



Notice of final instrument

Minor amendments to Retail Law guidelines:
AER Compliance Procedures and Guidelines,
Performance Reporting Procedures and Guidelines,
Retailer of Last Resort Plan, and Retail Pricing Information
Guideline

June 2012

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Shortened forms

AER	Australian Energy Regulator
regulated entity	Has the meaning given in s. 2 of the National Energy Retail Law (<i>A Retailer, a distributor or any other person identified in the national energy Retail Rules as a regulated entity.</i>)
Retail Law	National Energy Retail Law
Retail Rules	National Energy Retail Rules

Retail consultation procedure

This notice and the amendments that will be made to the AER Compliance Procedures and Guidelines, Performance Reporting Procedures and Guidelines, Retailer of Last Resort Plan and Retail Pricing Information Guideline (the guidelines) have been determined and published in accordance with the retail consultation procedure set out in cl. 173 of the National Energy Retail Rules.

A Notice of Draft Instrument setting out proposed amendments was released on 27 April 2012. Submissions closed on Monday, 28 May 2012.

Submissions were received from the following parties:

AEMO

AGL Energy Limited

APA/Envestra

Citipower/Powercor

Ergon Energy

Jemena

Origin

The following revised guidelines, incorporating the AER's final amendments, have been released with this Notice:

AER Compliance Procedures and Guidelines – Version 2

AER Performance Reporting Procedures and Guidelines – Version 2

Retailer of Last Resort Plan – Version 2

Retail Pricing Information Guideline – Version 3.

1 Requirement to develop procedures and guidelines

This decision corrects minor errors in the following guidelines made by the AER under the National Energy Retail Law (South Australia) Act 2011, and makes minor amendments to those guidelines.

The AER has also reissued amended guidelines in final form.

Compliance Procedures and Guidelines

The AER will be responsible for monitoring compliance by energy retailers and distributors with their obligations under the Retail Law and Rules from the date of its commencement in each participating jurisdiction.¹ To support this new role, the Retail Law empowers the AER to develop Compliance Procedures and Guidelines.²

The Compliance Procedures and Guidelines specify the manner and form in which regulated entities are to submit information and data to the AER relating to their compliance with the Retail Law and Rules.³ These requirements to submit information and data are binding on regulated entities, and non-compliance may attract civil penalties or infringement notices.⁴

The Retail Law also requires compliance audits to be conducted according to the Compliance Procedures and Guidelines.⁵ The Compliance Procedures and Guidelines provide information on how audits will be carried out, and how the costs payable by regulated entities for compliance audits will be determined.⁶

Under the Retail Law regulated entities will be required to establish policies, systems and procedures to enable them to efficiently and effectively monitor their compliance with the requirements of the Retail Law and Rules.⁷ The Compliance Procedures and Guidelines provide guidance on how these internal frameworks must be established and observed.

The Compliance Procedures and Guidelines will apply to all regulated entities in participating jurisdictions from the date of commencement. Version 1 of the Compliance Procedures and Guidelines was released in July 2011.⁸

Appendix A sets out final amendments to the Compliance Procedures and Guidelines. Appendix E sets out the AER's responses to the issues raised in the submissions.

¹ s.272 National Energy Retail Law

² s.281 National Energy Retail Law

³ s.281(3) National Energy Retail Law

⁴ s.274 National Energy Retail Law

⁵ s.277 National Energy Retail Law

⁶ ss.278(1),281(2)(b) National Energy Retail Law

⁷ s.273(i) National Energy Retail Law

⁸ <http://www.aer.gov.au/node/6559>

Version 2 of the Compliance Procedures and Guidelines has been released with this Notice.

Performance Reporting Procedures and Guidelines

The Retail Law requires the AER to publish retail market performance reports providing information and statistics about the energy retail market and the activities and performance of regulated entities in areas identified in the Retail Law and Rules.⁹ The AER's reports must provide sufficient detail to explain the key factors relevant to the level of and trends in the performance of regulated entities.¹⁰

The Performance Reporting Procedures and Guidelines support the AER's reporting function by specifying the manner and form in which regulated entities must submit relevant information and data to the AER, including the date or dates each year by which it must be submitted to the AER.¹¹ The reporting requirements specified in the Performance Reporting Procedures and Guidelines are binding on each individual regulated entity, and non compliance may attract civil penalties or infringement notices.¹²

The Performance Reporting Procedures and Guidelines will apply to each regulated entity from the date on which the Retail Law commences in each participating jurisdiction. Version 1 of the Performance Reporting Procedures and Guidelines was released in July 2011.¹³ The AER has developed a Performance Reporting Template (Schedule A.2 of the Performance Reporting Procedures and Guidelines) to enable regulated entities to submit the required data to the AER. This was provided to all transitioning retailers in early April 2012 and is also available on the AER's website, alongside the Guideline.¹⁴

Appendix B sets out final amendments to the Performance Reporting Procedures and Guidelines. Appendix E sets out the AER's responses to the issues raised in the submissions.

Version 2 of the Performance Reporting Procedures and Guidelines has been released with this Notice.

Retailer of Last Resort Plan

The Retail Law makes provision for a national Retailer of Last Resort (RoLR) scheme to provide common arrangements across jurisdictions in case of retailer failure, so that continuity of supply to energy customers is ensured. Retailer failure can be triggered in a number of ways, including suspension from wholesale energy markets by the Australian Energy Market Operator (AEMO).

⁹ ss. 284, 285, Retail Law; rr. 166, 167, Retail Rules

¹⁰ r.167(2), Retail Rules

¹¹ s.286(3), Retail Law

¹² s. 282, Retail Law

¹³ <http://www.aer.gov.au/node/6538>

¹⁴ <http://www.aer.gov.au/node/6538>

The AER has a number of responsibilities under the RoLR scheme, including the development of a RoLR plan to be followed by RoLR participants in the event of retailer failure. Version 1 of the RoLR Plan was released in November 2011.¹⁵

Appendix C sets out final amendments to the Retailer of Last Resort Plan. Appendix E sets out the AER's responses to the issues raised in the submissions.

Version 2 of the Retailer of Last Resort Plan has been released with this Notice.

Retail Pricing Information Guideline

Under the Retail Law, the AER may develop and amend Retail Pricing Information Guidelines.¹⁶ The Retail Pricing Information Guideline prescribes how retailers must present their standing offer prices and market offer prices. This is to assist small customers in considering and comparing standing offer prices and market offer prices offered by retailers.

The Retail Pricing Information Guideline creates binding requirements on retailers to develop and publish Energy Price Fact Sheets (Fact Sheets) for all offers available to small customers and imposes more detailed requirements on those that are 'generally available'. The Retail Pricing Information Guideline requires retailers to use a Fact Sheet to provide prices and other product information when they present, market or advertise pricing information to small customers. The Retail Pricing Information Guideline also requires that certain information must be provided in the Fact Sheet and contains a number of requirements around the way in which that information is presented.

Version 1.0 of the Retail Pricing Information Guideline was released in September 2011.¹⁷

The Retail Law also requires the AER to develop a price comparator website.¹⁸ The primary purpose of the price comparator website is to assist small customers to compare the standing offer prices and market offer prices generally available to them.¹⁹ The price comparator website ('Energy Made Easy') must be operational by 1 July 2012, when the Retail Law commences. The Retail Pricing Information Guideline creates binding requirements for retailers, operating in jurisdictions in which the Retail Law is in effect, to provide data and information to the AER for the price comparator website.

These requirements were included in Version 2.0 of the Retail Pricing Information Guideline, released in January 2012.²⁰

¹⁵ <http://www.aer.gov.au/node/1189>

¹⁶ s 61(1), National Energy Retail Law.

¹⁷ <http://www.aer.gov.au/node/6718>

¹⁸ s 62(2), National Energy Retail Law. The AER's Statement of Approach to the price comparator website can be accessed at: <http://www.aer.gov.au/node/9135>

¹⁹ s 62(3), National Energy Retail Law.

²⁰ <http://www.aer.gov.au/node/11620>

Appendix D sets out final amendments to the Retail Pricing Information Guideline. Appendix E sets out the AER's responses to the issues raised in the submissions.

Version 3 of the Retail Pricing Information Guideline has been released with this Notice.

2 Context in which this notice has been prepared

The AER may amend guidelines published pursuant to the Retail Law at any time in accordance with the retail consultation procedure.²¹

The AER published initial versions of the guidelines, in accordance with the retail consultation procedure, following the passing of the *National Energy Retail Law (South Australia) Act 2011*. Since that time the AER has continued to liaise with interested parties in relation to the implementation of the requirements of the Retail Law and the possible effects of the guidelines following commencement of the Retail Law.

Consultation on the amendments outlined in this Notice commenced on 27 April 2012.

