



**FINAL Decision
to grant an individual
retail exemption
Blue Aurora Pty Ltd**

July 2019

© Commonwealth of Australia 2019

This work is copyright. In addition to any use permitted under the Copyright Act 1968, all material contained within this work is provided under a Creative Commons Attributions 3.0 Australia licence, with the exception of:

- the Commonwealth Coat of Arms
- the ACCC and AER logos
- any illustration, diagram, photograph or graphic over which the Australian Competition and Consumer Commission does not hold copyright, but which may be part of or contained within this publication. The details of the relevant licence conditions are available on the Creative Commons website, as is the full legal code for the CC BY 3.0 AU licence.

Requests and inquiries concerning reproduction and rights should be addressed to the Director, Corporate Communications,
Australian Competition and Consumer Commission,
GPO Box 3131,
Canberra ACT 2601
or publishing.unit@acc.gov.au.

Inquiries about this publication should be addressed to:

Australian Energy Regulator
GPO Box 520
Melbourne Vic 3001

Tel: 1300 585165

Email: AERExemptions@aer.gov.au

AER Reference: 64334

Amendment Record

Version	Date	Pages
1	15 July 2019	19

Contents

1	Introduction	4
1.1	The nature of retail exemptions & the AER’s role	4
1.2	Submissions received	5
2	Final decision to grant Blue Aurora an individual exemption	8
2.1	Relevant legislation.....	8
2.2	Matters beyond our assessment and role	8
2.3	Relevant factors	9
2.4	Summary of conditions.....	10
2.5	Further information	10
2.5.1	Access to retail competition	11
2.5.2	Pricing restrictions.....	11
2.5.3	Network exemptions	11
2.5.4	Exemption class validation.....	12
2.5.5	Billing requirements for large customers	12
	Appendix: Summary of public submissions and AER responses	13

1 Introduction

On 7 November 2018 Blue Aurora Pty Ltd (**Blue Aurora**) / ABN 44 614 888 443 applied for an individual exemption from the requirement to be an authorised retailer under the National Energy Retail Law (**Retail Law**) to sell electricity through an embedded network at Cairns Beach Resort, Holloways Beach, QLD.

This is our **final decision** on Blue Aurora's application. We published a draft decision on 18 April 2019 and invited submissions from interested stakeholders by 22 May 2019. We considered submissions in making our final decision on whether to grant Blue Aurora an individual exemption from the requirement to hold a retail authorisation.

Our final decision is to grant Blue Aurora an individual retail exemption subject to the conditions specified in Schedule 1 of the Instrument of Exemption.

1.1 The nature of retail exemptions & the AER's role

Energy is an essential service. The Australian Energy Regulator regulates retail electricity and gas markets in jurisdictions that are subject to the Retail Law. Queensland adopted the Retail Law in 2015. Under section 88 of the Retail Law, a person or business that wants to sell energy needs to either have a retailer authorisation or be exempt from this requirement. The AER is responsible for assessing authorisation applications¹ from businesses that want to become energy retailers, and exempting businesses from authorisation requirements.² The AER does not resolve contractual disputes between energy retailers or exempt sellers and their customers.

There are important differences between retailer authorisations and retail exemptions. A **retailer authorisation** allows a business to sell electricity or gas in all states and territories where the Retail Law applies. An **exemption** provides relief, subject to certain conditions, from the requirement to hold a retailer authorisation. The AER's (Retail) Exempt Selling Guideline (the Guideline) prescribes the various forms of exemption – deemed classes, registrable classes and individual. A retail exemption usually restricts sales to a defined group of customers at one site and may be appropriate where the seller has an existing relationship to a particular site and the sale of energy is secondary to other functions that they perform (for example, a caravan site manager selling energy to occupants of a caravan park or a body corporate selling energy to the occupants of an apartment building). Retail exemption holders often purchase all the energy that enters the site from an authorised retailer and then 'on-sell' that energy to the individual occupants through the site's electrical infrastructure or 'embedded network'.

