

**Ergon Energy Corporation Limited
and
Ergon Energy Queensland Pty Ltd**

**Submission on the *Minor amendments to
Retail Law guidelines*
Australian Energy Regulator
28 May 2012**





Minor amendments to Retail Law guidelines Australian Energy Regulator 28 May 2012

This submission, which is available for publication, is made by:

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1. INTRODUCTION

Ergon Energy Corporation Limited (EECL) and Ergon Energy Queensland Pty Ltd (EEQ) welcome the opportunity to provide comment to the Australian Energy Regulator (AER) on its *Minor amendments to Retail Law Guidelines: AER Compliance Procedures and Guidelines, Performance Reporting Procedures and Guidelines, Retailer of Last Resort Plan, and Retail Pricing Information Guideline*.

This submission is provided by:

- EECL, in its capacity as a Distribution Network Service Provider (DNSP) in Queensland; and
- EEQ, in its capacity as a non-competing area retail entity in Queensland.

In this submission, EECL and EEQ are collectively referred to as 'Ergon Energy'.

Ergon Energy is generally supportive of the consideration the AER has given to the concerns raised by stakeholders regarding the outcomes of drafting in several of the AER's guidelines.

In response to the AER's invitation to provide comments on the draft *Minor amendments to Retail Law Guidelines*, Ergon Energy has focused on the information generated by the Retail Performance Reporting template and its effectiveness at achieving the AER's stated outcomes. Ergon Energy is available to discuss this submission or provide further detail regarding the issues raised, should the AER require.



A. COMPLIANCE PROCEDURES AND GUIDELINES

Clause or Schedule	Detail of Amendment	Reason for Amendment	Ergon Energy Response
1.1.4	<p>Replace: ‘...a regulated entity must establish and observe policies, systems and procedures to enable it to efficiently and effectively monitor its compliance...’</p> <p>With: ‘each regulated entity must establish and observe policies, systems and procedures to enable it to efficiently and effectively monitor its compliance...’</p>	<p><i>This requirement reflects and supports the obligation that regulated entities provide compliance reports to the AER on a disaggregated basis, related to a specific regulated entity, rather than aggregated across multiple regulated entities. This amendment clarifies that regulated entities must have the appropriate systems to monitor compliance on such a disaggregated basis.</i></p>	<p>Ergon Energy agrees that, for information provided to be meaningful, it must be provided on a disaggregated basis.</p>
1.1.5	<p>Insert new clause: <u>‘For the purposes of identifying a breach or potential breach of an obligation, a regulated entity should interpret that obligation with regard to any provisions in jurisdictional energy legislation that may alter, vary or remove the application of that provision to a regulated entity operating in that jurisdiction.’</u></p>	<p><i>Clarifies operation of reporting obligations under the Compliance Procedures and Guidelines where the application of obligations in the Retail Law or Rules in a participating jurisdiction is varied by jurisdictional energy legislation.</i></p>	<p>Ergon Energy agrees that supporting compliance with concurrent obligations is consistent with good regulatory practice and this approach will enable regulated entities to ensure compliance with both jurisdictional and national obligations.</p>
2.1	<p>Replace: ‘The Retail Law requires regulated entities to establish policies, systems and procedures to enable them to efficiently and effectively monitor their compliance’</p> <p>With:</p>	<p><i>This requirement reflects and supports the obligation that regulated entities provide compliance reports to the AER on a disaggregated basis, related to a specific regulated entity, rather than aggregated across multiple regulated entities. This amendment clarifies that regulated entities must have the appropriate systems to monitor compliance on such a disaggregated basis.</i></p>	<p>As per our response in 1.1.4, Ergon Energy supports this approach.</p>



	<p>'The Retail Law requires each regulated entity to establish policies, systems and procedures to enable it to efficiently and effectively monitor its compliance ...'</p>		
3.1.1	<p>Replace: 'Regulated entities must submit information and data relating to their compliance with the Retail Law, Retail Rules and Retail Regulations to the AER in the manner and form (including by the date or dates) required by these Procedures and Guidelines.'</p> <p>With: 'Each regulated entity must submit information and data relating to its individual compliance with the Retail Law, Retail Rules and Retail Regulations to the AER in the manner and form (including by the date or dates) required by these Procedures and Guidelines. Consolidated reports covering multiple regulated entities are not permitted.'</p>	<p><i>Clarification that each regulated entity must provide a compliance report relating specifically to that regulated entity, and that aggregated reports from related entities will not be accepted.</i></p>	<p>As per our response in 1.1.4 and 2.1, Ergon Energy supports this approach.</p>
3.2.3	<p>Replace: '(see clause 3.2.4)' With: '(see clause 3.3.4)'</p>	<p><i>Correction of cross-reference</i></p>	<p>Ergon Energy notes this correction, but suggests that the reference may have been intended to be "see clause 3.2.5".</p>
3.3.4	<p>Replace: '3.2.4 and 3.2.5' With:</p>	<p><i>Correction of cross-reference</i></p>	<p>Ergon Energy notes this correction.</p>



