Protecting consumers’ interests – institutional approach and practices

Global Regulatory Perspectives Forum
Rosemary Sinclair
CEO
1. Our role and vision
The national voice for household and small business energy consumers

4. OBJECTS, ACTIVITIES AND POWERS

4.1 Objects

The object of the Company is:

(a) To promote the long term interests of Consumers of Energy with respect to the price, quality, safety, reliability and security of supply of Energy services by providing and enabling strong, coordinated, collegiate evidence based consumer advocacy on National Energy Market matters of strategic importance or material consequence for Energy Consumers, in particular for Residential Customers and Small Business Customers.

4.2 Activities

Without limiting the effect of article 4.3, the Company will seek to achieve its objects through:

(a) Effectively and objectively participating in National Energy Market issues and influencing regulatory activities and Energy market reform to benefit Consumers;

(b) Frequently engaging and communicating with Consumers and consumer advocates to discuss, support, liaise, collaborate, educate, identify and to receive and provide updates on the National Energy Market and its policies, reforms, issues and general news;

(c) Building national and jurisdictional expertise and capacity through research, knowledge development and consultation to advance the interests of Australian Energy Consumers, in particular residential and small business Energy Consumers;

(d) Undertaking robust research to build knowledge, engage and influence policy development and educate Consumers in the Energy markets;

(e) When notified by the Member, after the Effective Date, of the Company’s capacity to do so – funding and managing grants to build knowledge and sectoral capacity supporting policy development and consumer education in the National Energy Market;

(f) Creating and maintaining effective working relationships with key stakeholders including but not limited to: Consumers and consumer advocates, the AER, jurisdictional regulators, Energy market...
The long-term interests of consumers: a energy market that works for everyone

**Long Term Interest of Consumers**
Efficient investment in, operation and use of electricity services
Our vision for the market

The long-term interests of Australian households and small businesses through ...

Better consumer outcomes

- Affordable
- Optimised
- Individualised
## Moving beyond the ‘Trilemma’ – three parts for consumer focussed outcomes

<table>
<thead>
<tr>
<th>Industry Dimension</th>
<th>Consumer Attribute</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Affordable</strong></td>
<td><strong>Satisfied</strong></td>
</tr>
<tr>
<td>The industry can only regain trust by addressing prices</td>
<td>Paying no more than they need to for the service they want</td>
</tr>
<tr>
<td><strong>Individualised</strong></td>
<td><strong>Engaged</strong></td>
</tr>
<tr>
<td>Information and services to meet consumers where they are</td>
<td>Consumers can engage on their terms</td>
</tr>
<tr>
<td><strong>Optimised</strong></td>
<td><strong>Confident</strong></td>
</tr>
<tr>
<td>System decisions include consumers and their assets, rewards, prices and decisions</td>
<td>That the markets/systems are working in their interests</td>
</tr>
</tbody>
</table>
A renewed focus on the ‘LTIC’

Within this framework there are three market institutions with distinct roles – rule maker and adviser on market development, the market operator, and the regulator. These are the AEMC, the Australian Energy Market Operator (AEMO), and the Australian Energy Regulator (AER) respectively. Separating the roles of governments, rule-maker/market developer, operator and regulator was a key market design choice in the development of these national energy markets.

In particular, the creation of the AEMC and the AER in 2005 replaced a number of jurisdictional and Commonwealth regulators in Australia, helping to provide consistency and stability in regulating the interconnected energy markets. The AEMC was established as a rule-making body with a clear policy direction and delegated powers from the COAG Energy Council (comprising the federal, state and territory energy ministers), allowing the market to develop and respond to the needs of participants and consumers.

At the same time as the AEMC was established, a single national electricity objective was embedded into the regulatory framework – the NEO as described above. This replaced a number of competing objectives in previous state-based laws with a single objective focussed on efficiency in the long-term interests of consumers. The NEO is an economic concept and is intended to be interpreted as promoting efficiency in the long-term interests of consumers. The NGO was added in 2008, and the NERO in 2012.
Re-focussing on consumer outcomes

Message from AER Chair, Paula Conboy

The Australian Energy Regulator (AER) works to make all Australian energy consumers better off, now and in the future. We place consumers at the heart of our work to deliver a secure, reliable and affordable energy future for Australia in the face of significant technological, behavioural and systemic change.

