

Pillar 1		
Recommendation	Overview	AGL comments
AGL recommended Pillar 1A (recommendations 1-10)		
1. Retail planning and billing	Provide transparency for retail price monitoring, review of competitive markets and affordability policy by requiring retail plans to be identified against meters, and supporting privacy-protected, de-identified retail monitoring, analysis and reporting.	<p>We do not support this recommendation.</p> <p>AGL considers that retail price monitoring is a material issue given the implementation of the Default Market Offer and Victorian Default Offer which both regulate retail pricing and provide transparency through the reference pricing provisions across the NEM.</p> <p>In saying that, retail price monitoring is already effectively operating in some form in most jurisdictions. The relevant regulators are currently obtaining all retail pricing and product data independently from the EnergyMadeEasy (EME) website to use in their monitoring activities. These Regulators are only seeking additional customer data when it is necessary to inform themselves on areas of particular focus, which can change on a yearly basis.</p> <p>If the Data Strategy was to improve or streamline retail price monitoring, then standardising the data collection of these individual processes may be beneficial however, the jurisdictions’ areas of focus continue to change depending on circumstances, so this potential is limited.</p> <p>What is clear is that this recommendation has not been fully considered. The cost of overhauling all market and retail systems to accommodate this recommendation will be exorbitant yet the strategy has not been able to articulate any realistic benefits.</p> <p>We do not agree that the Consumer Data Right (CDR) could be leveraged to achieve this outcome in a cost-effective way, and provide further comment on the proposal to link NMI and tariff using the CDR below (recommendation 22).</p>

<p>2. Streamlining price reporting</p>	<p>Using new retail monitoring, core agencies must work to streamline current reporting and provide more up-to-date tracking of retail metrics and affordability.</p>	<p>We support elements of this recommendation.</p> <p>As highlighted above, there is some potential for streamlining of current reporting however, state governments and regulators continue to review different areas of focus depending on current circumstances. Retailers will always be subject to ad hoc requests for a range of reasons including emergencies such as bushfire response and the current global pandemic.</p> <p>Although this creates additional work effort, attempting to capture the entire range of retail metrics is similarly unpalatable and unwieldy.</p>
<p>3. Tracking commercial and industrial pricing</p>	<p>Provide greater transparency of large energy user prices by expanding AER's information-gathering powers and requiring it to monitor and report on contract pricing arrangements for large energy users.</p>	<p>We do not support this recommendation.</p> <p>This information was not part of Finkel's recommendation for a data strategy and goes well beyond the scope of what should be considered necessary for the effective operation of the AER.</p> <p>AGL does not understand what issue this recommendation is attempting to resolve given the retail market for large energy users is a highly competitive segment serviced by retailers, generators and other energy providers including merchant banks and international corporates.</p> <p>Contract pricing arrangements are highly confidential with the individual circumstances of the Large customer resulting in very varied contracts and pricing outcomes. For example, the contract prices will vary significantly depending on demand profiles, terms, length of contract, credit, location and many other physical and financial factors. The effort required to provide and even to analyse these contracts is significant which is likely to be confirmed by the ACCC.</p> <p>Therefore, any generic tracking of C&I pricing is highly impractical and unlikely to provide useful information on the contract prices for large customers. Indeed, such reporting is more likely to mislead C&I customers than to assist them.</p>

4. Contract market monitoring

Provide greater transparency of contract markets and enhance wider wholesale market monitoring by expanding AER's information-gathering powers and requiring it to review and report on contract market performance.

We support greater transparency in contract markets and favour enhancing the Australian Financial Markets Association (**AFMA**) voluntary survey of contracts as the mechanism to achieve it.

AGL supports greater transparency in contract markets as increased transparency leads to increased market efficiency to the benefit of all consumers. However, we note that this must be balanced with consideration of the cost of gathering and protecting the information (as these costs will ultimately be passed onto consumers) and the risk of revealing confidential trading information which can undermine market efficiency.

The proposed enhancement of the AFMA voluntary survey of contracts, as a mechanism to provide greater transparency of contract markets, is still being explored by AFMA and the AER. We consider that provision of contract market data to the AER through AFMA is preferable as it will ensure that the contract data will be better understood and fully anonymised, given AFMA's expertise in contract markets. We note that the ESB has indicated that this mechanism has significant limitations on how the information could be gathered, nevertheless we encourage the ESB to ensure that this mechanism is not dismissed while consideration of the viability of this approach is still being explored. From our involvement in the process, it appears that the AER, AFMA, and industry participants all consider the proposed enhancement of voluntary AFMA surveys to be a positive option.

The ESB has indicated that they recommend that the NEL be amended to ensure that the AER has the right to publish anonymised contract data. We suggest that the term anonymised be defined such that it ensures that it is not possible to guess the identity of a contract counterparty by comparing trades within, or between, different data sets. Trade in OTC contracts is not very liquid which may make it easy to speculate the identity of a counterparty if too much information is provided. Contract volumes in particular may facilitate the identity of a contract counterparty and we therefore suggest that it may be appropriate that the legislation identify contract volumes as information which should not be published.

