

# Summary of submissions: Quick Wins for Increasing Access to Electricity Services

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July 2019

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# 1 Overview of the consultation

- 1.1 On 23 April 2019, the Electricity Authority (**Authority**) published a consultation paper entitled *Quick Wins for Increasing Access to Electricity Services (Consultation Paper)*. The Consultation Paper sought feedback from interested parties on three proposals intended to make it easier for consumers to share their historical consumption data with the businesses, or agents, they trust to help them get a better deal or use electricity more wisely.
- 1.2 The three proposals, being separate but complimentary to each other, were:
- **Proposal 1:** Amend the Electricity Industry Participation Code (**Code**) to set out the information required in order for an agent's request for a customer's historical consumption data to be valid and prohibit retailers from mandating the form a request must take or requiring other information.
  - **Proposal 2:** Develop an Agent Authorisation Automated Programming Interface (**API**) for an agent to communicate to a retailer that they have a customer authorisation to obtain that customer's historical consumption data, and a retailer to accept or reject an authorisation and provide the reasons for any rejection.
  - **Proposal 3:** Alter the existing Installation Control Point (**ICP**) connection data API and *My meter* website to increase readability and to include three additional Registry fields (*address\_property\_name*, *ANZSIC Code*, and *Switch Status* (the "switch in progress" flag)).
- 1.3 The Authority also sought specific feedback on Privacy Act implications and the identified costs and benefits associated with the proposals. A total of 11 questions were posed in the Consultation Paper.
- 1.4 Submissions closed on 11 June 2019. The Authority received 24 submissions which covered a range of topics and perspectives. Submitters included generators, distributors, retailers, a trade association, third-party service providers and members of the public. Some submitters did not address all of the specific questions posed in the Consultation Paper, preferring instead to comment more generally on the three proposals and the reasoning behind them. The submissions are available from the Authority's [website](#).
- 1.5 This document gives a high level summary of the submissions received, and identifies some of the key themes observed. It is organised according to the questions in the consultation paper. It is not intended to be comprehensive, rather, it offers a general overview. Any submitters mentioned in this document are used by way of example and are not necessarily the only parties who made a certain point. Paragraph references to individual submissions are references to the summary table of submissions published with this document, and any acronyms used in the consultation document are also used here.
- 1.6 Submissions that go beyond the scope of the questions in the Consultation Paper are also summarised at table 12 of the summary table of submissions and commented on below in section 3.12.

## 2 General themes in the submissions received

- 2.1 There was consensus across submissions on the importance of consumers (either directly or through their agents) having an efficient and reliable method to access and use their consumption data, and the ability to share that data with those they trust. Many submissions also emphasised the need for an appropriate balance to be struck between timely flow of information and ensuring adequate safeguards are in place to protect consumer data against unauthorised disclosure to third parties, with the protection of consumers' data being paramount.

- 2.2 The nature of submissions largely reflected the sector of the industry the submitter participates in, and there were common themes that arose within those groups. For example, third party agents largely agreed with the proposals and the identified costs and benefits, whilst retailers and gentailers held reservations as to the efficiency of the proposals and concerns that the proposals are insufficient to enable them to discharge their obligations under the Privacy Act. Other retailers strongly disagreed with many of the proposals due to already having sophisticated and efficient systems in place to allow consumers to share their own data.
- 2.3 Many submitters encouraged further engagement with the Privacy Commissioner on a range of points, including to ensure that the proposals align with the Privacy Act and to identify what information may be required to satisfy the recipient of an information request by an agent, that the agent has the requisite authorisation before releasing a customer's consumption data.
- 2.4 Many retailers identified that there was a need for agents to be made accountable, so as to reassure them that a supposed authorisation had actually been duly authorised by the consumer. Suggestions were made as to how the Authority may go about achieving this, including amending the Code so as to make agents a class of market participant, or establishing an accreditation regime for agents.
- 2.5 A summary of themes identified in submissions in relation to each of the posed questions is included below.

