

Consumer Mobility Team
Electricity Authority
via email
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19 August 2025

Dear Consumer Mobility team

Enabling consumer mobility through improving access to electricity product data

Thank you for the opportunity to submit on the Authority's "Enabling consumer mobility through improving access to electricity product data" consultation (Consultation).

Mercury supports enabling better access to product and tariff data and we agree that the Authority's preferred Option 3, to develop a new suite of EIEP14 protocols will do this in the most effective way while aligning with broader Consumer Data Right (CDR) requirements.

We support the development of EIEP14A and EIEP14C as proposed by the Authority, and the use of the proposed EIEP14B or similar for obtaining information about plans that do not fall within the current Code definition of a "generally available retail tariff plan." However, there are certain types of plan/data that in our view should be excluded from EIEP14B - specifically legacy plan data, historical plan data, and commercial and industrial consumer contract data. Our reasons are discussed below together with our broad views on CDR alignment and the need for unique identifiers.

1. EIEP14B should exclude legacy plans

Mercury does not support the requirement for retailers to share information about legacy plans under the proposed EIEP14B.

1.1 No benefit in sharing legacy plan data

The proposed EIEP14A will provide consumers and third parties with details of every plan that is a "generally available retail tariff plan" as defined in the Code.¹ Mercury supports sharing this information and agrees that it will enhance price comparison and on-demand market visibility. Mercury also supports sharing information on "more complex" plans under EIEP14B on the assumption that this is referring to "retail tariff plans made available under an agreement reached between the retailer and the consumer with a financial discount or other benefit".²

From Mercury's perspective however, there is no additional benefit for consumers or third parties in sharing non-standard pricing or legacy plans as required by proposed EIEP14B as these plans are not and will not be on offer for consumers generally. Mercury customers are on legacy plans (or "individual" plans, described in more detail below) essentially to prevent price shock. Following the Trustpower and Mercury integration there was a large group of customers who could not be moved to current pricing as this would have involved an out of cycle price change in

¹ See clause 1.1 of the Electricity Industry Participation Code.

² i.e. Those retail tariff plans that are not included in the definition of a "generally available retail tariff plan" under clause 1.1 of the Electricity Industry Participation Code.

addition to the annual April price change. These customers will remain on legacy plans for as many out of annual price change cycles as it takes to bring their price plan up to current pricing, without causing price shock. This pricing is not available to consumers generally and Mercury will not be placing new customers on these plans in the future. Our intention is to phase out legacy plans completely in due course.

We cannot therefore see that there is any benefit in consumers or third parties having access to this data as it serves no purpose for comparison. EIEP14B should be limited to current plans that are available to customers but that don't fit within the strict definition of a generally available retail tariff plan under the Code.

1.2 Extracting legacy plan data would add cost and complexity

Mercury has approximately 170,000 ICPs on legacy pricing, with many of these on what we term "individual" price plans. For technical reasons, it would be extremely difficult to extract price data from these plans. During integration these "individual" price plans could not be transferred to GTV as they did not fit within the set up for currently available price plans. A workaround was created to enable these plans to be recorded in GTV via a shell structure which holds customer account and plan details but draws daily and variable charges from outside the plan. Whilst the shells might contain thousands of customers, the pricing that is held outside of the shell is unique to every customer or a small group of customers. By comparison, the fixed and variable charges for customers on currently available plans are built into the price plan and are easily accessible.

It would be a very complicated process and arguably too difficult for Mercury to extract the necessary data to provide legacy/"individual" plan data to consumers and third parties on request via the proposed EIEP14B.

2. EIEP14B should exclude historical data

The Authority is considering whether the proposed EIEP14B data sharing requirements should also extend to every plan a retailer has offered in the past to help consumers and service providers understand long term trends. We do not believe this is necessary.

Retailers have been providing data to Stats NZ on a quarterly basis since 2004, and this data is publicly available on MBIE's "Electricity cost and price monitoring" webpage in both the Quarterly Survey of Domestic Electricity Prices (QSDEP) and the Household sales-based electricity cost data. The QSDEP, which monitors publicly advertised electricity tariffs, enables users to interpret electricity pricing trends over time and the Household sales-based data, based on the volume of electricity sold and the total revenue (net of discount), provides a means to assess the actual cost to consumers. Together these datasets provide the tools to assess how competitive pricing has evolved in different areas and the economic impacts of household energy expenditure and inflation on consumers.

In our view there is no evidence of sufficient additional benefit to consumers to ask retailers to duplicate this information in the form of EIEP14B requests.

In addition, we note that some retailers may no longer be able to access historical information due to changes in organisational structures, systems and platforms. Mercury for example would find it difficult to access historic pricing information, as we no longer have SAP (legacy Mercury platform) and would find it challenging to access historic Trustpower tariffs, which would cover c.56% of our residential consumer base.

3. EIEP14B should exclude commercial and industrial consumer contracts

It is not clear from the Consultation whether the proposed EIEP14 protocols are intended to apply to retailers' contracts with commercial and industrial customers. We assume that the protocols are intended to apply only to pricing plans for residential and small business customers, given their aim to enhance consumer mobility. We recommend the Authority clarify that the new EIEP14 protocols will apply only to residential and small business customer pricing plans.

If however our assumption is incorrect, we would be fundamentally opposed to providing information about commercial and industrial pricing plans to third parties on request. Our reasons are as follows:

- i. Contracts with commercial and industrial customers are commercially sensitive. We would not be willing to share price information with our competitors.
- ii. Pricing for commercial and industrial customers does not provide useful comparison for residential and small business consumers. Prices for large commercial customers are largely bespoke, depending on time, term



and location. Residential and small business plans follow more standard pricing structures. We do not see how comparing the two is likely to aid the Authority's aim of enabling consumer mobility.

- iii. This would be a burdensome compliance exercise for retailers and add no value for consumers if required to be included.

4. Alignment with Consumer Data Right

Mercury supports the work that the Authority is undertaking with MBIE to ensure that the proposed protocols will improve industry readiness for, and alignment with, a future CDR.

5. Need for unique identifier

Mercury supports a requirement to assign every electricity plan a unique identifier. This would resolve numerous issues that have been identified in the past relating to consumer confusion over distinguishing between plans with similar names. Our only recommendation would be that whatever is determined should be simple and able to be consistently applied.

Please don't hesitate to contact me at [REDACTED] if you have any queries in relation to this submission.

Yours sincerely



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Regulatory Strategist