A retail exemption does not give a person or business a contractual right to access specific electrical infrastructure in order to sell energy, or compel customers to buy electricity from them. It simply entitles the exempt seller to sell energy on the conditions, and within the

¹ See the AER's Retailer Authorisation Guideline: <https://www.aer.gov.au/retail-markets/retail-guidelines-reviews/retailer-authorisation-guideline-december-2014>

² In accordance with the AER's Retail Exempt Selling Guideline: <https://www.aer.gov.au/retail-markets/retail-guidelines-reviews/retail-exempt-selling-guideline-march-2018>

scope, of the exemption. It is a means of providing consumers with protections under the Retail Law.

Any person who seeks to engage in the activity of selling energy to a person for premises can register or apply for an exemption. In this instance, it is also open to the body corporate to register or apply for an individual exemption. In practice only the person who controls the site's embedded network can actually on-sell energy to those customers who live in the premises.

Individual exemptions are required when a seller is ineligible for one of the classes of exemption defined in the Guideline. A person requiring an individual exemption must submit an application to be assessed by the AER. The application must be published for consultation. The AER considers the application alongside any submissions received in making its decision whether or not to grant the individual exemption. The AER can impose conditions on the exemption to ensure that customers of the exempt seller have appropriate protections (similar to the requirements that apply to authorised retailers under the Retail Law.

The AER received many submissions in response to Blue Aurora's application for an individual retail exemption, so issued draft decision. Publication of the draft decision gave stakeholders the opportunity to understand the AER's reasons for proposing to grant an exemption to Blue Aurora and the conditions that such an exemption would be subject to. The AER's final decision has been informed by submissions to the draft decision.

1.2 Submissions received

The AER received 6 public submissions (not including any confidential submissions) on the draft decision, compared to 27 submissions received in response to Blue Aurora's original application. In addition, Blue Aurora submitted further supporting information regarding its application and a response to the submissions received. The submissions we received on the draft decision were all from lot owners at Cairns Beach Resort. The majority of the submissions were in favour of the AER granting Blue Aurora an individual exemption.

Those in favour of the application noted in their submissions that:

- the draft decision addressed the Cairns Beach Resort unit owners' objections and concerns
- granting an individual exemption to Blue Aurora will mean customers have certainty, as well as formal protections and rights under the law
- the arrangement has been in place for a long time and has worked well
- the current method to estimate usage is fair and reasonable
- the installation of individual meters or the rewiring of the Cairns Beach Resort to enable direct supply would incur significant expense

Concerns or suggested amendments on the draft decision included:

- granting Blue Aurora an individual retail exemption is inconsistent with the objective of the Retail Law³ with owners being forced to pay higher energy costs than a competitive market rate
- the supply and sale of electricity is not part of the caretaker's duties
- information on who Blue Aurora buys electricity from and how much it pays should be made public
- the methodology used by Blue Aurora to determine an individual unit's energy bill is inconsistent with state legislation.

A number of submissions made comments and suggestions on the conditions the AER proposed should apply to the exemption. We have addressed the changes we made to the conditions in response to these comments and suggestions at **2.4 'Summary of Conditions'** below.

A number of suggestions and comments on the draft decision related to matters outside the Retail Law. These are summarised below, along with a response:

Information provision

One stakeholder asked whether there was a government agency (possibly the AER) that could review the information provided by Blue Aurora to residents in relation to the electricity sale, to ensure it was 'correct and legal'. They also requested that Blue Aurora provide all unit owners with information on how the energy is apportioned across the resort, for example, common areas and the manager's office.

The AER cannot 'approve' material provided by Blue Aurora to residents. Blue Aurora must comply with the conditions of its exemption, including clearly setting out the methodology on which a customer's energy usage has been estimated. The AER may deal with a breach of an exemption condition as if it were a breach of the Retail Rules.