### **3 Submissions in response to consultation questions**

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- 3.1 **Question 1: 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?**
- 3.1.1 Responses to question 1 contained both specific answers to the question, and more general submissions that also addressed subsequent questions.
- 3.1.2 Third party agents, industry service providers and distributors generally agreed that amending the Code as proposed would be useful (Aurora Energy 1.3) and would provide some certainty and consistency as to what was required when requesting information (emhTrade 1.12, Energy Link Ltd 1.14, Network Waitaki Limited 1.25, and Our Energy 1.30). Some of those submitters felt that, currently, inefficient access to data is a barrier to innovation and consumers making informed decisions (Aurora Energy 1.4), requests are being rejected in breach of the Privacy Act (emhTrade 1.13), and that there is a lack of clarity about the interaction between the Code and the Privacy Act (Powerco 1.32).
- 3.1.3 Many retailers and gentailers expressed concern that the proposal was insufficient to assure them that agents had a valid authorisation and so would not allow them to meet their privacy obligations to customers in relation to information disclosures (Contact Energy Limited 1.7, ERANZ 1.11, and Mercury 1.19). Some felt that those concerns could be alleviated by the imposition of some further safeguards (Genesis 1.18 and Meridian/Powershop 1.22).
- 3.1.4 Many submitters provided qualified support, suggesting additional changes such as a need for agents to be regulated, or otherwise made accountable to the industry and consumers in some way. Suggestions included amending the Code to make agents a class of participant (Genesis Energy 1.18.1 and Vector 1.41), and establishing an agent accreditation regime (Contact Energy Limited 1.7.1, Genesis Energy 1.18.1 and Trustpower 1.38). Other suggestions included requiring agents to certify that they have the requisite authorisation from a consumer (Nova Energy 1.27), or amending the Code to state that such authorisation constitutes reasonable grounds for a retailer to release the information for the purposes of the Privacy Act (Genesis 1.18.2).
- 3.1.5 Some retailers strongly disagreed with the proposal, as they felt the proposal provided very little benefit to consumers (Flick Energy Limited 1.16). Some submitters felt that the proposed information required would make it difficult for retailers to establish authorisation by other more

reliable methods and create inefficiencies (Flick Energy Limited 1.16.1 – 1.16.3), and could put retailers in breach of the Privacy Act (Mercury Energy 1.19).

3.1.6 Other specific submissions included that:

- Consumers should have direct access to their own consumption data without having to rely on a retailer to provide it (Alan Barraclough 1.2).
- Benefits to consumers are limited due to an information request needing approval for each individual consumer and the length of time for a retailer to communicate rejection of a request or provide the data once accepted (Consumer NZ 1.5.1 – 1.5.3).
- The Code amendment should be based on the absolute minimum data required (taking into account the sensitivity of consumption data) and the timeliness of the transaction to enable the data to be used by consumers in a near real-time fashion (Cortexo 1.8).
- The requirement for a customer's signature attracted criticism as being a poor means of verification (Flick Energy 1.16.4, Mercury 1.20 and Vector 1.39.1), and an impediment for some consumers (Electric Kiwi 1.10, Vector 1.39.1 and Vocus 1.43).
- Further criteria should be specified for when an agent will be deemed to have authorisation from the customer (Contact Energy Limited 1.7.2), and consultation on the criteria should be sought from the Privacy Commissioner (Meridian/Powershop 1.23)
- Authorisation should not be open ended as it leaves customers to proactively revoke authorisation and raises privacy concerns. A reasonable authorisation time may be a one year period (Energy Link Ltd 1.15) or a one to two year period (Trustpower 1.37).

3.1.7 Vector disagreed with the Authority's proposal and felt that it creates barriers to a seamless consumer experience and real-time delivery of consumer benefits (Vector 1.39). Vector suggested an alternative model, which it proposes would provide more effective authentication and authorisation processes, referred to as the "*OAuth style model*" (Vector 1.40). Vector said that this model is based on a decentralised token-based authentication and authorisation model utilised by Government agencies both in New Zealand and overseas (Vector 12.33).

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**3.2 Question 2: 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?**

3.2.1 Submitters who agreed felt that implementation of this proposal was required to achieve standardisation of information requests (Cortexo 2.6, emhTrade 2.11, Network Waitaki Limited 2.19 and Our Energy 2.23).

3.2.2 Others felt that the proposal was appropriate in principle, but that further Code amendments were required (Meridian/Powershop 2.18), including to ensure agent accountability (Nova Energy 2.20), and for retailers to be satisfied on information received that an agents authorisation is valid (Genesis 2.16).

