



Notice of draft instrument

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

April 2012

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Shortened forms

ACCC	Australian Competition and Consumer Commission
ACCC/AER Information Policy	ACCC–AER Information policy: The collection, use and disclosure of information, available from the AER’s web site
AER	Australian Energy Regulator
regulated entity	Has the meaning given in s. 2 of the National Energy Retail Law. <i>(A Retailer, a distributor or any other person identified in the national energy Retail Rules as a regulated entity.)</i>
Retail Law	National Energy Retail Law
Retail Rules	National Energy Retail Rules

Retail consultation procedure

This notice, including draft amendments to the AER Compliance Procedures and Guidelines, Performance Reporting Procedures and Guidelines, Retailer of Last Resort Plan and Retail Pricing Information Guideline (the guidelines) has been published in accordance with the retail consultation procedure set out in cl. 173 of the National Energy Retail Rules.

Written submissions on the draft amendments are invited by Monday, 28 May 2012. All amendments must be finalised before 1 July 2012. Late submissions may not be taken into account in the AER's final decision.

Submissions can be sent electronically to: AERInquiry@aer.gov.au with the title "Minor amendments to Retail Law guidelines submission – attn Christopher Streets", or by mail to:

General Manager, Retail Markets Branch
Australian Energy Regulator
GPO Box 520
Melbourne VIC 3001

Submissions provided by email do not need to be provided separately by mail.

PLEASE NOTE:

The AER prefers that all submissions be publicly available to facilitate an informed and transparent consultative process. Submissions will therefore be treated as public documents unless otherwise requested, and will be placed on the AER's website (www.aer.gov.au). Parties wishing to submit confidential information are asked to:

- clearly identify the information that is subject of the confidentiality claim
- provide a non-confidential version of the submission for publication, in addition to the confidential one.

The AER does not generally accept blanket claims for confidentiality over the entirety of the information provided. Such claims should not be made unless all information is truly regarded as confidential. The identified information should genuinely be of a confidential nature and not otherwise publicly available.

In addition to this, parties must identify the specific documents or relevant parts of those documents which contain confidential information. The AER does not accept documents or parts of documents which are redacted or 'blacked out'.

For further information regarding the AER's use and disclosure of information provided to it, please refer to the *ACCC–AER information policy: the collection, use and disclosure of information*, which is available on the AER website under 'Publications'.

1 Requirement to develop procedures and guidelines

This consultation seeks to correct minor errors in the following guidelines made by the AER under the National Energy Retail Law (South Australia) Act 2011, and make non-material changes to those guidelines.

On completion of this consultation the AER will reissue amended guidelines in final form.

Compliance Procedures and Guidelines

The AER will be responsible for monitoring compliance by energy retailers and distributors with their obligations under the Retail Law and Rules from the date of its commencement in each participating jurisdiction.¹ To support this new role, the Retail Law empowers the AER to develop Compliance Procedures and Guidelines.²

The Compliance Procedures and Guidelines specify the manner and form in which regulated entities are to submit information and data to the AER relating to their compliance with the Retail Law and Rules.³ These requirements to submit information and data are binding on regulated entities, and non-compliance may attract civil penalties or infringement notices.⁴

The Retail Law also requires compliance audits to be conducted according to the Compliance Procedures and Guidelines.⁵ The Compliance Procedures and Guidelines provide information on how audits will be carried out, and how the costs payable by regulated entities for compliance audits will be determined.⁶

Under the Retail Law regulated entities will be required to establish policies, systems and procedures to enable them to efficiently and effectively monitor their compliance with the requirements of the Retail Law and Rules.⁷ The Compliance Procedures and Guidelines provide guidance on how these internal frameworks must be established and observed.

The Compliance Procedures and Guidelines will apply to all regulated entities in participating jurisdictions from the date of commencement. Version 1 of the Compliance Procedures and Guidelines was released in July 2011.⁸

Appendix A sets out draft amendments to the Compliance Procedures and Guidelines.

