

12 August 2025

Electricity Authority

To: consumer.mobility@ea.govt.nz



Re: Enabling Consumer Mobility by Improving Access to Electricity Product Data

Utilities Disputes Limited | Tautohetohe Whaipainga (UDL) welcomes the opportunity to comment on the paper *Enabling Consumer Mobility by Improving Access to Electricity Product Data (Product Data Paper)*.

UDL operates the mandated Energy Complaints Scheme (ECS).¹ UDL is a not-for-profit company and there is no charge for a consumer to make a complaint. The statutory purpose of the ECS is to ensure that any person who has a complaint about a retailer or distributor has access to an independent process for resolving it.² The ECS in the 2024-2025 reporting year received 7533 complaints and 11499 queries. Complaints have increased fourfold in the last four years.

The core points of UDL's submission are:

- A. UDL supports the proposal set out the *Product Data Paper*. It sees value in synchronising data requests made under the Electricity Industry Participation Code (EIPC) with the Consumer Data Right (CDR), as the success of the CDR depends on quality data sets.
- B. UDL as the consumer complaint handler for energy complaints is ready to consider complaints about retailers under the CDR. It also sees the importance of including accredited requestors within the ECS. This will require some changes to the ECS rules. UDL will continue to process consumer complaints about the quality of information provided to consumers, and other customer service issues.
- C. However, learning from the Australian experience, UDL believes a measured roll out of the CDR will be crucial to its success.
- D. To encourage consumer uptake, the first CDR data set will have to be narrow enough to be achievable but wide enough to be meaningful.
- E. UDL also emphasises that the purpose of data requests under the EIPC should not be forgotten, and the EA should include more fully in its policy making the circumstance where a consumer requests their data rather than a third party.

¹ See Electricity Industry Act 2010 (EIA), s 95. UDL, in addition to the ECS, operates an independent telecommunication scheme, voluntary water dispute resolution schemes, and the mandated Broadband Shared Property Access Disputes Scheme which considers complaints about the laying of fibre in shared driveways. UDL also has an educative function, both in promoting its resolution schemes, being the first point of contact for consumers, and providing systemic insights to the various industries. UDL's Telecommunications Complaints Scheme is not an Industry Dispute Resolution Scheme under Part 7 of the Telecommunications Act 2001.

² See *ibid.* sch 4, clause 1.

- F. UDL highlights that many of the policy reasons for introducing a suite of documents to access consumer and product data, are the same reasons a review of consumer billing is required.

Context of the Paper

The *Product Data Paper* takes its place among a line of papers that the EA has produced about gathering data and consumer data. The *Product Data Paper* proposes a suite of documents for helping a consumer to access their data:³

- i. EIEP⁴ 14A - for generally available tariffs/plans
- ii. EIEP 14B - for more complex tariffs/plans.
- iii. EIEP 14C - for a customer's current plan & personal data.
- iv. EIEP 14D - electronic request format.⁵

These documents will be used by a consumer or third party to request consumer and product data under the EIPC 11: 32A – 11:32G.⁶ However the suite of documents has also been prepared with a view to electricity being included within the CDR under the Customer and Product Data Act 2025 (CPDA).

If electricity data is included under the CDR, this will likely mean retailers will become designated data holders.⁷ Consumers and/or third parties defined as accredited requestors, would then be able to obtain consumer and product information from the consumer's retailer.

The CDR may also allow for an accredited requestor with the authorisation of a consumer, to direct a consumer to be placed on a different plan or plans more suited to their needs. This is called a designated action.⁸

Submissions

UDL generally supports the EA's preferred option to mandate an EIEP suite of documents. To help with policy implementation UDL makes the following observations:

Support for the Proposal

1. UDL affirms its previous submissions offered in support of the CDR, made to the EA,⁹ Ministry of Business, Innovation and Employment,¹⁰ and the Economic Development Science and Information Select Committee.¹¹

³ This is the EA's preferred option.

⁴ EIEP = Electricity Information Exchange Protocol.

⁵ See *Product Data Paper*, para 4.10.

⁶ The focus of the paper is generally on 11:32G, but as a stepping stone to considering the other aspects of 11:32.

⁷ See CPDA ss 107, 6.

⁸ See *ibid*, ss 15 (request), 19 action).