	'3.2.5 and 3.2.7'		
3.3.4(f)	Replace: 'in clause 3.3.3(e)' With: 'in clause 3.3.4(e)'	<i>Correction of cross-reference</i>	Ergon Energy notes this correction.
Schedule A.1	Replace: Retail Law, Part 2, Division 3, section 22 With: Retail Law, Part 2, Division 3, section 22(1)	<i>Clarifies the classification of s. 22(1) of the Retail Law as a Type 1 obligation, and by exclusion classification of the broader obligations in s. 22(2) as Type 2 obligation, as currently reflected in Schedule A.2.</i>	Ergon Energy supports the AER's approach to this obligation, and appreciates the recognition of the concerns of industry that the previous drafting created uncertainty.
Schedule A.1	Replace: Retail Law, Part 3, Division 2, section 66 With: Retail Law, Part 3, Division 2, section 66(1)	<i>Clarifies the classification of s. 66(1) of the Retail Law as a Type 1 obligation, and by exclusion classification of the broader obligations in s. 66(2) as Type 2 obligation, as currently reflected in Schedule A.2.</i>	As per our response in Schedule A.1, Ergon Energy supports the AER's approach to clarifying the breadth of this obligation.

B. PERFORMANCE REPORTING PROCEDURES AND GUIDELINES

Clause or Schedule	Detail of Amendment	Reason for Amendment	Ergon Energy Response
2.1.3	Insert new clause: <u>'Each regulated entity must submit information and data relating to its individual performance to the AER in the manner and form (including by the date or dates) required by these Procedures and Guidelines. Consolidated reports covering multiple regulated entities are not permitted, except where explicitly</u>	<i>Clarification that each regulated entity must provide disaggregated performance reports relating specifically to the performance of that regulated entity and that consolidated reports covering multiple entities are not permitted (except where identified in the Guideline).</i>	As per our response in 1.1.4, 2.1 and 3.1.1, Ergon Energy supports this approach.



	stated in these Procedures and Guidelines.’		
2.1.4	<p>Insert new clause: <u>‘Nothing in this Guideline should be read to require a regulated entity to provide information or data in relation to a period prior to the commencement of the Retail Law in the relevant jurisdiction.’</u></p>	<p><i>Clarification on reporting against indicators which relate to a period prior to the commencement of the Retail Law. Where quarterly indicators refer to ‘the previous 12 months’ these would not need to be reported against until the first ‘Q4 and Annual’ report (due 31 August 2013). This ensures that ‘the previous 12 months’ occurs after commencement of the Retail Law and as such the relevant reporting obligations have taken effect. This will apply to the following indicators: S3.15; S3.24 (e); S3.25 (e); S4.10 and S4.11. Where indicators refer to ‘the previous 24 months’ (indicator S3.24(f) only), regulated entities will required to report against this indicator for the first time in the 2012 ‘Q4 and Annual’ report, on an interim basis, where it will be noted that the data submitted applies to a 12 month period only. After this date, regulated entities will be required to report this data on a rolling basis in each quarterly report, so that by the 2013 ‘Q4 and Annual’ report retailers will be reporting a full data set as required by the indicator.</i></p>	<p>Ergon Energy agrees that where indicators refer to periods prior to commencement of the Retail Law, these periods would not be reported against.</p>
2.2.1	<p>Replace: ‘Intra-financial year reports on quarterly performance indicators must be submitted in writing’</p> <p>With: ‘<u>Quarter 1, 2 and 3</u> reports on the performance indicators must be submitted <u>electronically and</u> in writing’</p>	<p><i>To reflect that a completed AER Performance Reporting Template (Appendix A.2 of the Guideline) needs to be submitted electronically (via email) and in hard copy accompanied by a signed pro-forma statement of compliance (Appendix A.1 of the Guideline).</i></p>	<p>Ergon Energy appreciates the clarification of the AER’s requirements for both electronic and written submissions. For the sake of clarity, Ergon Energy would request further clarification in relation to written submissions. Does electronic submission constitute delivery by the due date, where written submissions are later received?</p>
2.2.2	<p>Replace: ‘A consolidated written report (Q.4 report) on all quarterly performance</p>	<p><i>Clarification on how the AER Performance Reporting Template (Appendix A.2 of the Guideline) operates.</i></p>	<p>Ergon Energy appreciates the clarification of the AER’s requirements. While not related to the proposed changes to the Guidelines, Ergon Energy has identified a number of errors with the</p>