¹ s.272 National Energy Retail Law

² s.281 National Energy Retail Law

³ s.281(3) National Energy Retail Law

⁴ s.274 National Energy Retail Law

⁵ s.277 National Energy Retail Law

⁶ ss.278(1),281(2)(b) National Energy Retail Law

⁷ s.273(i) National Energy Retail Law

⁸ <http://www.aer.gov.au/content/index.phtml/itemId/748198>

Performance Reporting Procedures and Guidelines

The Retail Law requires the AER to publish retail market performance reports providing information and statistics about the energy retail market and the activities and performance of regulated entities in areas identified in the Retail Law and Rules.⁹ The AER's reports must provide sufficient detail to explain the key factors relevant to the level of and trends in the performance of regulated entities.¹⁰

The Performance Reporting Procedures and Guidelines support the AER's reporting function by specifying the manner and form in which regulated entities must submit relevant information and data to the AER, including the date or dates each year by which it must be submitted to the AER.¹¹ The reporting requirements specified in the Performance Reporting Procedures and Guidelines are binding on regulated entities, and non compliance may attract civil penalties or infringement notices.¹²

The Performance Reporting Procedures and Guidelines will apply to all regulated entities in participating jurisdictions from the date on which the Retail Law commences. Version 1 of the Performance Reporting Procedures and Guidelines was released in July 2011.¹³ The AER has provided a template on its website that regulated entities must complete to fulfil their reporting obligations under the Performance Reporting Procedures and Guidelines (schedule A.2 to the Guideline).

Appendix B sets out draft amendments to the Performance Reporting Procedures and Guidelines.

Retailer of Last Resort Plan

The Retail Law makes provision for a national Retailer of Last Resort (RoLR) scheme to provide common arrangements across jurisdictions in case of retailer failure, so that continuity of supply to energy customers is ensured. Retailer failure can be triggered in a number of ways, including suspension from wholesale energy markets by the Australian Energy Market Operator (AEMO).

The AER has a number of responsibilities under the RoLR scheme, including the development of a RoLR plan to be followed by RoLR participants in the event of retailer failure. Version 1 of the RoLR Plan was released in November 2011.¹⁴

Appendix C sets out draft amendments to the Retailer of Last Resort Plan.

Retail Pricing Information Guideline

Under the Retail Law, the AER may develop and amend Retail Pricing Information Guidelines.¹⁵ The Retail Pricing Information Guideline prescribe how retailers must present their standing offer prices and market offer prices. This is to assist small

⁹ ss. 284, 285, Retail Law; rr. 166, 167, Retail Rules

¹⁰ r.167(2), Retail Rules

¹¹ s.286(3), Retail Law

¹² s. 282, Retail Law

¹³ <http://www.aer.gov.au/content/index.phtml/itemId/748188>

¹⁴ <http://www.aer.gov.au/content/index.phtml/itemId/750175>

¹⁵ s 61(1), National Energy Retail Law.

customers in considering and comparing standing offer prices and market offer prices offered by retailers.

The Retail Pricing Information Guideline creates binding requirements on retailers to develop and publish Energy Price Fact Sheets (Fact Sheets) for all offers available to small customers and imposes more detailed requirements on those that are ‘generally available’. The Retail Pricing Information Guideline requires retailers to use a Fact Sheet to provide prices and other product information when they present, market or advertise pricing information to small customers. The Retail Pricing Information Guideline also requires that certain information must be provided in the Fact Sheet and contains a number of requirements around the way in which that information is presented.

Version 1.0 of the Retail Pricing Information Guideline was released in September 2011.¹⁶

The Retail Law also requires the AER to develop a price comparator website.¹⁷ The primary purpose of the price comparator website is to assist small customers to compare the standing offer prices and market offer prices generally available to them.¹⁸ The price comparator website (‘Energy Made Easy’) must be operational by 1 July 2012, when the Retail Law commences. The Retail Pricing Information Guideline creates binding requirements for retailers to provide data and information to the AER for the price comparator website.

These requirements were included in Version 2.0 of the Retail Pricing Information Guideline, released in November 2012.¹⁹

Appendix D sets out draft amendments to the Retail Pricing Information Guideline.