To achieve this we direct our activities towards developing and maintaining a flexible and adaptive regulatory framework in recognition of the dynamic nature of energy markets.

Our work is guided by five strategic objectives:

1. Drive effective competition where it is feasible.
2. Provide effective regulation where competition is not feasible.
3. Equip consumers to engage effectively, and protect those who are unable to safeguard their own interests.
4. Use our expertise to inform debate about Australia’s energy future, the long-term interests of consumers and the regulatory landscape.
5. Take a long-term perspective while also considering impacts on consumers today.
Consumers and market operation in a transforming system

The disruptive changes associated with Australia’s energy landscape are well known, and the industry must maintain energy affordability in light of challenges and opportunities. There are several developments that particularly impact our organisation:

**Consumer engagement:** Energy markets have historically been wholesale and business-to-business in nature, but consumers now have more options to engage with their energy consumption, including owning distributed generation and storage. In parallel, the energy industry is at the forefront of a broader government policy initiative on Consumer Data Right (CDR) to empower consumers to make informed choices. We can expect consumers to become much more active participants in future markets through individual activity, automated, price-sensitive technology and innovative consumer facing businesses.

The disruptive changes associated with Australia’s energy landscape are well known, and the industry must maintain affordability in light of these challenges and opportunities.
From market objectives to a new body and a formalised strategy
2. What are consumers telling us?
Energy prices have increased faster than wages

Source: ABS, Consumer Price Index 6401.0 and ABS, Wages Price index 6345.0, Australia.
Electricity value for money trails other services

[SME – satisfaction value for money chart]

- Electricity
- Gas
- Internet
- Mobile Phone
- Insurance
- Banking
- Water

Legend:
- Positive
- Neutral
- Negative
Some good news on prices
3. The LTIC ... in a transforming market
"I would prefer my six cents of power, sorry my units of power, which aren’t six cents, to go into my community. I get six cents from [energy retailer], but if I get 25 cents because I gave it to you because you have fallen on hard times, well I’m delighted.”

Attendee, ECA Regional Listening Tour April-June 2016
Role of markets? Role of government? Timescale and uncertainty underline need for strategic investments and innovation.

<table>
<thead>
<tr>
<th>Risk conception/domain</th>
<th>Dominant scale</th>
<th>Decision framework</th>
<th>Field of theory</th>
<th>Mitigation economic process</th>
<th>Realm of opportunity</th>
<th>Pillar of policy/response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ignore/satisfice</td>
<td>Short-term/local</td>
<td>Indifferent or disempowered</td>
<td>Behavioural and organisational</td>
<td>Move closer to “the best practice frontier”</td>
<td>“Smarter choices”</td>
<td>Standards and engagement (Pillar 1)</td>
</tr>
<tr>
<td>Compensate/optimise</td>
<td>Medium term/regional</td>
<td>Costs/impacts are tangible and significant</td>
<td>Neoclassical and welfare economics</td>
<td>Make best trade-offs along the frontier</td>
<td>Substitute cleaner production and products</td>
<td>Markets and pricing (Pillar 2)</td>
</tr>
<tr>
<td>Secure transform</td>
<td>Long-term/global</td>
<td>Transformational risks and opportunities</td>
<td>Evolutionary and institutional</td>
<td>Evolve the frontier</td>
<td>Innovation and infrastructure</td>
<td>Strategic investment (Pillar 3)</td>
</tr>
</tbody>
</table>

4. Innovation and investment in what? Consumer expectations about the future
New research about experience now and expectations for the future (to be published February 2020)
1. Consumers are pre-occupied with their everyday lives, reporting a low level of engagement with energy. When they did think of energy, it was most commonly associated with high expense and complexity.

2. Despite energy being in the background of life, there were moments and stages where it became more important. This highlights an opportunity for the sector to tailor and link services to a consumer life context.

3. Consumers were often caught up in the priorities of their current life and found it difficult to contemplate the future (a thought often filled with uncertainty). However, all believed that moving forward, energy could and should change for the better.

