only one of many industry wide projects placing demands on retailers for IT and other development activities.

Appendix C provides an extract from the Regulatory Implementation Timetable published by AEMO.[16] This indicates an implementation time, depending on ACCC decisions, of CDR by Q3 2022. The achievement of that date will be dependent on retailers ability to incorporate development in a very crowded schedule, and will more likely slip into 2023.

The Global Settlement project is completed by the end of Q2 2022. This is the project that gives AEMO full meter data access. Because AEMO currently provides usage data to the two government run comparison websites, AEMO can, we expect, be in a position to provide access to the data it holds at this point if the alternative authentication process is applied.

We note also that the value to a consumer of CDR for the use cases we have identified is not increased particularly by the consumer being a customer of any subset of retailers. We need access to data irrespective of the choice of consumer.

That is, by use of the alternative authentication arrangement CDR for the use cases we have identified, including those use cases that the ACCC in the *Retail Electricity Pricing Inquiry* required CDR to be "pursued as a priority", can be implemented up to twelve months earlier.

Competitive Neutrality

As described by the OECD "It is a fundamental principle of competition law and policy that firms should compete on the merits and should not benefit

[16] The next version is due to be published by AEMO on Monday 31 August.

from undue advantages due to their ownership or nationality."[17] The Commonwealth Competitive Neutrality Policy Statement[18] puts it this way:

> *Competitive neutrality requires that government business activities should not enjoy net competitive advantages over their private sector competitors simply by virtue of public sector ownership…*
>
> *Competitive neutrality requires that governments should not use their legislative or fiscal powers to advantage their own businesses over the private sector. If governments do advantage their businesses in this way, it will distort the competitive process and reduce efficiency, the more so if the government businesses are technically less efficient than their private sector competitors.*

We note that commercial price comparison websites are in competition with two government run comparator services. None charge the user a fee and so the formal competitive neutrality policy does not apply, though the commercial sites do obtain payments from industry and would meet the definition of "business activity" used in the policy.

However, the principle quoted does apply. One would expect a greater degree of innovation from commercial comparator sites than the government sites, all things being equal. As an example, commercial sites could integrate DER data with usage data and in offering a price comparison provide advice on purchase or expansion of DER resources. The commercial site might incorporate the thermal response data and provide the consumer with assistance in improving energy efficiency.

The different authentication approaches faced by the government and the commercial services will impede the operation of these services. There will be CDR consumers (e.g. landlords) who will not be able to obtain a service from a commercial site that they could obtain from a government site.

It seems to Energy Consumers Australia that the ACCC approach to authentication of AEMO held data is creating an unnecessary competitive constraint on commercial services.

[17] http://www.oecd.org/competition/competitive-neutrality.htm
[18] https://treasury.gov.au/sites/default/files/2019-03/cnps.rtf

Response to Consultation Questions

We do not respond to all questions. We are mostly only commenting where we do not agree with the ACCC's proposed approach. There are areas where we are still unsure and will use responses from other stakeholders to further develop our views.

Approach to data sets in energy rules

1. Do you agree with our proposed approach to data sets in the energy rules? Why or why not?

We do not agree with the proposed approach. In particular we disagree with the ACCC's general interpretation that data sets all relate to the relationship of the consumer to the retailer. The definitions of 'arrangement' and 'consumer' in the Designation Instrument also, by disjunction, apply to supply of electricity to a connection point. These definitions are what apply to the data sets held by AEMO.

This interpretation error is presented in the Paper in the sentence:

> *The designation instrument designates DER register data that relates to the arrangement between the customer and their retailer.*

The retailer is only relevant to DER register data if the consumer is being paid a feed-in-tariff. If the consumer has a DER configuration that includes the ability to fully self-consume generated electricity, then none of the DER register data relates to the 'arrangement between the customer and their retailer.' It does, however, relate to the arrangement the consumer has with their network operator (with whom they also have a contract) for the supply of electricity to the connection point. That latter relationship is both the source of the DER register data and the primary reason for the register.