⁹ See [Code Amendment Omnibus Four](#); [Improving Retail Market Monitoring](#)

¹⁰ See [MBIE Sub](#)

¹¹ See [Customer and Product Data Bill](#)

2. UDL as the consumer complaint handler for energy complaints is ready to consider complaints about retailers under the CDR. It also sees the importance of including accredited requestors within the ECS.¹² This will require some changes to the ECS rules.¹³
3. UDL has previously highlighted that any review of EIPC 11.32A is an opportunity to prepare for the CDR. Therefore, UDL supports the proposal to synchronise requests for data under the EIPC with the CDR. If the CDR takes time to implement, amendments to 11.32 data requests will help the consumer obtain the best plan(s), manage their consumption, and review their billing.
4. With the likely introduction of multiple trading relationships (MTRs) many consumers will have both a consumption retailer and an export trader. Therefore, UDL notes it will be important that a consumer can request monthly export information in the redrafted EIEP documents (see 11.32A2(a)).

The Importance of the Data Set

5. UDL leaves the EA in conjunction with retailers to work out the most cost-effective way to implement EIPC synchronisation with the CDR. This may require a staged approach. However, while there will be some costs now, these costs may only increase if significant changes are delayed until the implementation of the CDR.
6. Moreover, a review of the Australian CDR showed a lack of quality data was considered an impediment to the CDR's success:

The data put into the system should be of a quality that maintains consumer trust and gives system participants confidence to invest in developing the innovative products and services that compel consumers to move away from alternatives, such as screen scraping. A number of Review participants spoke about issues of inconsistent data quality, with a number of ADRs¹⁴ suggesting that product development has been held back by data range and quality issues.¹⁵

7. The Australian review also recommended beginning with a targeted data set:

The Review considers that a narrower approach to designation introduces greater focus and better targeting of CDR use cases. It means that there is greater clarity on the coverage of datasets for designated entities from the outset, and no requirement from data holders to potentially overhaul systems for low-value CDR datasets or bespoke products.¹⁶

¹² See *ibid*, para 4.

¹³ See CPDA ss 48-50.

¹⁴ ADR = Accredited Data Recipient. These appear to be accredited requestors under the NZ CDR.

¹⁵ Statutory Reviewer, *Statutory Review of the Consumer Data Right*, 29 Sept 2022, pg. 30.

<https://treasury.gov.au/sites/default/files/2022-09/p2022-314513-report.pdf>; see also *Product Data Paper*, paras 2.5-2.8, 3.4-3.5, 3.30.

¹⁶ See *Statutory Review of the Consumer Data Right*, pg. 21.

The First New Zealand/Aotearoa Data Set

8. Therefore New Zealand, learning from the Australian experience, will have to take care to create under the CDR, a first data set narrow enough to be achievable but wide enough to be meaningful.

9. The CPDA allows for consumer requests about “customer data” and “product data.” Customer data is defined this way:

8 Customer, customer data, and designated customer data

(1) Customer means a person that has acquired, acquires, or is seeking to acquire goods or services from a data holder.

(2) Customer data means data that is about an identifiable customer that is held by or on behalf of a data holder (including, for example, personal information).

(3) Designated customer data, in relation to a data holder and a provision of this Act, means customer data that is specified, or belongs to a class specified, in the data holder’s designation regulations for the purposes of that provision.

10. Product data is defined as follows:

9 Product, product data, and designated product data

(1) Product, in relation to a data holder, means goods or services offered by the data holder.

(2) Product data, in relation to a data holder,—

(a) means data that is about, or relates to, 1 or more of the data holder’s products; but

(b) does not include customer data.

(3) Designated product data, in relation to a data holder and a provision of this Act, means product data that is specified, or belongs to a class specified, in the data holder’s designation regulations for the purposes of that provision.

11. Defining customer and product data, through regulations will then be key to setting the scope of the CDR, and a key to its successful introduction.

12. The EA has concerns that the definition of product data and the EIPC definition of “general available retail tariff plan” are different:

generally available retail tariff plan—

(a) means a retail tariff plan that a retailer will make available to any consumer (subject to credit requirements) if the consumer satisfies the requirements specified for the retail tariff plan relating to:

(i) physical location:

(ii) metering configuration:

(iii) price category code; but

(b) does not include a retail tariff plan made available by a retailer only under an agreement reached as a result of the retailer directly contacting a consumer to offer a retail tariff plan that provides the consumer with a financial discount or other benefit when compared with any other of the retailer’s tariff plans to which paragraph (a) applies that are available to that consumer.¹⁷

¹⁷ EIPC, 1.1 (definition).

