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## **Real-time data for consumers rule change – ERC0399**

### **Submission via AEMC website**

**26 February 2025**

### **Directions Paper – Real-time data for consumers**

AGL Energy (**AGL**) welcomes the opportunity to provide responses to the consultation questions posed by the Australian Energy Market Commission (**AEMC**) in response to the abovementioned Directions Paper.

Proudly Australian for more than 185 years, AGL supplies around 4.1 million energy services. AGL is a market leader in the development of innovative products and services that enable consumers to make informed decisions on how and when to optimise their energy usage and better manage their energy costs. AGL is also making a significant investment in flexible energy resources and has been making strong progress against our grid-scale battery and distributed energy resources (DER) targets.

As noted in our previous [submission](#), AGL is a strong advocate for the need to empower and educate consumers on how to access, understand and utilise their energy data to optimise their consumption profile, shift behaviours and take advantage of variable pricing structures and demand-response programs. AGL believes that informed and engaged consumers are critical to the success of the energy transition and provides all our customers with access to, and high-quality visualisation of, their settlement meter data via our [AGL app](#). AGL's app allows customers to track the usage of existing or past billing cycles on a daily or hourly basis measured in cost (\$) or kilowatt-hours and, where applicable, to track their solar and battery systems.

AGL's view is that while the AEMC's directions paper addresses many of the challenges identified in first round of consultation, the costs and complexity of the proposed Rule would still substantially outweigh its benefits to consumers. Many of these costs will be associated with the expense and complexity required to provide real-time data to third parties. The metering framework's primary purpose is to facilitate settlements, and leveraging this framework for the purpose of accessing real-time data will be inefficient, disproportionately complex and costly compared to accessing information from other readily available data sources, including directly from consumer energy resources (CER) and through in-home displays or applications.

While we are supportive of the AEMC's proposed user-pays model, there are initial implementation and ongoing costs (such as costs to administer the consent and authorisation process) which would not be captured in this once-off charge. Some of these costs are difficult to anticipate and may arise as future regulatory reforms occur, impacting on the requirements for real-time data. Therefore, many of the costs of this reform will invariably be passed on to all energy users. Furthermore, AGL's view is that the consumer need – and overall benefits for consumers – have not been justified. AGL's view is that the vast majority of consumers do not need access to real-time energy data to effectively respond to price signals or benefit from emerging programs or technologies. Energy retailers and metering providers are continuously refining their products and services, so should consumer demand for real-time data become evident, then this product would develop organically and cost-effectively over time without regulation.



The Consumer Data Right (CDR) offers an example of a framework which has had very low uptake in the energy sector and has come at very high costs for consumers. While there is no publicly available report on the cost of implementation across the energy sector, the Australian Banking Association estimated that its members had invested over \$1.5 billion to meet the regulatory requirements to establish data sharing under the CDR and at the end of 2023, only 0.31 per cent of bank customers had an active data sharing arrangement.<sup>1</sup> [Confidential: As of 24 February 2025, AGL had 1281 active data sharing consents in a customer base of over 4.1 million energy services. AGL budgeted a total of \$34M in capital expenditure to the end of FY2024 to deliver compliance for existing CDR obligations (equivalent to over \$26,000 per customer to date) and estimates that energy retailers will have spent into the (low) hundreds of millions of dollars in capital expenditure to deliver compliance for existing CDR obligations.]

Notwithstanding the costs and complexities of the framework, AGL is an accredited data holder under the regime and has comprehensive systems in place to facilitate Treasury's data sharing arrangements. AGL's free [Electrify Now](#) platform, which uses the CDR and advanced analytics to provide personalised recommendations to help customers understand the benefits of electrifying their home, is an example of a tool that has leveraged existing data sharing frameworks despite low individual consumer uptake.