The ACCC is making a fundamental error in interpreting the CDR for Energy as being only about the relationship between an account holder and a retailer and that AEMO held data is somehow an attribute of this relationship. The CDR for Energy is in fact about two completely different domains; the supply of electricity to connection points and the purchase of the electricity supplied from a retailer.

All the rules need to reflect that fundamental difference.

2. Considering the above discussion about potentially sensitive information, what data, if any, should be subject to specific arrangements (for example, during the consent process)? Should any particular sensitive data be explicitly excluded from the proposed data sets?

We believe that there are three categories of sensitivity of the data. We believe that the response to these sensitivities should not just apply to the consent arrangements but also to the accreditation arrangements.

The three categories and associated accreditation requirements are:

- Connection point data accessed once only for the provision off a defined service and never revealed in raw form to the requestor.

Accreditation should require that data be destroyed once the service is provided, and as such the ADR should not require stringent information protection regimes, nor be covered by reciprocity.

- Connection point data for all other uses, and all retailer held data other than the information relating to hardship, concessions or payment history. Standard CDR rules.
- Retailer held data other than the information relating to hardship, concessions or payment history. Consent needs to be a second stage explicit consent to this particularly sensitive data. Additionally, Energy Consumers Australia believes the only service providers who validly require this data are financial advisers and other similar supporting organisations, and there should be a specific category of accreditation for these organisations to be able to access the data.

Approach to the Rules, standards and privacy safeguards to accommodate the gateway data access model

3. Do you consider the proposed approach to the gateway rules, standards and privacy safeguards appropriate for CDR in energy?

No. The discussion of AEMO as a data holder states that in this role AEMO has no gateway function, yet the models for authentication all require AEMO to fulfill its gateway function in respect of authentication even for AEMO held data. This would be rectified if requests for AEMO held data only use the alternative authentication approach.

4. If not, which aspects of the approach should be reconsidered or amended, and why?

See answer to Q4.

5. Should the information security obligations contained in Schedule 2, Part 2 of the Rules be applied to the gateway, or should we adopt an alternative standard such as the AESCSF?

No comment.

6. Should the gateway be subject to obligations relating to the privacy safeguards, beyond what is set out in Part 7 of the current Rules?

No comment.

7. How should any disclosure of voluntary consumer data work under the gateway data access model (see section 3.3.1 for discussion of voluntary data)?

We are unclear what ‘voluntary consumer data’ in envisioned and whether this extends to data volunteered for inclusion by other data holders such as inverter or meter providers.

Eligible consumer

8. Do you agree with our approach to determining an eligible CDR consumer? Why or why not? What additional factors should we consider? In providing a response you may wish to address the following:

- *What are the risks and benefits of including minors as eligible CDR consumers? If minors are included, what additional safeguards are required (if any)?*
- *What use cases exist for retailer-held consumer data sets for inactive accounts? What changes to data holder obligations would be appropriate to facilitate this?*
- *How might we facilitate the inclusion of customers who do not have an online account with their retailer as eligible CDR consumers? What particular issues will need to be resolved?*
- *Should any particular customers, such as large customers, be excluded from the initial scope of CDR in energy? How should our approach account for the spectrum of large customers (for example, significantly large customers versus mass market large customers)? What thresholds or definitions might we use in determining these customers?*
- *Are existing protections in the Rules that place restrictions on accredited persons seeking consent and where disclosure of data would create a risk of harm (for example, Rules 4.12(3)(b) and 4.7) appropriate for CDR in energy or do they require some adaption?*

We do not agree that a consumer must have an account with a retailer to be an eligible consumer. The definition of CDR customer in the Designation Instrument is anybody who is receiving electricity services at the connection point.

We do agree that the data right should only apply to premises for which electricity is currently being supplied. However, the data relating to usage should not be constrained to the period the consumer has had an arrangement with the current retailer.

We are unaware of any viable mechanism to guarantee that consumption data from a period prior to the current occupancy of premises is not disclosed by AEMO. The request by the ACCC for the last date of change of occupancy to be added as a field to the MSATS Standing Data will be declined because no one in the industry captures this information. All that is recorded is when a new retail arrangement is established.

