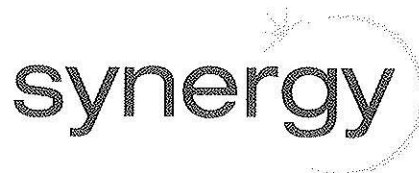


Our Reference: DMS #3021344 V1
Enquiries: Simon Thackray
Telephone: (08) 9326 4433



1 September 2006

Paul Kelly
Executive Director
Licensing, Monitoring and Customer Protection
Economic Regulation Authority
Level 6 Governor Stirling Tower
197 St. Georges Terrace
PERTH WA 6000

Dear Paul

DRAFT ELECTRICITY COMPLIANCE REPORTING MANUAL

Thank you for the opportunity to comment on the draft *Electricity Compliance Reporting Manual* (**Reporting Manual**).

Synergy welcomes the Economic Regulation Authority's (**Authority**) proposal to establish the Reporting Manual as a means of encouraging greater licence compliance.

Synergy's comments on the proposed Reporting Manual are as follows:

1. SCOPE (Section 1)

Synergy considers that the scope of the reporting, specifically in relation to Type 2 breaches is extensive and would require considerable systems to report each and every Type 2 breach on an annual basis.

Synergy questions the usefulness of reporting every Type 2 breach as in its view the materiality of the various Type 2 breaches are not the same. Synergy considers it appropriate for Type 2 breaches to be recorded on each occasion where it is apparent that such a breach would have a high market impact in terms of customers or business to business arrangements.

However, where the breach does not meet this criteria, Synergy is of the view that:

- the threshold for the number of reportable incidents should be increased; or
- the Type 2 incident should be changed to non-reportable.

Synergy's specific comments, in relation to the above, are contained within Attachments 2 to 6.

2. COMPLIANCE REPORTING REQUIREMENTS (Section 3)

Classification of conditions (Section 3.1)

Synergy notes that the Authority has determined whether a breach is to be Type 1 or Type 2 based on whether it would have a critical or a minor impact on the "regulatory policy objectives".

The Reporting Manual however, provides no guidance as to what the regulatory policy objectives were used to determine Type 1 or Type 2 breaches and therefore, from industry's perspective it is difficult to assess whether the proposed reporting classifications accurately reflect the intent of the policy objectives.

Consequently, Synergy recommends that the Reporting Manual should list, for each regulatory instrument (i.e. Customer Service Code, Metering Code etc), the key policy objectives used to determine Type 1 or Type 2 reporting classifications.

Immediate Notification and Compliance reports (Sections 3.2 and 3.3)

The reporting manual states that a licensee must notify the Authority when it becomes aware of Type 1 breach. However, it is not apparent from the Reporting Manual where the obligation arises.

From discussions with the Authority, it is understood that a retail licensee's obligation to report breaches occurs under clause 26 of the electricity retail licence. It would be useful for the Reporting Manual to reflect this.

Reporting Cycle (Section 3.4)

Section 3.4 does not specify when the reporting cycle is to commence.

In order to ensure that the industry has sufficient time to comply with the new reporting regime, Synergy recommends that the reporting of Type 1 and Type 2 breaches occur on 1 January 2007 and 1 July 2007 respectively.

This would also enable the outcome of the review of the *Code of Conduct for the Supply of Electricity to Small Use Customers 2004 (Customer Service Code)* to be reflected within the Reporting Manual, for Type 2 breaches, prior to the Manual's commencement.

Audits and Reviews (Section 3.6)

Section 13 of the *Electricity Industry Act 2004 (Act)* requires a licensee, not less than once every 24 months (or such longer period as the Authority may approve) to submit to the Authority a performance audit conducted by an independent expert acceptable to the Authority.

Synergy supports an incentive based regulatory regime, which enables industry obligations to be extended when good regulatory compliance is consistently demonstrated.

Consequently, Synergy suggests for the Authority's consideration that the date for undertaking performance audits, as required by section 13 of the Act, could be extended in situations whereby a licensee has consistently demonstrated regulatory compliance as part of their Reporting Manual obligations.