3.2.3 A common theme amongst retailers and gentailers was that the proposed information would not in all cases be sufficient to satisfy the retailer that the agent had the proper authorisation from the consumer (Contact Energy Limited 2.4 and Trustpower 2.27 and 2.28). This leaves retailers in a vulnerable position as final responsibility as to the release of information rests with them (Flick Energy Limited 2.14 and Trustpower 2.28).

3.2.4 Mercury Energy disagreed as they said that their current systems already allow efficient sharing of data with customers and their agents (Mercury Energy 2.17.1 and 2.10.5).

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**3.3 Question 3: 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?**

- 3.3.1 Submissions were largely split between those that agreed with the proposed timeframe of two business days, those that consider it too long, and those that consider it too short.
- 3.3.2 The establishment of timeframes for communicating a rejection or revocation of an authority was identified as an important measure to ensure the benefits of the changes will be realised (Cortexo 3.6, Network Waitaki Limited 3.16, Transpower 3.22, Vocus 3.26 and WEL Networks 3.27).
- 3.3.3 Others agreed that the imposition of a timeframe was important, but suggested that an almost instantaneous communication for any rejection was possible and preferable (emhTrade 3.9, Energy Link Ltd 3.10, and Stephen Cope 3.21).
- 3.3.4 Some qualified agreements included that the Authority must first implement further safeguards, including that identified amendments be made to the Code and an agent accreditation regime is established (Contact Energy 3.4 and Meridian/Powershop 3.15).
- 3.3.5 Those that disagreed with the proposed timeframes felt that it provided insufficient time to establish whether the request is properly authorised by the customer (Flick Energy Limited 3.11 and Nova Energy 3.17).
- 3.3.6 Mercury disagreed with the proposal as they felt that it was less efficient than systems and processes they have already implemented which allow customers to access their own data (Mercury Energy 3.14).

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**3.4 Question 4: Do you agree with the Authority proposal to establish an Agent Authorisation API? If so why? If not why not?**

- 3.4.1 The establishment of an Agent Authorisation API was well supported (Stephen Cope 4.25, Energy Link 4.12 and WEL Networks 4.34 and 4.35), with many submitters agreeing that it would create an efficient process for communicating authorisations, rejections and revocations between retailers and agents (Network Waitaki Limited 4.20), that will be of benefit to all parties (Cortexo 4.6, Our Energy 4.23, and Transpower 4.28).
- 3.4.2 Some submitters felt that qualification was needed for their agreement, however. This included that agents would first need to be regulated in some way to provide reassurance to retailers as to the validity of an agent's claimed authorisation, with suggestions including a Code amendment so that retailers may rely on the claimed authorisation (Nova Energy 4.21) or establishing an accreditation regime (Flick Energy Limited 4.13, Contact Energy 4.5) which could be implemented by amending the Authority's API terms and conditions (Contact 4.5).
- 3.4.3 Stephen Cope submitted that as the information has the potential to be misused and usage reports on acceptance/rejection should be reviewed at least monthly in order to identify any untoward behaviour by a requestor (Stephen Cope 4.27.3).
- 3.4.4 It was noted that the API should support an agent being able to evidence an authorisation rather than only claim it, as the proposed Code amendment enables a retailer to ask for evidence which would be required by retailers in virtually all requests (emhTrade 4.11 and Trustpower 4.30). If a retailer is unable to satisfy itself on the information it receives as to the customer's authorisation, then there is a risk that the API may repeatedly end up being rejected (Trustpower 4.31).
- 3.4.5 Few outright disagreed with the establishment of an API. Genesis, however, felt that the establishment of an API would introduce complexity for little value (Genesis 4.14), and proposed that a simpler, more cost effective solution would be to leverage the Authority's current EIEP system by amending it to require the proposed authorisation data (Genesis Energy 4.15-4.17). Meridian/Powershop considered that the benefits of establishing the API

needed to be fully assessed on the basis of its incremental benefits (Meridian/Powershop 4.19).

- 3.4.6 Mercury Energy disagreed with the establishment of the proposed API due to it being complimentary to Proposal 1, which Mercury did not support for the issues it identifies in relation to question 1 (Mercury Energy 4.18).