The ESB has proposed a NEL amendment to ensure that the AER has the right to share data with relevant energy agencies and jurisdictional policy bodies. We note that it is

		<p>not clear which organisations are contemplated in this broad definition. We question why published anonymised contract data will not be adequate for these organisations and therefore why a power to ensure the AER can share confidential contract data is necessary. Under this proposed amendment, multiple parties will be responsible for ensuring non-anonymised data remains confidential, which greatly increases the risk that the data will not remain confidential and may also have implications for the cost of the data management.</p> <p>AGL supports the proposed amendment to ensure the AER develops internal expertise in contract markets and suggests that the amendment should include a requirement that the AER employ at least one experienced trader in their contract monitoring team. Given the complexity and variety of contract market products available, we suggest the AER should be both required to consult with market participants in producing their report and be required to share a draft report for industry comment prior to final publication. This would ensure that the conclusions on contract market performance are accurate.</p> <p>The ESB has suggested that the AER undertake an initial review with recommendations for further monitoring requirements and reporting within 18 months of gaining its information gathering powers. While this approach seems sensible, we believe any recommendations should be limited to how the AER conducts its monitoring and should not include contemplation of the potential granting of additional information-gathering powers to the AER. Since the ACCC REPI recommendations regarding AER monitoring of contract markets were made because contract trading was considered to be too opaque, rather than due to specific concerns regarding contract trading behaviour, we suggest a conclusion in the initial review that no concerning trading activity has been revealed should be expected and should not be used as the basis for the expansion of the AER's powers. To do so would only increase costs for market participants and therefore consumers.</p>
<p>5. Retail margins</p>	<p>Provide greater transparency of retail margins and market power concerns by expanding AER's information-gathering powers and requiring it to include retail margins in their wider retail performance monitoring.</p>	<p>We do not support this recommendation.</p>

This information was not part of Finkel’s recommendation for a data strategy and goes well beyond the scope of what should be considered necessary for the effective operation of the AER.

The specific level of detail and definition in this recommendation have not been provided. If a retailer’s General Ledger is prepared on a state basis, information at a distribution zone level is unavailable from the accounting system. In addition, retailers operate on a national basis and across fuels and other products and services.

At AGL, financial reporting is undertaken by management structure so that corporate services are separately accounted for. Business segment reporting for AGL’s retail business do not include corporate and shared costs, that is, centrally managed expenses, so that it does not represent the financial performance of a stand-alone retailer. AGL has generation assets and in retailing, has a multi-product strategy including data and phone services, and is involved in innovative solutions such as virtual power plants and demand response products. Determining a fully allocated retail margin for electricity and gas customers is difficult and will require consideration of how costs such as corporate and IT costs are allocated between different businesses and products. In addition, some services are outsourced while others are in-sourced. Organisation re-structures could also result in different cost allocations and resulting margins.

While certain information is currently prepared for the ACCC reviews, we do not believe a clear policy need has been made to make this a permanent obligation under the AER. The information provided to the ACCC for price monitoring purposes allows for a constructed metric representing the retail margin for a standalone retailer. However, this is not relevant information for management purposes. As the retail energy market is highly competitive, retail pricing, which is already capped by the DMO and VDO, has to take account of competitors’ offers. This requirement will result in ongoing additional reporting costs and compliance risk with no value to management. In addition, we understand that currently only a few retailers are required to provide this information to the ACCC.

		<p>As we noted above, there is an expectation that government data collection is aligned with a specific use or purpose and that this has undergone appropriate review processes to determine its necessity. The ESB state the data will help deliver ‘public good’ outcomes, but these are not defined here so it is difficult to provide support for further compliance obligations.</p>
<p>6. Access to meter data for public good research</p>	<p>Support greater access for safe protected analysis of meter data for public-good research, planning and policy. Implement this through regulatory reforms (proposed in Pillar 2) and supporting analytic resources (proposed in Pillar 3).</p>	<p>We do not support this recommendation.</p> <p>The ESB state in the data strategy that while meter data is available to a range of parties including retailers, networks and meter providers, none of these parties have the incentives or capacity to innovate with this data for wider consumer benefits. The ESB state that this is the role of policy and research, which currently has very little access to the data to do this.¹⁶ We fundamentally disagree with this statement by the ESB. In a competitive market, retailer use this information in order to innovate for customers to maintain a commercial edge. The role of policy makers is to establish the right market rules and frameworks to incentives retailers to innovate. We fundamentally dispute the suggestion that competitive markets cannot innovate to produce consumer benefits.</p> <p>AGL has developed a range of value-add products with the advent of digital meters, including, but not limited to, Energy Insights (a tailored report on energy usage by appliance within a household as well as bill projection and energy efficiency advice), online and AGL App that provides customers with daily usage and bill estimate information and Peak Rewards program, which is a behavioural demand response program. Customer Net Promoter Scores for AGL’s digital products and services developed on the back of digital meters consistently rate in the very high positive range.</p> <p>AGL also has a dedicated consumer testing team to test and validate consumer preferences on product and service design and translating this into a seamless digital experience. The AGL team supported the AER with the most recent Retail Pricing Information Guide (RPIG). In particular, we tested layout, language and presentation of material for the Basic Product Guide. The results of the testing provided important consumer insights, and this was material on the current version of the RPIG.</p>