4. While consumers were mostly clear on the ideal future state, the path to reaching this was not clear, and consumers were not being enabled to act themselves.

5. Consumers generally look to governments to drive and lead change but lack trust in motivation, similarly for industry, consumers look to retailers to play their role but lack trust in motivation.
Where are the services to help people manage energy use?

“...They think turning lights on is a fun game. It is challenging. Especially the exhaust fan in the toilet. They’ll put the exhaust fan on and walk off and leave it for hours. We actually just now had timers installed in them so they’ll turn off after five minutes. They constantly turn lights on and TVs on. We’ve got five of us in our house, so all three will be on, their laptops or maybe watching TV or listening to music and then you’ve got five people showering.”
- 38, Midlife, Green, QLD

“...Cut back on using the heaters most of the time, we turn off the lights a lot and have trained our kids to do the same. We adjust the energy settings on our fridge when we aren’t using it all the time. We also bought a very efficient clothes dryer. It’s a tough one because we would like to have heating all of the time for the kids to be comfortable, but we realise the cost would be too high if we did that.”
- 48, Midlife, Green, VIC

“I can only guess that our consumption will be down only when our kids eventually move out and be more independent.”
- 48, Midlife, Green, VIC

“I look at the daily consumption in the AGL app, you can watch it in a dollar or kilowatt format, as a graph. Sometimes I set the kids a challenge to lower it, because it tells you exactly what you use it on...sometimes I might set rewards. It’s good to play a bit of a game in the house.”
- 45, Midlife, Green, VIC
“Retailers won’t act – they would not do anything if they won’t make profit.”

- 29, Early adulthood, SA
“Big businesses have a lot to do as well. Like Coles and Woolworths banning plastic bags. Thy have a lot of power to add good to the world.”

- 29, Early Adult, VIC
“That’s the role of government and they should be giving the overarching strategy and the laws and policies in place, that are going to govern how we’re going to be using energy in the future.”

- 29, Early Adult, TAS
5. Implications for policy, regulation and beyond
Network regulation … capable of acceptance? The NewReg Trial

Customer Forum members

The Customer Forum consists of a Chairperson and four members. The Customer Forum members were chosen in an independent and rigorous process, including through consultation with Energy Consumers Australia and the AER. The members were selected for their diverse and complementary skills and experience; their ability to credibly represent the perspectives of customers; their understanding of consumer issues; and their analytical ability.

The Customer Forum members are:

• Tony Robinson (chair): Experienced consumer advocate and previous Victorian Minister for Consumer Affairs.
• Helen Bartley: Experienced market and social researcher with specific experience in customer engagement processes for utilities.
• John Mumford: Experienced consumer advocate and financial counsellor. John and his family run a small beef cattle and hazelnut farm in South Gippsland and is a customer of AusNet Services.
• Greg Camm: Experienced financial sector executive and former Director of Yarra Valley Water, where he had significant involvement in the Citizens Jury process.
• Dianne Rule: Broad experience across education, publishing, politics and community projects.

Read the member biographies.
A new, more flexible toolkit – The New Energy Tech Consumer Code

The New Energy Tech Consumer Code

Providers that have signed up to the code will provide a higher level of service throughout the entire purchasing process, and will provide customers with honest and independent advice.
Key commitments

a) provide clear, accurate and relevant information
b) encourage customers to be aware of their rights
c) ensure sales practices are responsible
d) ensure products, services, systems and documentation are suitable
e) support staff training to ensure compliance
f) be responsive to customer needs and ensure prompt, appropriate action in response to a complaint
The LTIC and consumer protection ‘off the (traditional) grid’

<table>
<thead>
<tr>
<th>Short description</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transactional</td>
<td>Consumer Protections that address the consumer/provider interface</td>
</tr>
<tr>
<td>Affordability</td>
<td>Consumer protection for affordability</td>
</tr>
<tr>
<td>Reliability</td>
<td>The regulation of the electricity system to guarantee availability of supply (including quality)</td>
</tr>
<tr>
<td>Market Power</td>
<td>The regulation of firms with market power</td>
</tr>
</tbody>
</table>
The LTIC and consumer protection ‘off the (traditional) grid’

Who made the decision?