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**3.5 Question 5: Should use of proposed Agent Authorisation API be mandatory for both agents and retailers?**

- 3.5.1 Most submitters who supported the establishment of the Agent Authorisation API also supported that it be mandatory for both agents and retailers.
- 3.5.2 Many agreed with the Authority's identified benefits (Stephen Cope 5.21), including that making the use of the proposed API mandatory would ensure consistent and efficient information flow (Cortexo 5.5, Energy Link Ltd 5.9, Network Waitaki Limited 5.14, Our Energy 5.18, Transpower 5.22 and WEL Networks 5.24).
- 3.5.3 Some submitters qualified their agreement. This included that the API should perhaps be mandatory where a digital signature is used, but without inhibiting agents and retailers from agreeing an alternative process, and a suggestion that the API should be considered a "fall-back" position if an alternative process is not mutually agreed on between retailer and agent (emhTrade 5.8). Nova Energy expressed only limited support, saying that an API should be used only if it proves to be the best methodology (Nova Energy 5.15).
- 3.5.4 Some concerns were raised, including that mandating the API may have the unintended consequence of stifling innovation by industry participants as technology changes (Nova Energy 5.16), and would create obstacles to customers requesting data through other means (such as email), and should therefore only be relevant when the request is between an agent and a retailer (Flick Energy Limited 5.10).
- 3.5.5 Those that opposed the establishment of the Agent Authorisation API were naturally opposed to any mandatory imposition, although it was suggested that if the API were to be established, then this should be on a voluntary use basis in the first instance (Meridian/Powershop 5.13).

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**3.6 Question 6: 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?**

- 3.6.1 Inclusion of the three additional registry fields (*address\_property\_name*, *ANZSIC code*, and *switch status*) was well supported (Energy Link Ltd 6.10, Genesis Energy 6.13, Network Waitaki Limited 6.16, Nova Energy 6.17, Our Energy 6.21 and WEL Networks 6.29).
- 3.6.2 Submissions for the inclusion of the fields included that they will allow agents to tailor their service offerings and to provide assurance that the agent is dealing with the correct ICP (Contact Energy Limited 6.4), and will have the effect of reducing the number of procurement related questions (Energy Link Ltd 6.10).
- 3.6.3 There was some concern that information provided in the *switch status* field could amount to personal information under the Privacy Act (emhTrade 6.8 and 6.9, and Flick Energy Limited 6.12), and that it was not required (Trustpower 6.26).
- 3.6.4 Some noted that the *address\_property\_name* field currently contains some data that should not be disclosed, including names of natural persons, which should be reviewed and deleted prior to the imposition of any changes involving this field (Meridian/Powershop 6.15 and Orion 6.20).
- 3.6.5 Some submitters also questioned what benefits are expected from the inclusion of the three fields, as this is currently unclear and in contrast to the Authority's previously expressed view on use of registry data contained in its memorandum *Use of the registry for non-Code purposes* 17 September 2014 (Powerco 6.22).

3.6.6 Further, it was submitted that customers are already aware of the information contained in the fields and so able to provide it directly to their agents rather than it be requested from retailers (Flick Energy Limited 6.11). The addition of the fields may only serve to enable scraping of the registry for marketing purposes (Mercury Energy 6.14).

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**3.7 Question 7: 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?**

3.7.1 Some submitters suggested the inclusion of a field containing the ICP creation date (Meridian/Powership 7.17) and/or the date when ownership of an ICP took effect (Nova Energy 7.19). Without this information, situations may arise where information is provided to parties that were not the contracted party or representative of the contracted party at the time the information request covers (Nova Energy 7.20 and 7.21).

3.7.2 Other suggested fields included:

- Trader history for the last two years, as a large number of customers are unsure about their previous retailers and any associated account number (Cortexo 7.6).
- The profile code or profile class applicable to the ICP (or any other field clearly identifying the reconciliation method of the ICP), as the ability to present historical consumption data and request pricing in a form appropriate to an ICP's profile type would reduce the number of related queries and improve the comparison of competing offers (Energy Link Ltd 7.11 - 7.13).
- The related user group *Low/Standard*, to enable the agent or customer to make an informed decision and establish whether the customer is on the correct load group according to their usage (Flick Energy Limited 7.14).
- *Profiles, Metering\_Component Type, and Settlement Indicator* would be of potential value (Meridian/Powership 7.17).
- The *Account/customer number*, which would significantly reduce transaction time (Trustpower 7.27).

3.7.3 It was submitted that access to half hourly smart meter data should be optionally available if the ICP owner requests and agrees to it (Network Waitaki Limited 7.18), and that all registry information should be available unless the information breached the Code or law (Cortexo 7.7).