This final notice amends minor drafting errors and clarifies sections within the guidelines that have been discussed with stakeholders throughout the lead up to the commencement of the Retail Law. It also refines the operation of the Retail Pricing Information Guideline as it applies to non-generally available offers.

Minor amendments to correct typographical errors in guidelines (and where relevant accompanying statements of approach) have also been included in the reissued guidelines as part of this process; however as these amendments are to correct typographical errors only they have not been included in this Notice.

²¹ s.281(2)(5) National Energy Law.

3 Issues involved in the preparation of procedures and guidelines

The guidelines have been developed based on the National Energy Retail Law (South Australia) Act 2011 and the initial National Energy Retail Rules published by the Ministerial Council on Energy in October 2010. Jurisdictional implementation packages were still in development at the time the draft amendments were released for consultation. The AER was therefore unable to consider the impact these will have on the AER's guidelines as part of this consultation.

The AER has sought to accommodate the fact that there will be jurisdictional variations in the application of the Retail Law to the extent possible, however because not all final jurisdictional instruments are available, no jurisdiction-specific issues have been considered in this consultation process.

4 Possible effects of procedures and guidelines

Compliance Procedures and Guidelines, Performance Reporting Procedures and Guidelines and Retailer of Last Resort Plan

The amendments to the Compliance Procedures and Guidelines, Performance Reporting Procedures and Guidelines and Retailer of Last Resort Plan seek to clarify the relevant requirements and obligations contained therein. The amendments reinforce the intention of the AER and the proposed application of the guidelines to assist regulated entities to comply with them.

The amendments do not depart from previous decisions made by the AER, and do not change the intent outlined in the previous retail consultation procedures.

No new requirements or obligations under the Compliance Procedures and Guidelines, Performance Reporting Procedures and Guidelines and Retailer of Last Resort Plan have been imposed.

Retail Pricing Information Guideline

The amendments to the Retail Pricing Information Guideline include additional requirements to further clarify the presentation of solar feed-in tariffs on Energy Price Fact Sheets, where applicable.

The amendments also remove the requirement for retailers to use a unique reference code generated by the AER price comparator website on Energy Price Fact Sheets for non-generally available offers.

A. Compliance Procedures and Guidelines

Schedule of amendments to Compliance Procedures and Guidelines

Cl.	Proposed Amendment	Reason for Amendment	Final amendment
1.1.4	<p>Replace: ‘...a regulated entity must establish and observe policies, systems and procedures to enable it to efficiently and effectively monitor its compliance...’</p> <p>With: ‘<u>each</u> regulated entity must establish and observe policies, systems and procedures to enable it to efficiently and effectively monitor <u>its</u> compliance...’</p>	<p><i>This requirement reflects and supports the obligation that regulated entities provide compliance reports to the AER on a disaggregated basis, related to a specific regulated entity, rather than aggregated across multiple regulated entities. This amendment clarifies that regulated entities must have the appropriate systems to monitor compliance on such a disaggregated basis.</i></p>	No change
1.1.5	<p>Insert new clause: ‘<u>For the purposes of identifying a breach or potential breach of an obligation, a regulated entity should interpret that obligation with regard to any provisions in jurisdictional energy legislation²² that may alter, vary or remove the application of that provision to a regulated entity operating in that jurisdiction.</u>’</p>	<p><i>Clarifies operation of reporting obligations under the Compliance Procedures and Guidelines where the application of obligations in the Retail Law or Rules in a participating jurisdiction is varied by jurisdictional energy legislation.</i></p>	No change

²² In this clause, *jurisdictional energy legislation* has the meaning given in s. 2(1), National Energy Retail Law.

<p>2.1</p>	<p>Replace: ‘The Retail Law requires regulated entities to establish policies, systems and procedures to enable them to efficiently and effectively monitor their compliance’</p> <p>With: ‘The Retail Law requires <u>each regulated entity</u> to establish policies, systems and procedures to enable <u>it</u> to efficiently and effectively monitor <u>its</u> compliance ...’</p>	<p><i>This requirement reflects and supports the obligation that regulated entities provide compliance reports to the AER on a disaggregated basis, related to a specific regulated entity, rather than aggregated across multiple regulated entities. This amendment clarifies that regulated entities must have the appropriate systems to monitor compliance on such a disaggregated basis.</i></p>	<p>No change</p>
<p>3.1.1</p>	<p>Replace: ‘Regulated entities must submit information and data relating to their compliance with the Retail Law, Retail Rules and Retail Regulations to the AER in the manner and form (including by the date or dates) required by these Procedures and Guidelines.’</p> <p>With: ‘<u>Each regulated entity</u> must submit information and data relating to <u>its individual</u> compliance with the Retail Law, Retail Rules and Retail Regulations to the AER in the manner and form (including by the date or dates) required by these Procedures and Guidelines. <u>Consolidated reports covering multiple</u></p>	<p><i>Clarification that each regulated entity must provide a compliance report relating specifically to that regulated entity, and that aggregated reports from related entities will not be accepted.</i></p>	<p>No change</p>

	<u>regulated entities are not permitted.'</u>		
3.2.3	Replace: '(see clause 3.2.4)' With: '(see <u>clause 3.3.4</u>)'	<i>Correction of cross-reference – Type 1 consolidated reports should be combined with the relevant 6-monthly Type 2 report</i>	Replace: '(see clause 3.2.4)' With: '(see <u>clause 3.2.5</u>)'
3.2.3	Not applicable	<i>Clarification of Type 1 consolidated report requirement to report on confirmed breaches only. Requirement to report possible breaches still exists for 3.2.1 and 3.2.2</i>	At the end of this clause insert: <u>Where a possible breach has been reported in accordance with clauses 3.2.1 and 3.2.2, but the regulated entity has subsequently investigated and confirmed to the AER that a breach did not in fact occur, these can be excluded from the consolidated report.</u>
3.3.3	Not applicable	<i>Correction of cross-reference to allow Type 1 reporting subject to extreme weather events to be signed off by CEO or delegate</i>	Replace: 'under clause 3.2.2' With: 'under <u>clause 3.2.2 or 3.2.4</u> '
3.3.4	Replace: '3.2.4 and 3.2.5' With: ' <u>3.2.5 and 3.2.7</u> '	<i>Correction of cross-reference to include Type 3 obligations in consolidated reporting</i>	No change
3.3.4(f)	Replace: 'in clause 3.3.3(e)' With: 'in clause <u>3.3.4(e)</u> '	<i>Correction of cross-reference</i>	No change

3.3.5	Not applicable	<i>Correction of cross-reference to provide for Type 1 reporting subject to extreme weather events to utilise pro-forma B.1</i>	<p>Replace: ‘under clause 3.2.2’</p> <p>With: ‘under <u>clause 3.2.2 or 3.2.4</u>’</p>
3.3.6	Not applicable	<i>Correction of cross-reference to provide for Type 3 consolidated reports to utilise pro-forma B.2</i>	<p>Replace: ‘Written reports under clauses 3.2.3, 3.2.4, and 3.2.5 must be prepared using the pro-forma in Appendix B.2’</p> <p>With: ‘Written reports under clauses 3.2.3, 3.2.5 and <u>3.2.7</u> must be prepared using the pro-forma in Appendix B.2</p>
3.4.2	Not applicable	<i>Correction of cross-reference in title to clarify that all reports are to be submitted to same contacts as provided in 3.4.2</i>	<p>Replace: ‘Written reports under clauses 3.2.2, 3.2.3, 3.2.4 and 3.2.5’</p> <p>With: ‘Written reports under clauses 3.2.2, 3.2.3, 3.2.4, 3.2.5 and <u>3.2.7</u>’</p>
Sch A.1	<p>Replace: Retail Law, Part 2, Division 3, section 22</p> <p>With: Retail Law, Part 2, Division 3, section <u>22(1)</u></p>	<i>Clarifies the classification of s. 22(1) of the Retail Law as a Type 1 obligation, and by exclusion classification of the broader obligations in s. 22(2) as Type 2 obligation, as currently reflected in Schedule A.2.</i>	No change