13. Product data is a more flexible term, and is also able to be expanded or constricted by regulation. This has benefits and detriments. It appears product data could include bespoke plans that the retailer has directly worked out with other consumers. It may be costly in an initial roll out to include such plans. A broad definition of product data is also likely to mean the consumer receives individualised plans and general plans, many of which they can't take up because of their meter configuration and/or location.
14. This discussion highlights again the importance of carefully defining the scope of the CDR at introduction. Considering legal definitions in the abstract is difficult and the EA will likely have to further work on this issue with real life case examples and retailer input.
15. In support of this view Australian banks thought an ill-defined CDR scope has been a factor in the slow uptake of the CDR by banking consumers. Other factors include: a) timelines being too compressed; b) limited discussion on the value of data sharing; c) a lack of a robust cost/benefit analysis on operating changes; d) an overly large number of standards and obligations; e) limited public awareness of the CDR and the circumstances when it may be used; and f) a lack of public trust in sharing data. The EA has the opportunity to factor in the Australian experience,¹⁸ as it considers the responses to its paper.

The Ordinary Consumer

16. In *Omnibus Four* the EA highlighted the importance of the consumer having access to their data:

To enable this future, it is important for consumers to have access to their own data. There are various innovative products and/or services in the market designed to benefit consumers by recommending products and services for them based on their consumption patterns. These range from websites which compare electricity plans and provide recommendations based on inputted data for free, to more personalised paid services which evaluate available plans on behalf of the consumer. We want to improve consumer mobility by ensuring consumers have access to accurate and timely information about themselves – consumers should expect their retailer to provide the data they need for minimal cost and in a timely way.¹⁹

17. The *Product Data Paper* is more focussed in its presentation emphasising the need for a move to a suite of EIEP documents to help third parties assist the consumer in switching and managing their information.
18. The *Product Data Paper* does acknowledge that a consumer can request information themselves under the EIPC and the CPDA (see s 18), and also some of the difficulties consumers are having with accessing data.²⁰
19. However, it appears the right of the consumer to request data requires further consideration when considering EIEP document formatting. Especially as consumer interest in seeking information is likely to increase once it is known this information can be requested through the CDR electronic system and new consumer products based on consumption information enter the market.

¹⁸ See discussion *Australian Banking Association, Consumer Data Right Strategic Review*, July 2024, 22-26. https://www.ausbanking.org.au/wp-content/uploads/2024/07/CDR-Strategic-Review_July-2024.pdf

¹⁹ EA, *Code Amendment Omnibus Four: September 2024*, 3 September 2024, 2.

²⁰ See for example *Product Data Paper*, para 3.21-3.23.

Data Format

20. UDL has previously alerted the EA to issues about data formatting under 11.32A of the EIPC. Consumption data is very helpful to a consumer when faced with an unexpected bill. It can indicate mistakes in assessment between actual and estimated reads, meter malfunctions, or unusual consumption patterns.
21. UDL's analysis of this data often finds issues that the retailer and/or consumer are not aware of or have misunderstood. It can help a consumer identify an appliance that is on or malfunctioning, or a retailer realising there has been an assessment error.
22. While a consumer can request this information under the EIPC, often this information is presented in manner that is unintelligible to the customer. Experienced UDL staff can also have difficulty interpreting the data and reformatting it so that it can be understood by a complainant.
23. It is unsatisfactory that under the EIPC a consumer can request their consumption information, but this information is often provided in a manner that the consumer cannot understand. To respond to this consumer problem UDL has suggested the below framework for supplying consumption data to consumers under 11.32A of the EIPC:²¹

“

- a. That any data set be accompanied by a plain language explanation of:
 - i. the overall trend of the data set;
 - ii. any unusual consumption periods; and
 - iii. any periods of estimated reads, with a reason why this occurred.
- b. When a term is noted, it first be set out in full and then abbreviated, with a plain language explanation of what the term means in an accompanying key.
- c. That every data set have a standard explanation of the purpose of the information, and a list of common causes of increased consumption, e.g. heaters or air conditioning units being left on, and/or a hot water cylinder malfunctioning.
- d. That the EA forms for supplying consumption data be tested with a cross-section of consumers to assess:
 - i. their practicality, such as if they easily be opened and accessed by the consumer; and
 - ii. if after being supplied such forms, a consumer can understand their usage and pick up any unusual patterns.²²

In this way the EA will be able to evaluate if this aspect of the Code requires further amendment to fulfil the EA's consumer objective.²³

²¹ UDL to EA, *Code Amendment Omnibus Four*, 15 October 2024, 3-4.