	<p>indicators for the relevant year must be submitted by 31 August in each year. The consolidated report must contain all information and data required for quarterly indicators for the period 1 April to 30 June, as well as that previously submitted to the AER in Q.1, Q.2 and Q.3 reports for the relevant financial year.'</p> <p>With: <u>'The Quarter 4 and Annual</u> report on all performance indicators for the relevant year must be submitted by 31 August in each year. The report must contain all information and data required for quarterly indicators for the period 1 April to 30 June, as well as <u>the information and data required for the annual indicators.'</u></p>		<p>template that have not previously been identified:</p> <ul style="list-style-type: none"> • When Q3 is selected, the templates generated incorrectly identify the months relevant to be reported in tables for measures s3.24(a)-(b) (Electricity Disconnections), s3.25(a)-(b) (Electricity Reconnections) and s4.1-8 (Hardship Program Indicators), the results are options listed as "Jan, Feb, Feb", which should be "Jan, Feb, Mar" • Tables for Complaints, residential and small customers - incorrectly request data relating to "Number of Marketing Complaints" against s3.5a, where the relevant requirement is s3.5. • Conversely, "Number of Billing Complaints" is incorrectly identified in the Tables for Complaints, residential and small business customers against requirement s2.6(a), where the relevant requirement is s3.5. • Requirement s3.12 - Number of residential customers using Centrepay - is denoted as in Annual (Financial Year)" requirement in the Guidelines. This appears to be inconsistent with the reporting of data '...at the end of each quarter within the reporting period' and thereby suggesting a Quarterly reporting requirement. Of note also, a table appears for completion of this data in each quarterly reporting template when generated, which further suggests quarterly rather than annual reporting. • In generating Q4/annual reporting, it appears the AER is attempting to highlight in purple shading, the 'annual' reporting requirements contained in the templates; however these appear to be inconsistent. For example, items s1-4 are correctly highlighted as annual
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			reporting, yet s3.5-8(a) and (b) are highlighted purpose, where perhaps they ought to be left in green? Others, (for example s3.16 Payment Plans) appear in green, when they ought to be in purple? Similarly, in the generation of Q1-3 templates, no items should be highlighted purple, if it is the intent for purple cells to represent 'annual' reporting.
2.2.3	Insert new clause: <u>'Regulated entities must also submit a completed Appendix A.3 with each Q4 and Annual report.'</u>	<i>Clarification on how the AER Performance Reporting Template (Appendix A.2 of the Guideline) operates and that regulated entities must also submit a completed Appendix A.3 along with their completed Q4 and Annual report each year.</i>	Ergon Energy notes this drafting amendment.
2.3.1	Replace: 'Written reports submitted' With: <u>'Electronic and written reports submitted'</u>	<i>To reflect that a completed AER Performance Reporting Template (Appendix A.2 of the Guideline) and an accompanying written report (Appendix A.3 of the Guideline) needs to be submitted electronically (via email) and in hard copy, accompanied by a signed pro-forma statement of compliance (Appendix A.1 of the Guideline).</i>	Ergon Energy notes this drafting amendment, and reiterates comments made in response to 2.2.1.
2.3.4	Replace: '...in the pro forma provided (Appendix A.3). The commentary should highlight and explain key factors relevant to the level of and trends in performance.' With: <u>'The AER Performance Reporting Template (see Appendix A.2) allows regulated entities to provide commentary within the template by adding a comment box. Regulated entities should provide commentary where they consider it appropriate to highlight and explain key factors</u>	<i>To clarify that the AER Performance Reporting Template (Appendix A.2) allows regulated entities to provide commentary by adding a comment box within the template rather than in a separate document (see also consequential changes to Appendix A.3) and that commentary should be provided where appropriate.</i>	Ergon Energy notes this drafting amendment.



