

4 November 2025

Ms Fiona Hooymans
General Manager, Surveillance Branch
Australian Energy Regulator

Submitted by email to: ContractMarketMonitoring@aer.gov.au

Dear Ms Hooymans

SUBMISSION: DRAFT ELECTRICITY MARKET MONITORING INFORMATION ORDER (MMIO-ELEC-2025-02)

CS Energy welcomes the opportunity to provide a submission in response to the Australian Energy Regulator's (AER's) draft Market Monitoring Information Order published on 22 September 2025 (**draft Order**).

About CS Energy

CS Energy is a Queensland-owned and based energy company that provides power to some of the State's biggest industries and employers. We generate and sell electricity in the wholesale and retail markets, and we employ almost 700 people who live and work in the regions where we operate

CS Energy owns thermal power generation assets, and we are building a more diverse portfolio. We also have a renewable energy offtakes portfolio of almost 300 megawatts, which we supply to our large commercial and industrial customers in Queensland. CS Energy is developing a 400 MW gas-fired peaking generator at Brigalow near Kogan Creek in Queensland.

Key recommendations

CS Energy supports the AER's revised approach in this second draft Order following consultation on the first draft Order released in November 2024. The reduction in scope, greater emphasis on quantitative data than on qualitative information and efforts to avoid collecting data now provided to other regulators is welcome. This will improve the quality of firms' responses to a new process while easing the growth and cost of the compliance burden.

We suggest that the next steps to an orderly application of the final Order include:

- Upon issuance of the initial Order, allowing adequate time – at least six months - for firms to ensure their systems enable compliance with the Order before information must be provided to the AER;
- Continuous effort by the AER and other regulators to identify fields in which they require the same or very similar data from firms and then means of sharing that data so that regulatory needs are met at least cost (ultimately consumers pay some of the costs of firms' compliance and firms absorb the rest of those costs at the expense of other valuable activities);



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- Collecting information about power purchase agreements (**PPAs**) annually, which would be consistent with PPAs being contracts with terms of many years;
- Information about corporate structures and governance being sought consistent with the framework of other legislation, particularly the *Corporations Act 2001* as this will avoid confusion within responding firms.

CS Energy also recommends that the AER consult firms about comment or analysis it proposes to publish specifically about them. This would be consistent, for example, with the AER's practise in relation to information provided by electricity networks in response to the AER's Regulatory Information Notices. This practise appears to lead to deeper understanding by the AER of firms' data and by firms of the AER's requirements and so should result in more effective regulation.

Firms responding to the Order will provide the AER with information of enormous commercial sensitivity. The publication or release of that information would certainly harm the economic interests of those firms and their counterparties. It also is likely – relative to the number and size of firms whose information is published or released – to weaken the competitive process by reducing the pressures in the market for firms to price services keenly or to develop innovative contracts. That result would be at the expense of consumers and undermine their confidence in the market. CS Energy therefore strongly supports calls for the AER to ensure it places tight controls on access to and the handling of commercially sensitive information.

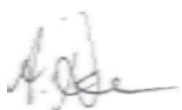
We support the proposal of the Australian Financial Markets Association that the AER apply:

- adequate systems for storing and accessing data, including provision for anonymising and encrypting stored information and logging access;
- an information life cycle management framework to ensure data is managed well;
- controls on human access to limit information to those staff and contractors who need to know and provide safeguards against conflicts of interest; and
- post-engagement contractual provisions for staff and contractors with access to confidential information to protect confidentiality and, where appropriate, restrain former staff and contractors from taking commercial roles where they will be able to exploit any information during the period when the information remains commercially valuable.

The AER should use an independent specialist to regularly audit its systems and processes for handling confidential information and heed the specialist's recommendations for improvements. Publication of the results of audits and demonstration of the AER's responses would support industry confidence in the handling of firms' information. CS Energy recommends the AER run such a process before firms provide their data to the AER.

If you would like to discuss this submission, please contact Don Woodrow, Market Policy Manager, on either 0407 296 047 or dwoodrow@csenergy.com.au.

Yours sincerely



Dr Alison Demaria
Head of Policy and Regulation