Amendment (Section 3.7)

Synergy notes that the Reporting Manual does not contain a requirement by the Authority to periodically review the Manual or ability for a licensee to a request amendment. Synergy recommends that the Reporting Manual be amended to provide for both matters consistent with other regulatory instruments such as industry codes of practice.

3. COMPLIANCE REPORT TEMPLATE (Section 4)

Synergy does not consider the form of the proposed reporting template to be appropriate. Synergy's proposed reporting format is detailed in Attachment 1.

4. FORMAT FOR REPORTING NON-COMPLIANCES (Section 5)

Synergy notes that column 2 and column 3 item 1 of the proposed reporting template essentially deal with the same matter.

5. TYPE 1 REPORTING OBLIGATIONS FOR ALL LICENCE TYPES (Section 6)

Item 248 of the Reporting Manual requires immediate reporting of licence breaches where a "retailer or a distributor must not arrange for disconnection or disconnect a customer's supply address in the circumstances specified".

Synergy notes that item 248 relates to clause 7.6 of the Customer Service Code.

Synergy understands that the Authority's policy objectives in seeking item 248 to be reported as Type 1 breach is to safeguard customer interests and identify systemic trends in wrongful customer disconnections.

Synergy recommends that item 248 of the Reporting Manual be reclassified from a Type 1 breach to Type 2 on the basis that an individual disconnection does not have a critical impact the regulatory policy objectives of the Customer Service Code because:

- The Energy Ombudsman was established in October 2005 to provide an effective dispute resolution mechanism for small use customers, including the ability to award compensation to customers. (Synergy notes that the Government Ombudsman does not possess comparable powers.) Furthermore, the Energy Ombudsman has the ability to publish information in relation to the complaints it deals with, as it considers appropriate.
- The Customer Service Code itself recognises that wrongful disconnections can occur and specifically provides a mechanism to deal with such in the form of compensatory payments. (Refer Part 14 of the Customer Service Code.)
- A range of mechanisms exist under the Customer Service Code to assist the customer from being disconnected specifically the payment difficulties and financial hardship provisions of the Customer Service Code (refer Part 6).
- The Customer Service Code itself imposes disconnection reporting obligations upon a retailer and distributor (refer Part 13). Under clause 13.11 of the Code, a retailer and a distributor are compelled to provide the prescribed records to the Authority upon request.

- Synergy has a small use customer base of approximately 850,000. While each wrongful disconnection is regrettable, it alone does not constitute a material failing that warrants the establishment of a specific reporting system for each and every disconnection occurrence. Such an outcome would impose significant financial and resource costs upon a retailer's business, notwithstanding that a range of rights and mechanisms exist to assist customers prior to and in the event of a disconnection.
- Synergy has implemented various internal arrangements to reduce wrongful disconnections and to resolve disconnection disputes. Examples include the introduction of an internal service standard, which exceeds that prescribed by clause 7.6(iii) of the Customer Service Code and the creation of a Consumer Advocate role within the business.

Synergy is committed to customer service and supports the reporting of wrongful disconnections to the Authority as Type 2 breaches. However, it considers that the reporting of disconnections as Type 1 breaches to be inappropriate for the reasons outlined above.

6. ELECTRICITY INDUSTRY CUSTOMER TRANSFER CODE 2005 (Section 7)

Refer Attachment 2.

7. ELECTRICITY INDUSTRY ACT 2004 (Section 10)

Refer Attachment 3.

8. ELECTRICITY LICENCES (Section 11)

Refer Attachment 4.

9. CUSTOMER SERVICE CODE (Section 12)

Refer Attachment 5.

10. ELECTRICITY INDUSTRY METERING CODE 2005 (Section 14)

Refer Attachment 6.

Please do not hesitate to contact me should you wish to discuss any aspect of the above further.