3.7.4 It was also suggested that the *My Meter* portal should allow a consumer to authorise who has access to their consumption data, and that provision should be made, through an API, to allow consumers to download their consumption data themselves (Alan Barraclough 7.1 and 7.2).

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**3.8 Question 8: Do you agree that the proposals do not breach the obligations imposed by the Privacy Act of 1993? If not why not?**

3.8.1 A wide range of opinions were expressed in relation to this question.

3.8.2 Some submitters agreed that the proposals do not breach the obligations imposed by the Privacy Act (Network Waitaki Limited 8.20, Our Energy 8.24 and WEL Networks 8.34).

3.8.3 A few submitters qualified their agreement, saying that they agree as long as a consumer actually agrees for the agent to access their information on their behalf (Consumer NZ 8.3), and if the Authority amends proposed clause 11.32E to include an express Privacy Act acknowledgement that retailers may rely on as per Principle 11(d) of the Privacy Act (Genesis Energy 8.14).



- 3.8.4 A number of submitters were supportive of the Authority's engagement with the Privacy Commissioner (emhTrade 8.10). Many submitters recommended further engagement with the Privacy Commissioner (Powerco 8.25, Meridian/Powershop 8.19, Contact Energy Limited 8.4) including the Authority seeking an advisory opinion (Cortexo 8.5, Flick Energy Limited 8.13, Genesis Energy 8.15, and Vector 8.29).
- 3.8.5 Genesis Energy submitted that the Authority should seek an advisory opinion on whether electricity consumption data is personal information and whether the information provided under clause 11.32E of the Code would provide a retailer with reasonable grounds for believing that disclosure is authorised for the purposes of the Privacy Act (Genesis Energy 8.15).
- 3.8.6 Some submitters expressed concern that the proposals did not address the fundamental issue for retailers; ensuring that the consumer's consumption data is not going to be released to unauthorised persons (Nova Energy 8.21). If there is insufficient information received by a retailer that would satisfy the retailer's obligations under the Privacy Act (specifically, section 45), others considered that it will be challenging for retailers to comply with those obligations (Mercury Energy 8.17, Trustpower 8.28, Vector 8.32).
- 3.8.7 Mercury Energy strongly felt that the proposals do not provide an adequate basis for retailers to be satisfied as to the identity of the individual and the agent's authorisation, and were not robust or consistent with the Privacy Act when compared with the verification process Mercury Energy has already established (Mercury Energy 8.16).
- 3.8.8 ERANZ encouraged the Authority to fully engage with its members so as to avoid the proposals eroding customer confidence in the industry resulting from insufficient protections of customer data (ERANZ 8.8 and 8.9).

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**3.9 Question 9: Do you agree with the costs and benefits of each of the proposals? If not, why not?**

- 3.9.1 Many submitters did not answer this question. Those that did were split between those who agreed and those who disagreed with the identified costs and benefits of the proposals.
- 3.9.2 There was some agreement that the costs and benefits had been accurately identified in the Consultation Paper (Cortexo 9.5, Network Waitaki Limited 9.14 and WEL Networks 9.24), that the proposals should be relatively straightforward and require minimal time and resources to implement (Electric Kiwi 9.6). Our Energy considered that the potential benefits may even be understated (Our Energy 9.17).
- 3.9.3 Some submitters felt that the benefits of the proposals are limited (Consumer NZ 9.3), or insufficiently clear in relation to how Proposal 3 makes it easier for customers to share consumption data (Powerco 9.18).
- 3.9.4 Retailers and gentailers largely disagreed with the Authority's identified costs and benefits, including because the proposals did not take into consideration retailer costs (Flick Energy Limited 9.10), or that the estimate of \$50,000 for the establishment of an Agent Authorisation API was on the lower end of the scale and did not appear to allow for associated matters (such as automatic verification checks of data) (Meridian/Powershop 9.13). It was also submitted that they increased costs to retailers for no real benefit and would render sophisticated systems already implemented redundant (Mercury Energy 9.12).

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**3.10 Question 10: Are there any other costs or benefits we have not identified?**

- 3.10.1 Few further costs or benefits were identified by submitters.
- 3.10.2 Some retailers and gentailers felt that costs associated with integrating the proposals at an operational level were insufficiently identified. This included resourcing costs to implement the changes (Contact Energy Limited 10.4, ERANZ 10.7 and Flick Energy Limited 10.11). Such costs could be significant, and would ultimately be borne by electricity users (ERANZ 10.7).