¹⁶ <http://www.aer.gov.au/content/index.phtml?itemId=734869>

¹⁷ s 62(2), National Energy Retail Law. The AER’s Statement of Approach to the price comparator website can be accessed at: <http://www.aer.gov.au/content/index.phtml/itemId/748266>.

¹⁸ s 62(3), National Energy Retail Law.

¹⁹ <http://www.aer.gov.au/content/index.phtml/itemId/749242>

2 Context in which draft procedures and guidelines have been prepared

The AER may amend guidelines published pursuant to the Retail Law at any time in accordance with the retail consultation procedure.²⁰

The AER published initial versions of the guidelines, in accordance with the retail consultation procedures, following the passing of the *National Energy Retail Law (South Australia) Act 2011*. Since that time the AER has continued to liaise with interested parties in relation to the implementation of the requirements of the Retail Law and the possible effects of the guidelines following commencement of the Retail Law.

This consultation seeks to amend minor drafting errors and clarify sections that have been discussed with stakeholders throughout the lead up to the commencement of the Retail Law. No substantive changes to the guidelines will be considered at this time.

This consultation process does not seek to re-open decisions made by the AER as part of the initial retail consultation procedure relating to each guideline. Substantive changes to the AER's initial guidelines will not be considered prior to the commencement of the Retail Law on 1 July 2012.

The AER will also make minor amendments to correct typographical errors in guidelines (and where relevant accompanying statements of approach) as part of this process; however as these amendments are to correct typographical errors only they have not been included in this Notice.

²⁰ s.281(2)(5) National Energy Law.

3 Issues involved in the preparation of procedures and guidelines

The guidelines have been developed based on the National Energy Retail Law (South Australia) Act 2011 and the initial National Energy Retail Rules published by the Ministerial Council on Energy in October 2010. Jurisdictional implementation packages remain in development at this time, and as such the AER is unable to identify the impact these will have on the AER's guidelines at this time.

The AER has sought to accommodate the fact that there will be jurisdictional variations in the application of the Retail Law to the extent possible, however without the finished jurisdictional instruments being available, no jurisdiction-specific issues will be considered in this consultation process.

4 Possible effects of procedures and guidelines

Compliance Procedures and Guidelines, Performance Reporting Procedures and Guidelines and Retailer of Last Resort Plan

The amendments proposed to the Compliance Procedures and Guidelines, Performance Reporting Procedures and Guidelines and Retailer of Last Resort Plan seek to clarify the relevant requirements and obligations contained therein. The draft amendments reinforce the intention of the AER and the proposed application of the guidelines to assist regulated entities to comply with them.

The draft amendments do not depart from previous decisions made by the AER, and do not seek to change the intent outlined in the previous retail consultation procedures.

No new requirements or obligations under the Compliance Procedures and Guidelines, Performance Reporting Procedures and Guidelines and Retailer of Last Resort Plan have been proposed.

Retail Pricing Information Guideline

The draft amendments to the Retail Pricing Information Guideline include additional requirements to further clarify:

- requirements for the development of Energy Price Fact Sheets for non-generally available offers and the provision of those to the AER; and
- the presentation of solar feed-in tariffs on Energy Price Fact Sheets, where applicable.

In particular, the draft amendments remove the requirement for retailers to generate a unique reference code using the AER price comparator website for use on Energy Price Fact Sheets for non-generally available offers.

A. Compliance Procedures and Guidelines

Schedule of amendments to Compliance Procedures and Guidelines

Clause or Schedule	Detail of Amendment	Reason for Amendment
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: ‘<u>each</u> 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>
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 legislation²¹ 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>
2.1	<p>Replace: ‘The Retail Law requires regulated entities to establish policies, systems and procedures to enable them to</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</i></p>

²¹ In this clause, *jurisdictional energy legislation* has the meaning given in s. 2(1), National Energy Retail Law.