The Paper raises the following issue:

> *Linking eligibility to the account holder and possibly to persons nominated on the account ensures that only those persons who are 'known' to the retailer (and therefore are able to be authenticated) are able to consent to and authorise their CDR data to be shared. We note that one consequence of this approach would be to allow CDR data to be shared irrespective of occupancy of premises, so long as the CDR consumer holds an account with a retailer or is a nominated person and is being supplied the service.*
>
> *An example of this is a tenanted property where the electricity account is in the landlord's name. As set out in the SPIA, one potentially negative consequence of this approach would be that an account holder who is a landlord may receive information about energy consumption by the occupants of a premises. This information may allow the landlord to infer particular behaviours that*

a tenant might not be comfortable with the landlord knowing. We are interested in stakeholder feedback about the risks and benefits inherent in this approach.

In the situation described, the landlord already has rights to the usage data under electricity rules. The CDR will not increase the ability of the landlord to see that data, it will increase the usefulness of the data. This highlights the excessive concern expressed about the ability to infer 'behaviour' from historic consumption data.

9. Is our characterisation of energy joint accounts and energy nominated persons accurate?

Yes.

10. Is our proposed approach to facilitating data sharing for joint accounts appropriate for the energy sector?

We reiterate our position that the position of being an account holder is only relevant to the data held by the retailer. We agree that in the case of energy it should not be a requirement that all the persons who are joint account holders give consent to the ADR receiving the data.

11. Should nominated persons or certain nominated persons be eligible CDR consumers?

Yes. The nominated person is already entitled to receive the information directly and so should also be able to consent to its use by the ADR.

12. What particular arrangements exist for nominated persons who are able to transact on business accounts?

No comment.

Authentication

13. Do you agree that strong consumer authentication based on a redirect model is the correct authentication model for CDR in energy? If not, please set out your preferred alternative model, and the risks and benefits of that approach.

The 'strong consumer authentication based on a redirect model' is not the correct authentication model for consumer data for which AEMO is the data holder. Our preferred model is set out earlier in this submission.

We are unclear on the benefits of the redirect model where a One Time Password (OTP) is used. The redirect model works where the consumer has an existing online relationship with the data holder and the redirection presents the consumer's ordinary online services login screen.

We believe that where an OTP is used the simplest model is that the form of the OTP be specified in the Rules (e.g. six digit numerical) and that the requestor inputs the OTP into the ADR system and the ADR then relays the OTP to the Gateway that relays it to the retailer who does the matching. This model is the most compatible with the model where the requestor is transacting with the ADR by phone.

14. Do you agree that data holders should be able to rely on a single authentication carried out by another data holder?

No. AEMO should be able to rely on the authentication by the retailer, but the retailer should not be able to rely upon the alternative authentication approach we propose for AEMO held data.

15. What are the risks and benefits of allowing customers to engage with a redirect-based authentication model offline (for example, by telephone)?

There are no risks. The benefits are that an important group of consumers who will most benefit from assistance with plan choice can only utilise offline models.

16. What are the costs and benefits for stakeholders associated with Model 1 and Model 2?

No comment, but our Model 3 is probably cheaper.

17. Do you agree with our preference to implement Model 1 as the authentication model for CDR in energy?

No we prefer Model 3.

18. Should the ACCC and DSB also facilitate Model 2, for example as an alternative for retailers who are unable to build the authentication capability required by Model 1?

No we prefer Model 3.

19. If the ACCC and DSB facilitate Model 2, what consumer experience factors should we take into account with respect to how dashboards should be presented to CDR consumers?

No comment. We don't support Model 2.

Dashboards

20. Of the three options for data holder dashboards, which do you prefer and why?

Dash boards should be provided in multiple ways and reflect the nature of the consents granted.

Where the consumer has an online relationship with the retailer, the retailer should maintain a dashboard within that online service detailing consents provided by the consumer and enabling variation of that consent.