		<p>Finally, the Power of Choice reforms are subject to an AEMC review, due to commence in December 2020. AGL believes this review should be process for determining what meter data should be collected, by what agencies and for what purposes.</p>
<p>7. Gas meter data</p>	<p>Gas is a direct substitute for many large sources of electricity demand but with even less transparency. Support more holistic energy forecasting and understanding of affordability by exploring options to provide transparency of gas metering and linking electricity meters which have access to gas.</p>	<p>We do not support this recommendation.</p> <p>As a general comment, gas meter data, recording of data and system upgrades should be part of other reviews that assess the policy decision against consumer benefits and industry costs, the ESB Data Strategy should not inadvertently or implicitly lead to regulatory reform measures without appropriate assessment and consultation.</p> <p>The proposed data sets for interval gas meter data are limited due to limited number of gas interval meters existing in the market, only very large-scale gas users have gas interval meters on site. Hence, the ESB Data Strategy in this space is going beyond priority data and seeking broader changes to gas metering policy and regulatory obligations to make this data available. AGL believes it is not the role of the Data Strategy to do this but rather this should be subject to an independent and public consultation process to determine whether the benefits of gas interval meters outweigh the costs associated with a gas meter replacement program.</p> <p>Further, the ESB is seeking to link gas and electricity usage and connections at sites to better understand and therefore support more holistic energy forecasting and understanding of affordability by exploring options to provide transparency of gas metering and linking electricity meters which have access to gas. Again, this type of data is not readily accessible, and the systems and process costs associated with potentially making this happen is a broader policy discussion that is beyond the parameters of this Data Strategy. For example, networks would have to compare sites and generate a NMI-MIRN link (noting there are different gas and electricity networks and that gas and electricity network zones do not cover the same geographic areas in most cases), which would need to be available to all. To make this work it is likely that MSATS would need to be broadened to capture gas information so that NMI and MIRNs could be linked in the one data base. This would be a significant piece of work that</p>

		<p>would require appropriate discussion around the costs and benefits linked to the long-term interests of consumers, which is beyond the scope of this Strategy.</p> <p>Importantly, outside Victoria, gas usage is more generally hot water and cooking and is less likely to be considered a substitute for electricity. Hence, regardless of this being a policy issue beyond the scope of the Data Strategy, AGL would query whether this data set is genuinely an immediate priority.</p>
<p>8. Review of consumer surveys and bill benchmarking</p>	<p>Support better consumer research through more effective consumer surveys.</p> <p>1) Bringing together key organisations currently undertaking surveys, including the AER Bill Benchmarking work, review and recommend a preferred approach to a regular program of baseline survey(s) that meet a wider range of objectives, are more accessible and reduce duplication.</p> <p>2) undertaking a review and rule change to revise current survey requirements, including for bill bench marking. By removing prescriptive detail and allowing for an updateable guideline (managed by the AER), any new rules should allow for new survey recommendations to be adapted over time to meet emerging needs.</p> <p>3) seeking consent to link survey data to meter data to allow better analysis of consumer trends in a protected environment.</p>	<p>We support elements of this recommendation.</p> <p>We agree with the ESB’s observation that a range of market bodies undertake differing consumer surveys that tend to be varied in scope, inconsistent and ad hoc in timing.¹ However, as with other elements within the Data Strategy, very little detail has been provided to help ensure stakeholders are appropriately informed to comment on these recommendations.</p> <p>As we raise in the Executive Summary, and below under Pillar 2, we believe that many difficulties and shortfalls can be addressed if the Data Strategy were to focus on improving visibility and accessibility of publicly available data and helped improve data sharing between agencies (through relevant statutory amendments and by utilising existing data sharing arrangements such as DAT or CDR where appropriate).</p> <p>1) The Data Strategy should seek to bring together core agencies (which we have commented on in recommendation 23) to review and recommend an approach to a regular program of baseline survey(s) that meet a wider range of objectives. This approach will help streamline surveys and create a set of data and analytics that can be broadly used by a range of participants and is therefore in line with seeking to achieve transparency and public good results.</p> <p>2) We cannot support this element of the recommendation which is to undertake a review and rule change to revise Bill Benchmarking including an updateable guideline (managed by the AER) as there is no information as to what the scope of</p>

¹ See Energy Security Board Data Strategy, p.104

		<p>this would be. The ESB use an example of a rule change being considered by the AER but states that the evidence needed to support the change has resulted in delays. It is unclear if this is information that could be voluntarily requested or that may be provided through the consultative process. For example, we have a number of concerns with the current bill benchmarking in relation to how this information must be displayed on consumer bills. We have previously provided insights information to the AEMC during their consultation in February 2020 on the Consumer Protections Framework. In particular, we noted that the depiction of ‘average households’ is not reflective of the diverse nature of household types, appliances, location, quality etc, and therefore can increase consumer stress and confusion.²</p> <p>3) We do not support the third element of the recommendation which is to seek consent to link survey data to meter data in a way that is not the Consumer Data Right. The ACCC has recently consulted on proposed amendments to the CDR Rules³ which includes, amongst other things, a proposal to allow CDR data to be shared for research purposes (with consumer explicit informed consent). As we have raised in this submission, the CDR is intended to be centred on consumer control and consent, given the strong protections and explicit informed consents built into the CDR, we believe the core agencies can seek to become accredited data recipients to receive consumer data in that way. Further, the CDR is a one to one transaction system that is built to aggregate this information.</p>
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² See [AGL submission](#) to the AEMC Consumer Protections review, February 2020, p.13 and p.18

³ See update from the ACCC on recent Version 2 Rules consultation, <https://www.accc.gov.au/focus-areas/consumer-data-right-cdr-0/consultation-on-proposed-changes-to-the-consumer-data-right-rules>