	relevant to the level of, and trends in, their performance.'		
2.4.1	Replace both references to: 'Chief Executive Officer' With: 'General Manager, Retail Markets'	<i>Clarification of appropriate contact for submission of performance reports</i>	Ergon Energy notes this drafting amendment.
Schedule 2.1	Insert: 'For the purposes of this indicator, <u>the consumption threshold determined by the relevant jurisdiction should be applied.</u> '	<i>To highlight that any variations in consumption thresholds across jurisdictions should apply to the reporting of this indicator for that jurisdiction.</i>	Ergon Energy agrees that for consumption data to be relevant, jurisdictional considerations needs to be included in the reporting of that data.
Schedule 2.2	Insert: 'For the purposes of this indicator, <u>the consumption threshold determined by the relevant jurisdiction should be applied.</u> '	<i>To highlight that any variations in consumption thresholds across jurisdictions should apply to the reporting of this indicator for that jurisdiction.</i>	As per our comments in relation to Schedule 2.1, Ergon Energy agrees with this drafting amendment.
Schedule 2.2	Replace: 'Large customers' With: 'Large customers (<u>this should also include any large customers on other contract types</u>)'	<i>Clarification on how large customer contracts should be reported for the purposes of the indicator.</i>	Ergon Energy notes this drafting amendment.
Schedule 3.1	Insert: 'Where one retail group holds a <u>number of individual national retailer authorisations and a common IVR telephone system is used, separate reporting is not required.</u> <u>Regulated entities with only large customers and no IVR telephone system in place are not obliged to</u>	<i>To provide clarity regarding reporting for common IVR telephone systems. For example, where a single retail group has a number of authorised entities who all share a common IVR telephone system, disaggregated data to report performance against this indicator for an individual authorised entity is not required. In these instances, each authorised entity should report the available aggregated data from the IVR telephone system and provide commentary to explain the details of the aggregated data.</i>	Ergon Energy notes this drafting amendment.



	report on this indicator.’	<i>To also clarify that where retailers selling exclusively to large customers do not have an IVR telephone system in place, they are not required to report this data.</i>	
Schedule 3.2	Insert: <u>‘Where one retail group holds a number of individual national retailer authorisations and a common IVR telephone system is used, separate reporting is not required.</u> <u>Regulated entities with only large customers and no IVR telephone system in place are not obliged to report on this indicator.’</u>	<i>See above reason for amendment (schedule 3.1).</i>	Ergon Energy notes this drafting amendment.
Schedule 3.3	Insert: <u>‘Where one retail group holds a number of individual national retailer authorisations and a common IVR telephone system is used, separate reporting is not required.</u> <u>Regulated entities with only large customers and no IVR telephone system in place are not obliged to report on this indicator.’</u>	<i>See above reason for amendment (schedule 3.1).</i>	Ergon Energy notes this drafting amendment.
Schedule 3.4	Insert: <u>‘Where one retail group holds a number of individual national retailer authorisations and a common IVR telephone system is used, separate reporting is not required.</u> <u>Regulated entities with only large customers and no IVR telephone</u>	<i>See above reason for amendment (schedule 3.1).</i>	Ergon Energy notes this drafting amendment.



	<u>system in place are not obliged to report on this indicator.'</u>		
Schedule 3 - Handling customers experiencing payment difficulties - definitions	Replace: '90 days' With: '90 <u>calendar</u> days'	<i>To provide further clarification on the definition of 'energy bill debt'.</i>	
Schedule 4.6	Replace: 'Payment plan' With: 'Payment plan (<u>excluding those who make their payment plan payments using Centrepay</u>)'	<i>Clarification of reporting requirements to ensure that reporting of hardship program customers using Centrepay and those who are on a payment plan are not reported twice. Regulated entities are encouraged to include commentary to fully explain how many of their hardship program customers are on a payment plan and also pay by Centrepay. This will ensure that Centrepay and payment plan data reported are not misinterpreted.</i>	Ergon Energy welcomes the AER's approach to clarifying reporting requirements as they relate to hardship program customers. That being said, Ergon Energy has some concerns there will be a significant overlap in reporting of payment plans and Centrepay. Customers may be on a payment plan for previous unpaid amount and paying with cash, whilst they use Centrepay for regular quarterly payments. From a reporting point of view, there may be some difficulty in separating payment plan customers and Centrepay customers, as some customers may in fact, be both simultaneously.
Appendix A.1	Replace: 'Chief Executive Officer, Australian Energy Regulator' With: ' <u>General Manager, Retail Markets, Australian Energy Regulator</u> '	<i>Clarification of appropriate contact for submission of performance reports.</i>	Ergon Energy notes this drafting amendment.
Appendix A.1	In the explanatory paragraph to Appendix A.1, replace: '(see Appendix A.3)' With:	<i>To highlight that Appendix A.3 relates to annual indicators.</i>	Ergon Energy notes this drafting amendment.