Separately AEMO should maintain a record of all consents granted and provide that as a dashboard to consumers who seek information about their consents from any ADR who is included in the list of consents held by AEMO. The ADR in this case would be required to undertake its own verification that the consumer is the person with whom the ADR previously transacted.

We do not believe there is an issue of the consumer needing to identify consents it has provided for one off access to AEMO held data in cases where the consumer can't recall which ADR they dealt with.

21. What are the advantages and disadvantages of each of the options?

See answer to Q 20.

22. What other options should we consider?

See answer to Q 20.

23. Noting our intention to include customers without an online account with their retailer as eligible CDR consumers (see section 4.2.3.4) how might dashboards be provided for these consumers?

See answer to Q 20.

24. What consumer experience factors should we take into account with respect to how dashboards should be presented to CDR consumers?

It is not unreasonable to expect that a consumer who is setting up an ongoing consent to access data held by the retailer would also have a motivation to establish an online relationship with their retailer. As we have not identified any use cases for the retailer held data on an ongoing basis we are unable to fully contemplate these scenarios.

Internal dispute resolution

25. Do you agree with our proposed approach to energy sector IDR? If you are an energy retailer, to what extent do you consider your current IDR processes as required under the Retail Law or Energy Retail Code meet Schedule 3, Part 5 of the Rules?

No comment.

26. How important do you consider consistency of IDR approaches across sectors at this stage of the CDR regime?

By their very definition, Internal Dispute Resolution processes are bespoke to each organisation. We see no value in attempts to standardise IDR across sectors.

27. Do you think the Rules should provide for IDR processes for complaints by CDR entities to and about these same parties? Why or why not?

No. The Rules may require provision for external dispute settlement in those circumstances however, and these provisions should include the ability of the external agent to direct a party to respond to another party's complaint.

Phased implementation

28. What do you consider is an appropriate measure of retailer scale to justify being brought within scope of CDR in energy?

We do not support the use of any size threshold for inclusion of retailers in the scope of the CDR for energy. This is especially the case if the Rules

require the use of authentication by the retailer before a consumer can authorise use of AEMO held data.

29. Should we apply a different measure of retailer scale for retailers serving large customers?

No.

30. If you favour a particular measure of retailer scale (for example, customer numbers) what threshold should we set between the different tranches?

No comment.

31. Which of the options for the phasing of data holders do you prefer? Why? Do any of the above options present any significant issues that we should be aware of?

We prefer none of the options proposed by the ACCC. We see no case in energy for a phased implementation. If the ACCC adopts the alternative authentication approach for AEMO held data there is no urgency in the starting date for retailers. If the ACCC does not adopt our alternative approach, we anticipate that small retailers would be among the first ADRs to utilise the CDR and hence be subject to the reciprocity rules.

32. What are the costs and benefits of phasing in retailers for the purposes of facilitating authentication only, in particular if this occurs at an earlier date than the date at which they must be able to fully participate by serving data into CDR?

The bulk of the IT development that retailers will be required to undertake relates to the authentication process. These are totally new processes for retailers. Accessing data held in databases already accessed by in-house customer services staff and reformatting it for presentation to AEMO is relatively less complicated.

33. Do you agree with our proposals to permit data holders to come into the regime early on a voluntary basis, and to phase data holders into the regime earlier than scheduled if they become accredited?

We are interested in voluntary participation by data holders other than the data holders listed in the Designation Instrument (which would be for data sets also not included in the Designation). As we see no value in phased introduction, we obviously see no value in early voluntary participation.

Issues relating to accreditation

Energy data

34. Do you agree that energy data sets are less sensitive than banking data sets?

The data sets held by AEMO are far less sensitive than the banking data sets. Indeed an argument can be mounted that they are not personal information within the meaning of the privacy law.

However, parts of the retailer data sets including concessions and hardship are more sensitive than banking data.

35. Should any energy data sets, or subsets of those data sets, be treated with a higher degree of security (due to potential sensitivities), similar to banking data?

Yes, those that relate to hardship and concessions.

36. If you agree that some or all energy data sets are generally less sensitive than banking data sets, do you support the introduction of a lower tier of accreditation for ADRs seeking to access those energy data sets?