<p>9. Data on vulnerable consumers⁴</p>	<p>Pursue improved data and metrics on vulnerable consumers, building on research under way through the Energy Ministers' work on energy equity and drawing on wider recommendations on retail transparency and consumer research.</p>	<p>More information needed on this recommendation.</p> <p>We agree with the ESB's observations that customer circumstances, such as financial difficulty in one area (e.g. difficulty paying energy bills) is likely indicative of broader financial stress. We support our consumers in a range of ways, including access to hardship arrangements, payment plans, concessions information (e.g. through our Here to Help portal⁵), easy English guides⁶, AGL Assist Tool kit⁷, etc.</p> <p>We support the research and work being undertaken now by both the AER and the ESC Victoria for understanding what vulnerability means in the energy sector and are actively participating in these streams of work. What these streams should deliver is a clearer understanding on how to define 'vulnerability' as it relates to the energy sector to ensure that policy, regulation and other pursuits (such as data access) are appropriately defined and targeted to deliver the best results.</p> <p>The ACCC REPI report considered two forms of vulnerability⁸</p> <ul style="list-style-type: none"> • where a consumer who, due to personal circumstances, is unable to meet or is at risk of being unable to meet the cost of electricity supply and, as a result, is at risk of experiencing detriment to their well-being and standard of living • where a consumer faces additional barriers to engaging with the retail electricity market. <p>The ACCC acknowledging that:</p> <ul style="list-style-type: none"> • The personal circumstances causing the inability to meet the cost of electricity supply may be permanent or temporary.
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⁴ See Energy Security Board Data Strategy, p.107

⁵ <https://www.agl.com.au/heretohelp>

⁶ Example of AGL Easy English Guide - <https://www.agl.com.au/-/media/aglmedia/documents/help/easy-english/save-money-guide-easy-english.pdf?cidi=A10211&la=en&hash=A5411ACA3853B170A2E77D9C3ED6801B>

⁷ More information available on the AGL website: <https://www.agl.com.au/help/payments-billing/staying-connected-hardship-program?cidi=A10124>

⁸ See ACCC Retail Electricity Pricing Inquiry, p.291

		<ul style="list-style-type: none"> • Payment difficulties are often not isolated to electricity costs, and consumers may be facing difficulties in meeting payments for other expenses. • For many consumers, utility bills arrive at the same time and this can exacerbate payment difficulties. <p>While these concepts are useful at a high policy level, they highlight the difficulty in providing support to a dynamic range of consumer circumstances that cannot easily be grouped together or identified. Given these difficulties, we believe the first step should be in defining the vulnerable consumer for the energy context and understand what tangible outcomes could come from targeted data requests. Once this is understood, targeted metric could be identified. Retailers already provide significant amounts of information to regulators for performance reporting purposes, which includes a range of metrics such as customer service and complaints, handling of customers experiencing payment difficulties (which distinguishes between hardship customers and other residential customers experiencing payment difficulties), customer concession information, de-energisation for non-payment etc.⁹</p>
<p>10. Commercial consumers</p>	<p>Improve analysis of business energy use to assist forecasting and understanding of sector costs and impacts, particularly during economic disruption. Draw on wider recommendations on retail transparency, consumer research and data sharing, as well as ongoing work under NEAR.</p>	<p>We do not support this recommendation.</p> <p>The ESB has not made the case on the benefits that will be achieved from this additional data set. The ESB states that this data is not subject to privacy concerns and therefore should be easier to share. A decision to capture information should not be based on whether privacy laws apply or not, rather it should be subject to appropriate and quantifiable benefits. Further, these arrangements are bespoke in nature between the large user and retailer and contain significant commercially sensitive information. Any requirement to provide this data should be subject to appropriate cost benefit analysis that is beyond the scope of this Data Strategy. At a high level, the proposed data set is likely to require changes to existing commercial contracts, which will come at a high cost and without a proper assessment on the implications of providing the data may inadvertently stifle service innovation as this may result in the disclosure of innovative and commercially sensitive service/price offerings.</p>

⁹ See Australian Energy Regulator Performance and Reporting Procedures and Guidelines.

AGL recommended Pillar 1B (recommendations 11-17)

<p>11. Research impacts on current voltage levels</p>	<p>LV visibility has a range of benefits which should be considered in supporting investments, including management of overvoltage risks which recent findings suggest may be under considered. Support further study on the impacts of current voltage levels on consumer equipment, DER and losses.</p>	<p>We support this recommendation.</p> <p>We support further investigation to the current impacts of voltage levels on consumer equipment, DER and losses, building the recent findings in the UNSW Voltage Report. Through AGL’s SA VPP, we have been able to draw upon operational data to develop a range of important insights into the interaction of DER with the low voltage distribution network, including on the causes of high voltage level and the potential impact to customers. We have also been actively exploring opportunities with academic institutions to draw upon our SA VPP operational data to develop greater insights into the potential impact on customer value. These insights present important implications for the regulatory framework governing distribution networks’ voltage management.</p>
<p>12. Sharing network data for research</p>	<p>Many networks are working with researchers on new tools and trials, but often struggle to effectively share data. Clarify guidelines and options to reduce barriers for network businesses and other market participants sharing data with research partners, using suitable privacy frameworks and protections.</p>	<p>We support elements of this recommendation.</p> <p>While we support exploring options to improve data sharing for network operations, the regulatory framework should continue to support competitive neutrality in the provision of services and customers’ fundamental privacy protections. Accordingly, we would encourage careful consideration of appropriate safeguards in any revised guideline. We would also recommend consideration of the cost implications of any streamlined approach, including where data provision may be mandated in a bespoke format.</p>
<p>13. Building analytic capability in LV data and modelling</p>	<p>Networks have critical needs to build new tools and analytic capabilities to support LV visibility and DER. Consider options to accelerate development of LV data sets, tools and analytical capability across networks through a broader collaborative research effort.</p>	<p>We support this recommendation.</p> <p>We support considering options to accelerate the development of LV data sets, tools and analytical capabilities through a broader collaborative research effort. We consider this work closely aligns with the core regulatory function of distribution networks to appropriately manage the network to support electricity consumption. In developing options, we would encourage consideration of the following:</p>