	‘(see Appendix A.3 for annual reports)’		
Appendix A.1	In the pro-forma statement in Appendix A.1, delete: ‘AER Accompanying commentary template’	<i>Reference to this document not required as it is already referenced.</i>	Ergon Energy notes this drafting amendment.
Appendix A.1 (Footnote 11)	Replace: ‘End of financial year reports on quarterly and annual performance indicators under clauses 2.2.2 and 2.2.3 must be signed by the CEO of the regulated entity. Intrafinancial year reports on quarterly performance indicators under clause 2.2.1 may be signed by the Chief Executive Officer (CEO) of the regulated entity or a delegate appointed by the CEO for this purpose.’ With: ‘ <u>Quarter 4 and Annual reports</u> under clauses 2.2.2 and 2.2.3 must be signed by the CEO of the regulated entity. <u>Quarter 1, 2 and 3</u> reports under clause 2.2.1 may be signed by the CEO of the regulated entity or a delegate appointed by the CEO for this purpose.’	<i>Simplifies drafting to clarify the application of Appendix A.1.</i>	Ergon Energy notes this drafting amendment.
Appendix A.2	Replace: ‘[A separate Excel template reflecting the requirements of this guideline will be circulated to each regulated entity prior to the commencement of each reporting period. The template will also be available on the AER’s website	<i>To reflect that AER’s Performance Reporting Template (Appendix A.2) has been uploaded onto AER’s website and to inform regulated entities to ensure to use the most recent template available.</i>	Ergon Energy notes this drafting amendment.



	<p>www.aer.gov.au.]’</p> <p>With:</p> <p>‘The AER’s Performance Reporting Template is available on the AER’s website: www.aer.gov.au Regulated entities should check the website to ensure they are using the most recent version of the reporting template before preparing each report.’</p>		
Appendix A.3	<p>Delete:</p> <p>‘Explanatory material on performance indicators – 10 Optional’ and accompanying commentary and table.</p>	<p><i>Not required as commentary should be provided in the AER’s Performance Reporting Template (Appendix A.2).</i></p>	Ergon Energy notes this drafting amendment.

C. RETAILER OF LAST RESORT PLAN

Clause or Schedule	Detail of Amendment	Reason for Amendment	Ergon Energy Response
2.1(c)(iii)	<p>Replace:</p> <p>‘In the event a call notice or margin call is not issued, the AER will notify AEMO if an additional RoLR will be appointed as the designated RoLR upon the issuance of a default notice by AEMO in accordance with the Electricity Rules and Gas Rules.’</p> <p>With:</p> <p>‘In the event a call notice or margin call is not issued, the AER will notify AEMO if an additional RoLR will be</p>	<p><i>Provides clarification so that timeframes for information flows after a ROLR event are consistent with AEMO decision making processes.</i></p>	Ergon Energy notes this drafting amendment.



	appointed as the designated RoLR prior to the issuance of a default notice by AEMO in accordance with the Electricity Rules and Gas Rules.'		
2.1 (c) (iv)	<p>Replace: 'If the AER does not provide a notice concerning the additional RoLRs in accordance with clause 2.1 (c) in writing to AEMO before the RoLR event occurs, default RoLRs will be appointed in accordance with the AER's standing instructions to AEMO.'</p> <p>With: 'If the AER does not provide a notice in writing to AEMO concerning addition RoLR appointments in accordance with clause 2.1(c) before the RoLR event occurs, default RoLRs will be appointed in accordance with the AER's standing instructions to AEMO.'</p>	<i>Provides defines the information that the AER will give to AEMO concerning the appointment of additional RoLRs.</i>	Ergon Energy notes this drafting amendment.
2.2(c)(iv)	<p>Replace: 'Within two business days of the RoLR event, AEMO will provide: 1. The summary NMI RoLR report to the AER and affected participants as prescribed by the RoLR procedures for an electricity RoLR event. 2. The transfers in progress RoLR report to the AER as prescribed by the RoLR procedures for an electricity RoLR event. 3. The summary MIRN/DPIs RoLR</p>	<i>Provides clarification so that timeframes for information flows after a ROLR event are consistent with jurisdictional RoLR procedures and AEMO decision making processes.</i>	Ergon Energy notes this drafting amendment.