The proposals were also said to increase costs to retailers with no real benefit to consumers (Mercury Energy 10.15), largely due to consumers being increasingly able to access and share their data without retailer involvement through the use of technology (ERANZ 10.8).

- 3.10.3 Genesis noted that the proposal in relation to the Agent Authorisation API understated the potential costs of the changes, which are not insignificant, and which could be avoided by leveraging existing systems and processes (Genesis 4.14, 9.11, and 10.12 - 10.14).
- 3.10.4 Submitters also shared concern about reputational costs, in terms of unauthorised disclosure (Flick Energy Limited 10.11, Genesis 10.14 and Meridian/Powershop 10.16).

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**3.11 Question 11: Do you have any comments on the drafting of the proposed amendment?**

- 3.11.1 Specific comment in relation to the drafting of proposed 11.32E was limited, and largely repeated or built on answers to preceding questions.
- 3.11.2 Genesis submitted that the clause should include an express acknowledgement that an authorisation which contains the information required constitutes reasonable grounds for believing that disclosure is authorised for the purposes of the Privacy Act (Genesis 11.13). It was also submitted that the Authority specify criteria on which an agent will be deemed to have authorisation and incorporate this into the proposed amendment (Contact Energy Limited 11.4).
- 3.11.3 Nova Energy submitted that the clause as drafted does not provide adequate protection if the consumer has not authorised the agent to request consumption data, which will mean retailers will need to carry out a check with the consumer themselves (Nova Energy 11.18 and 11.19).
- 3.11.4 Meridian/Powershop suggested some detailed amendments to proposed clause 11.32E which would assist in addressing its concerns as to the drafting and operation of the clause (see Meridian/Powershop 11.16.1 to 11.16.6). An overview of specific points made in relation to question 11 is included below.

*Proposed clause 11.32E(2)*

- 3.11.5 Submitters said that proposed clause 11.32E(2) does not state what other “*evidence*” retailers should require to ensure that an agent is properly authorised, and so the Authority should delete the words “*or otherwise provides evidence to the **retailer** that the agent is properly authorised by that **consumer** to obtain the information.*” (Meridian/Powershop 11.15 and 11.16.1, and Flick Energy Limited 11.11).
- 3.11.6 Meridian/Powershop also suggested that the precise wording of the required written authority from the consumer should be included in the Code as a schedule to proposed clause 11.32E(2) (Meridian/Powershop 11.1.6).

*Proposed clause 11.32E(3)*

- 3.11.7 Mercury said that, as drafted, proposed clause 11.32E(3) means that there is no requirement for the agent to provide evidence that a customer has actually authorised the release of information (Mercury Energy 11.14).
- 3.11.8 Meridian/Powershop submitted that clause 11.32E(3) does not specify the precise form of words that agents must use to evidence that they have a consumer’s authority, and this should be included (Meridian/Powershop 11.15.2). It also felt that proposed clause 11.32E(3)(d) appears to allow agents to sign on behalf of consumers and suggested amending the clause to clarify that, together with further identification details in relation to the consumer that should be provided at proposed clauses 11.32E(3)(c)-(e) (Meridian/Powershop 11.16.2).

*Proposed clause 11.32E(5) and (6)*

- 3.11.9 Meridian/Powershop felt that proposed clauses 11.32E(5) and (6) can be read as meaning that a supposed authorisation only need contain the information required at proposed clause 11.32E(3), with no statement to the effect that the consumer had actually authorised the agent (Meridian/Powershop 11.15.3). It was felt that that this was inadequate, and had the potential to damage the industry's reputation (Meridian/Powershop 11.15.3).
- 3.11.10 Meridian/Powershop considered that clarification was needed on this point as proposed clause 11.32E(2) is capable of a different reading. This is because proposed clause 11.32E(1) "...applies only if the agent provides the retailer with a written authority from the consumer...", therefore allowing a retailer to reject an agent's request on the basis that it does not contain the key words of authorisation from the consumer (Meridian/Powershop 11.15.4).