		<ul style="list-style-type: none"> • How to establish a transparent framework that draws upon open-source data and involves all service providers as well as networks; and • How to establish cost effective solutions by establishing appropriate regulatory oversight and/ or benchmarking through networks’ regulatory reset process
<p>14. LV reporting to provide transparency for DER investors and planners</p>	<p>DER investors and service providers currently have little visibility of network capacity. Networks should be required to publish their estimated DER hosting capacity, and related contextual data, to help inform stakeholder investments and engagement in a range of decisions around DER connection requirements, optimisation and any related incentives.</p>	<p>We support this recommendation.</p> <p>We support the recommendation that networks be required to publish their estimated DER hosting capacity and related contextual data. Part of the challenge of providing competitive non-network solutions is accessing relevant information on available opportunities in particular LV networks. In the context of our SA VPP trial, SAPN provided AGL with useful LV network constraint data upon request to assess the suitability of VPP’s to provide non-network solutions on their network. The kind of information that AGL relied upon in the trial is not generally available to the market. This information will be critical in assisting in the development of this emerging market by offering consumers who purchasing DER and aggregators who offer orchestration services transparency for the wider market support value they can obtain from integrating their asset into the electricity system. In order to expand the potential for the market to provide non-network solutions at the LV network level, we would encourage consideration of ways to mainstream the provision of relevant constraint and value information to support competitive market participation. We would also recommend appropriate regulatory oversight be established to validate the accuracy of networks’ published estimated DER hosting capacity through data sampling and regulated reporting obligations.</p>
<p>15. Review of metering requirements and roll out</p>	<p>Metering is a key source of data to support greater LV and DER visibility, but this data is currently being under-utilized due to commercial barriers and out-of-date requirements. The upcoming AEMC review of competitive metering should consider LV-DER visibility issues (as part of its broader scope) including: metering data access rights</p>	<p>We support alignment with the AEMC process.</p> <p>We support the consideration of LV-DER visibility issues in the context of the AEMC’s competitive metering review, including the matters elaborated. AGL supports reforms to facilitate metering data access, provided the regulatory framework also provides appropriate safeguards to ensure data is only used for regulated purpose (and cannot be shared with unregulated ringfenced entities).</p>

	for networks, network connection points, voltage reporting, gross metering, DER minimum requirements and opportunities for improved uptake of competitive metering to assist LV visibility.	
16. Evolving the DER register to wider needs	AEMO should clarify the processes to update DERR over time and consider a range of data gaps already raised, including network connection points and export constraints.	<p>We support this recommendation.</p> <p>We support the recommendation to clarify the process to update the DER and agree with the need to address particular data gaps, including with respect to electric vehicles, constraints applied to DER like export limits, and standing data on location and network tariffs.</p> <p>While we appreciate that further information on aggregator arrangements would support network operations, any arrangements intended to support the sharing of this information will also need to provide sufficient safeguards to protect this information and ensure it is only used to specific purposes in accordance with the regulated mandate of market institutions. In the absence of appropriate safeguards, the collation of this information presents material risks to the functioning of the competitive market for aggregation services.</p>
17. EV data	EV data needs remain complex, crossing several sectors, and are not included in wider DER requirements at this stage. DEIP's EV data requirements workstream is developing recommendations on short- and medium-term EV data requirements. Wider recommendation in the Data Strategy may create opportunities to accelerate these needs.	<p>We support this recommendation.</p> <p>We support the inclusion of EV data needs in the broader scope of the ESB's data strategy, given that it is likely to present as an important future challenge over the next five to ten years.</p> <p>Given that EV data presents as more of a future challenge, we do not foresee a need for immediate reform. We consider that the current DEIP processes are sufficiently resourced to resolve current EV data challenges and remain fit-for-purpose to support current decision-making on this matter.</p>

Pillar 2 – new data governance

Recommendation	Overview	AGL comments
<p>18. High-level energy data principles</p>	<p>To improve consistency across complex energy reforms and support a shift in culture, Energy Ministers should agree to clear policy principles for energy data regulation.</p> <p>Consideration will be given to where, within the governance and regulatory framework, these principles should be implemented to drive wider reforms.</p>	<p>we do not support this recommendation.</p> <p>While we are supportive of the intent of the high-level energy data principles, we believe that the Data Strategy and other recent market reviews and interventions have highlighted the possible need for a more comprehensive consideration of the energy market structure and governance. This is a matter that AGL has raised recently with the AEMC during their Consumer Protection review and the increasingly blurred line between traditional and new energy service providers.¹⁰ To be effective and appropriate, a Data Strategy must consider beyond the traditional energy sector and into the broader economy, because, as we noted in our submission:</p> <ul style="list-style-type: none"> • While the essential nature of energy has not changed (i.e. consumers continue to rely on it to heat and light their homes or run a business), the sale and engagement of customers (e.g. it has expanded and continues to expand across to other methods including solar, battery, microgrids, standalone power systems, etc) has. • Therefore, the NECF should cover access to energy (whether from the grid or alternative ways) and be future proofed as the concept of primary and secondary sources of energy (e.g. grid and solar) become increasingly blurred, and potentially irrelevant as new products and services are developed.¹¹ <p>Energy market policy principles that utilise the energy market objectives governing the NECF/NEM will therefore fall short of considering broader energy concepts and overtime cover a smaller proportion of ‘traditional’ energy retailers. We refer to our response on Recommendation 19 below where we encourage the ESB to utilise existing economy-wide data sharing frameworks for this reason.</p> <p>Other matters for consideration:</p> <ul style="list-style-type: none"> • There is no principle to ensure a robust cost-benefit analysis. Regulators and policy makers have varying degrees of consideration for cost-benefit analysis and we therefore suggest that

¹⁰ See [AGL submission](#) to the AEMC Consumer Protections review, February 2020.