Sch A.1	<p>Replace: Retail Law, Part 3, Division 2, section 66</p> <p>With: Retail Law, Part 3, Division 2, section <u>66(1)</u></p>	<p><i>Clarifies the classification of s. 66(1) of the Retail Law as a Type 1 obligation, and by exclusion classification of the broader obligations in s. 66(2) as Type 2 obligation, as currently reflected in Schedule A.2.</i></p>	<p>No change</p>
App B.1	<p>Not applicable</p>	<p><i>Pro-forma template amended to allow use for Type 1 reports provided under delayed reporting timelines due to extreme weather events</i></p>	<p>Replace: ‘The written report provided under clause 3.2.2 of these Procedures and Guidelines must be in accordance with this template’</p> <p>With: ‘The written report provided under clauses 3.2.2 and 3.2.4 of these Procedures and Guidelines must be in accordance with this template’</p>
App B.2	<p>Not applicable</p>	<p><i>Correction of cross-reference to clarify that both Pro-forma B2 and Pro-forma B3 are to be utilised for 6-monthly consolidated Type 1 reporting, in addition to Type 2 and Type 3 reporting. Additionally 6-monthly consolidated Type 1 reporting can be included with 6-monthly Type 2 reporting where applicable</i></p>	<p>Replace: ‘Written reports provided under clauses 3.2.3 and 3.2.4 of these Procedures and Guidelines must be in accordance with this template, and must be accompanied by a completed AER Compliance Reporting Template (see Appendix B3). Reports under clause 3.2.3 for the 6-month period from 1 January to 30 June can be combined with the relevant report under clause 3.2.4 in a combined report using</p>

			<p>this pro-forma.’</p> <p>With: ‘Written reports provided under clauses 3.2.3, 3.2.5 and 3.2.7 of these Procedures and Guidelines must be in accordance with this template, and must be accompanied by a completed AER Compliance Reporting Template (see Appendix B3). Reports under clause 3.2.3 for the 6-month period from 1 January to 30 June can be combined with the relevant report under clause 3.2.5 in a single report using this pro-forma.’</p>
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B. Performance Reporting Procedures and Guidelines

Schedule of amendments to Performance Reporting Procedures and Guidelines

Cl.	Proposed amendment	Reason for Amendment	Final amendment
2.1.3	Insert new clause: <u>‘Each regulated entity must submit information and data relating to its individual performance to the AER in the manner and form (including by the date or dates) required by these Procedures and Guidelines. Consolidated reports covering multiple regulated entities are not permitted, except where explicitly stated in these Procedures and Guidelines.’</u>	<i>Clarification that each regulated entity must provide disaggregated performance reports relating specifically to the performance of that regulated entity and that consolidated reports covering multiple entities are not permitted (except where identified in the Guideline).</i>	<i>No change (see appendix E for AER response to issues in raised in the submissions).</i>
2.1.4	Insert new clause: <u>‘Nothing in this Guideline should be read to require a regulated entity to provide information or data in relation to a period prior to the commencement of the Retail Law in the relevant jurisdiction.’</u>	<i>Clarification on reporting against indicators which relate to a period prior to the commencement of the Retail Law in a jurisdiction. Where indicators refer to data collected and reported over a period that is not fully covered by the Guideline, regulated entities should report data for the period covered by the Guideline and note that a full data set has not been provided.</i> <i>For jurisdictions implementing the Retail Law on 1 July 2012, where quarterly indicators refer to ‘the previous 12 months’ these would not need to be reported against until the first ‘Q4 and Annual’ report (due 31 August 2013). This</i>	<i>No change (see appendix E for AER response to issues in raised in the submissions).</i>

		<p>ensures that ‘the previous 12 months’ occurs after commencement of the Retail Law in those jurisdictions and as such the relevant reporting obligations have taken effect. This will apply to the following indicators: S3.15; S3.24(e); S3.25(e); S4.10 and S4.11.</p> <p>Where indicators refer to ‘the previous 24 months’ (indicator S3.24(f) only), regulated entities will be required to report against this indicator for the first time in the 2012 ‘Q4 and Annual’ report, on an interim basis, where it will be noted that the data submitted applies to a 12 month period only. After this date, regulated entities will be required to report this data on a rolling basis in each quarterly report, so that by the 2013 ‘Q4 and Annual’ report retailers will be reporting a full data set as required by the indicator.</p>	
2.2.1	<p>Replace: ‘Intra-financial year reports on quarterly performance indicators must be submitted in writing’</p> <p>With: ‘<u>Quarter 1, 2 and 3</u> reports on the performance indicators must be submitted electronically and in writing’</p>	<p>To reflect that a completed pro-forma report (Appendix A.1 of the Guideline) and AER Performance Reporting Template (Appendix A.2 of the Guideline) must be submitted electronically (via email) and that where a signed report has been submitted electronically it is not necessary to submit an additional copy by post (see also clause 2.3.1).</p>	<p>Replace: ‘Intra-financial year reports on quarterly performance indicators must be submitted in writing’</p> <p>With: ‘<u>Quarter 1, 2 and 3</u> reports on the performance indicators must be submitted in writing’</p>
2.2.2	<p>Replace: ‘A consolidated written report (Q.4 report) on all quarterly performance indicators for the relevant year must be submitted by 31 August in each year. The consolidated</p>	<p>Clarification on how the AER Performance Reporting Template (Appendix A.2 of the Guideline) operates.</p>	<p>No change</p>

	<p>report must contain all information and data required for quarterly indicators for the period 1 April to 30 June, as well as that previously submitted to the AER in Q.1, Q.2 and Q.3 reports for the relevant financial year.’</p> <p>With: ‘<u>The Quarter 4 and Annual</u> report on all performance indicators for the relevant year must be submitted by 31 August in each year. The report must contain all information and data required for quarterly indicators for the period 1 April to 30 June, as well as <u>the information and data required for the annual indicators.</u>’</p>		
2.2.3	<p>Insert new clause: ‘<u>Regulated entities must also submit a completed Appendix A.3 with each Q4 and Annual report.</u>’</p>	<p><i>Clarification on how the AER Performance Reporting Template (Appendix A.2 of the Guideline) operates and that regulated entities must also submit a completed Appendix A.3 along with their completed Q4 and Annual report each year.</i></p>	No change
2.3.1	<p>Replace: ‘Written reports submitted’</p> <p>With: ‘<u>Electronic and</u> written reports submitted’</p>	<p><i>To reflect that a completed pro-forma report (Appendix A.1 of the Guideline), AER Performance Reporting Template (Appendix A.2 of the Guideline) and accompanying written report (Appendix A.3 of the Guideline) must be submitted electronically (via email) and to clarify that where a signed report has been submitted electronically it is not necessary to submit an additional copy by post.</i></p>	<p>Replace: ‘Written reports submitted by a regulated entity under clauses 2.2.1, 2.2.2 and 2.2.3 must be: (a) prepared using the pro-forma in Appendix A.1; and (b) accompanied by a completed AER Performance Reporting Template (see Appendix A.2).’</p>

			<p>With: ‘Written Reports submitted by a regulated entity under clauses 2.2.1, 2.2.2 and 2.2.3 must be:</p> <ul style="list-style-type: none"> (a) prepared using the pro-forma in Appendix A.1; and (b) accompanied by a completed AER Performance Reporting Template (see Appendix A.2); and (c) <u>submitted electronically. Where a signed report has been submitted electronically it is not necessary to submit an additional copy by post.</u>
2.3.4	<p>Replace: ‘...in the pro forma provided (Appendix A.3). The commentary should highlight and explain key factors relevant to the level of and trends in performance.’</p> <p>With: <u>‘The AER Performance Reporting Template (see Appendix A.2) allows regulated entities to provide commentary within the template by adding a comment box. Regulated entities should provide commentary where they consider it appropriate to highlight and explain key factors relevant to the level of, and trends in, their performance.’</u></p>	<p><i>To clarify that the AER Performance Reporting Template (Appendix A.2) allows regulated entities to provide commentary by adding a comment box within the template rather than in a separate document (see also consequential changes to Appendix A.3) and that commentary should be provided where appropriate.</i></p>	<p>No change</p>

2.4.1	<p>Replace both references to: ‘Chief Executive Officer’</p> <p>With: ‘General Manager, Retail Markets’</p>	Clarification of appropriate contact for submission of performance reports	No change
Sch 2.1	<p>Insert: <u>‘For the purposes of this indicator, the consumption threshold determined by the relevant jurisdiction should be applied.’</u></p>	To highlight that any variations in consumption thresholds across jurisdictions should apply to the reporting of this indicator for that jurisdiction.	No change
Sch 2.2	<p>Insert: <u>‘For the purposes of this indicator, the consumption threshold determined by the relevant jurisdiction should be applied.’</u></p>	To highlight that any variations in consumption thresholds across jurisdictions should apply to the reporting of this indicator for that jurisdiction.	No change
Sch 2.2	<p>Replace: ‘Large customers’</p> <p>With: ‘Large customers (<u>this should also include any large customers on other contract types</u>)’</p>	Clarification on how large customer contracts should be reported for the purposes of the indicator.	No change
Sch 3.1	<p>Insert: <u>‘Where one retail group holds a number of individual national retailer authorisations and a common IVR telephone system is used, separate reporting is not required. Regulated entities with only large customers and no IVR telephone system in place are not obliged to report on this indicator.’</u></p>	To provide clarity regarding reporting for common IVR telephone systems. For example, where a single retail group has a number of authorised entities who all share a common IVR telephone system, disaggregated data to report performance against this indicator for an individual authorised entity is not required. In these instances, each authorised entity should report the available aggregated data from the IVR telephone system and provide commentary to explain the details of the aggregated data. To also clarify that where retailers selling	No change