	<p>efficiently and effectively monitor their compliance’</p> <p>With: ‘The Retail Law requires <u>each</u> regulated <u>entity</u> to establish policies, systems and procedures to enable <u>it</u> to efficiently and effectively monitor <u>its</u> compliance ...’</p>	<p><i>entities must have the appropriate systems to monitor compliance on such a disaggregated basis.</i></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: ‘<u>Each regulated entity</u> must submit information and data relating to <u>its individual</u> 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. <u>Consolidated reports covering multiple regulated entities are not permitted.</u>’</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>
3.2.3	<p>Replace: ‘(see clause 3.2.4)’</p> <p>With: ‘(see clause 3.3.4)’</p>	<p><i>Correction of cross-reference</i></p>
3.3.4	<p>Replace: ‘3.2.4 and 3.2.5’</p>	<p><i>Correction of cross-reference</i></p>

	<p>With: ‘3.2.5 and 3.2.7’</p>	
3.3.4(f)	<p>Replace: ‘in clause 3.3.3(e)’</p> <p>With: ‘in clause 3.3.4(e)’</p>	<i>Correction of cross-reference</i>
Schedule A.1	<p>Replace: Retail Law, Part 2, Division 3, section 22</p> <p>With: Retail Law, Part 2, Division 3, section 22<u>(1)</u></p>	<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>
Schedule A.1	<p>Replace: Retail Law, Part 3, Division 2, section 66</p> <p>With: Retail Law, Part 3, Division 2, section 66<u>(1)</u></p>	<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>

B. Performance Reporting Procedures and Guidelines

Schedule of amendments to Performance Reporting Procedures and Guidelines

Clause or Schedule	Detail of Amendment	Reason for Amendment
2.1.3	<p>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 stated in these Procedures and Guidelines.’</u></p>	<p><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></p>
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.</i></p> <p><i>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.</i></p> <p><i>Where indicators refer to ‘the previous 24 months’ (indicator S3.24(f) only), regulated entities will be 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</i></p>

		<i>data set as required by the indicator.</i>
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>	<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>
2.2.2	<p>Replace: ‘A consolidated written report (Q.4 report) on all quarterly performance 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>	<i>Clarification on how the AER Performance Reporting Template (Appendix A.2 of the Guideline) operates.</i>
2.2.3	<p>Insert new clause: ‘<u>Regulated entities must also submit a completed Appendix A.3 with each Q4 and Annual report.</u>’</p>	<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>
2.3.1	<p>Replace: ‘Written reports submitted’</p> <p>With: ‘<u>Electronic and</u> written reports submitted’</p>	<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</i>

		<i>statement of compliance (Appendix A.1 of the Guideline).</i>
2.3.4	<p>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.’</p> <p>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 relevant to the level of, and trends in, their performance.</u>’</p>	<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>
2.4.1	<p>Replace both references to: ‘Chief Executive Officer’</p> <p>With: ‘<u>General Manager, Retail Markets</u>’</p>	<i>Clarification of appropriate contact for submission of performance reports</i>
Schedule 2.1	<p>Insert: ‘<u>For the purposes of this indicator, the consumption threshold determined by the relevant jurisdiction should be applied.</u>’</p>	<i>To highlight that any variations in consumption thresholds across jurisdictions should apply to the reporting of this indicator for that jurisdiction.</i>
Schedule 2.2	<p>Insert: ‘<u>For the purposes of this indicator, the consumption threshold determined by the relevant jurisdiction should be applied.</u>’</p>	<i>To highlight that any variations in consumption thresholds across jurisdictions should apply to the reporting of this indicator for that jurisdiction.</i>
Schedule 2.2	<p>Replace: ‘Large customers’</p> <p>With:</p>	<i>Clarification on how large customer contracts should be reported for the purposes of the indicator.</i>

	‘Large customers (<u>this should also include any large customers on other contract types</u>)’	
Schedule 3.1	<p>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></p>	<p><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></p> <p><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></p>
Schedule 3.2	<p>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></p>	<p><i>See above reason for amendment (schedule 3.1).</i></p>
Schedule 3.3	<p>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></p>	<p><i>See above reason for amendment (schedule 3.1).</i></p>
Schedule 3.4	<p>Insert: <u>‘Where one retail group holds a number of individual</u></p>	<p><i>See above reason for amendment (schedule 3.1).</i></p>