Yours sincerely



SIMON THACKRAY
REGULATORY MANAGER

ATTACHMENT 1

Compliance Report

Period: [Date] 200__ to [Date] 200__

Submitted by: [Licensee]

ACN: [Number]

To: Chairman
Economic Regulation Authority
PO Box 8469
Perth Business Centre
Western Australia 6849

[Name] reports as follows:

1. This report documents compliance during [Period] with all obligations classified as Type[s] [Number] obligations in the Authority's current "[Licence Name]".
2. This report has been prepared by [Licensee] with the appropriate standard of care and due diligence in connection with the Type 2 obligations to which it is subject under the Regulations and Codes made pursuant to the *Electricity Industry Act 2004* and in compliance with the Authority's current "[Licence Name]".
3. Schedule A to this report provides information on all Type 2 obligations with which [Licensee] did not comply during [Period] as required by the Authority's current "[Licence Name]".
4. Other than the information provided in Schedule A, [Licensee] has in its reasonable opinion complied in all material respects with all Type 2 obligations to which it is subject.
5. I confirm that, to the best of my knowledge, the information set out in this Compliance Report is correct.

DATE:

Signed

Name

Designation

ATTACHMENT 2

Electricity Industry Customer Transfer Code 2005 - Licence Conditions and Obligations

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
6.	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 3.2(2)	A Retailer must submit a separate data request for each exit point unless otherwise agreed.	Retail, Integrated Regional	2	Synergy proposes that this item be non-reportable (NR), as market transaction systems would typically prevent this from occurring. Any attempt to submit invalid transactions would be automatically rejected by the Metering Billing System (MBS).
7.	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 3.4(1)	A Retailer, unless otherwise agreed, must submit a data request electronically and must not submit more than a prescribed number of standing or historical data requests in a business day.	Retail, Integrated Regional	2	Synergy proposes that this item be NR. The submission of these requests is centrally managed and the process includes a check on the number of requests made each day. Requests in excess of the limit will be automatically rejected by the MBS.
8.	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 3.5(3)	A Retailer must withdraw a request for historical consumption data if the contestable customer's verifiable consent ceases to apply before the network operator provides the historical consumption data.	Retail, Integrated Regional	2	Synergy proposes that this item be NR, as the matter has not been an issue for the market to date. In the event that stakeholders express concern, Synergy proposes that the classification be revisited by the Authority as and when it occurs.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
9.	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 3.6(2)	A Retailer must pay any reasonable costs incurred by the network operator for work performed in relation to a withdrawn request for historical consumption data.	Retail, Integrated Regional	2	Synergy understands the significance of the provision in terms of payment of costs, but from a reporting sense it is difficult to determine whether a breach has occurred if there is a dispute between parties as to what constitutes "reasonable costs" Accordingly, Synergy proposes that the matter be NR as the provision is subjective and difficult to determine.
16	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 3.9(1)	A Retailer may only use data relating to a contestable customer to provide a contestable customer with a quotation for the supply of electricity by the Retailer to the contestable customer or to initiate a transfer in relation to the contestable customer.	Retail, Integrated Regional	2	Synergy proposes that this item be NR, as the matter has not been an issue for the market to date. In the event that stakeholders express concern, Synergy proposes that the classification be revisited by the Authority as and when it occurs.
17	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 3.9(2)	A Retailer must not aggregate a contestable customer's historical consumption data with that of other contestable customers for the purposes of internal business development, if requested not to do so by the customer.	Retail, Integrated Regional	2	Synergy proposes that this item be NR, as the matter has not been an issue for the market to date. In the event that stakeholders express concern, Synergy proposes that the classification be revisited by the Authority as and when it occurs.
18	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 3.9(3)	A Retailer must not disclose a contestable customer's data to any other person without the verifiable consent of the contestable customer, except in the circumstances defined.	Retail, Integrated Regional	2	Synergy proposes that this item be NR, as the matter has not been an issue for the market to date. In the event that stakeholders express concern, Synergy proposes that the classification be revisited by the Authority if and when it occurs.