		<i>exclusively to large customers do not have an IVR telephone system in place, they are not required to report this data.</i>	
Sch 3.2	Insert: <u>‘Where one retail group holds a number of individual national retailer authorisations and a common IVR telephone system is used, separate reporting is not required. Regulated entities with only large customers and no IVR telephone system in place are not obliged to report on this indicator.’</u>	<i>See above reason for amendment (schedule 3.1).</i>	<i>No change</i>
Sch 3.3	Insert: <u>‘Where one retail group holds a number of individual national retailer authorisations and a common IVR telephone system is used, separate reporting is not required. Regulated entities with only large customers and no IVR telephone system in place are not obliged to report on this indicator.’</u>	<i>See above reason for amendment (schedule 3.1).</i>	<i>No change</i>
Sch 3.4	Insert: <u>‘Where one retail group holds a number of individual national retailer authorisations and a common IVR telephone system is used, separate reporting is not required. Regulated entities with only large customers and no IVR telephone system in place are not obliged to report on this indicator.’</u>	<i>See above reason for amendment (schedule 3.1).</i>	<i>No change</i>
Sch 3 -	Handling customers experiencing payment difficulties - definitions Replace:	<i>To provide further clarification on the definition of ‘energy bill debt’.</i>	<i>No change</i>

	<p>‘90 days’</p> <p>With:</p> <p>‘90 <u>calendar</u> days’</p>		
Sch 4.6	<p>Replace:</p> <p>‘Payment plan’</p> <p>With:</p> <p>‘Payment plan (<u>excluding those who make their payment plan payments using Centrepay</u>)’</p>	<p><i>Clarification of reporting requirements to ensure that reporting of hardship program customers using Centrepay and those who are on a payment plan are not reported twice. Regulated entities are encouraged to include commentary to fully explain how many of their hardship program customers are on a payment plan and also pay by Centrepay. This will ensure that Centrepay and payment plan data reported are not misinterpreted.</i></p>	<p><i>No change (see appendix E for AER response to issues in raised in the submissions).</i></p>
App. A.1	<p>Replace:</p> <p>‘Chief Executive Officer, Australian Energy Regulator’</p> <p>With:</p> <p>‘<u>General Manager, Retail Markets</u>, Australian Energy Regulator’</p>	<p><i>Clarification of appropriate contact for submission of performance reports.</i></p>	<p><i>No change</i></p>
App. A.1	<p>In the explanatory paragraph to Appendix A.1, replace:</p> <p>‘(see Appendix A.3)’</p> <p>With:</p> <p>‘(see Appendix A.3 <u>for annual reports</u>)’</p>	<p><i>To highlight that Appendix A.3 relates to annual indicators.</i></p>	<p><i>No change</i></p>
App. A.1	<p>In the pro-forma statement in Appendix A.1, delete:</p> <p>‘AER Accompanying commentary template’</p>	<p><i>Reference to this document not required as it is already referenced.</i></p>	<p><i>No change</i></p>
App. A.1	<p>(Footnote 11)</p>	<p><i>Simplifies drafting to clarify the application of Appendix A.1.</i></p>	<p><i>No change</i></p>

	<p>Replace: ‘End of financial year reports on quarterly and annual performance indicators under clauses 2.2.2 and 2.2.3 must be signed by the CEO of the regulated entity. Intra-financial year reports on quarterly performance indicators under clause 2.2.1 may be signed by the Chief Executive Officer (CEO) of the regulated entity or a delegate appointed by the CEO for this purpose.’</p> <p>With: ‘<u>Quarter 4 and Annual reports</u> under clauses 2.2.2 and 2.2.3 must be signed by the CEO of the regulated entity. <u>Quarter 1, 2 and 3</u> reports under clause 2.2.1 may be signed by the CEO of the regulated entity or a delegate appointed by the CEO for this purpose.’</p>		
<p>App. A.2</p>	<p>Replace: ‘[A separate Excel template reflecting the requirements of this guideline will be circulated to each regulated entity prior to the commencement of each reporting period. The template will also be available on the AER’s website www.aer.gov.au.]’</p> <p>With: ‘The AER’s Performance Reporting Template is available on the AER’s</p>	<p><i>To reflect that AER’s Performance Reporting Template (Appendix A.2) has been uploaded onto AER’s website and to inform regulated entities to ensure to use the most recent template available.</i></p>	<p><i>No change</i></p>

	<p>website: www.aer.gov.au. Regulated entities should check the website to ensure they are using the most recent version of the reporting template before preparing each report.'</p>		
App. A.3	<p>Delete: 'Explanatory material on performance indicators – Optional' and accompanying commentary and table.</p>	<p><i>Not required as commentary should be provided in the AER's Performance Reporting Template (Appendix A.2).</i></p>	<p><i>No change</i></p>

C. Retailer of Last Resort Plan

Cl.	Proposed amendment	Reason for Amendment	Final amendment
2.1(c)(iii)	<p>Replace: ‘In the event a call notice or margin call is not issued, the AER will notify AEMO if an additional RoLR will be appointed as the designated RoLR upon the issuance of a default notice by AEMO in accordance with the Electricity Rules and Gas Rules.’</p> <p>With: ‘In the event a call notice or margin call is not issued, the AER will notify AEMO if an additional RoLR will be appointed as the designated RoLR <u>prior to</u> the issuance of a default notice by AEMO in accordance with the Electricity Rules and Gas Rules.’</p>	<p><i>Provides clarification so that timeframes for information flows after a RoLR event are consistent with AEMO decision making processes, and clarifies obligations on the AER to provide information to AEMO in the case that AEMO does not issue a call notice and instead proceeds straight to the issuing of a default notice.</i></p>	<p>No change</p>
2.1 (c) (iv)	<p>Replace: ‘If the AER does not provide a notice concerning the additional RoLRs in accordance with clause 2.1 (c) in writing to AEMO before the <u>RoLR</u> event occurs, default RoLRs will be appointed in accordance with the AER’s standing</p>	<p><i>Provides further definition on the information that the AER will give to AEMO concerning the appointment of additional RoLRs and clarifies drafting in the AER RoLR Plan V1.1.</i></p>	<p>Replace: ‘If the AER does not provide a notice concerning the additional RoLRs in accordance with clause 2.1 (c) in writing to AEMO before the <u>RoLR</u> event occurs, default RoLRs will be appointed in accordance with the AER’s standing</p>

	<p>instructions to AEMO.’</p> <p>With: ‘If the AER does not provide a notice in writing to AEMO <u>concerning addition RoLR appointments in accordance with clause 2.1(c)</u> before the RoLR event occurs, default RoLRs will be appointed in accordance with the AER’s standing instructions to AEMO.’</p>		<p>instructions to AEMO.’</p> <p>With: ‘If the AER does not provide a notice in writing to AEMO <u>concerning additional RoLR appointments in accordance with clause 2.1(c)</u> before the RoLR event occurs, default RoLRs will be appointed in accordance with the AER’s standing instructions to AEMO.’</p>
2.2(c)(iv)	<p>Replace: ‘Within two business days of the RoLR event, AEMO will provide:</p> <ol style="list-style-type: none"> 1. The summary NMI RoLR report to the AER and affected participants as prescribed by the RoLR procedures for an electricity RoLR event. 2. The transfers in progress RoLR report to the AER as prescribed by the RoLR procedures for an electricity RoLR event. 3. The summary MIRN/DPIs RoLR report to the AER as prescribed by the AER-AEMO RoLR event communication protocol for a gas 	<p><i>Provides clarification so that timeframes for information flows after a RoLR event are consistent with jurisdictional RoLR procedures and AEMO decision making processes, and provides consistency with the AER-AEMO communications protocol which sets out processes to be followed by the AER and AEMO before, during and after a RoLR event.</i></p>	<p>Replace: Current cl. 2.2(c)(iv)</p> <p>With: ‘iv. Within two business days of <u>the RoLR event</u>, AEMO will provide</p> <ol style="list-style-type: none"> 1. <u>A</u> summary NMI RoLR report to the AER and affected participants as prescribed by the RoLR procedures for an electricity RoLR event. 2. The AER with the transfers in progress as prescribed by the RoLR procedures for an