AGL's view is that the AEMC's draft decision should be supported by analysis that compares the benefits of real-time data for consumers against the benefits of receiving historical metering data (e.g., with a 24-hour delay). The AEMC could also undertake consumer research to understand consumers' awareness and uptake of existing products and services and to verify consumers' interest in this new solution, and/or undertake a pilot to understand consumer's experiences before seeking to make changes to the Rules. If the AEMC's draft decision reflects the approach in the directions paper, then AGL's view is that the draft should:

- Ensure that the definition of real-time data does not prevent consumers from:
  - receiving information of their energy usage at a given moment (kW), rather than separate measures for voltage, current, and phase angle that need to be interpreted by the customer, and/or
  - requesting voltage, current, and/or phase angle data only.
- Amend the definition of real-time data to reduce the frequency of the data recording and delivery to lower implementation costs. Ideally, consumers and third parties should have the option to request on demand data, instead of a continuous data stream, where this satisfies their needs.
- Increase the timeframes for retailers to give customers access to real-time data (regardless of whether a meter replacement is required), and allow exemptions in alignment with the Accelerating Smart Meter Deployment Rule.
- Set up an industry group to define the metering interoperability requirements (e.g., in a similar way that energy business-to-business procedures are developed by the Information Exchange Committee).
- Not require the AER to publish retailer and metering service providers commercial charges as these are subject to confidentiality.
- Consider the interactions with the 'Unlocking CER benefits through flexible trading' and the proposed National Energy Retail Rules Amendment 2025 'Removing fees and charges' Rule changes.

AGL also cautions that the proposed consumer protections and consent frameworks are not appropriate to manage the risks associated with family and domestic violence protections. The AEMC should also consider

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<sup>1</sup> Release of Strategic Review into roll-out of the Consumer Data Right (July 2024), [https://www.ausbanking.org.au/wp-content/uploads/2024/07/CDR-Strategic-Review\\_July-2024.pdf](https://www.ausbanking.org.au/wp-content/uploads/2024/07/CDR-Strategic-Review_July-2024.pdf)



means to address privacy risks associated with retailer churn and customer relocation, particularly when third-party data access has been granted.

AGL is supportive of the position paper's decision to not require remote communications, data storage, or data validation as this will lower the cost of implementation. AGL also understand the AEMC's intent is for this Rule to only apply to small customers and supports this direction.

Appendix A includes detailed responses to select questions in the consultation paper. If you have any queries about this submission, please contact Andrea Espinosa on 0422 165 705 or [aespinosa2@agl.com.au](mailto:aespinosa2@agl.com.au).

Yours sincerely,

Kyle Auret

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## Appendix A – Response to consultation questions

Question	Response
<p>Question 1: Do you agree with a staged implementation approach for when consumers pay for access to real-time data?</p> <p>a) Is 15 years the right time-frame for industry to achieve cost efficiencies in delivering real-time data access from smart meters? Are there ways to support industry to reduce this time-frame?</p> <p>b) Would the marginal cost to each consumer be material in the long-term if costs were smeared across all consumers after 15 years?</p> <p>c) Are there other ways to facilitate efficiency and equity and support industry to lower costs to consumers?</p> <p>d) What incentives would our approach create for retailers, MSPs and third parties?</p>	<p>While AGL is supportive of the principle behind a user-pays model, AGL seeks further clarity on how this model would be implemented.</p> <p>It will be important for the AEMC to clarify how cost recovery would work – is the AEMC's intent for a one-time fee apply for the premises, the retailer at the premises, or for a consumer at the premises? E.g., if retailers are allowed to charge consumers once, what happens in a situation when a consumer moves premises? Can / should the same consumer be charged again at the new premises, and can / should a new consumer at the premises where real-time data access had already been granted be charged? How would retailer churn affect this ability to recover costs?</p> <p>Furthermore, retailers and metering service providers would still incur implementation and ongoing operational costs (such as customer authentication and consent, staff training, system management, systems security, etc.) to deliver this Rule. These costs could grow over time as new reforms are implemented, and they interact with the retailer's obligation to deliver real time data to consumers. All of these costs would ultimately be recovered across the broader customer base.</p> <p>The AEMC could consider:</p> <ul style="list-style-type: none"> <li>- Enabling third parties to cover some of the costs of data access from smart meters, rather than exclusively through retailer customer charges – e.g., covering the cost of a new interface that connects to the meter and to transmit the data once it is active.</li> <li>- Enabling retailers to charge customers in multiple instalments, as a higher once-off cost could present a barrier to consumer uptake.</li> </ul> <p>Any real-time data architecture and rules would need to anticipate upcoming NEM Reform changes such as the added complexity of the 'Unlocking CER benefits through flexible trading' Rule. Designing new real-time data functionality in parallel to so many fundamental changes being pushed through the market risks unintended consequences and sub-optimal design, leading to rework.</p> <p>AGL is also unclear how the proposed National Energy Retail Rules Amendment 2025 'Removing fees and charges' Rule change would affect retailer's ability to charge consumers for access.</p>
<p>Question 2: Should the prices for real-time data access be published by the AER?</p> <p>a) How and where should the AER publish prices to access real-time data?</p> <p>b) What other measures would incentivise retailers to offer real-time data at competitive prices?</p>	<p>AGL's view is that the AER should not publish the prices between retailers and metering coordinators. Retailers negotiate pricing with each metering coordinator individually, which makes this information commercially sensitive.</p>

