



Active Utilities Pty Ltd
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Australian Energy Regulator
Att. Ms Sarah Proudfoot
General Manager, Retail Markets Branch
GPO Box 520
MELBOURNE VIC 3001

Sent via Email AERInquiry@aer.gov.au

11-01-2013

Dear Ms Proudfoot,

Re: AER Exempt Guideline revisions, November 2012

Active Utilities wishes to respond on behalf of our embedded network site owners and operators in reference to the AER's recent draft paper: *AER (Retail) Exempt Selling Guideline dated November 2012*. We would like to commend the AER on the recent amendments to the guidelines, we feel that this guideline is something that can now be used to formalise a somewhat grey area within the electricity industry across Australia. Below we have provided some further discussion points that we believe will continue to strengthen the AER's approach to exempt on selling.

For background, Active Utilities is an embedded network service provider operating mainly with customers located on the east coast of Australia. Our embedded network business comprises of consulting to Developers, Owners Corporations and owners/ managers of buildings for the setup and ongoing management of embedded networks. As part of this service we sometimes provide a billing management agency service to these entities to ensure that their end customers receive a similar service offering to normal network conditions and meet relevant legislative requirements of operating these networks. At all times we act as Agent for these entities rather than operate as an exempt seller in our own right.

Specialist Exempt Sellers & Specialist Service Providers

Active Utilities recommends that a combined approach be taken to the identification and registration of both sellers and providers. We do not believe that registering a singular entity may provide adequate registration for a site. To allow the AER to obtain its visibility into the management of an exempt network, ensuring customer protection and that all parties are accountable to meet legislation requirements, we believe that a registration could occur which breaks down the roles that are played in the operation of the network. In its basic form, the registration of parties could be as follows:

1. Network owner/operator
2. Billing provider
3. Responsible person (for metering/NEM related queries)



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Consumer rights

On several occasions throughout the consultation process the subject of consumer protection has been discussed. Active Utilities continues to support a basic registration of exempt sellers/providers with the Energy Ombudsman of Victoria (EWOV) scheme. While published complaints handling procedures by exempt sellers may provide some clarification to the procedure, exempt customers may choose to review independent content provided on the internet. Currently majority of literature directs customers (without reference to exempt customers) to EWOV, Department of Consumer Affairs or other regulatory bodies. Should exempt seller registration not be feasible with EWOV, then perhaps clear references should be made on the appropriate bodies literature, that exempt customers must direct their enquiry to the Victorian Civil & Administrative Tribunal.

Thank you for the opportunity to respond as part of the ongoing consultation process regarding exemptions. Should you wish to discuss any of the above in more detail please feel free to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Mick Dovile".

Mick Dovile
Operations Manager
Active Utilities Pty Ltd