No	Licence Condition	Obligations Condition	under	Description	Licensee	Type	Synergy Comment
26	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 4.4(2)		A Retailer that submits a customer transfer request to reverse an erroneous transfer must ensure the transfer was made in error and, if it is an incoming Retailer, confirm the identity of the previous Retailer.	Retail, Integrated Regional	2	Synergy proposes that this item be NR, as the matter has not been an issue for the market to date. In the event that stakeholders express concern, Synergy proposes that the classification be revisited by the Authority as and when it occurs.
27	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 4.5(1)		A Retailer, unless otherwise agreed, must submit a customer transfer request electronically and must not submit more than a prescribed number of customer transfer requests in a business day or with the same nominated transfer date.	Retail, Integrated Regional	2	Synergy proposes that this item be NR. The submission of these requests is centrally managed, and the process includes a check on the number of requests made each day. Requests in excess of the limit will be automatically rejected by MBS.
28	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 4.6(3)		A Retailer must withdraw a customer transfer request if the contestable customer's verifiable consent ceases to apply before the transfer occurs.	Retail, Integrated Regional	2	Synergy proposes that this item be NR, as the matter has not been an issue for the market to date. In the event that stakeholders express concern, Synergy proposes that the classification be revisited by the Authority as and when it occurs.
29	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 4.7		A Retailer must nominate a transfer date in a customer transfer request in accordance with specified timeframes, except if the customer transfer request is to reverse an erroneous transfer.	Retail, Integrated Regional	2	Synergy proposes that this item be NR. The submission of these requests is centrally managed, and the process includes a check on the number of requests made each day. Requests which do not include the relevant fields will be automatically rejected by MBS.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
30	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 4.8(2)	A Retailer must pay any reasonable costs incurred by a network operator for providing and/or installing a meter if a customer transfer request is withdrawn.	Retail, Integrated Regional	2	Synergy understands the significance of the provision in terms of payment of costs, but from a reporting sense it is difficult to determine whether a breach has occurred if there is a dispute between parties as to what constitutes "reasonable costs". Accordingly, Synergy proposes that the matter be NR as the provision is subjective and difficult to determine.
34	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 4.9(6)	A network operator and Retailer must agree to a revised nominated transfer date in certain circumstances.	Distribution, Transmission, Retail, Integrated Regional	2	Synergy proposes that this item be NR. The market transactions have been designed so that this is not an issue. Under MBS, the original transfer request will be rejected and any replacement request must contain a valid transfer date.
40	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 4.12(3)	The parties to an access contract must negotiate in good faith any necessary amendments to the access contract arising from certain circumstances.	Distribution, Transmission, Retail, Integrated Regional	2	Synergy proposes that this item be NR as it is not possible to determine whether a negotiation occurred in good faith.
44	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 4.16	An incoming Retailer must retain a copy of a verifiable consent given by a contestable customer in relation to the lodgement of a customer transfer request for two years, except in the case of a customer transfer request to reverse an erroneous transfer.	Retail, Integrated Regional	2	Synergy proposes that this item be NR, as the matter has not been an issue for the market to date. In the event that stakeholders express concern, Synergy proposes that the classification be revisited by the Authority as and when it occurs.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
48	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 5.1(4)	A network operator and a Retailer must comply with approved communication rules.	Distribution, Transmission, Retail, Integrated Regional	2	The Communication Rules establish a further layer of market regulation and Synergy understands aspects are still yet to be completed. It is not appropriate to impose an omnibus Type 2 reporting requirement over an entire regulatory instrument, each provision needs to be considered on a case by case basis. Synergy recommends that once all aspects of the Communication Rules are established the Authority should then consider which aspects of the Communication Rules should be Type 2 or NR.
49	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 6.2	A licensee's notice in relation to a data request or customer transfer request must identify the exit point to which it relates.	Distribution, Transmission, Retail, Integrated Regional	2	Synergy proposes that this item be NR, as the matter has not been an issue for the market to date. In the event that stakeholders express concern, Synergy proposes that the classification be revisited by the Authority as and when it occurs.
52	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 6.4(1)	A Retailer must notify its contact details to a network operator within three business days of a request.	Retail, Integrated Regional	2	Synergy proposes that this item be NR, as the matter has not been an issue for the market to date. In the event that stakeholders express concern, Synergy proposes that the classification be revisited by the Authority as and when it occurs.
53	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 6.4(2)	A Retailer must notify any change in its contact details to a network operator at least three business days before the change takes effect.	Retail, Integrated Regional	2	Synergy proposes that this item be NR, as the matter has not been an issue for the market to date. In the event that stakeholders express concern, Synergy proposes that the classification be revisited by the Authority as and when it occurs.