Question	Response
<p>Question 3: Do you agree with our proposed definition of real-time data?</p> <p>a) Does the proposed definition enable real-time data products and services to deliver the benefits of real-time data to consumers?</p> <p>b) What other features of a real-time data definition should be described in AEMO procedures?</p>	<p>AGL's view is that the definition of real-time data should not prevent consumers from receiving information of their energy usage at a given moment (kW), instead of separate measures for voltage, current, and phase angle. Customers should not be required to take the steps to derive this information from the data. For clarity, this would not mean service providers or customers could still request voltage, current, and phase angle data if that satisfies their needs.</p> <p>AGL does not support the proposed definition that data should be "recorded every second and delivered within a second." This frequency is unnecessary to provide consumers actionable insights on their energy usage and would be more costly to deliver than a definition which requires a lower frequency of data recording and delivery. Ideally, consumers and third parties should have the option to request on demand data, instead of a continuous data stream, where this satisfies their needs.</p>
<p>Question 4: Do you agree with the obligation on retailers to provide real-time data access?</p> <p>a) Are the proposed timeframes of 10 business days and 20 business days sufficient to enable retailers to give customers access to real-time data?</p> <p>b) Are there circumstances where the obligations on retailers to offer and give real-time data access upon customers' request, and the timeframes within which to give access should not apply?</p> <p>c) Are additional obligations on retailers required to enable the provision of real-time data access to consumers?</p>	<p>AGL's view is that retailers should have <b>at least</b> 20 business days for situations where no meter replacement is required as systems may still need resetting, or a site visit may be required, even when there is no meter replacement (this would be consistent with the timeframes allowed under the Accelerating Smart Meter Deployment Rule). Additional time should be granted for situations where a meter replacement is required, as retailers would be required to supply data on the last date of the install window (where the installation is performed by the metering party, not the retailer).</p> <p>The Rule should also align with provisions in the Accelerating Smart Meter Deployment Rule which allow for extended timeframes for certain situations (e.g., shared fused arrangements) and which enable the Metering Coordinator to apply to AEMO for exemptions when a meter cannot be repaired or replaced within the required timeframes or at all (e.g., consumer defect).</p>
<p>Question 5: Do you agree that MSPs should ensure multi-party, interoperable and secure access to real-time data?</p> <p>a) Are there requirements that we should impose on MSPs in addition to multi-party, interoperable and secure access obligations?</p>	<p>AGL agrees with this in principle but notes there may be limits to the number of parties that would be able to simultaneously access real-time data. Limiting the number of parties which can access the data at the same time would also support privacy and security objectives.</p> <p>AGL also notes the AEMC could consider setting up an industry group to agree on the interoperability requirements (e.g., in a similar way that energy business-to-business procedures are developed by the Information Exchange Committee), rather than requiring AEMO to develop these standards. This would be consistent with current practices where AEMO specifies a standard data format, but requirements are determined at an industry level and align with Australian or international standards.</p>