<table>
<thead>
<tr>
<th>Who made the decision?</th>
<th>GRID ONLY</th>
<th>GRID + DER</th>
<th>DER ONLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freestanding cases</td>
<td>Standard supply (NECF + Vic and ACL)</td>
<td>‘Behind the meter’ (NECF + Vic and ACL)</td>
<td>Individual Power System (ACL only)</td>
</tr>
<tr>
<td>Community Cases</td>
<td>Embedded network (exempt + ACL)</td>
<td>Microgrid (exempt + ACL)</td>
<td>Islanded microgrid (jurisdictional and ACL)</td>
</tr>
</tbody>
</table>

What is the source of the supply?
A new view about the source of value … and a question about trust
The Energy Charter – a new vehicle for leadership and cultural change

“Let me begin by acknowledging we’ve sometimes lost the customer perspective in our decision-making. We’re sorry it took us so long to address confusion over discount-based pricing which made it difficult for customers to compare deals.

After speaking with many customers over the phone and in person, I am convinced a new approach is required. I’m pleased with the work we’ve done on this so far, but I know how much further we have to go.”

- Brett Redman, CEO AGL, Meeting with Accountability Panel, 11 October 2019
Re-writing how we talk (and think) about energy

“Electricity has traditionally been framed as a unit of consumption (kilowatt hour). This affects how the industry predominantly thinks about people who use electricity (e.g. as consumers or customers) and the types of appeals used to engage with them on energy issues.”
### UKERC … asking consumers what matters … ‘values’ for transition

Table 1. Summary of core public values pertaining to energy system change

<table>
<thead>
<tr>
<th>Principle /Value</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reduced energy use overall</td>
<td>Reducing overall energy usage while simultaneously reducing the use of finite resources (as compared to the current state) will have positive consequences in terms of attaining the values outlined below.</td>
</tr>
<tr>
<td>Efficient and not wasteful</td>
<td>A system that does not involve wasting and/or produces waste products and that is efficient. A system that does not waste opportunities arising from energy system change, and capitalises on the resources and capacities of the UK.</td>
</tr>
<tr>
<td>Environment and nature</td>
<td>A system that uses and produces energy in an environmentally conscious way and does not unnecessarily interfere with or harm nature.</td>
</tr>
<tr>
<td>Secure and stable</td>
<td>A system that ensures access to energy services both in terms of availability and affordability. A system that is reliable and safe both in the production and delivery of energy services.</td>
</tr>
<tr>
<td>Autonomy and power</td>
<td>A system that is developed in ways that do not overly threaten autonomy, infringe upon freedoms, or significantly compromise abilities to control personal aspects of life.</td>
</tr>
<tr>
<td>Just and fair</td>
<td>A system that is developed in ways which are mindful of implications for people’s abilities to live healthy lives. A system that is fair and inclusive and where all actors are honest and transparent about their actions.</td>
</tr>
<tr>
<td>Process and change</td>
<td>A system that is developed with a focus on the long-term trajectories being created; that takes into account system interconnections and interdependencies; and represents improvement both in terms of socio-technological advances and quality of life.</td>
</tr>
</tbody>
</table>
Hawaii ... broadening the regulatory construct

D.

Guiding Principles

In order to assist the Companies as they develop the Grid Modernization Strategy, the commission observes that it may be helpful to suggest foundational principles to shape the framework by which a comprehensive strategy should be designed and evaluated.

To that end, the Legislature has stated:

In advancing the public interest, the commission shall balance technical, economic, environmental, and cultural considerations associated with modernization of the electric grid, based on principles that include but are not limited to:

1. Enabling a diverse portfolio of renewable energy resources;
2. Expanding options for customers to manage their energy use;
A New Energy Compact – Distributed Energy Integration Program (DEIP) collaboration

Think long-term and be responsive

Be just and fair

Put the needs of people at the centre

Energy is an essential service and everyone has the right to access clean, affordable and dependable energy

Is secure, reliable and resilient

Drive efficiency and reduce waste

Zero emissions and environmentally responsible

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6. Conclusion
Success in the new paradigm depends more than ever on trust and partnership