²² See EA, *Requests for Consumer Consumption Information*, Procedure, 1 March 2020, para 30; and “Electricity Information Exchange Protocols”, <https://www.ea.govt.nz/industry/retail/eieps/>

²³ See Electricity Industry Act 2010, s 15 (2).

- e. That the EA further publicise these forms and highlight the importance of consistency across the industry in their use, and the importance of common definitions of trading period, date and time, flow direction, and that the data is adjusted for daylight saving.
- f. That because somewhere between 25,000 and 50,000 customers do not have ICP identifiers (i.e. they are within a customer network), that the reference to ICP in the clauses be removed, to allow these customers to have access to their consumption data.
- g. That clause 11.32A be further amended to make it clear that the data is to be provided to the consumer in both a non-half hourly format *and* in a half hourly format. It is the half hourly format that is most useful to the consumer as these intervals make it easier to pinpoint issues of concern.
- h. That a retailer's response to consumption requests be part of the retailer audit process. "

24. The present paper is a further opportunity for the EA to review the format that customer and product data is provided to the consumer. Consumer friendly data sets will be achieved by the inclusion of elements like a definition section, brief explanations, and in the case of consumption data highlighting unusual data patterns.

25. Testing with a range of consumer groups the proposed EIEP document suite, will also ensure that the document set is fit for purpose.

26. Consumer NZ has also highlighted the importance of testing any CDR electronic system with consumers, reasoning which also is applicable to the EIEP suite of documents:

"...we also consider there needs to be some form of comprehensive consumer experience (CX) testing to ensure the framework is robust and fit-for-purpose.

We encourage MBIE to conduct CX research with a wide-range of consumers experiencing a range of vulnerabilities.

Carrying out CX testing will help provide valuable insight into how the CDR regime can cater to a wide range of consumers' needs and facilitate greater accessibility and inclusion."²⁴

27. Consumer testing also appears congruent with the additional objective of the EA: "...to protect the interests of domestic consumers and small business consumers in relation to the supply of electricity to those consumers."²⁵

²⁴ See Consumer NZ, *Submission on Customer and Product Data Bill*, 5 September 2024, para 3.14.

²⁵ EIA s 15.

Bills

28. Billing is not a subject canvassed in the *Product Data Paper*. However, billing represents the most common manner consumers receive data and information about their plan. In a sense the bill is a monthly version of the proposed EIEP 14A (consumer data) and EIEP 14C (details about the consumer's current electricity plan).
29. Many of the underpinnings for the EIEP proposal are directly transferable to billing. For example, the proposal seeks: "...to promote trust and fairness by reducing confusion and making the system more user-friendly."²⁶ It also acknowledges that it is important consumers are offered "...the right information at the right time, through the right channels."²⁷ The paper also seeks to simplify "...the points of engagement for consumers (information, available options and actions)"²⁸
30. To reach these standards it will be important that much of the detail available to a consumer under the CDR or EIPC is available to a consumer in their monthly bill such as: the name of their plan, actual and estimate reads, consumption data aligned with price rates, and any fixed term plan expiry date.²⁹
31. The advent of MTRs, and time varying plans further highlights the importance of getting these settings right so that a consumer can clearly identify billing amounts. A new issue particularly with MTRs will also be how the consumer will manage more than one bill for an ICP, and if that is the industry expectation.
32. UDL looks forward to returning to these issues, as the EA looks at the issue of billing in the coming months.³⁰

Conclusion

Thank you for the opportunity to comment on the *Product Data Paper*. If you have any questions, please contact me at: paulb@udl.co.nz



Paul Byers – Legal and Policy Officer

²⁶ *Product Data Paper*, para 3.32.

²⁷ *Ibid*, 2.5.

²⁸ *Ibid* 2.11.

²⁹ See UDL to EA, *Evolving Multiple Retailing and Switching*, 29 July 2025, para 8-16; and *Pricing Plan Options for Consumer Time-Varying Retail Pricing for Electricity Consumption and Supply*, page 7.

³⁰ See EA Consumer Roadmap https://www.ea.govt.nz/documents/7906/Consumer_mobility_roadmap.pdf See EA Consumer Roadmap [map](#)