	<p><u>national retailer authorisations and a common IVR telephone system is used, separate reporting is not required.</u></p> <p><u>Regulated entities with only large customers and no IVR telephone system in place are not obliged to report on this indicator.'</u></p>	
Schedule 3 - Handling customers experiencing payment difficulties - definitions	<p>Replace: ‘90 days’</p> <p>With: ‘90 <u>calendar</u> days’</p>	<i>To provide further clarification on the definition of ‘energy bill debt’.</i>
Schedule 4.6	<p>Replace: ‘Payment plan’</p> <p>With: ‘Payment plan (<u>excluding those who make their payment plan payments using Centrepay</u>)’</p>	<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>
Appendix A.1	<p>Replace: ‘Chief Executive Officer, Australian Energy Regulator’</p> <p>With: ‘<u>General Manager, Retail Markets</u>, Australian Energy Regulator’</p>	<i>Clarification of appropriate contact for submission of performance reports.</i>
Appendix A.1	<p>In the explanatory paragraph to Appendix A.1, replace: ‘(see Appendix A.3)’</p> <p>With: ‘(see Appendix A.3 <u>for annual reports</u>)’</p>	<i>To highlight that Appendix A.3 relates to annual indicators.</i>
Appendix	In the pro-forma statement in Appendix A.1, delete:	<i>Reference to this document not required as it is already referenced.</i>

<p>A.1</p> <p>Appendix A.1 (Footnote 11)</p>	<p>‘AER Accompanying commentary template’</p> <p>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. Intra-financial 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.’</p> <p>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 reports</u> 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.’</p>	<p><i>Simplifies drafting to clarify the application of Appendix A.1.</i></p>
<p>Appendix A.2</p>	<p>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 www.aer.gov.au.]’</p> <p>With: ‘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>	<p><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></p>
<p>Appendix A.3</p>	<p>Delete: ‘Explanatory material on performance indicators –</p>	<p><i>Not required as commentary should be provided in the AER’s Performance Reporting Template (Appendix A.2).</i></p>

	Optional' and accompanying commentary and table.	
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C. Retailer of Last Resort Plan

Clause or Schedule	Detail of Amendment	Reason for Amendment
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 appointed as the designated RoLR <u>prior to</u> the issuance of a default notice by AEMO in accordance with the Electricity Rules and Gas Rules.’</p>	<p><i>Provides clarification so that timeframes for information flows after a ROLR event are consistent with AEMO decision making processes.</i></p>
2.1 (c) (iv)	<p>Replace:</p> <p>‘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 <u>RoLR</u> event occurs, default RoLRs will be appointed in accordance with the AER’s standing instructions to AEMO.’</p>	<p><i>Provides defines the information that the AER will give to AEMO concerning the appointment of additional RoLRs.</i></p>

	<p>With: ‘If the AER does not provide a notice in writing to AEMO <u>concerning addition RoLR appointments in accordance with clause 2.1(c)</u> before the RoLR event occurs, default RoLRs will be appointed in accordance with the AER’s standing instructions to AEMO.’</p>	
2.2(c)(iv)	<p>Replace: ‘Within two business days of the RoLR event, AEMO will provide:</p> <ol style="list-style-type: none"> 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 report to the AER as prescribed by the AER-AEMO RoLR event communication protocol for a gas RoLR event. 4. The designated RoLR with the customer details for affected MIRNS/DPIs as prescribed by the RoLR procedures for a gas RoLR event. 5. Notification to the AER that customer details 	<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></p>

	<p>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 <u>the time specified in the RoLR procedures</u>, AEMO will provide</p> <ol style="list-style-type: none"> 1. The summary NMI RoLR report to the AER and affected participants as prescribed by the RoLR procedures for an electricity RoLR event. 2. <u>Provide the AER</u> with the transfers in progress as prescribed by the RoLR procedures for an electricity RoLR event. 3. The designated RoLR with the customer details for affected MIRNS/DPIs as prescribed by the RoLR procedures for a gas RoLR event. 4. Notification to the AER that customer details for affected MIRNS/DPIs have been provided to the designated RoLR for a gas RoLR event. 	
2.4(a)(i)(1)(a)	<p>Replace: 'or'</p>	<p><i>Error in November 2012 final RoLR plan</i></p>