No	Licence Condition	Obligations under Condition	Description	Licensor	Type	Synergy Comment
54	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 6.6	A network operator or a Retailer must send required electronic communications to the applicable electronic communication address, in accordance with Annex 6.	Distribution, Transmission, Retail, Integrated Regional	2	Synergy proposes that this item be NR, as the matter has not been an issue for the market to date. In the event that stakeholders express concern, Synergy proposes that the classification be revisited by the Authority as and when it occurs.
55	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 7.1(1)	For a dispute in respect of a matter under or in connection with the Electricity Industry Customer Transfer Code, any disputing party must meet within five business days of a request from another disputing party and attempt to resolve the dispute by negotiations in good faith.	Distribution, Transmission, Retail, Integrated Regional	2	Synergy proposes that this item be NR as it is not possible to determine whether a negotiation occurred in good faith.
56	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 7.1(2)	If the negotiations in 7.1(1) of the Electricity Industry Customer Transfer Code do not resolve the dispute within 10 days after the first meeting, the dispute must be referred to the senior executive officer of each disputing party who must attempt to resolve the dispute by negotiations in good faith.	Distribution, Transmission, Retail, Integrated Regional	2	Synergy proposes that this item be NR as it is not possible to determine whether a negotiation occurred in good faith.
69	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code Annex 6 clause A6.2(b)	A network operator and a Retailer must establish a mechanism to generate an automated response message for each electronic communication (other than an automated response message) received at the electronic communication address.	Distribution, Transmission, Retail, Integrated Regional	2	Synergy proposes that this item be NR, as the matter has not been an issue for the market to date. In the event that stakeholders express concern, Synergy proposes that the classification be revisited by the Authority as and when it occurs.

ATTACHMENT 3

Electricity Industry Act 2004 - Licence Conditions and Obligations

No	Licence Condition	Obligations Condition	under	Description	Licensee	Type	Synergy Comment
86	Distribution Licence condition 5.1 Generation Licence condition 5.1 Integrated Regional Licence condition 5.1 Retail Licence condition 5.1 Transmission Licence condition 5.1	Electricity Industry Act section 41(6)		A licensee must pay the costs of taking an interest in land or an easement over land.	Distribution, Generation, Retail, Integrated Regional, Transmission	2	Synergy proposes that this item be NR. An easement is unlikely to be granted unless payment of fees occurred. Furthermore, the provision has limited application to the holder of a retail licence.
95	Integrated Regional Licence condition 5.1 Retail Licence condition 5.1 Transmission Licence condition 5.1	Electricity Industry Act section 115(2)		A licensee that has, or is an associate of a person that has, access to services under an access agreement must not engage in conduct for the purpose of hindering or prohibiting access.	Retail, Integrated Regional, Transmission	2	This matter appears to be outside of the scope of the Reporting Manual. Electricity access does not fall within the electricity licensing framework. It is a separate statutory regime established under Part 8 of the Act, which specifies the role, function and powers of the Authority.