Consumption information

There was a request that Blue Aurora be required to provide the gate meter reading to the residents, so the overall electricity consumption at Cairns Beach Resort could be monitored. The stakeholder further suggested that the aggregated estimated consumption for common areas, office and administration, units in the letting pool, and units outside the letting pool, also be provided.⁴

We understand that Blue Aurora is not provided with a gate meter reading, but rather its monthly kWh usage. Blue Aurora already provides the site's total monthly kWh usage to residents in the resort's regular newsletter. Blue Aurora also currently provides customers with their respective consumption estimates for common areas (including the office and

³ National Energy Retail Law, s. 13.

⁴ We understand that 60 out of 74 apartments owners have appointed Blue Aurora as their holiday letting agent, referred to in the Final Decision documents and the Instrument of Exemption as the 'letting pool'.

administration). We propose amending condition 3 to additionally require the total estimate of consumption for common areas be provided to customers.

The total usage being assigned to the units in the letting pool, and those outside, may be considered commercially sensitive to Blue Aurora and private to some unit owners and residents. We do not consider it appropriate for the AER to require that this be disclosed as a condition of exemption. This could be negotiated separately between the parties.

Retailer quotes

One stakeholder requested that Blue Aurora be required to source at least three quotes for energy supply to the gate meter and provide this information to the lot owners.

Under the retail exemption framework, an exempt seller cannot charge tariffs higher than the standing offer provided by the local area retailer (condition 7). However, there is no prohibition on an exempt seller profiting from the sale of energy. The requested condition is separate from the AER's role in granting a retail exemption and may be more appropriately addressed through the contract between Blue Aurora in its role as caretaker and residents/owners.

Role of the Body Corporate

One stakeholder sought clarity on what the relationship between the body corporate and Blue Aurora should look like when it came to selling energy. They also asked for the AER's view on whether the body corporate could hold an exemption for the sale of energy at Cairns Beach Resort.

These issues were discussed in the Draft Decision. We consider these to be private matters between the parties and separate from the AER's role in granting a retail exemption.

A table summarising all of the points raised in the public submissions and the AER's responses has been included as the Appendix to this document.

2 Final decision to grant Blue Aurora an individual exemption

The AER's final decision is to **grant** Blue Aurora an individual exemption from the requirement to be an authorised retailer, subject to specific conditions.

2.1 Relevant legislation

In making its final decision, the AER has considered the policy principles relating to exempt selling set out in section 114 of the Retail Law, being:

- regulatory arrangements for exempt sellers should not unnecessarily diverge from those applying to authorised retailers,
- exempt customers, should, as far as practicable, be afforded the right to a choice of retailer in the same way comparable retail customers in the same jurisdiction have that right, and
- exempt customers, should, as far as practicable, not be denied customer protections afforded to retail customers under the Retail Law and Rules.

The AER's decision has also been guided by the objective of the Retail Law, the exempt seller factors, the customer related factors, and the assessment approach outlined in the AER (Retail) Exempt Selling Guideline.

2.2 Matters beyond our assessment and role

We considered the content of Blue Aurora's application and the submissions we received. We acknowledge there are ongoing issues in dispute between Blue Aurora and some lot owners at Cairns Beach Resort.

In particular, we have considered the disputed contractual and bill estimation methodology issues raised by some lot owners and how best, within the AER's remit, to provide appropriate customer protections to customers at Cairns Beach Resort.

The contractual arrangements between Blue Aurora and Cairns Beach Resort lot owners are separate matters from the AER's role in granting a retail exemption.

The decision to grant Blue Aurora an individual exemption, and the conditions attached to that exemption, should not be considered representative of an AER view in relation to the contractual disputes between Blue Aurora and Cairns Beach lot owners.

The *Body Corporate and Community Management Act (QLD)* (BCCMA) provides the structure for Body Corporate management in Queensland. We understand from our enquiries with relevant stakeholders that the BCCMA likely covers the apportionment of utility costs for unmetered premises. We also understand that Queensland's Body Corporate Commission has jurisdiction over body corporate disputes.

