



15 October 2024

Electricity Authority

To: policyconsult@ea.govt.nz

Re: Code Amendment Omnibus Four

Utilities Disputes Limited | Tautohetohe Whaipainga (UDL) welcomes the opportunity to comment on the Electricity Authority's (EA) document *Code Amendment Omnibus Four (Omnibus 4)*.

UDL operates the mandated industry dispute resolution scheme.¹ Its core purpose is to ensure that any person who has a complaint about a retailer or distributor has access to a scheme for resolving a complaint.²

In the last reporting year UDL considered 8,136 consumer queries, and 6,694 consumer complaints about electricity retailers and distributors. The complaints scheme is free to consumers.

UDL – Electricity Industry Participation Code 2010

UDL frequently makes use of the Electricity Industry Participation Code 2010 (Code) in helping parties reach a resolution of a complaint. In my role as Commissioner, I also often cite the Code when recommending a fair and reasonable resolution of a complaint. The Code forms part of my decision-making as when making a recommendation I am required to consider industry practice and guidelines, and any rule or judicial authority.³

UDL when investigating a complaint regularly requests consumption data, and therefore has a particular interest in clauses 11.32A and 11.32B of the Code. This data can help consumers understand sudden increases in billing, identify consumption patterns, and check their consumption is being estimated appropriately. UDL's submission is brief, focusing only on this aspect of proposed changes to the Code. Other industry actors will be able to more fully address the additional elements of *Omnibus 4*: error management obligations, hedges, and under frequency events.

¹ See Electricity Industry Act 2010 s 95.

² See *Ibid.* sch 4, clause 1.

³ Energy Scheme Rules, rule 24.

UDL – 11.32A and 11.32B of the Code

UDL is supportive of the changes recommended by the EA that:

1. businesses respond to consumption requests as soon as practicable and fulfil such requests within a new set of timelines, including that 70% of requests are answered within one day;
2. the fee structure for consumption requests be amended so that after 12-months of the amendment coming into force this data will be free to the consumer; and
3. the definition of consumption be amended to ensure the consumption information provided is electricity conveyed in either direction through the consumer's meter.

UDL – Protecting the Interests of the Consumer (qs 2.4 and 2.5)

However, the EA will be aware of the proposed Consumer Data Right (CDR) for electricity arising from the *Customer and Product Data Bill*. This Bill is currently before the Economic Development, Science and Innovation Select Committee.⁴ The CDR by giving consumers easy access to their data through an electronic system, has the capability to bring about the vision of the EA set out in *Omnibus 4*:

“The Authority envisages a future where a consumer can automatically access their own consumption data or authorise another entity to access their data on their behalf, in real time so that they can seamlessly compare electricity plans and choose the best plan for their circumstances. While we recognise there are challenges ahead to achieving such a future, these changes serve as an interim at addressing those barriers.”⁵

Therefore, UDL sees the current review of clauses 11.32A and 11.32B as an opportunity to:

- i. prepare the industry for the CDR, which will be workable only if a consumer can understand the consumption data provided to them;⁶ and
- ii. promote in the Code “the protection of the interests of domestic consumers and small business consumers in relation to the supply of electricity to those consumers.”⁷

Presently when UDL receives consumption data the results are uneven. Rarely is the data able to be understood without considerable review and analysis. The data often arrives with a cursory explanation, which may or may not be complete. Most consumers would not be able to understand such information without outside assistance.

⁴ See MBIE *Discussion Paper: Exploring a Consumer Data Right for the Electricity Sector* (August 2024); and *Customer and Product Data Bill (CPD Bill)*, https://www.parliament.nz/en/pb/sc/make-a-submission/document/54SCEDSI_SCF_770A5F4E-2185-4F1F-1395-08DC75512299/customer-and-product-data-bill

⁵ *Code Amendment Omnibus Four*, para 2.12. See *CDR Bill* cl 27.

⁶ Individual consumers under the current *CPD Bill* will be able to request data without going through an accredited requestor, see cl 14.

⁷ *Electricity Industry Act 2010*, s 32(1)(d).

These further amendments to the Code and/or considerations are then offered to ensure, in the words of the proposal, there is an “efficiency gain” for the consumer:⁸

- 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.⁹

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.¹⁰

- 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

⁸ Ibid., para 2.37(b).

⁹ 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/>

¹⁰ See Electricity Industry Act 2010, s 15 (2).

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.

Thank you for the opportunity to comment on *Omnibus 4*. If you have any questions, please do not hesitate at the first instance to contact Paul Byers, Legal and Policy Officer, paulb@udl.co.nz

A handwritten signature in black ink, appearing to read 'Neil Mallon', with a stylized flourish at the end.

Neil Mallon
Toihau Commissioner
Tautohetohe Whaipanga: Utilities Disputes Limited