ATTACHMENT 4

Electricity Licences - Licence Conditions and Obligations

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
96.	Electricity Industry Act section 11	Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A licensee must ensure that an electricity marketing agent of the licensee complies with the applicable codes.	Retail, Integrated Regional	2	"Applicable codes" in the description column should be deleted and replaced with the "Code of Conduct for the Supply of Electricity to Small Use Customers". Synergy considers that duplication exists with respect to item 96 and the individual marketing provisions under the Customer Service Code, which are required to be reported upon. For example, refer items 96 and 112.
97.	Electricity Industry Act section 11	Integrated Regional Licence condition 6.2 Retail Licence condition 6.2	The licensee must report a breach by an electricity marketing agent of the applicable code conditions to the Authority within the prescribed timeframe.	Retail, Integrated Regional	2	Duplication of reporting exists between clause 6.2 of an electricity retail licence and item 96.
105	Electricity Industry Act section 11	Distribution Licence condition 17.4 Generation Licence condition 14.4 Integrated Regional Licence condition 22.4 Retail Licence condition 21.4 Transmission Licence condition 14.4	A licensee must comply with any individual performance standards prescribed by the Authority.	Distribution, Generation, Retail, Integrated Regional, Transmission	2	This provision requires a licensee to report on Type 2 matters, which can be made by the Authority post Reporting Manual establishment. Synergy does not agree with the proposed reporting provision, as it cannot be expected to comply with Type 2 reporting matters until those matters are established. The Reporting Manual should explicitly refer to the actual performance standards as and when they exist; otherwise the reporting requirement should be deleted.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
106	Electricity Industry Act section 11	Distribution Licence condition 18.2 Generation Licence condition 15.2 Integrated Regional Licence condition 23.2 Retail Licence condition 22.2 Transmission Licence condition 15.2	A licensee must comply, and require its auditor to comply, with the Authority's standard audit guidelines dealing with the performance audit.	Distribution, Generation, Retail, Integrated Regional, Transmission	2	This provision requires a licensee to report on Type 2 matters, which can arise from Guidelines created by the Authority post Reporting Manual establishment. Synergy does not agree with the proposed reporting provision, as it cannot be expected to comply with Type 2 reporting matters for instruments established beyond the Reporting Manual's creation. The Reporting Manual should explicitly refer to the actual guidelines as and when they exist, otherwise the reporting requirement should be deleted.
109	Electricity Industry Act section 11	Distribution Licence condition 21.1 Generation Licence condition 18.1 Integrated Regional Licence condition 26.1 Retail Licence condition 24.1 Transmission Licence condition 18.1	A licensee must provide the Authority, in the manner prescribed, any information the Authority requires in connection with its functions under the Electricity Industry Act.	Distribution, Generation, Retail, Integrated Regional, Transmission	2	Synergy questions the validity of this licence reporting requirement as the subject matter deals with issues beyond licensing. For example, Synergy would be required to report as a Type 2 breach failure to provide information relating to access or WEM matters. Furthermore, Synergy does not agree with the proposed reporting provision as drafted as it requires the Company to report on Type 2 licence breaches in terms of future information requests, which are presently unknown.

No	Licence Condition	Obligations Condition	under	Description	Licensee	Type	Synergy Comment
111	#	Distribution Licence condition 23.1 Generation Licence condition 20.1 Integrated Regional Licence condition 28.1 Retail Licence condition 26.1 Transmission Licence condition 20.1		Unless otherwise specified, all notices must be in writing.	Distribution, Generation, Retail, Integrated Regional, Transmission	2	Note: No Act reference in column 2. Synergy considers this reporting requirement to be excessive because of the broad nature of the licence provision and also duplicates individual notice provisions contained within other instruments such as the Customer Service Code. Synergy proposes that the item be NR.

