

17 January 2024

Mr Mark Feather  
General Manager, Strategic Energy Policy and Energy System Innovation  
Australian Energy Regulator

Via email: [AERinquiry@aer.gov.au](mailto:AERinquiry@aer.gov.au)

Dear Mr Feather

**Draft Interim Export Limit Guidance Note**

Thank you for the opportunity to comment on the Draft Interim Export Limit Guidance Note.

The comments contained in this submission reflect the views of the Energy & Water Ombudsman NSW (EWON), Energy and Water Ombudsman Queensland (EWOQ), Energy & Water Ombudsman South Australia (EWOSA) and Energy and Water Ombudsman Victoria (EWOV). We are the industry-based external dispute resolution schemes for the energy and water industries in New South Wales, Queensland, South Australia and Victoria.

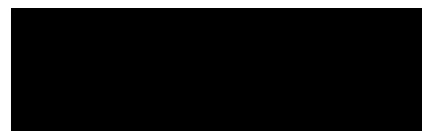
We have collectively reviewed the Draft Export Limit Guidance Note and have responded to those elements that align with issues customers raise or are likely to raise as export limits (static and flexible) are increasingly applied, as well as with each respective organisation's operations.

If you require any further information regarding our submission, please contact Dr Rory Campbell, Manager Policy and Systemic Issues (EWON) on [REDACTED], Mr Jeremy Inglis, Manager Policy and Research (EWOQ) on [REDACTED], Mr Antony Clarke, Policy and Governance Lead (EWOSA) on [REDACTED] or Ben Martin Hobbs, Policy Insights and Engagement Manager (EWOV) on [REDACTED].

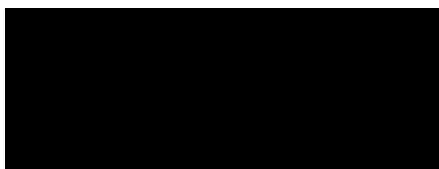
Yours sincerely



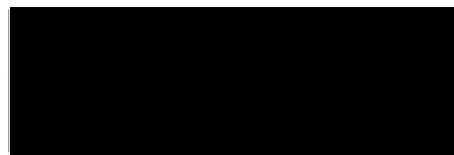
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## Feedback on the Interim export limit guidance note

We support the intent of draft interim export limit guidance note, particularly with regard to information requirements and dispute resolution provisions. We agree that an interim guidance note is required, pending a rule change to allow the Australian Energy Regulator (AER) to develop and publish a permanent Export Limit Guideline.

In particular, we support:

- the key areas identified by the AER as requiring an uplift in consumer awareness.
- an opt-in approach for flexible export limits, as well as Distribution Network Service Providers (DNSPs) being required to offer consumers a choice between static and flexible export limits.
- that DNSPs working with electricity and solar retailers and installers be required to provide targeted information for consumers that helps them understand the impacts and requirements of different connection arrangements, and to ensure better compliance with technical standards.
- terms and conditions relating to flexible export limits being included in DNSP's Model Standing Offers.
- that DNSPs be required to report on export service data, including export service-related complaints.

### Dispute resolution

We already have jurisdiction to accept complaints about existing members of our schemes, such as DNSPs. This includes disputes about the operation of export limits.

We agree that DNSPs should have clear processes for handling consumer complaints and resolving disputes relating to the implementation and operation of flexible export limits. DNSPs should also have clear information prepared about the pathways available to consumers in the event a dispute cannot be resolved by the DNSP, including referral to the relevant EWO scheme. Without clarity and clear pathways for resolving disputes, consumer trust will be eroded and could lead to poor engagement in the energy sector.

Disputes that involve multiple parties, such as customers, energy retailers, DNSPs, and solar/battery retailers, are complex to resolve. Our joint energy ombudsman submission to the AER's review of consumer protections for future energy services highlights the complexity of dispute resolution when the consumer is relying on advice and services from multiple entities<sup>1</sup>.

Energy ombudsman schemes cannot investigate or resolve complaints about entities that are not existing members of our schemes, i.e. solar/battery retailers which are not AER authorised that provide misleading or inaccurate advice about the export options provided by the local DNSP. Instead, we refer those consumers to another body, such as the State consumer affairs agency. These consumers often question the role of our offices given they have energy complaints that we cannot address.

We will continue to work with the AER and our state government energy departments with respect to closing these consumer protection gaps.

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<sup>1</sup> Joint energy ombudsman, Submission to the review of consumer protections for future energy services, 15 December 2022, pp3-5

What information should DNSPs collect to facilitate complaints to be resolved?  
Recent research by Energy Consumers Australia on Household Energy Consumer Information provides key insights about what energy information consumers need.<sup>2</sup>

The research indicates that households want to know how to reduce their energy use and bills, and how to benefit from the energy transition. Energy consumers want the information they need at the right time from trusted sources. Where this does not occur, consumers lack the confidence they need to take action and they lose trust in the energy market. The provision of accurate information at the right time is vital.

DNSPs should therefore be required to establish arrangements to collect, AND SHARE, all relevant information to be able to answer questions from customers about export limits in order to avoid and resolve complaints.

DNSPs should also be able to demonstrate the impact of their network decisions on consumers' export abilities, including when, and by how much, a consumer's energy output was constrained. They should also be able explain what was happening in the network at that time that led to the constraint.

Complaints about flexible export limits are likely to be complex and their impact on customers significant. Customers will require clear information and supporting data, in order to provide clarity about the operation of their home energy system and to resolve complaints. This information and data will include:

- Meter reads and two-way pricing arrangements
- Static and dynamic export rates / limits
- Billing data – separating load and exports
- Details of their solar system and inverter models
- System installation information
- Network outage information
- Feeder information.

What is the role of DNSPs to coordinate complaint resolution, including identifying the responsible party, which may be the OEM, installer, or trader/aggregator?

Currently, there are multiple pathways to navigate for resolving disputes about consumer energy resources (CER), and our experience shows that the entities involved in the service delivery may not agree on who is responsible, or even agree, or understand, on the root cause of the problem.

This means providing customers with access to free, fair and independent external dispute resolution is critical.

DNSPs should take responsibility for complaints made by their customers, including seeking information from other responsible parties, and providing referrals to responsible parties where that is needed. Where complaints are unable to be resolved, DNSP's should provide the customer with all the information they have considered and refer the customer to the appropriate external dispute resolution body.

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<sup>2</sup> [PowerPoint Presentation \(energyconsumersaustralia.com.au\)](https://www.energyconsumersaustralia.com.au)