Yes. We support a lower tier of accreditation and an alternative means of authentication for those data sets.

37. If so, how should the obligations for ADRs at the lower tier differ from those applicable to ADRs at the existing 'unrestricted' tier? In particular, should the obligation to provide an assurance report be modified as outlined above?

Assurance reports should not be required for the lower tier. However ongoing attestation statements should be required that data received under the CDR has been destroyed. We believe this needs to be an ongoing attestation requirement as small ADRs may make system changes that unintentionally undo automatic deletion.

CDR-wide tiering

38. Alternatively, do you consider that we should consider introducing a lower tier of accreditation on a cross-sectoral basis for both banking and energy?

No comment, we have no view on what is appropriate for banking.

39. If so:
a. what energy and banking data sets would be appropriate for a lower-tier ADR to access?
b. how should we restrict access to CDR data sets for ADRs accredited at the lower tier?
c. how should the obligations for ADRs at the lower tier differ from those applicable to ADRs at the existing 'unrestricted' tier?
d. what should be the criteria for accreditation at the lower tier (having regard to the ADR's obligations) and what level of evidence should be required in support of an application?

No comment

Streamlined accreditation

40. Do you agree that data holders in energy, if they wish to become ADRs, should have access to a streamlined accreditation process analogous to that applicable in banking?

We believe that any party that is authorised to be a B2B participant under the NER should receive streamlined accreditation.

41. If so, can we rely on existing information security and other regulatory obligations in granting streamlined accreditation to such data holders?

Yes.

42. If so, why are the existing obligations sufficient, and do you consider the obligations to be sufficient to grant streamlined accreditation at the 'unrestricted' tier, or at a lower tier introduced by the ACCC?

If they are not sufficient then the B2B accreditation process should be lifted to a sufficient level..

43. If not, but you remain supportive of some formed of streamlined accreditation, what additional obligations should we impose as part of a streamlined accreditation process for energy data holders?

See answer to Q42.

44. Do you agree with our preliminary view that any streamlined accreditation requirements for energy data holders should not override the requirement for ADRs to have adequate insurance or a comparable guarantee that will properly compensate consumers for any losses that may arise from a breach of an ADR's obligations?

Yes. However we are unclear how much insurance cover is warranted as we are unable to envision what compensable harm can arise for consumers.

Conditions for accredited person to be data holder

45. Do you agree with our view that conditions like those set out in Schedule 3, clause 7.2 of the Rules should be adopted in CDR in energy, with appropriate modifications? If so, what modifications are required?

Yes

Estimating the regulatory costs of CDR in energy

46. Can you provide a rough breakdown of the implementation and ongoing regulatory costs that an energy data holder might incur? An estimated range would be appropriate.

No. The costs will however be higher under the ACCC's authentication approach than under our alternative approach.

47. Can you estimate what costs might be involved for a retailer to comply with authentication Model 1 and Model 2 identified in section 4.3.4?

No, but see answer to Q46.

48. Can you provide a rough breakdown of the implementation and ongoing regulatory costs that an ADR seeking energy data might incur? An estimated range would be appropriate.

No.

Appendix A: Extract from REPI

13.1 Importance of consumer data

Increasing the availability of relevant and personalised electricity consumption and pricing data to consumers and third parties will benefit consumers in many ways. It will facilitate development of new products and services, better inform decision making, enhance consumer and business outcomes (including on price) and facilitate greater efficiency and innovation in the economy. Many of the recommendations outlined in part 3 will be enhanced by consumers having improved access to their own electricity consumption and pricing data in a standard format that they can use, or authorise third parties to use on their behalf.

The lack of easily accessible electricity consumption and pricing data, as well as data on available tariffs in the market, is a barrier to the emergence of services that would assist consumers to choose electricity offers that suit their needs.

Steps being taken to make electricity data more accessible will greatly enhance the capacity for consumer engagement with the market and increase competition.

There will be significant benefits for consumers with traditional accumulation meters that record only aggregate consumption data for a period (generally three months), and even greater benefits for households with smart meters that record consumption data throughout the day.

