

10 June 2019

Electricity Authority
PO Box 10041
WELLINGTON 6143

(by email to submissions@ea.govt.nz)

Submission on Quick wins for increasing access to electricity services

Thank you for continuing your work to give consumer's greater choice in the electricity services they consume and offer for sale. The outcomes of these consultations and reviews will enable more innovation in the electricity sector. We appreciate the opportunity to participate.

Cortexo is a non-market participant providing 3rd party services in the electricity supply chain. All of our services rely on data, either from the market generally or from individual users.

For the last two years, we have been using the procedures laid out in section 11.32 of The Electricity Participation Code (the Code) to request data from retailers. In the last 8 months, we have made requests for in excess of 600 ICP's from 13 Retail brands. We make all our requests and receive all our data in EIEP13 series formats. The data provided is essential for the provision of new and innovative services of significant value for our customers. We have been severely hampered by the lack of standardisation and the lack of adherence to published process and mandated formats.

One of the intended outcomes of the original 'Retail data project' was to enable a machine to machine conversation to occur giving the potential for near instantaneous data provision (subject to valid authorisation). This outcome is not possible with the myriad of different process and multiple steps required. It is apparent that most Retailers do not have fully automated systems that receive EIEP13C request files and generate the resulting EIEP13A or B files. Our average wait time, over all retailers, is 17 working days, well outside the Code stipulation of 5 working days after the day of receipt of the request.

We are very pleased that the Electricity Authority (the Authority) has engaged extensively with the Office of the Privacy Commissioner while drafting and reviewing this proposed Code amendment. We definitely appreciated the presentations and workshop the Authority held in conjunction with the Office of the Privacy Commissioner on May 27th to clarify the relationship between the Privacy Act and the Code and the confirmation that the proposed code changes are in keeping with the privacy principles outlined by the Privacy Commissioner. It seems that often the Privacy Act used to block access to information that the holder considers valuable to themselves. This stifles innovation.

We understand that the Authority intends to seek a determination from the Privacy Commissioner on how '*sensitive*' electricity consumption data is and what '*serious harm*'

to the person is done by its release; these being the yardsticks to measure the effect of a privacy breach, we support that and we consider the proposed Code amendments provide safeguards appropriate to the sensitivity of the data involved.

We definitely support the need for private information to be protected and authorised for release, we contend that the level of protection and authorisation differs for different types of information. This is an incredibly important point when we consider that any unnecessary barrier or step in an engagement process or any lengthy time delay in today's instantaneous world, may make many consumers dis-engage (give up as it's too hard) which severely hampers any ability to deliver new engaging innovation.

Please find below Cortexo's response to the above Consultation Paper dated 30 April 2019.

Yours faithfully,



Terry Paddy
Managing Director

Cortexo's response to specific questions raised in the consultation:

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| <p>Q1 Do you agree with the Authority proposal to amend the Code to establish the contents required for an information request to be valid? If so why? If not why not?</p> | <p>Yes. The current system is not fit for purpose as it gives retailers the ability to create their own processes, sometimes for the purpose of hindering information flow. The code change should be based on</p> <ul style="list-style-type: none"> • The absolute minimum data, which is the maximum requirement, to authorise a 3rd party, taking into account the actual sensitivity of consumption data and actual serious harm that could result from an inadvertent breach. • The timeliness of the transaction to enable the data to be used with consumers in a near real-time fashion. <p>We are pleased that “account number” is not part of the proposal as this is difficult to obtain if</p> <ul style="list-style-type: none"> • The electricity account is provided by a 2nd tier retailer or broker • You are requesting data from a historic retailer and the consumer no longer holds the old account information. <p>We would like the “Full name of the customer” to be replaced with “The customer name that appears on the account” to cater for accounts that may be in the name of families, flatmates, other groups, organisations or trusts.</p> |
| <p>Q2 Do you agree with the Authority proposal to amend the Code to prohibit retailers from requiring additional information and from requiring the information to be provided in a particular format? If so why? If not why not?</p> | <p>Yes. The process for all retailers should be standard and have the minimum data required, as determined by the Authority and the Office of the Privacy Commissioner, to absolve the releasing party from any privacy concerns. Given that the Code change's purpose is to achieve that objective then there should be no need for a retailer to require any other information. If this exact 'maximum' information requirement was not enforced any retailer could require any other information to meet a notional internal standard or to deliberately make the release of data difficult.</p> |
| <p>Q3 Do you agree with the Authority proposal to amend the Code to establish timeframes for communicating a rejection or revocation of an authority? If so why? If not why not?</p> | <p>Yes. Timeframes are essential to ensure that no party is unnecessarily impeding the process. In the case of a 'known' agent (see Q4), there is no need to confirm the validity of the agent and it should be obvious if the required and correct information has been provided to 'prove' authorisation especially if the suggested compulsory Agent Authorisation API is used.</p> |
| <p>Q4 Do you agree with the Authority proposal to establish an Agent</p> | <p>Yes Currently, for most retailers, authorisation forms/letters are sent</p> |

