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Australian Competition and Consumer Commission
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Submitted by email: ACCC-CDR@acc.gov.au

AGL Submission – ACCC consultation on proposed amendments to the Competition and Consumer (CDR) Rules 2020

AGL Energy (**AGL**) welcomes the opportunity to respond to the Australian Competition and Consumer Commission's (**ACCC**) consultation on proposed amendments to the Consumer Data Right (**CDR**) Rules released on 24 April 2020.

We support the development of the CDR regime and recognise the benefits that it could bring to Australian consumers. Below we offer high-level comments for the ACCC's consideration as we work to build the most effective and appropriate CDR system.

- **Use of CDR Logo** – we support the use of the CDR logo to be a consistent mark of trust for the customer to recognise and therefore support the introduction of the new rule 1.16A. We encourage the use of the CDR logo through the consumer dashboard as well as data holder and accredited data recipient (**ADR**) material.¹ Making the logo available for use as soon as possible will also help with marketing and campaigning by government and business to promote the CDR with a consistent image, which may help improve consumer uptake of the regime.
- **Withdrawal of consents** – we note that the changes to Rules 4.13 and 4.25 are not part of the banking specific schedule (schedule 3). Our feedback on this aspect of the Rules is based on the unique design of the energy sector CDR regime whereby there will be multiple data holders, being energy retailer and the Australian Energy Market Operator (**AEMO**), which complicates consumer consent withdrawal because:
 - **AEMO Role** - AEMO is the market operator, and therefore focuses on business to business transactions, who we understand will be both a designated gateway and a data holder under the electricity designation for CDR. Importantly, we note that AEMO does not have a consumer facing role and is not structured or designed to manage the customer relationship.² This would restrict customers' ability to revoke consents for AEMO designated data (such as metering or NMI standing data) as no alternative method of communication is (or should be made) available in this way. This is further complicated due to limitations of AEMO being able to appropriately identify and authenticate the customer.
 - **Retailers under this rule should manage consumer requests for consent management** – We recommend this due to retailers' role in the energy market as the customer contact point and

¹ See AGL submission to Data61 on Consumer Experience – CDR Logo use, 9 April 2020

<https://thehub.agl.com.au/articles/2020/04/agl-engages-with-data61-on-consumer-data-right>

² We provided further comment on this in our submission to the ACCC in May 2019 (see for example p.7)

<https://thehub.agl.com.au/articles/2019/03/agl-comment-on-proposed-consumer-data-right-in-energy-models>



customers lack awareness of AEMO and their role in the energy market and are unlikely to understand the delineation of energy data holders in this context. Rule 4.25 will therefore need to reflect that data holders (e.g. retailers) can revoke consent on behalf of other data holders (e.g. AEMO) at a consumer's request.

We recognise that these points are unlikely to have immediate effects for the banking sector designation, however we nevertheless encourage the ACCC to be mindful of other to-be designated sectors when consulting on adjustments to the general CDR Rules.

If you have any questions, please contact Kat Burela on 0498001328 or kburela@agl.com.au.

Regards

[Signed]

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