



18 December 2020

Mr Benn Barr
Chief Executive
Australian Energy Market Commission (AEMC)
PO Box A2449
Sydney South NSW 1235

Dear Mr Barr

AEMC Life support registration draft rule determination - RRC0038

Thank you for the opportunity to comment on this consultation paper.

The Energy & Water Ombudsman NSW (EWON) investigates and resolves complaints from customers of electricity and gas providers in NSW, and some water providers. EWON receives and responds to complaints from customers on metering work and electricity supply interruption issues relating to retailer and distributor activities. Our comments are informed by our investigations into these complaints, and through our community outreach and stakeholder engagement activities.

We have only responded to the draft rule determination issues and those amendments in the draft rule that align with issues customers raise with EWON, or with our organisation's operations as they relate to this draft rule determination.

If you would like to discuss this matter further, please contact me or Rory Campbell, Manager Policy and Research, on (02) 8218 5266.

Yours sincerely

A handwritten signature in black ink that reads 'Janine Young'.

Janine Young
Ombudsman
Energy & Water Ombudsman NSW

AEMC Life support registration draft rule determination

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AEMC draft rule determination

While EWON considers that our initial proposed solution submitted to the AEMC would best suit life support customer needs, we support the AEMC's draft rule determination. The AEMC's "more preferable draft rule" (draft rule) seeks to balance the need to improve the life support registration process, with stakeholder concerns raised during the AEMC consultation (such as costs for Registration Process Owners to transfer information, data security and privacy risks).

The draft rule will contribute to reducing barriers for life support customers to participate in the energy market – the objective of EWON's Rule Change Request.

The AEMC notes that stakeholders raised concerns about the materiality of the life support registration issue. We appreciate the AEMC's recognition that the rule change request submitted to the AEMC was not based on a large number of customers but on a sector of consumers who could benefit significantly from being able to participate in the energy market without barriers.

Proposed amendments to the National Energy Retail Rules (NERR)

Minor amendments

For rule 123A, subrules 124(1)(b)(vi), 124(1)(b)(vii), 124(4)(b)(vi), 124(4)(b)(vii), 124A(1), and rule 126, EWON agrees with all minor amendments.

Rule 123A - Definitions

The AEMC proposes an amendment to Rule 123A, which explains the medical confirmation definition, including that medical confirmation can be a medical certificate with certain information. EWON supports this amendment.

Rule 124 - Registration of life support equipment

The AEMC proposes an amendment that inserts subrule 124(1)(b)(viii), which allows a customer to reutilise the medical confirmation that was submitted to their retailer or distributor where it is less than 4 years old and is legible, and requires a retailer to inform the customer about it. The AEMC also proposes an amendment that inserts subrule 124(4)(b)(viii), which imposes the same requirement on a distributor.

EWON supports the amendments which will allow customers to reutilise medical confirmation and require retailers or distributors to inform the customers about it.

Rule 124B - Ongoing retailer and distributor obligations

The AEMC proposes an amendment that inserts subrule 124B(1A) which requires a retailer to provide a copy of medical documentation to a customer within 10 business days when that person

requests it. The AEMC also proposes an amendment that inserts subrule 124B(2A), which imposes the same requirement for a distributor to provide medical documentation to a customer.

EWON supports the amendments that require retailers and distributors to provide medical documentation copies to customers, provided it is in the format that meets the customer's needs. For retailers, the default should be the same format as the way the retailer issues bills to the customer. For distributors, it should be in the same format as the customer submitted the information to the distributor initially.

Rule 126 - Registration and deregistration details must be kept by retailers and distributors

The AEMC proposes an amendment that inserts subrule 126(2), which requires a retailer or distributor to retain medical confirmation documentation of a customer while the person remains a customer, and for 110 business days after the person stops being a customer.

EWON supports the amendment that requires retailers and distributors to keep registration and deregistration information for a specified period, provided it is the most current information. That is, when updated information is supplied by a customer, prior information relating to their life support status should be deleted with an account note made. This will eliminate the risk of non-current documentation being returned to a customer and potentially then being re-utilised.

Enquiries about this submission should be directed to Janine Young, Ombudsman on (02) 8218 5256 or Rory Campbell, Manager Policy and Research, on (02) 8218 5266.