



Australian Energy Regulator
By email: RRO@aer.gov.au

08 April 2020

Dear Sir/Madam,

Draft RRO Opt-in Guidelines Consultation

Thank you for the opportunity to provide comments on the Draft RRO Opt-in Guidelines (**Draft Guidelines**).

ENGIE Australia & New Zealand (**ENGIE**) is a significant energy business encompassing generation, retailing and energy services, and its retailing arm, Simply Energy, as a liable entity, is impacted by the Draft Guidelines.

ENGIE is supportive of the Draft Guidelines. However, ENGIE suggests the Draft Guidelines could be clarified in two main areas: timelines and notifications.

Timelines

It is noted that the Draft Guidelines only reflect the timelines and definitions regarding the operation of the RRO under the National Electricity Law and the National Electricity Rules (**NER**), and not the timelines or definitions under jurisdictional derogations, such as the South Australian derogations.

ENGIE suggests it would be helpful for the AER to cover the timelines and definitions under the South Australian derogations so as to better inform participants.

Notifications to Market Customers and other opt-in customers

The Draft Guidelines provide at '4.4.1 Opt-in Registration' as follows:

"The AER will provide a written response to the applicant and the affected Market customer advising whether an application has been approved or rejected, and will endeavour to do so within 30 business days of the application being received."

The Draft Guidelines also provide at '4.4.2 Large opt-in customer deregistration' as follows:

"If the changes are approved, they will be visible to both the large customer and Market Customer in the public opt-in summary and a written notification from the AER will be provided to both parties."

Australia

Level 33, Rialto South Tower,
525 Collins Street Melbourne, Victoria 3000, Australia
Tel. +61 3 9617 8400 Fax +61 3 9617 8401 engie.com.au



There is no reference to written notifications in respect of prescribed opt-in customer deregistration and adjustment at '4.4.3 Prescribed opt-in customer deregistration or adjustment'.

ENGIE suggests these references could be made clearer by ensuring there is a clear statement that affected parties, being relevant Market Customers or other opt-in customers in respect of their relevant connection points, are notified in writing by the AER whenever an application to opt-in, deregister (in respect of large opt-in customers and prescribed opt-in customers) or adjust a percentage of a load (in respect of prescribed opt-in customers), is approved or rejected by the AER.

Further, if the opt-in register is updated as a result of an opt-in customer seeking rectification of the opt-in register due to errors in their certificates, then affected parties should also be notified in writing by the AER (but only to the extent this impacts their assumed opt-in liability for a connection point).

ENGIE suggests this is in line with the AER's comments in its draft decision on the Draft Guidelines (**Draft Decision**) at '2.1.3 Notification of Market Customers' (see below) but which the current drafting does not entirely reflect.

"The AER understands the benefit of clear communication after making decisions on opt-in applications (including registering, de-registering and adjustments). The draft guideline reflects this position and states that each affected party will be notified once a decision by the AER has been made."

Further, it would also be useful to understand, given the importance of the certificates as to the accuracy of the opt-in register, whether:

- (a) a Market Customer or other opt-in customer can request the AER to issue a certificate under NER, 4A.D.11 to confirm the customer's opt-in status with respect to that Market Customer's or other opt-in customer's connection points (i.e., in the rare event of uncertainty); or
- (b) the written notifications issued to Market Customers or other opt-in customers as envisaged above can be regarded as "certificates" for the purposes of NER, 4A.D.11.

It is noted that the NER do not restrict and/or specify who can request such a certificate, but the Draft Guidelines only limit the issuance of such certificates to opt-in customers.

If you have any comments or queries, please contact Julie Atanasovska by email at julie.atanasovska@engie.com, or by telephone on +61 400 170 875.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "J Lowe".

Jamie Lowe
Head of Regulation