

7 April 2022

Mila Sudarsono
A/g Director Compliance and Enforcement Branch
Australian Energy Regulator
GPO Box 3131
CANBERRA ACT 2601
BY EMAIL: AERExemptions@aer.gov.au

Dear Mila,

Re: *Submission to AER Draft Guideline*

Altogether Group (**Altogether**) welcomes the opportunity to provide feedback to the Australian Energy Regulator (**AER**) regarding the draft Retail Exempt Selling Guideline (version 6) (**Guideline**). As an authorised retailer and embedded networks operator focused on positive consumer outcomes, we support the uplift of consumer protections through amendments to the Guideline, whilst awaiting the delayed implementation of the AEMC's *Updating The Regulatory Frameworks For Embedded Networks in 2019 (URFEN)*. Like other participants operating in embedded networks, we request the AER provide an update on implementation timetables for the URFEN given significant time has elapsed. Noting the above, we broadly support the changes proposed to the Guideline, and reaffirm our support for the following specific changes.

- Amendments clarifying that an exempt seller must obtain multiple classes of exemptions in the event they sell to both commercial and residential customers will ensure greater focus on consumer protections. We request the AER confirm that the implication of this is that for every single site, there is expected to be one exemption which captures all applicable registrable classes of exempt retailing activities. We further suggest the AER consider a review of registered exemptions to ensure they are appropriate for the sites they relate to.
- We note the AER's amendments in section 2 of page 5 of the Guideline, where wording indicates that parties who could be an energy seller could include 'landlords recovering energy costs from tenants for tenant's energy consumption'. We support this clarification, but also request the AER indicate in its examples whether this covers a body-corporate's apportionment of common area electricity costs to tenants.
- The Guideline retains the requirement that for deemed and registrable exemption classes, 'each premises is separately metered.' We request the AER confirm that each premises ought not to be sharing a single meter.
- Requiring exempt sellers that on-sell electricity to residential customers to join the relevant ombudsman scheme (i.e., in QLD, this would be EWOQ) is a great way to uplift consumer protections and consumer access to an intermediary to enforce their rights. Our only query relates to whether the AER will require an embedded network operator who is acting as a retailer (either exempt or authorised) and as an embedded network operator to obtain multiple memberships (i.e., one as a retailer, and another as an embedded network operator). The customer protection benefits of requiring exempt sellers to join ombudsman schemes (and pay registration fees and such) far outweigh any costs incurred by exempt sellers, especially in circumstances where the URFEN has yet to be implemented across the National Energy Market.
- The addition of Hardship Policy requirements for exempt retailers (utilising the AER Exempt Seller Hardship Policy template) as a core condition applicable to deemed and registrable exemptions is long overdue. Given the recent pandemic and significant impact of electricity prices on exempt seller customers, we believe this amendment will be as effective as it is enforced. We believe that the benefits of requiring implementation of Hardship Policies far outweigh any costs incurred by participants.

Altogether is happy to discuss this further, please feel free to contact me on my details below.

Kind regards

Drew McKillican



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