2.3 Relevant factors

The following factors informed our final decision:

1. The AER has received one application under section 88 of the Retail Law in relation to the sale of electricity at Cairns Beach Resort. Having received the application, the AER must make a decision and cannot delay. We have not received any other applications regarding the sale of electricity at Cairns Beach Resort.
2. We issued a draft decision, providing stakeholders with the opportunity to comment on the draft conditions proposed and on the AER's preliminary position. Stakeholders were given 20 business days to make a submission, with one party requesting an extension, which we accepted. The majority of the submissions received were in favour of granting an exemption to Blue Aurora.
3. Blue Aurora's primary relationship with the customers is as the manager and caretaker of Cairns Beach Resort. The sale of electricity at Cairns Beach Resort is incidental or secondary to this managerial role. This is an exempt seller related factor under section 115(1)(a) of the Retail Law and consistent with the AER's approach on when an exemption is appropriate over an authorisation, as set out under Appendix E of the [Retail Exempt Selling Guideline](#).⁵
4. Electricity customers at Cairns Beach Resort will have more tailored consumer protections through the AER specifying conditions of the retail individual exemption. We have specified exemption conditions to address:
 - the particular nature of energy sales at Cairns Beach Resort. For example, as with other exempt sellers, the sale will be subject to a price cap condition in acknowledgement of the barriers customers face in accessing an alternative retailer (see condition 7).
 - concerns raised in two rounds of submissions, to the extent possible. For example, we have imposed conditions on Blue Aurora to:
 - require pricing information and usage estimation methods for unmetered energy be clearly communicated (see condition 4);
 - provide information on total consumption for the entire resort and common areas (condition 3); and
 - install basic meters to measure individual consumption on request, with reasonable costs of installation able to be passed on to customers (see condition 24).
5. There are no explicit or mandated criteria for assessing the capability and suitability of applicants for individual exemption under the Retail Law. This is consistent with the assessment approach outlined in our (Retail) Exempt Selling Guideline.

⁵ Retail Exempt Selling Guideline, Appendix E, section 3.1, pages 59-60.

6. Customers in embedded networks, should, as far as possible, receive the same protections as would customers of authorised retailers with a direct connection to the local distribution network. The sale of energy at Cairns Beach Resort is currently unregulated. Blue Aurora will need to comply with certain conditions. Customers will now be able to access rights and protections similar to those available to other customers under the Retail Law which they currently do not have.
7. Blue Aurora must comply with the conditions at Schedule 1 of the Instrument of exemption. The AER may deal with a breach of an exemption condition as if it were a breach of the Retail Rules and is a civil penalty provision.⁶ The AER can take enforcement action for breaches of the Retail Law or Rules, including issuing infringement notices. The AER also has the power, in limited circumstances, to revoke a retail exemption.

2.4 Summary of conditions

The conditions that the AER will attach to Blue Aurora's individual exemption are set out in Schedule 1 of the Instrument of Exemption, which accompanies this final decision document. The AER has the ability to tailor the conditions of Blue Aurora's individual retail exemption. We consider this is the most appropriate way to address the concerns raised in the two rounds of public consultation we received that fall within our remit.

Submissions from stakeholders included comments and suggestions on the AER's draft conditions. While some suggested amendments were not possible and outside the AER's remit (as noted under section 1.2), we have modified the draft conditions by:

- Requiring the exempt seller to include on lot owners' bills the monthly gate meter kWh consumption (Condition 3).
- Requiring the exempt seller to notify lot owners of the total usage being assigned to the resort's common areas, in addition to the proportion each unit owner is liable for (Condition 3).
- Ensuring consistency between terms that were used interchangeably in the conditions.
- Expanding on the existing prohibition on the exempt seller charging for a meter reading performed by the customer (as originally drafted). The condition now prohibits the exempt seller from charging for meter readings performed by a customer, agent or tenant (Condition 24).

2.5 Further information

⁶ Section 112(3) Retail Law.

Some of the submissions we received indicated that the regulatory framework around the sale and supply of energy was not well understood. We have provided some summary information below to help explain some key areas.