	<p>report to the AER as prescribed by the AER-AEMO RoLR event communication protocol for a gas RoLR event.</p> <p>4. The designated RoLR with the customer details for affected MIRNS/DPIs as prescribed by the RoLR procedures for a gas RoLR event.</p> <p>5. Notification to the AER that customer details for affected MIRNS/DPIs have been provided to the designated RoLR for a gas RoLR event.</p> <p>With:</p> <p>Within two business days of the time specified in the RoLR procedures, AEMO will provide</p> <p>1. The summary NMI RoLR report to the AER and affected participants as prescribed by the RoLR procedures for an electricity RoLR event.</p> <p>2. Provide the AER with the transfers in progress as prescribed by the RoLR procedures for an electricity RoLR event.</p> <p>3. The designated RoLR with the customer details for affected MIRNS/DPIs as prescribed by the RoLR procedures for a gas RoLR event.</p> <p>4. Notification to the AER that customer details for affected MIRNS/DPIs have been provided to the designated RoLR for a gas RoLR event.</p>		
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2.4(a)(i)(1)(a)	Replace: 'or' With: 'and'	<i>Error in November 2012 final RoLR plan</i>	Ergon Energy notes this drafting amendment.
2.6(a)(i)(1)	Insert 'some risk of' after the words 'may affect or give rise to.'	<i>Error in November 2012 final RoLR plan</i>	Ergon Energy notes this drafting amendment.

D. RETAIL PRICING INFORMATION GUIDELINE

Clause or Schedule	Detail of Amendment	Reason for Amendment	Ergon Energy Response
2.1	Replace first paragraph under heading '2.1 Requirement to produce an Energy Price Fact Sheet' With: 'For each <i>standing offer</i> and <i>market offer (contract offer)</i> that a <i>retailer</i> offers to a new <i>small customer</i> on or from 1 July 2012, the <i>retailer</i> must produce an <i>Energy Price Fact Sheet</i> .'	<i>This wording has been amended to clarify that retailers need only produce Energy Price Fact Sheets for contract offers being marketed from 1 July 2012.</i>	Ergon Energy notes this drafting amendment, and appreciates the clarification that Energy Price Fact Sheets are not intended to operate retrospectively.
2.2	After heading 'Example 1' insert: – Electricity, single rate	<i>The heading of Example 1 has been made more descriptive to improve clarity.</i>	Ergon Energy notes this drafting amendment.
2.2	After heading 'Example 2' insert: – Electricity, Time of use	<i>The heading of Example 2 has been made more descriptive to improve clarity.</i>	Ergon Energy notes this drafting amendment.
2.2	After heading 'Example 3' insert: – Dual fuel with block tariffs (electricity and gas)	<i>The heading of Example 3 has been made more descriptive to improve clarity.</i>	Ergon Energy notes this drafting amendment.



<p>2.2</p>	<p>After Example 3 insert: Example 4 – Cap plan</p> <table border="1" data-bbox="291 379 734 722"> <thead> <tr> <th data-bbox="291 379 470 448">Electricity – applicable charges</th> <th data-bbox="470 379 600 448">Price (Excl GST)</th> <th data-bbox="600 379 734 448">Price (Incl GST)</th> </tr> </thead> <tbody> <tr> <td data-bbox="291 448 470 536">100%of previous year's consumption per quarter</td> <td data-bbox="470 448 600 536">Cents per kWh</td> <td data-bbox="600 448 734 536">Cents per kWh</td> </tr> <tr> <td data-bbox="291 536 470 595">next 1020 kWh per quarter</td> <td data-bbox="470 536 600 595">Cents per kWh</td> <td data-bbox="600 536 734 595">Cents per kWh</td> </tr> <tr> <td data-bbox="291 595 470 662">Remaining consumption per quarter</td> <td data-bbox="470 595 600 662">Cents per kWh</td> <td data-bbox="600 595 734 662">Cents per kWh</td> </tr> <tr> <td data-bbox="291 662 470 722">Daily supply charge</td> <td data-bbox="470 662 600 722">Cents per kWh</td> <td data-bbox="600 662 734 722">Cents per kWh</td> </tr> </tbody> </table>	Electricity – applicable charges	Price (Excl GST)	Price (Incl GST)	100%of previous year's consumption per quarter	Cents per kWh	Cents per kWh	next 1020 kWh per quarter	Cents per kWh	Cents per kWh	Remaining consumption per quarter	Cents per kWh	Cents per kWh	Daily supply charge	Cents per kWh	Cents per kWh	<p><i>An additional example has been added to demonstrate how price information requirements for a cap plan offer may be represented on an Energy Price Fact Sheet.</i></p>	<p>Ergon Energy appreciates the addition of this example for demonstrative purposes.</p>
Electricity – applicable charges	Price (Excl GST)	Price (Incl GST)																
100%of previous year's consumption per quarter	Cents per kWh	Cents per kWh																
next 1020 kWh per quarter	Cents per kWh	Cents per kWh																
Remaining consumption per quarter	Cents per kWh	Cents per kWh																
Daily supply charge	Cents per kWh	Cents per kWh																
<p>2.3.1</p>	<p>Replace first paragraph and list of key fees With: 'A retailer must on an <i>Energy Price Fact Sheet</i>, provide information on key fees that are applicable to a <i>contract offer</i> in the table format presented in example 5. The information must include the amount of the fee in dollars, inclusive of GST or as a percentage of the bill amount. Key fees include (but are not limited to):</p> <ul style="list-style-type: none"> • account establishment fees • exit fees or early termination fees (applicable to market offer contracts only) • late payment fees • disconnection fees • reconnection fees 	<p><i>Retailers may now include the amount of a fee as a percentage of the bill amount. Payment processing fees have been added as a key fee. Both of these amendments have been made to more adequately reflect discussions with stakeholders regarding key fees and their typical presentation in the market.</i></p>	<p>Ergon Energy appreciate the inclusion of these additional options for retailers.</p>															