The majority of households in NSW, Queensland, the ACT, South Australia and Tasmania are still metered using accumulation meters which are manually checked periodically (usually quarterly). Households with accumulation meters can only see their aggregate consumption data for an entire period. In contrast, smart meters, which have been rolled out in Victoria, provide richer data, including half-hourly measurements of consumption. As part of the Power of Choice reforms, retailers are progressively rolling out smart meters in other NEM regions. This smart meter rollout is very important to maximise the benefit from third party electricity data services.

Third parties face substantial barriers in accessing electricity data. These barriers include electricity businesses concerns regarding privacy, complexity of processes required to access data, inconsistency in the format of the data provided by businesses, lack of consumer awareness or understanding of their right to access data and lack of incentives for data holders to disclose data. These barriers make it difficult to build viable business models that rely on access to such data. This means that switching services, such as CHOICE's new Transformer service, rather than accessing a consumer's full consumption history, analyses bills to calculate an estimated annual saving based on tariff, consumption history, discounts and feed-in-tariff for solar customers. Other companies may spend significant time proving their right to access the electricity data from individual electricity retailers and distributors with inconsistent processes, eroding the timeliness, efficacy and cost-effectiveness of the services provided.

A lack of timely access to complete electricity data can be a point of friction in consumer decision making. This can be a factor in consumers withdrawing from actively making choices at all (which we know typically leads to the worst price outcomes for consumers) or consumers resorting to other poorer sources of information such as retailer advertising or electricity bills which can be confusing and are not in a form which is useful to navigate the market. In any event this is a source of frustration and leads to sub-optimal outcomes for consumers in this market.

On 9 May 2018, the Australian Government announced its response to the Open Banking Report and agreed to the Consumer Data Right (CDR) model proposed in that report. The ACCC was named as the lead regulator for the Consumer Data Right, working closely with the Office of the Australian Information Commissioner and the Data Standards Body.554 Funding for the Consumer Data Right was confirmed in the budget on 8 May 2018.

The CDR will initially be implemented for the banking sector (where it will be known as 'Open Banking'), followed by the energy and telecommunications sectors. It will then be rolled out more broadly on a sector-by-sector basis. The Consumer Data Right will enable consumers (including businesses) to share their transaction, usage and product data with service providers and comparison services. This right will improve the consumer's ability to compare and switch between goods and services on offer. The scheme will promote greater competition between service providers, leading not only to better prices for consumers but also to more innovation of products and services.

The COAG Energy Council has also been developing a framework to enhance the availability of and access to electricity data, and the Energy Security Board is developing a data strategy. These initiatives will continue to improve access to data for consumers and third parties by:

- clarifying the rights and processes for consumers to consent to their data being made available to third parties of their choice, and for third parties to receive this data
- ensuring that consumers and their data are protected from, and have redress for, unauthorised or inappropriate use
- building the standards and infrastructure to store, manage and facilitate easy access to electricity data in common and usable format.

Submissions to the COAG Energy Council's consultation paper on access to data and the Australian Treasury's Open Banking report argued in support of coordinating rules regarding access to electricity data with the Consumer Data Right. The ACCC considers that the CDR will provide a nationally consistent and overarching approach to consumer data initiatives and will provide for the best outcomes for consumers, minimising confusion and creating greater scope for innovation and cross-sectoral opportunities.

The ACCC considers that the overarching framework for accessing standardised and nationally consistent data, as will be provided under the CDR, is essential to consumers being able to make more informed decisions about electricity offers and most importantly, to access third party services that assist them in understanding and choosing electricity offers. It is also

essential to maximise the potential for improved competition and productivity in the sector through the development of innovative products and services.

At a minimum, consumers or their authorised representatives should be able to access their data relating to:

1. historical consumption data—the data available will depend on the type of meter the consumer has. The data may be accumulation (for a billing period) or interval (half-hourly data throughout the day)
2. product data—the consumer's current tariff (including the rates and discounts), as well as data on all generally available retail offers
3. meter data—including the meter type and national metering identifier
4. customer data—including the customer's contact details.