2.5.1 Access to retail competition

Recent regulatory reforms provide customers in an embedded networks in Queensland with the ability to buy electricity from another retailer, other than the exempt seller. However, they will often face practical difficulties doing this. This may be because of the way the network is wired or because another energy retailer may not want to sell to a customer inside an embedded network. Another retailer would need to offer the customer an 'energy only offer', which many are reluctant or unable to do. Access to an alternative retailer is further restricted in Regional Queensland (within the Ergon distribution zone) due to the limited number of retailers that operate within the region. Even Ergon (retail) may be unable to provide the 'energy only offers' required by customers in embedded networks to ensure they are not subject to double payment of network charges.

What are network charges and energy only offers?

Broadly speaking, a regular electricity bill can be split into two components:

1. The cost of the energy consumed (energy charges)
2. The cost of using and maintaining the electricity network that carried the energy from the generation plant to the customer's premises (network charges)

Some customers in embedded networks remain within the embedded network but are sold energy by an alternative retailer to the exempt seller. When this happens, the exempt network operator can still charge the customer for their share of the network charges that have been billed to the embedded network's main meter for carrying the energy along the electricity network from the generation plant to the embedded network. Because the customer is already paying their share of the network charges to the embedded network operator, they must ensure that their retailer provides them with an 'energy only offer', otherwise the customer will pay their network charges twice.

2.5.2 Pricing restrictions

Under the retail exemption framework, an exempt seller cannot charge tariffs higher than the standing offer price of the **local area retailer** or charge fees that would not be charged under the terms of the same standing offer. The framework does not prohibit the seller profiting from onselling activity. The local area retailer for regional Queensland is Ergon Energy Retail. There may be additional regulatory requirements that dictate pricing from legislation other than the Retail Law. However, the AER cannot enforce legislative requirements—pricing or otherwise—outside jurisdiction or determine its application.

2.5.3 Network exemptions

A retail exemption covers the sale of energy; a network exemption covers supply through the network. A person supplying electricity either needs to be registered with AEMO, or be exempt from this requirement by the AER. Under the Network Exemption Guideline, the key regulatory factor is whether the network the person, owns, operates or controls is providing an electricity supply to a third party for any reason. If a person is doing any of these things, they likely need a network exemption.

More than one person can be party to a network exemption, which is necessary to enable all who assess themselves as owning, operating or controlling the network to meet their regulatory obligations to hold an exemption. **If separate entities 'own' and operate' the network, they should all be subject to** a network exemption.

2.5.4 Exemption class validation

Registered and deemed exemptions, both retail and network, are self-assessed. It is the responsibility of embedded network operators and / or owners and energy sellers to identify whether they require exemptions and to ensure they hold the correct ones.

As exemption classes are largely defined by the characteristics of the customers being sold and supplied energy, multiple exemption classes may be held by a single exemption holder where a number of different types of customer are located at the same site.

2.5.5 Billing requirements for large customers

There are no requirements under the National Energy Retail Rules to prescribe how meter reading and consumption data should be displayed on a large⁷ customer's bill. The Retail Rules do set out billing requirements for small customers.⁸

⁷ In Queensland, a large electricity customer is defined as a customer having an annual consumption of 100 MWh or more.

⁸ National Energy Retail Rules, r.25.

Appendix: Summary of public submissions and AER responses

Submission writer	Subject	Submission feedback	AER response
Carolyn Bolger & Kerry Brown	Support for grant of exemption	We feel you have addressed other owners' objections & concerns, and as outlined by AER in the draft decision, there are no grounds for the application to be rejected.	
Victor & Louisa Rull	Support for grant of exemption	<p>The methodology used by Blue Aurora Pty Ltd for calculation electricity consumption shares through the existing infrastructure of "embedded electricity network" at Cairns Beach Resort seems to be fair, well explained in the invoices and newsletters, and well suited the situation. We believe Blue Aurora Pty Ltd acts in best interests of unit owners.</p> <p>Granting the individual exemption for Blue Aurora Pty Ltd would legalise the existing status quo, and set certain regulations to the way the energy is distributed in the resort. In our opinion all unit owners would benefit from this decision.</p>	The grant of an individual exemption concerns the requirement of section 88 of the National Energy Retail Law only. There may be other regulatory requirements that must be satisfied unrelated to those laws under which the AER has functions.