	<ul style="list-style-type: none"> • payment processing fees.’ 						
2.3.4	<p>Replace heading ‘Section 2.3.4 GreenPower and other options’</p> <p>With: 2.3.4 Solar, GreenPower and other options</p> <p>After the third paragraph in Section 2.3.4, insert:</p> <p>An <i>Energy Price Fact Sheet</i> must clearly indicate when a <i>contract offer</i> is available to <i>customers</i> with solar photovoltaic systems. It must also indicate the solar feed-in tariff (or solar feed-in tariffs if there are more than one) available to <i>customers</i> entering into the <i>contract offer</i> associated with the <i>Energy Price Fact Sheet</i>. See example 5 for an example of how solar options may be presented.</p>	<p><i>A paragraph specifying information requirements for offers available to solar customers has been inserted to ensure consistency with existing jurisdictional requirements.</i></p>	<p>Ergon Energy appreciates the AER’s efforts to ensure information provided to solar customers is consistent with both national and jurisdictional requirements.</p> <p>Ergon Energy would appreciate further clarification on whether this only applies to Feed In Tariffs paid by retailers (i.e. as a part of their offer) and does not include the Queensland jurisdictional arrangements relating to the Solar Bonus Scheme. In Queensland, EEQ is required to pass through a payment from EECL to customers as required under s55DB of the <i>Electricity Act 1994</i> (Qld). The Solar Bonus Scheme does not form part of EEQ’s standing offer.</p>				
2.3	<p>Under ‘Options’ in the Example 5 table, insert:</p> <table border="1" data-bbox="302 1082 712 1262"> <tr> <td style="width: 15%;">Solar feed-in tariffs available</td> <td>description of tariff 1]: X cents per kWh exported (incl GST)</td> </tr> <tr> <td></td> <td>[description of tariff 2]: Y cents per kWh exported (incl GST)</td> </tr> </table>	Solar feed-in tariffs available	description of tariff 1]: X cents per kWh exported (incl GST)		[description of tariff 2]: Y cents per kWh exported (incl GST)	<p><i>This example has been inserted to demonstrate how solar feed-in tariff information requirements may be represented on an Energy Price Fact Sheet.</i></p>	<p>As per Ergon Energy’s comments in 2.3.4, we would appreciate further clarification in relation to the application of these requirements.</p>
Solar feed-in tariffs available	description of tariff 1]: X cents per kWh exported (incl GST)						
	[description of tariff 2]: Y cents per kWh exported (incl GST)						
2.4	<p>Replace wording under point 2</p> <p>With:</p> <p>2. identify each <i>Energy Price Fact Sheet</i> for a generally available offer</p>	<p><i>Point 2 has been amended from Version 2.0 of this Guideline to allow retailers to use a unique reference code created by means other than through the AER price comparator website on an Energy Price Fact Sheet for a non-generally available offer, where the</i></p>	<p>Ergon Energy notes the proposed changes. With these in mind, Ergon Energy requests that the AER note the current uncertainty and limited timeframes associated with Tariff reform currently being undertaken by the Queensland Competition Authority.</p>				