*Proposed clause 11.32E (8) and (9)*

- 3.11.11 Meridian/Powershop felt that proposed clause 11.32E(8)(a) and (b) required amendment. This is because 11.32E(8)(a) and (b) only serve as a statement of the obvious, as a retailer that receives a revocation notification and continues to provide customer information would be in breach of the retailer's privacy obligations (Meridian/Powershop 11.15.6).
- 3.11.12 In relation to proposed clause 11.32E(9), Meridian/Powershop felt that agents that are participants should be required to advise retailers as soon as reasonably possible after revocation of an agent's authorisation, and that the agent should be obligated to destroy any information received from the retailer or return it to the retailer (Meridian/Powershop 11.15.6 and 11.16.5).

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**3.12 Other comments**

- 3.12.1 Some submitters felt that the proposals represented a good first step but noted that further work is needed to better facilitate data access (Aurora Energy 12.4, Our Energy 12.25 and 12.26), and that such data will become increasingly important to consumers as technology improves (Our Energy 12.25) and there is a shift toward a zero carbon economy (Alan Barraclough 12.2). Others welcomed further such initiatives, and encouraged the Authority to consider points made in the Electricity Price Review for other projects (Electric Kiwi 12.9 and 12.10).
- 3.12.2 Cortexo welcomed the proposals, noting that currently the average waiting time for information turnaround is 17 working days (Cortexo 12.7).
- 3.12.3 It was suggested that the Authority review the discrepancy in terms of communicating rejection or revocation of authority under the Code (five working days) and under the Privacy Act (20 working days) (Contact Energy Limited 12.6). Other submitters less supportive of the proposals, or not supportive of them, noted that many retailers have already implemented their own online portals allowing consumers direct access to consumption data (ERANZ 12.11), and that the Authority should consider utilising similar technology (Mercury Energy 12.20).
- 3.12.4 Submitters felt that further safeguards will be needed in the future to ensure the privacy of consumer's data. There was also the view that regulatory intervention should allow for the development of technologies which will likely diminish the need for consumption data to be estimated solely via smart meters (ERANZ 12.13 and 12.14). Further concern was expressed in relation to the possibility of the data being used for marketing purposes (Mercury 12.19).
- 3.12.5 As above, Vector encouraged the Authority to consider its suggested alternative to the proposals, the "OAuth style model" (Vector 12.33 – 12.88). Vector submitted that the model is superior to the Authority's proposal, and will provide secure and instant access to consumption data that meets consumer expectations (Vector 12.35).
- 3.12.6 In addition, it was suggested that the Authority should consider the five working day turnaround time for the provision of data (emhTrade 12.15), and that the Authority should consider increasing the number of third party requests from four times per year to 12 (Transpower 12.30). Further, there was a question as to how access to data may be facilitated

for alternative energy sources, where a retailer offers combined gas/LPG deals (Energy Link Ltd 12.16).

## Appendix A – List of Submitters

No.	Submitter	Description of submitter
1	Alan Barraclough	Member of the public
2	Aurora Energy	Electricity distributor operating in Dunedin and Central Otago
3	Consumer NZ	Independent, non-profit consumer organisation providing consumer information and advice
4	Contact Energy Limited	Electricity generator and retailer
5	Cortexo	Non-market participant providing third party services in the electrical supply chain
6	Electric Kiwi	Electricity retailer
7	Electricity Retailers Association of New Zealand ( <b>ERANZ</b> )	Represents electricity retailers
8	emhTrade	Developer of smart power technology
9	Energy Link Ltd	Provider of industry analytics and services to energy users (agent/broker), generators, and retailers
10	Flick Energy Limited ( <b>Flick</b> )	Electricity retailer
11	Genesis Energy ( <b>Genesis</b> )	Electricity generator and electricity, natural gas and LPG retailer
12	Mercury Energy ( <b>Mercury</b> )	Electricity generator and retailer
13	Meridian/Powershop	Electricity generator and retailer
14	Network Waitaki Limited	Electricity distributor operating in North Otago
15	Nova Energy	Electricity generator and retailer
16	Orion New Zealand Limited	Electricity distributor operating in Christchurch and Central Canterbury
17	Our Energy	Electricity retailer
18	Powerco	Electricity distributor operating in the North Island
19	Stephen Cope	Member of the public
20	Transpower	Owner and operator of the national grid
21	Trustpower	Electricity generator and retailer
22	Vector	Electricity distributor operating in the Auckland region
23	Vocus	Electricity retailer
24	WEL Networks	Electricity distributor operating in Central and Northern Waikato