Submission writer	Subject	Submission feedback	AER response
Ian Stewart	Support for grant of exemption	<p>The complex is primarily being used as a holiday resort, and I am satisfied, as a long term owner, that the current arrangements are fair and reasonable as electricity is being charged to owners on the basis of occupancy of their unit. Owners with higher occupancies pay more, owners with low occupancy pay less, any owner who occupies their apartment full time (which is illegal under town planning rules) pay on the basis of 100% occupancy. The manager charges for electricity at Ergon standard rates.</p>	
Peter Brigden	Support for grant of exemption	<p>Individual unit owners will have more rights, certainty and tailored consumer protection once an individual exemption is granted.</p> <p>All of the objections to the granting of an individual exemption have been negated as they are either beyond the AER's assessment and role or have been dismissed as irrelevant.</p>	<p>Other considerations may be relevant under different legislation/regulations. The assessment of an individual retail exemption application relates specifically to the National Energy Retail Law.</p>
Lindsay Rose	Support for grant of exemption	<p>The system has been in use since the start of the operation of the resort. It has worked well. The system is not broken. Why fix it.</p>	

Submission writer	Subject	Submission feedback	AER response
Ian Stewart	Ability of other parties to obtain exemption	Does the committee/body corporate/Other supplier have the necessary licences to act as a reseller of electricity? If not how are these to be obtained and at what cost to the owners?	The AER does not charge a fee for retail and network exemption applications and registrations. Should another party require an exemption for the sale of energy at Cairns Beach Resort, they would likely need to apply for an individual retail exemption as Blue Aurora has..
Bruce Gardner	Ability of other parties to obtain exemption	In the AERs view can the CBR BCC (representing the owners of the units and the embedded electricity network) take the role of the exempt person as identified in the Blue Aurora application?	CBR BCC (Cairns Beach Resort Body Corporate Committee) could register or apply for an exemption.
Ian Stewart	Right to access competition	I note that condition 2(b) and condition 14 of your draft exemption states that any owner may elect to use a supplier other than the manager. In practice this is not physically possible as the buildings in the complex are not wired to enable individual supply and metering to take place. To enable this would require the complete re-cabling of the complex at a cost of tens of thousands of dollars. Should a dissident owner try and enforce this right it may well cause all owners to carry a substantial cost penalty. The only way that this would be acceptable to other owners is if the requesting owners is liable for the entire cost of the re-wiring.	The conditions do not state that an owner may elect to use a supplier other than the manager. Rather, they state that where customers are eligible under state or territory legislation to purchase energy from a retailer of choice, they should be informed of that right and not be unreasonably hindered in their efforts to exercise that right. If there are practical issues specific to a site, this may deter the customer from exercising this right on the basis of it being uneconomical to make the required infrastructure changes. These conditions apply to all residential retail exemptions and the AER is not in a position to verify the limitations of the infrastructure at Cairns Beach Resort.

Submission writer	Subject	Submission feedback	AER response
Peter Brigden	Right to access competition	Individual owners will have the right to seek alternative suppliers once the individual exemption is granted.	Individual unit owners have the right to seek alternative retailers regardless of the grant of exemption. However, having a right to seek alternative retailers is not the same as practically being able to sign up with another retailer.
Bruce Gardner	Role of Cairns Beach Resort Body Corporate Committee	Can the AER identify what role the CBR BCC has in relation to the exempt person supplying energy to the CBR complex?	CBR BCC (Cairns Beach Body Corporate Committee)'s relationship to Blue Aurora is a private contractual matter.
Ian Stewart	Metering in individual units	I note that condition 3 (h,i,j,k) refers to meter readings. There are no meters in apartments and supply is taken across the entire property and allocated in proportion to occupancy. Occupancy is used as it is an indicator of energy use.	Blue Aurora's application (specifically its response to question 8) confirms the presence of individual meters in seven of the 74 units.
Bruce Gardner	Metering in individual units	Can the terminology be extended as follows: <i>'the exempt person has calculated consumption based on a meter reading performed and submitted by the customer, their agent, or tenant'</i> ?	The suggested amendment enhances the utility of the clause and does not detract from its original intent (to ensure that a meter reading fee is only required where the exempt person has to physically inspect the meter). We have adopted this amendment.