<p>RoLR event.</p> <ol style="list-style-type: none"> 4. The designated RoLR with the customer details for affected MIRNS/DPIs as prescribed by the RoLR procedures for a gas RoLR event. 5. Notification to the AER that customer details for affected MIRNS/DPIs have been provided to the designated RoLR for a gas RoLR event. <p>With:</p> <p>Within two business days of <u>the time specified in the RoLR procedures</u>, AEMO will provide</p> <ol style="list-style-type: none"> 1. The summary NMI RoLR report to the AER and affected participants as prescribed by the RoLR procedures for an electricity RoLR event. 2. <u>Provide the AER</u> with the transfers in progress as prescribed by the RoLR procedures for an electricity RoLR event. 3. The designated RoLR with the 		<p>electricity RoLR event.</p> <ol style="list-style-type: none"> 3. <u>A summary</u> MIRN/DPIs RoLR report to the AER as prescribed by the AER-AEMO event communication protocol for a gas RoLR event. 4. Notification to the AER that customer details for affected MIRNS/DPIs have been provided to the designated RoLR for a gas RoLR event.
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	<p>customer details for affected MIRNS/DPIs as prescribed by the RoLR procedures for a gas RoLR event.</p> <p>4. Notification to the AER that customer details for affected MIRNS/DPIs have been provided to the designated RoLR for a gas RoLR event.</p>		
2.4(a)(i)(1)(a)	<p>Replace: 'or'</p> <p>With: '<u>and</u>'</p>	<i>Error in November 2012 final RoLR plan</i>	<i>No change</i>
2.6(a)(i)(1)	Insert ' <u>some risk of</u> ' after the words 'may affect or give rise to.'	<i>Error in November 2012 final RoLR plan</i>	<i>No change</i>
Glossary	Not applicable	<i>Inserts extended definition of RoLR Procedures to allow readers to more readily identify relevant documents.</i>	<p>RoLR Procedures</p> <p>After:</p> <p>Has the meaning given by s.144 of the Retail Law.</p> <p>Insert:</p> <p><u>The RoLR procedures are published and maintained by AEMO.</u></p> <p><u>In electricity the RoLR procedures are known as the NEM RoLR processes.</u></p>

			<u>In gas the RoLR procedures are located in each market's retail market procedures.</u>
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D. Retail Pricing Information Guideline

Cl.	Proposed amendment	Reason for Amendment	Final amendment
2.1	<p>Replace first paragraph under heading ‘2.1 Requirement to produce an <i>Energy Price Fact Sheet</i>’</p> <p>With:</p> <p>‘For each <i>standing offer</i> and <i>market offer (contract offer)</i> that a <i>retailer</i> offers to a <u>new small customer</u> on or from 1 July 2012, the <i>retailer</i> must produce an <i>Energy Price Fact Sheet</i>.’</p>	<p><i>This wording has been amended to clarify that retailers need only produce Energy Price Fact Sheets for contract offers being marketed from 1 July 2012.</i></p>	No change
2.2	<p>After heading ‘Example 1’ insert:</p> <p>‘<u>– Electricity, single rate</u>’</p>	<p><i>The heading of Example 1 has been made more descriptive to improve clarity.</i></p>	No change
2.2	<p>After heading ‘Example 2’ insert:</p> <p>‘<u>– Electricity, Time of use</u>’</p>	<p><i>The heading of Example 2 has been made more descriptive to improve clarity.</i></p>	No change
2.2	<p>After heading ‘Example 3’ insert:</p> <p>‘<u>– Dual fuel with block tariffs (electricity and gas)</u>’</p>	<p><i>The heading of Example 3 has been made more descriptive to improve clarity.</i></p>	No change

2.2	<p>After Example 3 insert:</p> <p><u>Example 4 – Cap plan</u></p> <table border="1" data-bbox="297 427 884 1161"> <thead> <tr> <th><u>Electricity = applicable charges</u></th> <th><u>Price (Excl GST)</u></th> <th><u>Price (Incl GST)</u></th> </tr> </thead> <tbody> <tr> <td><u>100% of previous year’s consumption per quarter</u></td> <td><u>cents per kWh</u></td> <td><u>cents per kWh</u></td> </tr> <tr> <td><u>Consumption of next 1020 kWh per quarter</u></td> <td><u>cents per kWh</u></td> <td><u>cents per kWh</u></td> </tr> <tr> <td><u>Remaining consumption per quarter</u></td> <td><u>cents per kWh</u></td> <td><u>cents per kWh</u></td> </tr> <tr> <td><u>Daily supply charge</u></td> <td><u>cents per day</u></td> <td><u>cents per day</u></td> </tr> </tbody> </table>	<u>Electricity = applicable charges</u>	<u>Price (Excl GST)</u>	<u>Price (Incl GST)</u>	<u>100% of previous year’s consumption per quarter</u>	<u>cents per kWh</u>	<u>cents per kWh</u>	<u>Consumption of next 1020 kWh per quarter</u>	<u>cents per kWh</u>	<u>cents per kWh</u>	<u>Remaining consumption per quarter</u>	<u>cents per kWh</u>	<u>cents per kWh</u>	<u>Daily supply charge</u>	<u>cents per day</u>	<u>cents per day</u>	<p><i>An additional example has been added to demonstrate how price information requirements for a cap plan offer may be represented on an Energy Price Fact Sheet.</i></p>	<p><i>No change</i></p>
<u>Electricity = applicable charges</u>	<u>Price (Excl GST)</u>	<u>Price (Incl GST)</u>																
<u>100% of previous year’s consumption per quarter</u>	<u>cents per kWh</u>	<u>cents per kWh</u>																
<u>Consumption of next 1020 kWh per quarter</u>	<u>cents per kWh</u>	<u>cents per kWh</u>																
<u>Remaining consumption per quarter</u>	<u>cents per kWh</u>	<u>cents per kWh</u>																
<u>Daily supply charge</u>	<u>cents per day</u>	<u>cents per day</u>																
2.3.1 2.3.2	<p><i>Not applicable</i></p>	<p><i>Correction of cross-references</i></p>	<p>Replace all references to ‘example 4’</p>															

2.3.3 2.3.4			With: 'example 5'
2.3.1	<p>Replace first paragraph and list of key fees</p> <p>With:</p> <p>'A retailer must on an <i>Energy Price Fact Sheet</i>, provide information on key fees that are applicable to a <i>contract offer</i> in the table format presented in example 5. The information must include the amount of the fee in dollars, inclusive of GST or as a percentage of the bill amount. Key fees include (but are not limited to):</p> <ul style="list-style-type: none"> ▪ account establishment fees ▪ exit fees or early termination fees (applicable to market offer contracts only) ▪ late payment fees ▪ disconnection fees ▪ reconnection fees ▪ payment processing fees.' 	<p><i>Retailers may now include the amount of a fee as a percentage of the bill amount. Payment processing fees have been added as a key fee. Both of these amendments have been made to more adequately reflect discussions with stakeholders regarding key fees and their typical presentation in the market.</i></p>	No change
2.3.4	Replace heading 'Section 2.3.4 GreenPower	<i>A paragraph specifying information requirements</i>	No change

	<p>and other options’</p> <p>With:</p> <p>2.3.4 <u>Solar</u>, GreenPower and other options</p> <p>After the third paragraph in Section 2.3.4, insert:</p> <p><u>An Energy Price Fact Sheet must clearly indicate when a contract offer is available to customers with solar photovoltaic systems. It must also indicate the solar feed-in tariff (or solar feed-in tariffs if there are more than one) available to customers entering into the contract offer associated with the Energy Price Fact Sheet. See example 5 for an example of how solar options may be presented.</u></p>	<p><i>for offers available to solar customers has been inserted to ensure consistency with existing jurisdictional requirements.</i></p>	<p><i>(please refer to Appendix E for commentary)</i></p>		
<p>2.3</p>	<p>Under ‘Options’ in the Example 5 table, insert:</p> <table border="1" data-bbox="315 1034 871 1318"> <tr> <td data-bbox="315 1034 483 1318"> <p><u>Solar feed-in tariffs available</u></p> </td> <td data-bbox="483 1034 871 1318"> <p><u>[description of tariff 1]: X cents per kWh exported (incl GST)</u></p> <p><u>[description of tariff 2]: Y cents per kWh exported (incl GST)</u></p> </td> </tr> </table>	<p><u>Solar feed-in tariffs available</u></p>	<p><u>[description of tariff 1]: X cents per kWh exported (incl GST)</u></p> <p><u>[description of tariff 2]: Y cents per kWh exported (incl GST)</u></p>	<p><i>This example has been inserted to demonstrate how solar feed-in tariff information requirements may be represented on an Energy Price Fact Sheet.</i></p>	<p><i>No change</i></p> <p><i>(please refer to Appendix E for commentary)</i></p>
<p><u>Solar feed-in tariffs available</u></p>	<p><u>[description of tariff 1]: X cents per kWh exported (incl GST)</u></p> <p><u>[description of tariff 2]: Y cents per kWh exported (incl GST)</u></p>				