ATTACHMENT 5

Code of Conduct for the Supply of Electricity to Small Use Customers 2004 - Licence Conditions and Obligations

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
112	Electricity Industry Act section 82	Code of Conduct clause 2.1 Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketer must ensure that its marketing representatives comply with Part 2 of the COC.	Retail, Integrated Regional	2	Refer comment item 96.
113	Electricity Industry Act section 82	Code of Conduct clause 2.2(1) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketer must ensure that each marketing representative acting on its behalf undertakes appropriate training and testing so that each marketing representative understand Part 2 of the COC and has the abilities, knowledge and understanding specified.	Retail, Integrated Regional	2	Synergy proposes that the matter be NR as the provision is subjective and difficult to determine.
119	Electricity Industry Act section 82	Code of Conduct clause 2.5 Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketer must ensure that standard and non-standard contracts are entered into in the manner and satisfying the conditions specified.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
120	Electricity Industry Act section 82	Code of Conduct clause 2.6(1) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketing representative must ensure that the information specified is provided to the customer before arranging a contract.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
122	Electricity Industry Act section 82	Code of Conduct clause 2.6(3) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	Where a standard form contract is entered into as a result of door to door marketing a marketing representative must obtain the customer's written acknowledgement that the specified information has been given.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
123	Electricity Industry Act section 82	Code of Conduct clause 2.7(1) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	Where the customer has entered into a new contractual relationship with a Retailer, a Retailer or marketing representative must give the information specified to the customer.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
124	Electricity Industry Act section 82	Code of Conduct clause 2.7(2) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	In circumstances where a standard form contract is not entered into as a result of door to door marketing, a Retailer or marketing representative must give the specified information no later than with the customer's first bill.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
125	Electricity Industry Act section 82	Code of Conduct clause 2.7(3) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	In circumstances where a standard form contract is entered into as a result of door to door marketing or a non-standard contract, a Retailer or marketing representative must give the specified information and a copy of the contract before the customer has entered into the contract and must obtain a written acknowledgement that the information has been given.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
133	Electricity Industry Act section 82	Code of Conduct clause 2.8(7) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketer must ensure that any comparisons and claims made by a Retailer are timely, accurate and verifiable.	Retail, Integrated Regional	2	Synergy proposes that the matter be NR as the provision is subjective and difficult to determine.
135	Electricity Industry Act section 82	Code of Conduct clause 2.9(1) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketing representative must provide the information specified to the customer when marketing by telephone and after having identified the purpose of the call, the marketing representative must ask the customer whether they wish to proceed further.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
136	Electricity Industry Act section 82	Code of Conduct clause 2.9(2) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketing representative must, on request, provide the customer with the information specified.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
137	Electricity Industry Act section 82	Code of Conduct clause 2.9(3) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	If a customer indicates during a telephone call that they wish to end the conversation, a marketing representative must end the conversation as soon as practicable and not attempt to contact the customer for the purposes of marketing for the next 30 days unless the customer agrees otherwise.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
138	Electricity Industry Act section 82	Code of Conduct clause 2.9(4) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketing representative must not make a telephone call outside the permitted call times, unless requested by a customer.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
139	Electricity Industry Act section 82	Code of Conduct clause 2.9(5) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketing representative must ensure that a telephone call does not continue for more than 15 minutes past the end of the permitted call times without the customer's verifiable consent.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
141	Electricity Industry Act section 82	Code of Conduct clause 2.10(1) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketing representative must provide the information specified verbally to the customer when marketing at a customer's premises, as soon as practicable, and, having identified the purpose of the visit, must ask if the customer wishes to proceed further.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
142	Electricity Industry Act section 82	Code of Conduct clause 2.10(2) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketing representative must offer the information specified in writing to the customer when marketing at a customer's premises, as soon as practicable.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
144	Electricity Industry Act section 82	Code of Conduct clause 2.10(4) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	Where a customer indicates that they wish to end the conversation or wishes the marketing representative to leave the marketing premises and not attempt to contact the customer for the next 30 days.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
145	Electricity Industry Act section 82	Code of Conduct clause 2.10(5) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketing representative must not visit the customer outside the permitted call times, unless requested by a customer.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