Submission writer	Subject	Submission feedback	AER response
Bruce Gardner	Verification of information from exempt seller to exempt customer	[Can it be required that] an appropriate government agency ... checks that the exempt persons responses to the AER identified requirements in this schedule are appropriate before exempt customers are required to sign up or seek alternative arrangements.	Details of compliance matters assessed by the AER can only be shared with the investigated party. We cannot provide a fact check service on consumer information.
Bruce Gardner	Consumption information to assist verification	<p>[T]he exempt person [should] be required to notify the unit owners of the main meter reading (current and previous) for the billing period so that unit owners (exempt customers) can track over-all use versus their individual billing. Should a dispute arise, this would then be information that would assist an appropriate authority efficiently assess information and resolve a dispute. In addition it may also be extremely beneficial if the exempt person is required to show what amount of the energy use is being charged to:</p> <ul style="list-style-type: none"> • Common use areas • Office and administration • Units in the letting pool • Remaining units 	<p>Verification of billing can be difficult without a meter. We have incorporated the suggestion of including gate meter readings (condition 3). We understand that gate meter readings are already provided on a monthly basis in the resort newsletter.</p> <p>Customers are also currently provided estimates of their respective shares of the usage for common areas (including the resort office) on their monthly bill. Inclusion of the total estimated usage for the common areas will allow customers to quickly verify their proportion of these costs.</p> <p>The usage assigned to units in the letting pool versus those outside may be considered commercially sensitive and private information. It is a matter for the parties to negotiate its disclosure.</p>

Submission writer	Subject	Submission feedback	AER response
Blue Aurora (Wayne Abbott)	Right of reply: Consumption information to assist verification	<p>The Resort kWh are published in the newsletter which is emailed to all owners or their agents.</p> <p>Origin our supplier only gives the kWh used per month and not a monthly meter reading.</p> <p>If an owner is concerned about the electricity consumption of their apartment I would recommend they invest in a \$200-\$300 meter that can be read monthly and thus confirm the power usage. Currently we have seven apartments with such meters installed.</p>	<p>Disclosure of the resort's total kWh consumption per billing cycle has been formalised as a condition of exemption.</p> <p>The condition requiring disclosure of the resort's total kWh consumption has been drafted to accommodate the information that the exemption holder receives from their retailer.</p> <p>The option of customers requesting the installation of basic meters to measure individual consumption has been formalised into a condition of exemption.</p>
Bruce Gardner	Quotes for energy supplied to the gate meter	Can there be inserted a requirement that the exempt person sources at least three quotation from energy suppliers and advise unit owners of these quotations.	There are no requirements under the National Energy Retail Law that prevent an energy seller from making a profit and therefore no justification for mandating that pricing at the parent meter be disclosed to customers. Such information could be considered commercially sensitive.
Bruce Gardner	Standardise terms 'exempt seller' and 'exempt person'	Can it be clarified that the 'exempt seller' terminology is the same as the 'exempt person' term, or does it apply to another party?	The terms exempt seller and exempt person have been used interchangeably. For clarification, we have amended the conditions to use the single term, 'exempt person'.

Submission writer	Subject	Submission feedback	AER response
Blue Aurora (Wayne Abbott)	Supplementary information: Savings compared to standing offer price (Ergon Tariff 11)	Blue Aurora submitted supplementary information to his application. The submission features a table presenting the average savings per unit using Blue Aurora's pricing methodology versus the costs under Tariff 11 if an equal 74th share was applied to each unit in both scenarios.	