



14 October 2021

Secretariat
Energy Ministers
GPO Box 787
Canberra ACT 2601

Lodged via email: ElectricityConsultation@industry.gov.au

Dear Ministers

RE: CDR for energy – National Electricity Law and Rules Amendments

Shell Energy Australia Pty Ltd (Shell Energy) welcomes the opportunity to comment on the proposed regulatory amendments to the *National Electricity (South Australia) Act 1996* and National Electricity Rules to implement the Consumer Data Right (CDR) for energy.

About Shell Energy in Australia

Shell Energy is Australia's largest dedicated supplier of business electricity. We deliver business energy solutions and innovation across a portfolio of gas, electricity, environmental products and energy productivity for commercial and industrial customers. Shell Energy is the second largest electricity provider to commercial and industrial businesses in Australia,¹ offering integrated solutions and market-leading customer satisfaction² built on industry expertise and personalised relationships, to over 4,500 customers (around 18 terawatt hours per annum). We also operate 662 megawatts of gas-fired peaking power stations in Western Australia and Queensland, supporting the transition to renewables, and are currently developing the 120-megawatt Gangarri solar energy development in Queensland. Shell Energy Australia Pty Ltd and its subsidiaries trade as Shell Energy.

www.shellenergy.com.au

General Comments

Shell Energy supports the application of the CDR to the energy sector as we consider there are potential benefits of creating additional data value for small energy customers. The CDR will assist this cohort of customers in comparing complex pricing, as the market shifts towards a distributed model of increased behind the meter technology and demand response behaviour.

National Electricity Law Amendments

Shell Energy supports the proposed changes to section 49 of the National Electricity Law (NEL) which will add CDR functions to AEMO's statutory functions.

We also support the proposed rule-making power (section 90AA) which will allow the South Australian Minister to make initial Rules relating to the CDR and, the amendment which will make the Australian Energy Market Commission the party responsible for amending the National Electricity Rules (NER) for any future changes required to facilitate the CDR (schedule 1, section 35A). Shell Energy agrees with the proposed clause 90AA(2) which requires Rules made under this subsection to be on the recommendation of the Ministers Council of Energy and that this power is limited in scope to the initial Rules (section 90AA(6)).

¹ By load, based on Shell Energy analysis of publicly available data

² Utility Market Intelligence (UMI) survey of large commercial and industrial electricity customers of major electricity retailers, including ERM Power (now known as Shell Energy) by independent research company NTF Group in 2011-2020.



National Electricity Rules Amendments

Shell Energy supports the proposed amendments to the National Electricity Rules (NER) which will ensure that providing data in accordance with the CDR Rules is authorised under the NEL, that existing data access rights in the NER will be maintained, and the NER will not place conditions on a CDR request, ensuring that any valid CDR request is valid under the NER.

Metering data provisions to retail customers

It is proposed that AEMO will be required to update the Metering Data Provision Procedures (MDPP) to give effect to the requirements for the manner and form in which metering data and NMI Standing Data will be provided to retail customers or authorised representative. We support the removal of 'minimum' from this objective and the inclusion of NMI Standing Data. However, we note that customers will retain the right to request data directly from their retailer and consider that further amendments to section 7.14 of the NER are needed to ensure better alignment with the CDR.

Section 7.14(4)(i) sets out the timeframes in which a retailer, using reasonable endeavours, responds to a customer's request for metering data. Specifically, this timeframe is to be no more than 10 business days. Given the CDR is proposed to provide customers, and their authorised representatives, with their metering data relatively instantaneously we consider that clause 7.14(4)(i) clashes with the objectives of the CDR and will create confusion for industry on expectations for providing this data. Shell Energy recommends that this clause be removed as it will be redundant with the introduction of the CDR.

Access to Data

Shell Energy supports the removal of clause 7.15.5(f). We agree with the reasoning for its removal in that it provides no clarity to what is required to access data or authorise access. Retailers are required to comply with the Privacy Act 1988, regardless of reference to privacy legislation in the NER.

However, we do not consider it necessary for this clause to be replaced with an explicit consent provision. The current obligations under the Privacy Act 1988, and the provision of the authorisation and authentication requirements for the CDR, will provide stringent customer protections. A requirement for explicit informed consent in the NER is an extra regulatory burden with no demonstrable additional value for customers. If an explicit informed consent provision is to be proposed, Shell Energy recommends that analysis be undertaken to better understand the regulatory impact for industry.

Shell Energy welcomes the opportunity to discuss our submission further. Please contact Carmel Forbes at carmel.forbes@shellenergy.com.au or 07 3364 2404 for any queries regarding this submission.

Yours sincerely

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