Consumers would also benefit from being able to access and share information about their distributed energy resources, such as solar PV systems and batteries. Availability of this data is inconsistent. Consideration could be given to bringing this information within a CDR framework but it is unlikely to be practical at this stage. The ACCC recognises that additional complexities arise in relation to data for certain consumers, including those not in the NEM, or in embedded or isolated networks and in relation to gas data. These issues will need to be addressed as part of the CDR implementation. Resolving these issues will necessitate the industry and relevant sector regulators working with the CDR regulators (ACCC, the Office of Australian Information Commissioner and Data61).

Below are some examples of the ways that consumers could benefit from improved access to data.

Facilitating price comparison and savings

A consumer seeking to find the best electricity offer would be able to authorise an accredited third party data provider to access their electricity data. The accredited provider could use the data to deliver a range of services that could lead to cost savings for the consumer. This could include a comparison of the consumer's existing offer and consumption patterns to recommend a new offer or tariff structure, comparing household consumption with other similar households or providing personalised advice on energy savings measures (like demand management and appliance replacements). A UK service, Flipper, uses consumer data to identify the best deal for a consumer and handles the switching process on the consumer's behalf. Flipper works by extracting consumption data from the consumer's online energy account, and searching the market to find the best offer, taking into consideration exit fees and discounts. If the best offer saves consumers at least £50, Flipper then starts the switching process on the consumer's behalf.560

Improved bill understanding

VELObill in the United States uses Green Button data to provide a service for consumers to manage utility costs and change consumption patterns. Using VELObill, consumers can view consumption, compare usage to neighbours or friends, set goals to reduce energy, and evaluate the cost and payback of energy efficiency upgrades.

Make informed decisions about the best products for their needs

A retail business has just faced a doubling of its electricity prices and is looking to install demand management on their cooling and refrigeration as well as solar but cannot determine the appropriate size of system for its electricity needs. Using an online platform, the business is able to identify demand management and solar installation companies, and provide secure access to its electricity data for a limited period of time. Potential suppliers, combining electricity consumption information and information about the business, are able to provide tailored advice and quotes about the size of the system best suited to the company's needs, an estimated return on investment, and energy management advice.

Recommendation 31

The application of the Consumer Data Right to the electricity sector should be pursued as a priority under the Consumer Data Right framework regulated by the ACCC. Consumers and their authorised representatives should have access to at least historical consumption data, product data, meter data and customer data.

Appendix B: Language Matters

There are aspects of the Paper where small choices of language reveal approaches to the CDR for Energy with which we disagree. These are called out in this appendix with the hope that the ACCC will consider using different language in future.

Description of the reform

Current language (P.4)

Consumer Data Right (**CDR**) is an important reform that will give Australians greater control over their data, empowering consumers to choose to share their data with trusted recipients for the purposes the consumer has authorised.

Alternative language

Consumer Data Right (**CDR**) is an important reform that will give Australians greater benefit from their data, empowering consumers to authorise trusted recipients to access their data to provide a service to the consumer.

Rationale

The CDR regime is focussed on enabling services to be provided to consumers by third parties accessing and using existing data

1. The CDR regime only gives consumers marginally greater control over their data, what it does give them is greater benefit from their data.

2. The benefits of CDR include that the consumer isn't actively involved in sharing their data – they don't receive it and pass it on.

What the rules framework is for

Current language (P.7)

In this consultation, we have identified rules development issues that will need to be resolved to accommodate CDR in energy.

Alternative language

…we have identified rules development that will maximise the benefit to consumers from CDR in energy (or from extending the CDR to energy).

Rationale

This is not about just shoe-horning energy into the rules – the goal must be maximising the benefit to consumers.

Consistency across sectors

Current language (P.7)

Any changes to the Rules to accommodate new sectors, including the energy sector, must allow for interoperability across sectors, to the extent possible. Arrangements that are interoperable with other sectors, to which CDR has been or will be rolled out to, will reduce barriers to entry for

accredited data recipients (ADRs), and facilitate the development of cross-sectoral data-driven innovation.6 As CDR is rolled out across the economy, any sector-specific variations may impact the consistent delivery of CDR.