Question	Response
<p>Question 6: Which consumer consent pathway do you consider to be the most practical and why?</p> <p>a) Are there any barriers to implementing this pathway?</p> <p>b) Are there any viable alternative pathways that better deliver outcomes for consumers?</p>	<p>While AGL can appreciate both pathways have benefits and disadvantages, the MSP pathway could be a simpler and more cost-effective option. While retailers manage relationships with customers and are well placed to act as intermediaries to deliver customer-centric solutions and capture value for customers multiple value streams, in this situation the retailer's role would be limited to verifying consumer consent. In practice, both the retailer and the MSP are limited in their ability to verify whether a third party has been granted access. Therefore, it is critical for the AEMC to ensure the Rule is designed in a way which enables consumers to have recourse measures should a third-party act without consent, or if their data is misused. AGL also acknowledges that if MSPs were to provide consent, retailers would likely still have a role in helping customers identify their MSP.</p>
<p>Question 7: What should third party access consent look like?</p> <p>a) Should the form of consent be left to third parties to determine?</p> <p>b) Should there be specifications placed on the form of consent that third parties must obtain from consumers? If so, what could this look like?</p> <p>c) Should the process for the withdrawal of consent also be specified?</p>	<p>AGL's view is that there should be a high level of standardisation in the way third parties seek consumer consent to ensure there is a base level of protections provided to consumers and a consistent means to ensure compliance with those 3<sup>rd</sup> party consents. AGL agrees that there should be consistent processes for the active withdrawal of consent or termination of consent (e.g., time expiry or family and domestic violence triggers).</p>
<p>Question 8: Should additional requirements be placed on third parties that request access to consumer data?</p> <p>a) Should third parties be accredited by AEMO under the NER?</p> <p>b) Are there any other safeguards required to ensure third parties do not misuse data?</p>	<p>AGL agrees third party accreditation would help ensure there is recourse for consumers in the event of a privacy breach or misuse of information. However, we encourage the AEMC to consider whether this measure is sufficient to protect consumers in situations where access to data may pose personal safety risks – e.g., in the case of stalking or family violence.</p>

Question	Response
<p>Question 9: What features of the consumer data right (CDR) can we adopt?</p> <p>a) What specific features of the CDR would be beneficial to apply to third parties who seek access to real-time data?</p>	<p>AGL's view is that the complexity and costs of this Rule change could be minimised if the AEMC were to reduce the number of parties that can access the data. This approach would also reduce the risks of someone other than the account holder receiving the data.</p> <ul style="list-style-type: none"> <li>- The CDR allows for 'Secondary Users' (contact persons on a residential account) to request data. This markedly increased the implementation cost and complexity of CDR, which has had limited uptake. AGL has had no take up from secondary users in the 1.5 years since this option was implemented.</li> <li>- The CDR also established a 'Nominated Representative' concept for businesses (C&amp;I and SME). While there has been take-up of this model, the concept has not been standardised, and this has resulted in different implementations across retailers.</li> </ul> <p>In addition to this, CDR guidance enables data holders to refuse seeking authorisation or disclosing data under certain circumstances, including where the data holder considers this to be necessary to prevent physical, psychological or financial harm or abuse.</p> <p>The AEMC also could consider:</p> <ul style="list-style-type: none"> <li>• Traffic thresholds similar to the CDR non-functional requirements such as: <ul style="list-style-type: none"> <li>○ Number of sessions per day (the number of individual sessions initiated in a calendar day)</li> <li>○ Transactions per second (the number of concurrent transactions each second)</li> <li>○ Number of calls (the number of endpoint calls initiated for a specific duration).</li> </ul> </li> <li>• Some of the privacy safeguards contained within the CDR, including: <ul style="list-style-type: none"> <li>○ Data minimisation principles (where parties must not collect more data than is reasonably needed in order to provide the requested goods or services or for a time period longer than what is reasonably needed)</li> <li>○ Restrictions on seeking consent (including a limited period under which data can be used or collected)</li> <li>○ Time expiry of consent</li> <li>○ Obligations to manage the withdrawal of consent.</li> </ul> </li> </ul>