¹¹ Ibid. p.28

		<p>any high-level principles should include a requirement to consider the cost and benefits, and/or complete a regulatory impact assessment.</p> <ul style="list-style-type: none"> • The principle to support the release of non-sensitive data needs to be clear on the reason for sensitivity. For example, is it sensitive to a consumer, is it sensitive within the definition of the Privacy Act, or due to business and commercial interests? It is important that these matters are made transparent within the principles. • We note also that the ESB recommend data sharing for clear public-good purposes but does not provide detail on how those public-good purposes will be assessed. While the primary principle is to drive outcomes consistent with the NEO, NGO and NERO, it separately calls out long-term interests of consumers, as well as public good purposes. It is therefore unclear to what (if any) extent these principles will ensure that commercial investment and competitive markets are considered when determining data related reforms for the energy market. While we acknowledge that these matters were briefly addressed in the ESB webinar (e.g. that changes would still undergo the standard rule change and cost benefit analysis process) we consider that competitive markets and efficient investment must equally be considered.
<p>19. Overhaul of the legislative framework</p>	<p>Design a fit for purpose regime in line with national data reforms.</p>	<p>We do not support this recommendation.</p> <p>We agree that there are opportunities for amending the legislative framework in the energy sector, but we believe that this should be done beyond the data strategy and look more closely at general energy market structures (including the relevant bodies as we discussed in the Executive Summary) as well as ways to expand national data reforms (such as the DAT and CDR) to achieve the desired outcomes.</p> <p>We do not consider it necessary or efficient to create a new regime for data reforms in the energy sector when there are already substantial changes going on at the national level.</p> <ul style="list-style-type: none"> • We do not support a similar structure being established for the energy sector, instead agencies should seek to become accredited data users through the DAT and CDR. • Data users is broadly defined under the DAT bill and would allow a range of stakeholders to be accredited for data access, the National Data Commissioner is responsible for determining the sensitivity and release of those data sets.

		<ul style="list-style-type: none"> ○ Inefficiencies will start to arise if and when the energy specific data framework starts to diverge from the national DAT model – our experience with major reforms (including the Victorian harmonisation and move away from the National Energy Customer Framework is an example of this). ○ Important that there are clear restrictions on prescribed bodies ability to share with each other for the purposes of enforcement. There are many duplicative obligations on retailers through various regulatory and legislative instruments, as was identified by the ACCC REPI report. Government and regulatory bodies should not be able to use information gathering powers to collect data for other agencies for the purposes of enforcement and should act only in accordance with their statutory powers. ● Concerns that those determining users, public-good and suitability would be linked and administered by the core agencies who seek to access additional data sets (further commons on DataLAC are below). <p>Other questions, such as what will be the assessment criteria for researches and, how will this be limited in relation to commercial purposes and uses, are unclear.</p>
<p>20. Incremental regulatory changes</p>	<p>Includes;</p> <ul style="list-style-type: none"> ● expand ‘prescribed agencies’ to allow for more efficient data sharing between trusted bodies in the short term. This should include sharing with core agencies, the NEAR program and some jurisdictional policy bodies, contingent on ensuring those agencies appropriately manage the data in a secure protected environment. ● clarify AEMO's data rights and a range of Rules which create inconsistencies. ● support targeted Rule changes to resolve priority data gaps (consistent with proposals under Pillar 1). 	<p>We do not support this recommendation.</p> <p>As we have identified in the Executive Summary,</p> <ul style="list-style-type: none"> ● It is difficult to support many of these recommendations as there is a lack of evidence detailed within the Data Strategy, or consideration of the potential costs. ● We also do not support targeted rule changes to resolve priority data gaps as we do not support the placement of Pillar 1 for immediate changes and instead consider that the general governance, access and sharing of information sources should be the focus area of the Data Strategy. ● We do not consider it appropriate to expand ‘prescribed agencies’ to include the NEAR Program, or to have a core agency for the purposes of data sharing with the Energy Consumers Australia. <p>We support the important role the ECA provides to the energy market, as the voice of residential and small business energy consumers promoting the long-term interests of energy consumers with respect to price, quality, safety, reliability and security.²¹ While the work that the ECA does is</p>

		<p>important, it should not be considered a prescribed agency in the same way as those in the Intergovernmental Agreement.</p> <p>NEAR was established to centrally coordinate data, research and reports from the energy sector by curating publicly available data. NEAR also is intended to lead new data collection and research efforts to fill critical gaps for the energy sector. Both of these functions are being proposed as solutions in the Data Strategy via recommendations under Pillar 1 and 3 (e.g. DataLAC is intended to identify data gaps and potentially coordinate a central repository of data).</p>
<p>21. Common guidelines for data collection and sharing across energy participants.</p>		<p>We request additional clarification on this recommendation.</p> <p>The Data Strategy recommends the development of common guidelines and data policy for both energy agencies and the wider energy sector.¹² It recommends that there should be a practical set of tools to use in a range of situations including “clear data policies which minimise voluntary data provided under ‘confidential’ arrangements except where unavoidable”.</p> <p>These two statements are unclear on scope, for example:</p> <ul style="list-style-type: none"> • Whether energy retailers are intended to be captured in the use of the term ‘wider energy sector’ • To what extent, if any, these would be mandatory guidelines on the wider energy sector. • What the scope of this recommendation is in relation to trials and investments done by retailers (including under ARENA trials where knowledge sharing arrangements already exist). <p>The proposed direction of these matters may potentially impact competitive markets and therefore require more clarity.</p>
<p>22. Support coherence with the Consumer Data Right</p>	<p>Data Strategy should be designed and implemented with consideration of the CDR.</p>	<p>We support the Consumer Data Right.</p> <p>We agree with the ESB’s recommendation that any data strategy and approach should be done with the Consumer Data Right (CDR) in mind. In particular, we encourage the CDR and the Data Availability and Transparency (DAT) Bill to be considered as mechanisms for data access and sharing in the energy sector, rather than a bespoke energy model that is proposed under this Data Strategy</p>

