



17 January 2022

Essential Services Commission
8/570 Bourke Street
MELBOURNE VIC 3000

Submitted via email: energyreform@esc.vic.gov.au

Energy Retail Code of Practice – Final Decision

AGL Energy (AGL) welcomes the opportunity to provide feedback to the Essential Services Commission (the Commission) Energy Retail Code of Practice Final Decision.

AGL would like to provide feedback on the proposed changes which we consider do not align with the Commission's principle not to alter in any substantive way the obligations that licensees are currently required to follow.¹ Specifically, the proposed changes to 'Intention to Disconnect' notices as part of this consultation appear to be a substantial departure from existing requirements under the Energy Retail Code and are, therefore, contrary to the "purely administrative" purpose of the transition to the Energy Retail Code of Practice (the Code of Practice).

The proposed clause 184 of the Code of Practice requires that an 'Intention to Disconnect' notice issued by a retailer contains the following information:

- A prominent heading 'Intention to Disconnect'
- The date of issue
- The date on which the intention to disconnect period ends
- Actions that the customer can take to avoid disconnection
- Details of how the customer can contact the retail or exempt seller in connection with a dispute.

While the Commission notes that the requirement to include the intention to disconnect period is an existing obligation,² the other elements do not form part of retailers' regulatory obligations in relation to Intention to Disconnect notices under the current Energy Retail Code.

AGL believes that the introduction of additional content obligations goes beyond strictly administrative changes required to affect the transition to the Code of Practice or to align terminology with the Energy Fairness Act, noting that content of the Intention to Disconnect notice is not addressed by the Energy Fairness Act but defers to the Code of Practice. The proposed changes to the Intention to Disconnect notices substantially alter the way that the obligations are currently required to be followed.

While the Commission notes the proposed obligations align with the current Reminder Notice (for non-payment) content obligations, the Commission should note that in order to operationalise changes to retailers' existing Intention to Disconnect notices, significant redevelopment, coding and testing work must be undertaken which, given the time constraints, will put considerable time and resource pressures on retailers

¹ Essential Services Commission 2021, Making an Energy Retail Code of Practice: Final Decision, 20 December 2021, p 3.

² Under clauses 112(1)(b), 112(2)(b), 113(1)(e) and 115(2)(b) of the Energy Retail Code, V21.



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and third-party mail house vendors. To satisfy the Commission's principle of only making "purely administrative" changes, AGL strongly recommends that the Commission replicates the existing Energy Retail Code Intention to Disconnect notice requirements within the Code of Practice. Any further changes as proposed should be subject to a fulsome consultation.

Table of Contents

AGL wishes to recommend that the Commission replicate the Table of Contents format from the existing Energy Retail Code documents available on the Commission's website, which outline the individual clauses appearing under each Division, with hyperlinked page numbers for easy navigation. The Table of Contents in the Energy Retail Code exposure draft, which uses refers only to the Divisions appearing under each Part of the Code, is challenging to navigate and less accessible than its predecessor.

Embedded Networks

AGL expresses its support for the Australian Energy Council's submission to the Commission regarding the embedded network obligations 26A, 28A, and 188 which have been inserted into the Final Decision without prior consultation.

If you would like to discuss any aspect of AGL's submission, please contact Valeriya Kalpakidis at vkalpakidis@agl.com.au.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Con Hristodoulidis', written over a light blue horizontal line.

Con Hristodoulidis

Senior Manager, Regulatory Strategy

AGL Energy