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| <p>Authorisation API? If so why? If not why not?</p> | <p>to various individuals in each retailer. Very few have a specific email address for authorisations and where standard help desk email addresses are used there is an issue with timeliness and knowledge of the process. For example, we often receive spreadsheets to our company email addresses even though we advise that we will be making requests by EIEP13C and require responses in the correct EIEP13A format via the Registry. This clearly indicates that data creation is triggered by receiving an email with an attached letter/form and not by the receipt of the EIEP13C which should be the trigger in an automated system. An API and logging process will standardise the process and create 'one point of truth' for all requests utilising the mandatory EIEP13 series of files. It will make it clear when a request has been made and can monitor the response time and rejection reasons.</p> <p>Those using this API, like those that use the Registry messaging system, will be 'identified' by the Authority and subject to terms, conditions & penalties. Those 3rd parties who invest in the technology and process required to use this system could, therefore, be considered regular, identified and governed and it would be in their interest to ensure that proper processes regarding authorisation and transparency were followed or risk access being revoked and penalties applied. In this sense, Retailers should be comfortable that they are acting in good faith in accepting an authorisation utilising this Agent Authorisation API. The need to sight original customer authorisation documents should always be available (transparency) but not always necessary. Reasonable audit could be carried out at any time by the Authority (or Retailer) as all 'requests' are transparent to the Retailer and Authority and listed in the Agent Authorisation database. This will reduce transaction costs for all parties. If this Agent Authorisation API did not exist (or was not compulsory) then the benefit of transparency and audit would be reduced and lead Retailers to require physical sighting of all authorisations regardless of the requestor, increasing transaction costs. Some Retailers have indicated they are mainly concerned about the 'rogue' 3rd party who uses data to dupe unwitting consumer's, they are unlikely to utilise the provision of this Agent Authorisation API and instead make ad hoc direct requests which, by their very nature, may warrant more scrutiny than those coming from the 'regular, identified and governed' 3rd party Agent using the Agent Authorisation API process.</p> |
| <p>Q5 Should use of proposed Agent Authorisation API be mandatory for both agents and retailers?</p> | <p>Yes. The API should definitely be mandatory. If the API's use is not mandatory it will not be used as it requires 'effort' to implement its use and Retailers will, seeing that its use is not compulsory, fall to the default position of requiring to view every authorisation which slows the data flow (this may be the desired outcome for some). This will increase transaction costs and the value outlined in the previous question (Q4) above will not materialise. The Authority will have also invested in technology that is not used. A perfect example is the non-</p> |

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| | mandatory EIEP14 retail tariff file which would be of use to many third parties but has not been offered by any retailer we have requested tariff rates from. |
| Q6 Do you agree with the inclusion of the three additional registry fields into the ICP connection data API and My meter web portal? If not why not? | We have no issue with these fields being available. |
| Q7 Do you consider that there are other fields that have not been identified that should be added to the ICP connection data API and My meter web portal? If so why? | <p>We would like to include trader history for the last two years. As data must be provided by retailers for the last two years it would be more accurate to know who the trader was from the registry, rather than the customer, so that the correct retailer can be approached. We have noted that a large number of customers are unsure about their previous retailers and any associated account number.</p> <p>As a general principle, all registry information should be available unless it breaches some aspect of the Code or law. For efficiency, this could be provided with two (or more) API calls, one summary, one detailed.</p> |
| Q8 Do you agree that the proposals do not breach the obligations imposed by the Privacy Act of 1993? If not why not? | Yes |
| Q9 Do you agree with the costs and benefits of each of the proposals? If not, why not? | Yes |
| Q10 Are there any other costs or benefits we have not identified? | Not that we are aware of. |
| Q11 Do you have any comments on the drafting of the proposed amendment? | No |