2.4	<p>Replace wording under point 2</p> <p>With:</p> <ol style="list-style-type: none"> 2. <u>identify each <i>Energy Price Fact Sheet</i> for a generally available offer with a</u> <ol style="list-style-type: none"> a. <u>unique reference code as generated by the price comparator website; or</u> b. <u>a unique reference code as generated by the price comparator website and a unique name.</u> 3. <u>identify each <i>Energy Price Fact Sheet</i> for a non-generally available offer with a</u> <ol style="list-style-type: none"> a. <u>unique reference code as generated by the price comparator website; or</u> b. <u>a unique reference code as generated by the price comparator website and unique name and; or</u> c. <u>where the <i>retailer</i> is not using the price comparator website to generate the <i>Energy Price Fact Sheet</i>, a unique reference code as generated by the</u> 	<p><i>Point 2 has been amended from Version 2.0 of this Guideline to allow retailers to use a unique reference code created by means other than through the AER price comparator website on an Energy Price Fact Sheet for a non-generally available offer, where the price comparator website is not being used to generate the Fact Sheet.</i></p> <p><i>Retailers are therefore able to produce Fact Sheets for non-generally available offers without having to first create the offer in the price comparator website system to generate a reference code.</i></p> <p><i>Retailers must still ensure that the reference code used is unique to that offer and that the Energy Price Fact Sheet is compliant with all other requirements.</i></p> <p><i>This amendment has been updated to reflect the inclusion of generally available contract offer and non-generally available contract offer as defined terms in the Glossary to this Guideline (See new amendment below).</i></p>	<p>Replace wording under point 2</p> <p>With:</p> <ol style="list-style-type: none"> 2. <u>identify each <i>Energy Price Fact Sheet</i> for a generally available contract offer with a</u> <ol style="list-style-type: none"> a. <u>unique reference code as generated by the price comparator website; or</u> b. <u>a unique reference code as generated by the price comparator website and a unique name.</u> 3. <u>identify each <i>Energy Price Fact Sheet</i> for a non-generally available contract offer with a</u> <ol style="list-style-type: none"> a. <u>unique reference code as generated by the price comparator website; or</u> b. <u>a unique reference code as generated by the price comparator website and unique name and; or</u>

	<u>retailer.</u>		c. <u>where the retailer is not using the price comparator website to generate the <i>Energy Price Fact Sheet</i>, a unique reference code as generated by the retailer.</u>
2.4	After point 8, insert: 9. <u>Where a retailer is required under energy laws (including state or territory energy laws) to identify a contract offer as a standing or regulated offer, this must be reflected in the product offer name by including that specific term in the name.</u>	<i>This requirement has been inserted to reflect existing jurisdictional arrangements where a retailer must identify when an offer is a standing or regulated offer.</i>	No change
3	Not applicable	<i>This paragraph has been amended to clarify what will constitute a non-generally available contract offer for the purposes of this guideline.</i> <i>This amendment, and the corresponding definition of generally available contract offer in the preceding paragraph, have been added to the Glossary to the Guideline as defined terms. (See new amendment below.)</i>	Replace second paragraph under heading ‘3. Publication and distribution of an <i>Energy Price Fact Sheet</i> for generally available contract offers’ With: <u>In contrast, a non-generally available contract offer is one that is only available to a particular person or a particular group of persons—that is, it is not available to residential or small business customers unless they are part of that</u>

			<p>group. Examples of <u>non-generally available contract offers</u> could include:</p> <ul style="list-style-type: none"> ▪ family and friends offers ▪ targeted mail outs ▪ obsolete offers.
3	<p>Replace last paragraph under heading ‘3. Publication and distribution of an <i>Energy Price Fact Sheet</i> for generally available contract offers’</p> <p>With:</p> <p>As stated in section 2.1 of this Guideline, a <i>retailer</i> must produce an <i>Energy Price Fact Sheet</i> for each <i>contract offer</i> (i.e. both generally available and non-generally available) <u>available to a new <i>small customer</i> on or from 1 July 2012.</u></p>	<p><i>This wording has been amended to clarify that retailers need only produce Energy Price Fact Sheets for contract offers being marketed from 1 July 2012.</i></p> <p><i>This amendment has been updated to reflect the inclusion of generally available contract offer and non-generally available contract offer as defined terms in the Glossary to this Guideline (See new amendment below).</i></p>	<p>Replace last paragraph under heading ‘3. Publication and distribution of an <i>Energy Price Fact Sheet</i> for generally available contract offers’</p> <p>With:</p> <p>As stated in section 2.1 of this Guideline, a <i>retailer</i> must produce an <i>Energy Price Fact Sheet</i> for each <i>contract offer</i> (i.e. both <u><i>generally available contract offers</i></u> and <u><i>non-generally available contract offers</i></u>) <u>available to a new <i>small customer</i> on or from 1 July 2012.</u></p>
3.1	<p>Replace first sentence after heading ‘Generally available contract offers’</p> <p>With:</p> <p><i>A retailer</i> must publish an <i>Energy Price Fact</i></p>	<p><i>This wording has been amended to clarify that retailers need only produce Energy Price Fact Sheets for contract offers being marketed from 1 July 2012.</i></p> <p><i>This amendment has been updated to reflect the inclusion of generally available contract offer and</i></p>	<p>Replace first sentence after heading ‘Generally available contract offers’</p> <p>With:</p> <p><u><i>A retailer</i> must publish an <i>Energy Price</i></u></p>

	<p><i>Sheet</i> on its website for all <i>contract offers</i> that are generally available to <i>small customers</i> on or from 1 July 2012.</p>	<p>non-generally available contract offer <i>as defined terms in the Glossary to this Guideline (See new amendment below).</i></p>	<p><u><i>Fact Sheet</i> on its website for all <i>generally available contract offers</i> available to <i>small customers</i> on or from 1 July 2012.</u></p>
<p>3.1</p>	<p>Replace second paragraph under heading ‘Non-generally available <i>contract offers</i>’ heading</p> <p>With:</p> <p>If a <i>retailer</i> does not use the AER price comparator website to generate the <i>Energy Price Fact Sheet</i> for a non-generally available offer, the <i>retailer</i> must email a copy of each <i>Energy Price Fact Sheet</i> for each non-generally available <i>contract offer</i> to the AER within two business days of the offer becoming available. The email must be sent to AERInquiry@er.gov.au.</p>	<p><i>Please note that this final amendment reverses the proposed changes in the draft Retail Pricing Information Guideline – Version 3.0 (released for consultation April 2012). The final amendment reverts the wording to as it was in the final Retail Pricing Information Guideline – Version 2.0 released January 2012, with additional wording to clarify that Energy Price Fact Sheets for non-generally available contract offers may be sought for compliance purposes. Please see Appendix E for further commentary.</i></p>	<p>Replace second paragraph under heading ‘Non-generally available <i>contract offers</i>’ heading</p> <p>With:</p> <p><u><i>‘A retailer is not required to provide the AER with copies of Energy Price Fact Sheets that are produced for non-generally available contract offers, including for the purposes of the price comparator website.</i></u></p> <p><u><i>A retailer must, however, develop an Energy Price Fact Sheet for each non-generally available contract offer as per section 2.1 and provide these to customers in accordance with this Guideline. These Energy Price Fact Sheets may be the subject of compliance monitoring activity by the AER, including requests at any time for a retailer to provide a particular Energy Price Fact Sheet relating to a non-generally available contract offer to the AER.’</i></u></p>

4.4.1	<p>Replace first paragraph under heading ‘Non-generally available contract offers’</p> <p>With: <u>As per section 3.1, a retailer is not required to publish Energy Price Fact Sheets for non-generally available offers on its website.</u></p>	<p><i>This paragraph has been shortened to improve clarity and relevance.</i></p> <p><i>This amendment has been updated to reflect the inclusion of generally available contract offer and non-generally available contract offer as defined terms in the Glossary to this Guideline (See new amendment below).</i></p>	<p>Replace first paragraph under heading ‘Non-generally available contract offers’</p> <p>With: <u>As per section 3.1, a retailer is not required to publish Energy Price Fact Sheets for <i>non-generally available contract offers</i> on its website.</u></p>
Glossary	<p>Not applicable</p>	<p><i>The Glossary has been amended to include a definition for Generally available contract offer.</i></p> <p><i>This definition is taken from the current Section 3. Publication and distribution of an Energy Price Fact Sheet for generally available contract offers’ of the Guideline.</i></p> <p><i>Inclusion of this definition allows the use of consistent terminology throughout the Guideline. Corresponding changes have been made to affected clauses in the revised guideline.</i></p>	<p>After the definition for ‘Energy Price Fact Sheet’, insert:</p> <p><u>Generally available contract offer</u> means a <u>contract offer</u> that is widely available to most residential and/or small business customers, and is not exclusive to particular customer segments. Therefore, an offer that is available for <u>any residential and/or small business customers in the appropriate distribution zone with the appropriate metering configuration is considered generally available.</u></p>
Glossary	<p>Not applicable</p>	<p><i>The Glossary has been amended to include a definition for Non-generally available contract offer.</i></p>	<p>After the definition for ‘market offer’, insert:</p> <p><u>Non-generally available contract offer</u></p>