	With: 'and'	
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>

D. Retail Pricing Information Guideline

Clause or Schedule	Detail of Amendment	Reason for Amendment
2.1	<p>Replace first paragraph under heading ‘2.1 Requirement to produce an <i>Energy Price Fact Sheet</i>’</p> <p>With:</p> <p>‘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>.’</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>
2.2	<p>After heading ‘Example 1’ insert:</p> <p>– Electricity, single rate</p>	<p><i>The heading of Example 1 has been made more descriptive to improve clarity.</i></p>
2.2	<p>After heading ‘Example 2’ insert:</p> <p>– Electricity, Time of use</p>	<p><i>The heading of Example 2 has been made more descriptive to improve clarity.</i></p>
2.2	<p>After heading ‘Example 3’ insert:</p> <p>– Dual fuel with block tariffs (electricity and gas)</p>	<p><i>The heading of Example 3 has been made more descriptive to improve clarity.</i></p>
2.2	<p>After Example 3 insert:</p>	<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>

Example 4 – Cap plan

Electricity – applicable charges	Price (Excl GST)	Price (Incl GST)
100% of previous year’s consumption per quarter	cents per kWh	cents per kWh
Consumption of 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 day	cents per day

2.3.1

Replace first paragraph and list of key fees

With:

‘A retailer must on an *Energy Price Fact Sheet*, provide information on key fees that are applicable to a *contract offer* 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

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.

	<p>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 ▪ payment processing fees.’ 	
2.3.4	<p>Replace heading ‘Section 2.3.4 GreenPower and other options’</p> <p>With:</p> <p>2.3.4 Solar, GreenPower and other options</p> <p>After the third paragraph in Section 2.3.4, insert:</p> <p><i>An Energy Price Fact Sheet must clearly indicate when a contract offer is available to customers 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 customers entering into the contract offer associated with the Energy Price Fact Sheet. See example 5 for an example of</i></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>

	how solar options may be presented.					
2.3	<p>Under ‘Options’ in the Example 5 table, insert:</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 30%;">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>
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> <ol style="list-style-type: none"> 2. identify each <i>Energy Price Fact Sheet</i> for a generally available offer with a <ol style="list-style-type: none"> a. unique reference code as generated by the price comparator website; or b. a unique reference code as generated by the price comparator website and a unique name. 3. identify each <i>Energy Price Fact Sheet</i> for a non-generally available offer with a 	<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 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>				

	<ul style="list-style-type: none"> a. unique reference code as generated by the price comparator website; or b. a unique reference code as generated by the price comparator website and unique name and; or 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>. 	
2.4	<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 or 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>
3	<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>With:</p> <p>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)</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>

	available to a new <i>small customer</i> on or from 1 July 2012.	
3.1	<p>Replace first sentence after heading ‘Generally available contract offers’</p> <p>With:</p> <p>‘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>	<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>
3.1	<p>Replace second paragraph under heading ‘Non-generally available contract offers’ heading</p> <p>With:</p> <p>‘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>	<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>
4.4.1	Replace first paragraph under heading ‘Non-generally available	<i>This paragraph has been shortened to improve clarity and relevance.</i>

	<p><i>contract offers</i></p> <p>With: ‘As per section 3.1, a <i>retailer</i> is not required to publish <i>Energy Price Fact Sheets</i> for non-generally available offers on its website.’</p>	
Glossary	<p>After the definition for ‘market offer’, insert:</p> <p>Regulated offer has the meaning given in New South Wales energy legislation. Regulated offer prices are regulated by the Independent Pricing and Regulatory Tribunal.</p>	<i>The Glossary has been amended to include a definition for a regulated offer.</i>
Attachment A	<p>After “Eligibility for this plan” information, insert:</p> <p>Applicable meter type</p> <p>You require a Time of use (Type 5) meter to be eligible for this offer.</p>	<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>
Attachment C	<p>After point 18, insert:</p> <p>19. whether the <i>contract offer</i> is a <i>standing, regulated or market offer</i>.</p>	<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 Approach²².</i>

²² The AER’s Statement of Approach to the price comparator website can be accessed at: <http://www.aer.gov.au/content/index.phtml/itemId/748266>.