	<p>with a</p> <p>a. unique reference code as generated by the price comparator website; or</p> <p>b. a unique reference code as generated by the price comparator website and a unique name.</p> <p>3. identify each <i>Energy Price Fact Sheet</i> for a non-generally available offer with a</p> <p>a. unique reference code as generated by the price comparator website; or</p> <p>b. a unique reference code as generated by the price comparator website and unique name and; or</p> <p>c. where the <i>retailer</i> is not using the price comparator website to generate the <i>Energy Price Fact Sheet</i>, a unique reference code as generated by the <i>retailer</i>.</p>	<p><i>price comparator website is not being used to generate the Fact Sheet.</i></p> <p><i>Retailers are therefore able to produce Fact Sheets for non-generally available offers without having to first create the offer in the price comparator website system to generate a reference code.</i></p> <p><i>Retailers must still ensure that the reference code used is unique to that offer and that the Energy Price Fact Sheet is compliant with all other requirements.</i></p>	
<p>2.4</p>	<p>After point 8, insert:</p> <p>9. Where a <i>retailer</i> is required under energy laws (including state or territory energy laws) to identify a <i>contract offer</i> as a <i>standing</i> or <i>regulated offer</i>, this must be reflected in the product offer name by including that specific term in the name.</p>	<p><i>This requirement has been inserted to reflect existing jurisdictional arrangements where a retailer must identify when an offer is a standing or regulated offer.</i></p>	<p>Ergon Energy notes this drafting amendment.</p>
<p>3</p>	<p>Replace last paragraph under heading ‘3. Publication and distribution of an <i>Energy Price Fact Sheet</i> for generally available <i>contract offers</i>’</p>	<p><i>This wording has been amended to clarify that retailers need only produce Energy Price Fact Sheets for contract offers being marketed from 1 July 2012.</i></p>	<p>Ergon Energy notes this drafting amendment, and appreciates the clarification that Energy Price Fact Sheets are not intended to operate retrospectively.</p>



	<p>With: As stated in section 2.1 of this Guideline, a <i>retailer</i> must produce an <i>Energy Price Fact Sheet</i> for each <i>contract offer</i> (i.e. both generally available and non-generally available) available to a new <i>small customer</i> on or from 1 July 2012.</p>		
3.1	<p>Replace first sentence after heading ‘Generally available contract offers’ With: ‘A <i>retailer</i> must publish an <i>Energy Price Fact Sheet</i> on its website for all <i>contract offers</i> that are generally available to <i>small customers</i> on or from 1 July 2012.’</p>	<p><i>This wording has been amended to clarify that retailers need only produce Energy Price Fact Sheets for contract offers being marketed from 1 July 2012.</i></p>	<p>As per comments in relation to 3, Ergon Energy notes this drafting amendment.</p>
3.3	<p>Replace second paragraph under heading ‘Non-generally available contract offers’ heading With: ‘If a <i>retailer</i> does not use the AER price comparator website to generate the <i>Energy Price Fact Sheet</i> for a non-generally available offer, the <i>retailer</i> must email a copy of each <i>Energy Price Fact Sheet</i> for each non-generally available <i>contract offer</i> to the AER within two business days of the offer becoming available. The email must be sent to AERInquiry@aer.gov.au.’</p>	<p><i>This is a new requirement which will ensure that the AER is provided a copy of each Energy Price Fact Sheet generated for a non-generally available offer. It applies only where the Energy Price Fact Sheet was not generated through the AER price comparator website.</i></p>	<p>Ergon Energy agrees that, where a retailer develops an Energy Price Fact Sheet for a non-generally available offer outside of the AER’s price comparator website, a copy of this information should be provided to the AER, in the interests of consistency.</p>
4.4.1	<p>Replace first paragraph under heading ‘Non-generally available contract offers’ With: ‘As per section 3.1, a <i>retailer</i> is not</p>	<p><i>This paragraph has been shortened to improve clarity and relevance.</i></p>	<p>Ergon Energy agrees that where offers are not generally available, generation of Energy Price Fact Sheets ought to be at the retailers discretion or upon a specific request from a customer.</p>



	required to publish <i>Energy Price Fact Sheets</i> for non-generally available offers on its website.'		
Glossary	After the definition for 'market offer', insert: Regulated offer has the meaning given in New South Wales energy legislation. Regulated offer prices are regulated by the Independent Pricing and Regulatory Tribunal.	<i>The Glossary has been amended to include a definition for a regulated offer.</i>	Ergon Energy notes the inclusion of this definition.
Attachment A	After "Eligibility for this plan" information, insert: Applicable meter type You require a Time of use (Type 5) meter to be eligible for this offer.	<i>This text has been inserted to demonstrate how the applicable meter type information requirement may be represented on an Energy Price Fact Sheet.</i>	Ergon Energy appreciates the AER's clarification of this requirement.
Attachment C	After point 18, insert: 19. whether the <i>contract offer</i> is a <i>standing, regulated or market offer</i> .	<i>Attachment C has been amended for information requirements from retailers to reflect how the price comparator website will display individual offer information as described in section 4.2 of the Statement of Approach 22.</i>	Ergon Energy appreciates the AER's clarification of this requirement.