		<p><i>This definition is taken from the amendments set out in this Notice to Section 3. Publication and distribution of an Energy Price Fact Sheet for generally available contract offers' of the Guideline.</i></p> <p><i>Inclusion of this definition allows the use of consistent terminology throughout the Guideline. Corresponding changes have been made to affected clauses in the revised guideline.</i></p>	<p><u>means a contract offer that is only available to a particular person or a particular group of persons—that is, it is not available to residential or small business customers unless they are part of that group. Examples of non-generally available contract offers could include:</u></p> <ul style="list-style-type: none"> ▪ <u>family and friends offers</u> ▪ <u>targeted mail outs</u> ▪ <u>obsolete offers.</u>
Glossary	<p>After the definition for ‘market offer’, insert:</p> <p>Regulated offer has the meaning given in New South Wales energy legislation. Regulated offer prices are regulated by the Independent Pricing and Regulatory Tribunal.</p>	<p><i>The Glossary has been amended to include a definition for a regulated offer.</i></p>	<p><i>No change</i></p>
Attachment A	<p>After “Eligibility for this plan” information, insert:</p> <p>Applicable meter type</p> <p>You require a Time of use (Type 5) meter to be eligible for this offer.</p>	<p><i>This text has been inserted to demonstrate how the applicable meter type information requirement may be represented on an Energy Price Fact Sheet.</i></p>	<p><i>No change</i></p>

Attachment C	<p>After point 18, insert:</p> <p>19. whether the <i>contract offer</i> is a <i>standing, regulated</i> or <i>market offer</i>.</p>	<p><i>Attachment C has been amended for information requirements from retailers to reflect how the price comparator website will display individual offer information as described in section 4.2 of the Statement of Approach²³.</i></p>	<p>No change</p>
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²³ The AER's Statement of Approach to the price comparator website can be accessed at: <http://www.aer.gov.au/node/9135>.

E. Comments made in submissions

AER Compliance Procedures and Guidelines		
Guideline reference	Submission	AER Response
1.1.4, 2.1 and 3.1.1	<p>AGL and Origin made submissions that expressed concerns regarding their ability to provide compliance and performance reports on a disaggregated basis across each of the retailer authorisations operating under a single brand.</p> <p>AGL's submission specifically related to those areas where it would be impossible to provide disaggregated information due to the specific system involved, providing the example of shared telephony/call centres within the AGL group.</p> <p>Origin's submission stated that the AER would be able to seek disaggregated information on a case by case basis where issues have been identified, allowing for consolidated information to be provided by default. Origin argued that requiring the information to be disaggregated as a default position would impose an unnecessary burden on the business.</p>	<p>The minor amendments to clauses 1.1.4, 2.1 and 3.1.1 have been included in the Compliance Procedures and Guidelines in order to provide clarification of the requirements under sections 272 and 273 of the Retail Law. These provisions specify that the AER must monitor compliance by regulated entities, and that a regulated entity must establish policies, systems and procedures to enable it to efficiently and effectively monitor its compliance with the requirements of the Retail Law.</p> <p>The AER has met with each of the businesses affected by this requirement. Each has confirmed that it is able to provide the required information.</p> <p>The Retail Law compliance regime requires each regulated entity to have the means to monitor and report on its compliance with the Retail Law. The AER will consider all breaches and potential breaches reported under this regime, so that if consolidated reports were submitted requests for an entity by entity breakdown of compliance data would be required for each report. The need to pursue this information separately would substantially add to the length of time</p>

	Ergon Energy made a submission stating that for information provided by a business to be meaningful that it would have to be provided on a disaggregated basis.	<p>taken to investigate compliance issues, particularly in the case of Type 1 breaches, that are required to be notified to the AER immediately.</p> <p>Additionally, the AER has reviewed current jurisdictional requirements noting that, in all but one jurisdiction, compliance reporting is required on a licence by licence basis. With the transition of retail licenses into retailer authorisation the AER considers that the proposed disaggregated reporting requirements are not inconsistent with current practice.</p> <p>Considering these factors, and that concerns have only been raised as being significant by one business in relation to compliance reporting the AER intends to keep the drafting as proposed in the notice of draft instrument.</p>
3.2.3, 3.3.4, 3.3.6, 3.4, Appendix B.1 and B.2	Two businesses made submissions noting minor errors in the existing and proposed cross-references.	<p>The AER has amended the cross-references to clarify the reporting requirements of Type 1 breaches in both consolidated form and where reporting is delayed due to extreme weather events.</p> <p>Additionally clarification of the use of pro-formas in relation to reporting under Types 1, 2 and 3 has been included.</p>
AER Performance Procedures and Guidelines		
Guideline reference	Submission	AER Response
2.1.3	Ergon Energy supported the addition of a new clause requiring retailers with multiple authorisations to	Each legal entity holding a national retailer authorisation will become a regulated entity in its own right under the Retail Law and Rules, and is

	<p>submit disaggregated performance reports.</p> <p>Origin Energy did not support this amendment and noted that although it will have multiple authorised entities under the Retail Law, all the customers are serviced on common retail systems using standard business processes. Origin Energy considers disaggregating these reporting requirements would serve no additional benefit and would create an additional administrative burden on retailers. Origin Energy recommended the AER adopt the same pragmatic approach to reporting aggregated data that it took with performance reporting for retailer call centres (where more than one authorised retailer shares a common telephone system they are not required to report call centre data for each individual authorised entity).</p>	<p>therefore required to comply with all relevant obligations therein.</p> <p>The Retail Law requires each regulated entity to provide information and data about its performance to the AER. Section 282 of the Retail Law requires regulated entities to provide the information on its performance in the manner and form prescribed by the relevant AER guidelines.</p> <p>The AER has met with each of the businesses expressing concerns over the issue of reporting performance data on a disaggregated basis. Each of the affected businesses has confirmed to the AER that it is able to provide the required disaggregated information.</p> <p>The purpose of the performance reporting regime is to monitor the performance of retailers in relation to a number of their obligations under the Retail Law and Rules. It is also an important input into the AER’s compliance monitoring work. Being able to identify the performance of an individual entity will allow the AER to target its performance and compliance monitoring activities to produce better outcomes in the retail energy market. As such, the AER considers that each regulated entity should have the means to monitor and record their performance and compliance with the Retail Law and report that information to the AER, as required by section 282 of the Retail Law.</p> <p>As noted above, in the related issue of retailers providing disaggregated compliance data, the AER considers that repeated requests for an entity by entity breakdown of performance data following submission of a consolidated report would substantially add to the length of time taken to investigate any potential performance or compliance issues, and would impact the AER’s ability to provide timely performance updates</p>
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2.1.4	AGL noted the current performance reporting Guideline mandates that a number of indicators are to be reported for each financial year. AGL sought further clarification that clause 2.1.4 is applicable to these indicators so that any financial year reporting occurs after the commencement of the Retail Law.	The clause 2.1.4 in the guideline is applicable to all indicators set out in the Guideline. Where indicators refer to data collected and reported over a period that is not fully covered by the Guideline, retailers should report data for the period covered by the Guideline and note that a full data set has not been provided.
2.2.1	Ergon Energy sought clarification on whether data submitted electronically by the due date was sufficient, particularly where written submissions are received at a later date.	The AER considers that receipt of an electronic submission by the due date will satisfy the requirement of the Guideline. Further, if a signed copy of the pro-forma report (Schedule A.1 of the Guideline) is sent electronically, there is no need to also subsequently post a hard copy.