¹² Energy Security Board Data Strategy, p.47

(see our comments under recommendation 19). Some of the matters that the ESB should be mindful in relation to the CDR include:

- The CDR operates on principles of consumer control and consent, and CDR data cannot be shared without that customer consent. An energy data management framework should not seek to override or undermine this tenant.
- Any data collected by an accredited data recipient (including those which are government bodies) should not be shared under other 'data sharing' agreements (such as the DAT or any other MOU) unless expressly provided for under the CDR Legislation and Rules.
- The proposal of *potentially combining meter and product data* (to achieve recommendation 1), is not practical and likely to be an expensive and inaccurate exercise. Firstly, it would be counter to the above mechanisms of consent and control for CDR, but also:
 - Plan ID's are transient constructs and can only work on publicly available plans. The Data Standards Body (DSB) for CDR abandoned the idea of using Plan ID's over a more explicit approach to tariff information as it is included within the message payload.
 - The CDR uses Service ID's for consumers and ADRs but this is not linked or visible to the data holder (e.g., retailers) and would not work for the purposes of tariff/meter linkages.
 - There is no clear way for historical views to function, for example if a customer changing plans between analytical snapshots (assuming this is time series-based views). This mechanism would need to somehow need to be incorporated into the mapping of consumer-to-plan-to-NMI-from-date and is highly complex and therefore costly.
 - It is unclear how tailored plans could work under this proposal, and where retailers offer innovative new services (e.g. free power days) and where bundled cross-sector offers (e.g. NBN and electricity) being combined into some format of NMI/elec/non-elec data for regulators.
- The recommendation for coherence regarding interactions between the DER standards governance arrangements and the Data61 Standards process may need to be reviewed in light of the recent Treasury consultation to move all CDR regulatory functions under Treasury (rather than through Data61 and the ACCC).

The ESB state in the Data Strategy that the CDR will not provide an effective solution to a broader problem of third-party service providers being able to undertake wider statistical analysis to learn about their diverse customers, unlike the incumbent retailers they will often be competing with.¹⁴

		<p>We fundamentally disagree with this statement as third-party providers will use the data to understand what the customer needs. We also note that the ACCC has recently consulted on version 2 of the CDR Rules which recommends allowing CDR data to be utilised for research purposes (with customer consent). If the ESB develop the central hub of publicly available energy data sets, this issue of statistical analysis can be largely addressed.</p>
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Pillar 3 – leadership, coordination, and capability

Recommendation	Overview	AGL comments
<p>23. Data leadership and coordination group</p>	<p>Form an ongoing Data Leadership and Coordination Group (DataLAC) across the core agencies (including ESB, AEMC, AER, AEMO and ECA) that is effectively resourced to provide strategic advice and review to improve data management across core agencies. This role would be as expert advisor, providing input into planning and decisions, but not duplicating existing decision-making roles and processes. Responsibilities should include:</p> <ul style="list-style-type: none"> • implementation of the Data Strategy • negotiating collective processes improving visibility, access and impact of data sets held by core agencies • fostering best practice and capability development • seeking synergies, efficiencies and alignment of protections, policies and processes • active engagement with Data Users to ensure their needs and priorities are understood and effectively progressed • proactively identifying new data needs and gaps; identifying and implementing the most efficient and effective way to address data gaps collaboratively and implement related reforms 	<p>We do not support the current scope of this recommendation.</p> <p>While we understand the intent behind the recommendation for a DataLAC, we do not agree with the proposed approach and scope.</p> <ol style="list-style-type: none"> 1) We do not agree that the Energy Consumers Australia (ECA) should be a member of DataLAC where industry is not equally involved. A data strategy must appropriately balance both the long-term needs of consumers as well as competitive markets. 2) DataLAC roles and responsibilities should be limited to recommendations under Finkel that sought to maximise the transparency, access, and flow of data between agencies and that is already within the public domain. 3) There appears to be a level of duplication in the proposed roles and responsibilities of DataLAC and the purpose of the NEAR. 4) DataLAC role should not include active engagement with data users unless they are equally considering the needs, costs, investment and sensitivities of data that is with data holders. Otherwise, a fair and balanced cost-assessment cannot occur. <p>If the ESB proceed with this recommendation, then we recommend the DataLAC should be limited to ESB, AEMC, AER and AEMO for the purposes of coordinating existing data set management, curating a common data portal and facilitating data sharing in line with their statutory/legislative powers.</p>
<p>24. Data Users Group (DUG)</p>	<p>Form a supporting DUG which includes representatives from across the sector including major data holders (ACCC, Commonwealth etc), jurisdictions, consumers (ECA), market participants and service providers and research community (e.g. ARENA, CSIRO etc).</p>	<p>We request further clarity on this recommendation given comments above.</p> <p>Subject to our approach above, where DataLAC is for the core agencies under the revised limited focus of the Data Strategy, we believe the Data Users Group (DUG) can be a more appropriate path for discussing broader data needs in the industry with all appropriate stakeholders.</p>