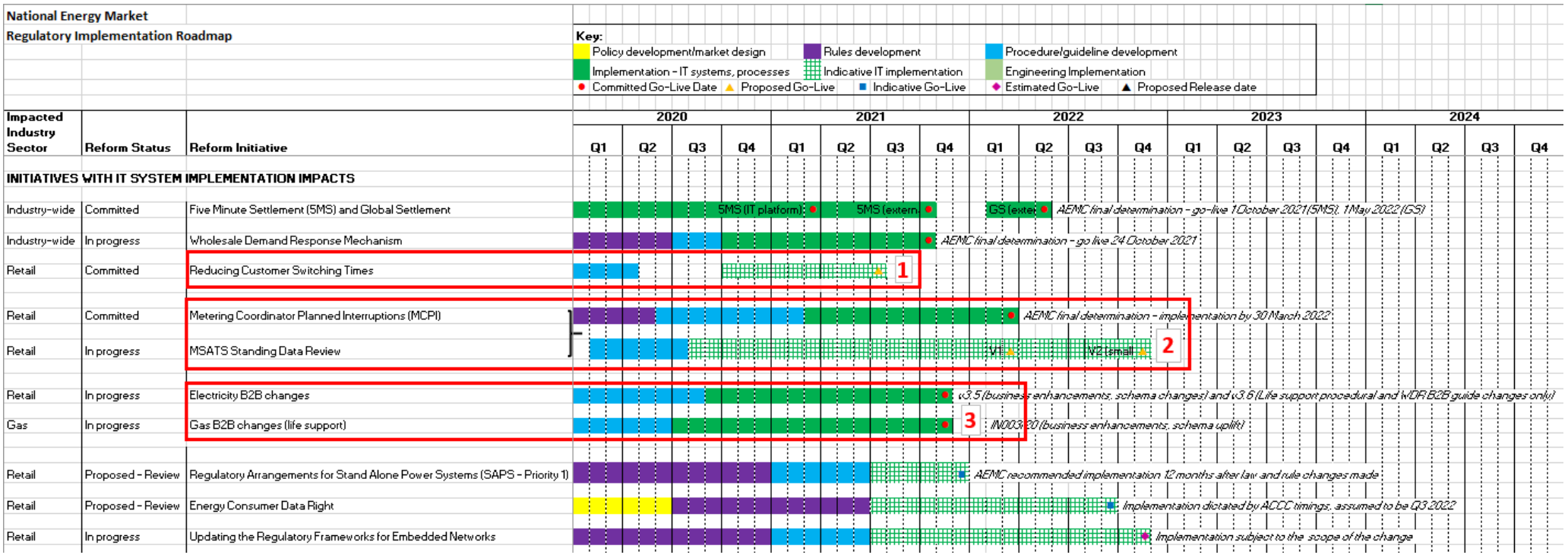
Alternative language

Any changes to the Rules to extend the CDR to new sectors must allow for interoperability across sectors, to the extent possible. Arrangements that are interoperable with other sectors, to which CDR has been or will be rolled out to, will increase the benefits to consumers. It will do so by building a consistent consumer experience and hence consumer trust in the process, and by reducing barriers to entry for accredited data recipients (ADRs) and by facilitating cross-sectoral data-driven innovation of services consumers value. Sector-specific variations should aim to maintain consistent delivery of CDR.

Rationale

Once again this is an extension to the benefit of consumers, not an accommodation to the benefit of the service providers. We acknowledge that the initial Rules were designed with the view to their being applied economy wide, but they were designed without the involvement of the beneficiaries of the CDR for energy and there may be good reasons for change, and the ultimate benchmark is the befits to consumers. (The next paragraph emphasises the need for the benefits to be available ‘as soon as practicable.’ We agree with this sentiment but this does not change our view about the text to describe consistency across sectors.)

Appendix C: Extract from Regulatory Implementation Timetable



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