<p>2.2.2</p>	<p>Ergon Energy supported the clarification of the AER’s requirements but identified the following errors with the AER Performance Reporting Template:</p> <ul style="list-style-type: none"> • The month of ‘Mar’ was incorrectly labelled ‘Feb’ for some Q3 indicators • The ‘Billing’ and ‘Marketing’ complaints cells were transposed • S3.12 ‘Number of customers using centrepay’ is denoted as an annual reporting requirement in the Guideline, but the reporting template requires quarterly data to be reported • Clarification of the meaning of cells shaded purple in the template. <p>AGL sought clarification as to the form in which the AER would like to receive the Q4 and Annual reported data. AGL wanted an understanding of whether the AER would provide a separate reporting template or whether each entity is responsible for the development of its own template.</p>	<p>The AER will amend the Performance reporting template to correct the errors identified by Ergon Energy, so that: the correct months are labelled when Quarter 3 is selected; ‘Billing’ and ‘Marketing’ complaints are correctly labelled; and that data on customers using Centrepay is only required to be reported when Q4 is selected.</p> <p>The AER will reissue a corrected version of the Performance Reporting Template (version 2.0) and will publish the new version on its website and well as provide it to retailers directly, prior to 1 July 2012.</p> <p>The AER uses different coloured cells in the Performance Reporting Template to indicate different fuel types. Purple cells refer to ‘energy’ data, where data for electricity and gas are reported together (for example, in relation to call centre performance data). Further information explaining the use of shading in the Template is included on the front worksheet of the Template, as part of the instructions on how to use it.</p> <p>The AER does not require each entity to develop its own reporting template. The Performance Reporting Template allows for annual reporting. When quarter 4 is selected from the drop down menu, the performance template will automatically populate the indicators that are collected in Quarter 4 and annual report. The AER Performance Reporting Template does not incorporate the reporting requirements set out in Schedule A.3 (a summary of each retailer’s customer hardship program and (optional) hardship case studies). These are reported under a separate template provided in the Guideline (see Schedule A.3).</p> <p>The AER intends to host a forum with regulated entities in July to</p>
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		discuss performance reporting requirements and provide an opportunity to explain how the performance reporting template operates.
Schedule 4.6	Ergon Energy was concerned that there will be a significant overlap in the in the reporting of hardship customers' payment methods, particularly regarding those using payment plans and Centrepay. Ergon Energy noted that it was possible for a hardship customer to both be on a payment plan and to pay using Centrepay.	<p>The AER has proposed these amendments to ensure that reporting of hardship customers using Centrepay and those on payment plans are not reported twice. Where a customer is both on a payment plan and Centrepay, they should be reported once as a customer using Centrepay.</p> <p>The AER will report this information in a manner that reflects this possible overlap, for example 'X' hardship customers were on a payment plan and of those 'Y' used Centrepay to make their payments. The AER also encourages regulated entities to provide commentary to fully explain how many hardship program customers on payment plans also use Centrepay, to ensure this data is not misinterpreted.</p>
Retailer of Last Resort (RoLR) Plan		
Guideline reference	Submission	AER Response
cl. 2.1 (c) (iii)	The Australian Energy Market Operator (AEMO) proposed a change to the statement ' <i>in the event a call notice or a margin call is not issued, the AER may notify AEMO if an additional RoLR will be appointed as the designated RoLR,</i> ' suggesting that the word 'will' should be replaced with 'may.'	<p>The AER has not made this change. Where a RoLR event is imminent, the AER may designate additional RoLRs to absorb some customers of the failed retailer. If it decides to designate additional RoLRs, it will inform AEMO.</p> <p>Where there are no registered RoLRs, or the AER decides not to designate any registered RoLRs, the default RoLR for that connection point (electricity) or distribution system (gas) is taken to be the designated RoLR for that event, and customers of the failed retailer</p>

		will be transferred to the default RoLR.
cl. 2.1 (c) (iv)	AEMO submitted that the word <i>addition</i> should be changed to <i>additional</i> in the following sentence: ‘ <i>if the AER does not provide a notice in writing to AEMO concerning additional RoLR appointments.</i> ’	The AER accepts this change. This was a drafting error in the AER RoLR Plan V1.1.
cl. 2.2 (c) (iv)	AEMO noted that the word ‘provide’ was included twice, and suggested it be removed. It also suggested the word ‘report’ be added to the following sentence: ‘ <i>the AER with the transfers in progress report as prescribed by the RoLR procedures for an electricity event.</i> ’	The AER accepts this change, which provides further clarification to AEMO’s obligation to provide the AER with information on transfers in progress in the case of a RoLR event.
cl. 2.2 (c) (iv)	AEMO suggested a drafting change to sub clause (3). It proposed placing an obligation on AEMO to provide the summary MIRN/DPI’s RoLR report to the AER, rather than an obligation to provide the report to the designated RoLR. This approach is consistent with the AER-AEMO RoLR event communications protocol, which has been developed through ongoing consultation between AEMO and the AER. The communications protocol sets out obligations on both the AER and AEMO to ensure that both agencies can meet their obligations in the case of a RoLR event.	The AER-AEMO communications protocol for a gas RoLR event sets out a requirement for AEMO to provide the AER with a summary MIRN/DPIs RoLR report (rather than for AEMO to provide the summary report to the designated RoLR). The AER accepts this proposed change to the RoLR plan. This ensures that the AER’s RoLR Plan is consistent with the AER-AEMO communications protocol, which sets out communications procedures to be followed by AEMO and the AER before, during and after a RoLR event. For clarity, the AER will provide a copy of the summary MIRN/DPIs RoLR report to designated RoLRs, where appropriate, in the case of a RoLR event.

Retail Pricing Information Guideline

Guideline reference	Submission	AER Response
2.3.4	<p>Ergon Energy seeks clarification on whether the requirement to disclose the solar feed-in tariff available to customers on an Energy Price Fact Sheet relevant to customers with a solar photovoltaic system refers to only the feed-in tariff paid by retailers as part of a contract offer and not payments from jurisdictional arrangements such as the Queensland Solar Bonus Scheme.</p> <p>Origin Energy believes that it is not appropriate for all Energy Price Fact Sheets to show a potential application of a feed-in tariff, as this will be too complex and confusing for customers. In addition, Origin states that government changes to feed-in tariffs occur with no notice and outside the usual price change process, which will result in onerous changes to Energy Price Fact Sheets.</p>	<p>The intent of the inclusion of solar feed-in tariffs on an Energy Price Fact Sheet (and the price comparator website) is to ensure that the contract offer information presented to customers with solar photovoltaic systems is in line with existing jurisdictional arrangements. Specifically, the NSW Independent Pricing and Regulatory Tribunal's (IPART) Retail price disclosure guideline for retail suppliers of small retail customers contains requirements for retailers to disclose pricing information, including a description of any solar feed-in tariff credits or payments available with an energy offer, on a retailer's website or in writing to any person on request. Given that such a requirement is already necessary in NSW, the AER considers that in this case the information benefit to customers is greater than the regulatory burden on retailers.</p> <p>The inclusion of solar feed-in tariff information is only required on Energy Price Fact Sheets relating to contract offers for customers with solar photovoltaic systems. For clarity, the solar feed-in tariff or tariffs to be displayed on Energy Price Fact Sheets should be the total credit or payment that the customer will receive (including both any credit or payment from a jurisdictional scheme and any premium offered by a retailer or any separate feed-in tariff a retailer may offer).</p>
2.4	Ergon Energy notes the proposed changes relating to the unique reference code requirements for generally available and non-generally available contract offers.	The AER notes the current uncertainty and limited timeframes associated with the Queensland Competition Authority's tariff reform

	<p>With these in mind, Ergon Energy requests that the AER note the current uncertainty and limited timeframes associated with tariff reform currently being undertaken by the Queensland Competition Authority.</p>	<p>process.</p> <p>The AER notes that Version 3.0 of the Retail Pricing Information Guideline removes the requirement for retailers to generate a unique reference code using the price comparator website for use on Energy Price Fact Sheets for non-generally available offers. Version 2.0 required each Energy Price Fact Sheet to be identified with a unique reference code as generated by the price comparator website.</p>
<p>3.1</p>	<p>AGL and Origin Energy seek justification for the insertion in the draft amendments of the new requirement for retailers to provide Energy Price Fact Sheets for non-generally available offers to the AER. Both retailers are concerned that this requirement would create a heavy regulatory burden with little or no consumer benefit.</p> <p>On the other hand, Ergon Energy agrees that, where a retailer develops an Energy Price Fact Sheet for a non-generally available offer outside of the AER's price comparator website, a copy of this information should be provided to the AER, in the interests of consistency.</p>	<p>The AER acknowledges the increased regulatory burden of the proposed requirement and accepts views that such a requirement would create little direct consumer benefit which could not otherwise be achieved through other compliance mechanisms. The AER has therefore decided to remove this proposed requirement and revert back to the wording in Version 2.0 of the Retail Pricing Information Guideline with additional wording that Energy Price Fact Sheets produced for non-generally available offers may be subject to compliance monitoring activity by the AER (see final amendment at Appendix D).</p> <p>The AER emphasises that as per section 2.1 of the Retail Pricing Information Guideline, a retailer must produce an Energy Price Fact Sheet for each contract offer that a retailer offers to a new customer on or from 1 July 2012, whether generally available or non-generally available. An Energy Price Fact Sheet must be provided to a small customer in accordance with section 3 of the Retail Pricing Information Guideline.</p>