		<p>The responsibilities of DUG must include considerations of commercial and competitive matters to safeguard business investment and innovation. Most importantly, the DataLAC and DUG should not be used to bypass usual consultative and regulatory processes to ensure that all stakeholders have an opportunity to consider and publicly respond to proposals.</p>
25. Common data portal	<p>Explore options to make energy data sets, related reports and advice more findable, transparent and useable in cost-effective ways.</p>	<p>We broadly support this recommendation.</p> <p>Broadly we support a central, publicly available repository as it will help improve timely access and transparency of publicly available data. However, the development of a Common Data Portal (CDP) will likely be an expensive task that will need ongoing curation and updating. As we note above, we believe that, if a DataLAC is established, their primary function should be to manage and curate the data set. As a collaborative government effort, this should be funded fully by the government.</p> <p>As we understand it, the CDP is something similar to what NEAR was intended to deliver, so greater clarity on what NEARs role as distinct to a CDP with DataLAC management/curation would be.</p>
26. Resources and capability to support access	<p>Ensure that AEMO, AER and other trusted data holders have the resources and capabilities to support appropriate access and sharing of priority data sets, including developing streamlined transparent processes to manage approval of data access or analytics requests. Consider the governance requirements that will allow these bodies to support and prioritise high-value uses for a range of public-good stakeholders.</p>	<p>We broadly support this recommendation.</p> <p>While we agree that appropriate resources and capabilities should exist within the relevant agencies, we expect that this would not be funded by market participants (e.g. through market participant fees) for AEMO. This should be a government funded activity.</p> <p>Further, given our position on the proposed ‘data management’ system (the energy equivalent to the DAT), and our comments regarding considerations of ‘public-good’, we do not consider the governance elements of this recommendation are necessary or appropriate at this stage.</p>

Pillar 4- needs for the future

Recommendation	Overview	AGL comments
<p>27. Reporting and analytics capabilities</p>	<p>Task DataLAC/DUG to demonstrate high-value uses of new data capabilities and provide recommendations on building the capability (e.g. common reporting needs and resources/responsibilities)</p>	<p>We broadly support this recommendation.</p> <p>We have no major comments on this except in so far as the reporting and analytics capabilities of DataLAC/DUG would be contrary to our earlier positions on what the roles and responsibilities of these groups should be.</p>
<p>28. Forward review of Data Strategy against outcomes</p>	<p>Task DataLAC to undertake annual stocktake of performance against the outcomes identified in the strategy and to identify emerging/persistent gaps in data requirements and access.</p>	<p>We question the necessity of this recommendation.</p> <p>See our comments above on recommendation 23. We believe that if a DataLAC is established the function should be limited to the purposes of data management and sharing of publicly-available data and between agencies (where allowable under statutory authority), or this role should be left to NEAR. We have concerns about scope-creep in both statutory roles and regulatory obligations on market participants to disclose more granular sets of data based on decisions made by those who would be able to then access/use this data. There must be counter measures in place to ensure that the appropriate checks and balances (including consideration of NEO/NGO/NERO occur equitably across all elements of these objectives).</p>
<p>29. AEMC Rule guidance</p>	<p>AEMC should update external guidance to rule change proponents to be consistent with the wider principles on data policy and considerations of more adaptative approaches</p>	<p>We do not support this recommendation.</p> <p>We do not believe that this recommendation is necessary as the AEMC already provide advice to those who seek to make a rule change request. Similarly, the AEMC develops a consultation paper for stakeholders which would allow the AEMC to make comments/observations regarding the data strategy there if they so choose. Given the high-level nature of the AEMC external guidance, we believe that the above is the most appropriate approach.</p>

<p>30. Forward Rules advice</p>	<p>DataLAC’s proactive work for advising on future data requirements should include DataLAC having a role in considering proposed new Rules, guidelines and procedures for their consistency with new data principles, approaches and adaptability to change. This would be an advisory role only.</p>	<p>We do not support this recommendation. The AEMC is tasked with assessing rule change requests against the NERO/NEO/NGO and they facilitate public consultation processes for rule changes. We note that all DataLAC members (and anyone else) can bring forward rule change requests and make public submissions regarding rule changes. The AER and AEMO have previously made submissions to the AEMC and these bodies are able to continue doing this separately, or as a joint submission as ‘DataLAC’ if they prefer. There is no reason to allow the DataLAC to advise on rule changes beyond providing public submissions as any other stakeholder is able to.</p>
<p>31. Guidelines for research data and related reforms</p>	<p>To pursue pillar 2 reforms (greater data sharing) DataLAC and/or DUG will work to support the development of energy data sharing guidelines for research projects, including legal guidelines to support greater data sharing, common consents and leveraging KWM-proposed reforms (such as technical guidelines to support open-source approaches and engagement guidelines for project data reference groups) – with ARENA.</p>	<p>As we stated above, we consider the role of the DataLAC should be limited to the governance role. We also consider ARENA should have responsibility for setting these guidelines. A new approach would simply be duplicating a function for an existing body.</p>
<p>32. Improve accessibility of research data</p>	<p>Review options to make current research data more visible, accessible and useable (e.g. through a portal (rec 8), leveraging and improving research portals such as NEAR/AREMI/ARENA knowledge bank, or consider the need for more specific eResearch tools and approaches).</p>	<p>Support this recommendation as it relates to publicly available data (e.g. ARENA Knowledge Share Reports) and believe this can be wrapped up in recommendation 25.</p>