8 October 2026

2degrees' submission on improving product and consumption information exchange – EIEP 13C and EIEP 14C

2degrees welcomes the opportunity to comment on the Authority's proposed updates to EIEP13C and the proposed new EIEP14C electronic request format.

2degrees supports improved consumer access to information, but questions the need for a parallel regulatory regime

2degrees supports the objective of enabling consumers to access and share accurate product and consumption information in a way that facilitates informed consumer choice and competition. We also support clear and standardised information exchange where regulation is necessary.

However, we have a fundamental concern as to whether further regulated EIEP request mechanisms are necessary or proportionate while MBIE is developing the Open Electricity regime under the Customer and Product Data Act 2025. Open Electricity is intended to enable consumers to share electricity consumption information with trusted third parties and to require electricity companies to share information about the products and services they offer.

The Authority itself recognises the potential for duplication. The consultation paper states that the Authority considered embedding real-time consent and API capability in EIEP13C and EIEP14C but concluded that this could duplicate the requirements of Open Electricity and that the potential use cases did not justify doing so at this time.

In our view, the same question should be asked of the C formats themselves. The relevant issue is not simply whether EIEP13C and EIEP14C should replicate the future technical architecture of Open Electricity, but whether a separate regulated request pathway for substantially the same categories of consumer and product information will have an enduring purpose once Open Electricity is operational.

Targeted and proportionate regulation, and cumulative regulatory effects

As we noted in our March 2026 submission on EIEP14A, 2degrees believes that any new regulation should be targeted and proportionate to the problem it seeks to solve. The Authority should also remain mindful of the cumulative impact of multiple regulatory changes on retailers and avoid imposing system development and ongoing compliance costs where the incremental benefit has not been demonstrated.

Against that background, we question whether the Authority's March 2026 approach to modernising and regulating the exchange of product information was appropriate. The Authority now appears to be continuing that work without adequately reconsidering whether the proposed EIEP framework remains necessary, proportionate or well aligned with the wider regulatory setting, particularly the development of Open Electricity. In our view, the Authority should pause and reassess the proposal in that broader context before proceeding further.

This approach is also consistent with the Government's current emphasis on good regulatory practice.1 Good regulation should address a clearly identified problem and be effective, efficient and proportionate. As such, we recommend that the Authority should therefore assess the incremental benefits and costs of operating EIEP13C and EIEP14C alongside Open Electricity, and if needed at all, whether the C formats should be transitional rather than enduring.

Absent a compelling case for a parallel regime, our preference is that the Authority pause further development until the Open Electricity regulatory and technical architecture is settled.

Consent and privacy safeguards require further consideration

2degrees is also concerned that the proposed consent and authorisation arrangements do not provide sufficient certainty for retailers or provide adequate protections for consumers, particularly given that retailers remain responsible for satisfying themselves that a third-party request is genuine and complies with the Privacy Act 2020.

We understand the proposal is based on certain existing processes and will permit an optional customer authorisation code to reference consent previously agreed with a retailer. Where no code is provided, the requesting third party must still be able to provide evidence of the customer's authorisation if asked.

In our view, a code that merely references consent held elsewhere is not, without further safeguards, a sufficiently robust verification mechanism. It may not establish that consent remains current, covers the particular information requested, or was given for that requester and purpose.

These concerns are heightened by the proposed EIEP13C change to make customer number, customer name and ICP identifier mandatory fields, where those fields are currently optional.

We ask the Authority to confirm whether it has consulted the Office of the Privacy Commissioner on the proposed EIEP13C and EIEP14C request mechanisms and whether a privacy impact assessment has been completed. If so, we encourage the Authority to publish that assessment and explain how any recommendations have been addressed before the proposals are finalised.

Concluding remarks

We encourage the Authority to provide evidence of the expected uptake of requests before Open Electricity becomes operational, and the measurable consumer outcomes attributable specifically to EIEP13C and EIEP14C. The assessment should compare those incremental benefits with retailers' implementation and ongoing compliance costs.

We encourage the Authority to remain mindful of this broader context when finalising the proposal.

Our responses to specific consultation questions are below in Appendix 1.

[1] See Ministry for Regulation, 'The Regulatory Management System' (updated 1 July 2026), which states that good regulation should be clear, proportionate and deliver benefits that outweigh its costs. The Regulatory Management System | Ministry for Regulation.

Appendix 1 – 2degrees' specific consultation question responses

Consultation Question	2degrees' Response
Q3. Do you agree with our proposal for EIEP14C to only request EIEP14B files?	If EIEP14C proceeds, we agree that it should be confined to EIEP14B rather than adding further complexity by using it to request publicly available EIEP14A information. However, this is subject to our broader concern as to whether EIEP14C is required at all once Open Electricity is taken into account.
Q4. Do you agree with our proposal not to include an automatic electronic authorisation consent system within the EIEP14 suite?	We agree that the Authority should not build a new real-time authorisation system that would duplicate Open Electricity. However, the absence of such a system reinforces our concern about the purpose and longevity of EIEP14C and whether the interim consent mechanism is sufficiently robust.
Q5. Do you agree with our proposal to use a customer authorisation code within the EIEP14C file as the mechanism to indicate customer consent? If not, why not?	Not without further safeguards and clarity. The proposed code is optional and appears to reference consent held elsewhere rather than verify consent through the request itself. The Authority should specify the minimum requirements for valid consent, scope and duration, revocation, third-party verification, record keeping and responsibility for misuse. Reliance on a previous authorisation process for less sensitive information is inappropriate in our view given the proposed personal data that would be disclosed. We also ask the Authority to confirm its engagement with the Office of the Privacy Commissioner and whether it has undertaken a privacy impact assessment.
Q7. Do you agree with the proposal for EIEP14C files to support both JSON and CSV formats?	We have no objection in principle to supporting both formats during a transition. However, we do not support retailers incurring material development expenditure for an interim technical solution where Open Electricity will introduce a more comprehensive data-sharing framework. Any implementation expectations should therefore be proportionate to the expected life and use of EIEP14C.
Q10. Would aligning data standards for requests for consumption and product information reduce development costs?	Alignment may reduce some duplication if both EIEP regimes are retained. The more material opportunity to avoid duplicated development cost, however, is to ensure the EIEP framework itself does not require investment in functionality that will shortly be duplicated or superseded by Open Electricity.
Q11. Do you foresee issues with treating direct consumer requests for plan information as if they were EIEP14C requests for EIEP14B files?	Potentially. Consumers should be able to obtain useful information through straightforward retail channels.
Q13. Is the proposed EIEP14C request sufficient for third parties to electronically request EIEP14B files?	We are not satisfied that the consent and authorisation framework is sufficiently clear. Before finalisation, the Authority should resolve the matters identified in our response to Q5, including the minimum requirements for consent, verification, withdrawal and accountability.
Q16. Could an interim period before implementation of EIEP13C/EIEP14C cause issues for third-party access, and how might these be mitigated?	The consultation paper notes that the C formats are not necessary for retailers to comply with their underlying Code obligations to provide consumption and product information. We therefore consider EIEP13C and 14C should be paused before its enduring role is effectively understood relative to Open Electricity regime.