

Benefits of increased visibility of networks

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About the Public Interest Advocacy Centre

The Public Interest Advocacy Centre (PIAC) is leading social justice law and policy centre. Established in 1982, we are an independent, non-profit organisation that works with people and communities who are marginalised and facing disadvantage.

PIAC builds a fairer, stronger society by helping to change laws, policies and practices that cause injustice and inequality. Our work combines:

- legal advice and representation, specialising in test cases and strategic casework;
- research, analysis and policy development; and
- advocacy for systems change and public interest outcomes.

Energy and Water Consumers' Advocacy Program

The Energy and Water Consumers' Advocacy Program works for better regulatory and policy outcomes so people's needs are met by clean, resilient and efficient energy and water systems. We ensure consumer protections and assistance limit disadvantage, and people can make meaningful choices in effective markets without experiencing detriment if they cannot participate. PIAC receives input from a community-based reference group whose members include:

- Affiliated Residential Park Residents Association NSW;
- Anglicare;
- Combined Pensioners and Superannuants Association of NSW;
- Energy and Water Ombudsman NSW;
- Ethnic Communities Council NSW;
- Financial Counsellors Association of NSW;
- NSW Council of Social Service;
- Physical Disability Council of NSW;
- St Vincent de Paul Society of NSW;
- Salvation Army;
- Tenants Union NSW; and
- The Sydney Alliance.

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The Public Interest Advocacy Centre office is located on the land of the Gadigal of the Eora Nation.

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1. Introduction

PIAC welcomes the opportunity to respond to the Australian Energy Regulator (AER) and Energy Security Board's (ESB) Benefits of increased visibility of networks consultation paper (the Paper).

As the energy system becomes more dynamic, diverse, and decentralised, transparency and data sharing will be crucial to coordinate across the sector and ensure system stability. From a consumer's perspective, the transformation of the system will cost less and benefit all consumers if data openness is managed effectively.

Better access to data on the performance of low-voltage networks is needed to optimise consumer energy resources (CER) and network assets, and help ensure new market arrangements and consumer protections work for all consumers.

These objectives can best be realised through an effectively managed open access data regime. Where network data already exists, is of usable quality, and can be made available at relatively low cost, it should be made available. Open access to data, when properly managed to protect privacy, is likely to contribute to better system and price outcomes for consumers.

2. An open access regime should be adopted to maximise the value of data to consumers

We commend the ESB for engaging consumer advocates and other non-network stakeholders to define relevant use cases for network-related data sets. Outlining likely use cases helps identify overlapping information needs and high-value data most likely to contribute to better outcomes for consumers.

However, the approach proposed in the data strategy does not facilitate access to network data that falls outside the identified use cases. This puts the onus on stakeholders to convince policymakers of a use case value as a precondition to data access. While this is a reasonable precaution to protect data, it may provide networks and other data holders with greater access and control over data than is preferable. The approach risks undermining or overlooking prospective use cases for which data is available but not accessible.

The use cases identified in the Paper should inform what network data is gathered and how it is shared, but visibility of network system data should not begin and end there.

Network system data should be part of an open access regime. That is, if the network data exists, is of usable quality, and can be made available at relatively low cost, with appropriate protection for the source point of that data (consumers), then it should be made available. The onus should be on policymakers to demonstrate the particular need for further restrictions where consumers would otherwise reasonably stand to benefit from open access arrangements.

Should the AER choose to retain its proposed approach, we recommend it implement periodic reviews to assess whether existing use cases remain relevant and whether new use cases have emerged. These reviews should also serve to ensure the data required to satisfy identified use

cases remains fit for purpose and to promote timely, transparent, and secure data sharing practices amongst stakeholders.

2.1 Access to real-time data should be offered where it is efficient to do so

We disagree with the ESB's conclusions regarding real-time data. Dismissing the need for provision of real-time¹ data due to a lack of existing use cases forecloses on the possibility of such services emerging in the future. Services that rely on real-time data will not emerge if access to real-time data remains restricted or unavailable.

Advanced meters are already technically capable of providing access to real-time data. While this data belongs to consumers, it should be made available free of additional charge to defined market participants (such as DNSPs, retailers, and AEMO) for a range of defined purposes which promote the interests of all consumers. To the extent that real-time data is required to ensure the system operates efficiently, safely, and reliably, this data should be shared with other stakeholders within the limits of practices required to protect consumer privacy.

Enabling better access to this data can reduce friction across the sector, help improve system management, support better decisionmaking in asset procurement and deployment, and deliver overall cost efficiencies across the whole system.

2.2 Consumer protections should be informed by their right to own and control their data

The ESB outlines consumer rights and responsibilities as follows,

Customers have a right to own and control their own data. They also have a right to privacy. These two points mean that customers have a right to withhold their data where it is being used in a manner that is intrusive or unnecessary.

We strongly support this view and recommend the AER adopt this principle to guide their work on consumer protections.

Ownership entails the right to use, provide, or sell data as one sees fit. Accordingly, consumers should have access to data in a format that is most able to be useful to them (either directly or indirectly). They should not be impeded from assigning access to this data to an authorised agent or service provider in order to make use of their data.

Certain data is required to support the efficient operation of the energy system. At the simplest level, usage data is available to retailers to support billing and other service management processes. As advanced metering facilitates wider data sets to contribute to efficient system operation, consumers should be informed of what data is collected and used for these purposes. They should be assured that their privacy and safety is protected as part of the usage of this data. All other data uses must be made contingent on the explicit consent of the consumer as

¹ As per the Australian Energy Market Commission (AEMC), we understand 'real-time' to mean data delivered within 300 seconds of being generated and as close to instantaneous as possible.

stipulated under the Consumer Data Right² or other energy-specific data frameworks which may evolve in line with these expectations.

There are factors which may make open data inappropriate. Issues can occur across privacy, security, and consumer impact domains but these can be mitigated through robust protocols for anonymisation, aggregation, redaction, or introduction of noise. If issues cannot be resolved through the above techniques, it may be appropriate to limit usage or access arrangements. The introduction of such limitations should however be a last resort, and not the default regulatory approach to data which is already being collected and made available to networks.

3. The ‘value’ criterion should be excluded in consideration of data sets

PIAC questions the merit of applying a ‘value’ criterion to the provision of network data. The reasons for applying this filter are unclear given the Paper states,

in most cases, this data is already being captured by networks or other parties who could potentially make it available to networks. As such, the incremental costs of capturing the data that we are recommending be made available are very likely to be minimal.

As we set out above, if the network data exists, is of usable quality, and can be made available at relatively low cost, then it should be made available subject to appropriate protections of the origin of that data.

The proposed approach may further commercialise energy system data through incentivising data holders to leverage their control for commercial rather than social benefits. This is already evident in the behaviour of metering coordinators, who through their monopoly control of metering data benefit privately from control and sale of consumer-generated data.

Data generated and subsidised by consumers should be available for the benefit of the system as a whole where this can be done at no risk of detriment to the consumer. Such data should be made public within the limits of consumer privacy.

Should the AER decide to retain the ‘value’ criterion, it should treat it as a ‘guide’ rather than a ‘filter’. That is, the value criterion should guide how the provision of available data is prioritised rather than necessarily determining what data is provisioned.

4. Further engagement

PIAC would welcome the opportunity to discuss these matters further with the AER and other stakeholders. If you have any queries about this submission or would like more information about our advocacy and research work, please contact Jan Kucic-Riker, Policy Officer, Energy and Water at jkucicriker@piac.asn.au

² See <https://www.cdr.gov.au/your-rights>