146	Electricity Industry Act section 82	Code of Conduct clause 2.10(6) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketing representative must not remain at a premises for the purposes of marketing for more than 15 minutes past the end of the permitted call times, without the customer's verifiable consent.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
148	Electricity Industry Act section 82	Code of Conduct clause 2.11(1) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketing representative must provide the information specified verbally when meeting a customer, as soon as practicable, and after having identified the purpose of the contact, ask if the customer wishes to proceed further.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
149	Electricity Industry Act section 82	Code of Conduct clause 2.11(2) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketing representative must offer the information specified in writing when meeting a customer, as soon as practicable.	Retail, Integrated Regional	2	Synergy proposes that the matter be NR as the provision is subjective and difficult to determine.
151	Electricity Industry Act section 82	Code of Conduct clause 2.11(4) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketing representative must ensure that a meeting with a customer does not occur outside the permitted call times, unless requested by a customer.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
152	Electricity Industry Act section 82	Code of Conduct clause 2.11(5) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketing representative must ensure that the meeting does not continue for more than 15 minutes past the end of the permitted call times, without the customer's verifiable consent.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
154	Electricity Industry Act section 82	Code of Conduct clause 2.12(1) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketing representative must provide the information specified to the customer when marketing by electronic means.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
155	Electricity Industry Act section 82	Code of Conduct clause 2.12(2) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketer must not attempt to contact the customer for the purposes of marketing for 30 days after the customer indicates that the customer does not wish to proceed, unless the customer agrees otherwise.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
157	Electricity Industry Act section 82	Code of Conduct clause 2.13(1) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	Where the customer requests not to be contacted for the purposes of marketing a marketer must use reasonable endeavours to ensure that a customer is not contacted on its behalf in relation to the supply of electricity for a period of two years.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
160	Electricity Industry Act section 82	Code of Conduct clause 2.13(4) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketer must provide the customer on request with written confirmation that the customer will not be contacted for the next two years.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
161	Electricity Industry Act section 82	Code of Conduct clause 2.13(5) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketing representative must comply with a notice on or near premises indicating that the customer does not wish to receive unsolicited mail or other marketing information.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
162	Electricity Industry Act section 82	Code of Conduct clause 2.14(4) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketer must use reasonable endeavours to protect personal information held by the marketer from misuse, loss, unauthorised access or modification.	Retail, Integrated Regional	2	Synergy proposes that the matter be NR as the provision is subjective and difficult to determine.
166	Electricity Industry Act section 82	Code of Conduct clause 2.14(5) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketer who holds personal information must give the customer the opportunity, on request, to review the information and correct any errors in it.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
167	Electricity Industry Act section 82	Code of Conduct clause 2.14(6) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketer must give the customer reasons why the customer cannot review the personal information if prevented by law from giving the customer the opportunity to review the information.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
169	Electricity Industry Act section 82	Code of Conduct clause 2.14(8) Integrated Regional Licence condition 6.1 Retail Licence condition 6.1	A marketer and a marketing representative must comply with the National Privacy Principles.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
170	Electricity Industry Act section 82	Code of Conduct clause 3.1(1)	If a Retailer agrees to sell electricity to a customer or arrange for the connection of the customer's supply address, the Retailer must forward the customer's request for the connection to the relevant distributor.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
171	Electricity Industry Act section 82	Code of Conduct clause 3.1(2)	A Retailer must forward the customer's request for the connection to the relevant distributor in the timeframe specified unless the customers agrees otherwise.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
174	Electricity Industry Act section 82	Code of Conduct clause 4.2(3)	A Retailer must give the customer written notice of a decision to shorten the customer's billing cycle within 10 business days of making the decision.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
175	Electricity Industry Act section 82	Code of Conduct clause 4.2(4)	A Retailer must ensure that a shortened billing cycle is for a period of at least 10 business days.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
176	Electricity Industry Act section 82	Code of Conduct clause 4.2(5)	A Retailer must return a customer, who is subject to a shortened billing cycle and has paid three consecutive bills by the due date, on request, to the billing cycle that previously applied to the customer.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
177	Electricity Industry Act section 82	Code of Conduct clause 4.2(6)	A Retailer must inform a customer, who is subject to a shortened billing cycle, at least once every three months, of the conditions upon which a customer can be returned to its previous billing cycle.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
182	Electricity Industry Act section 82	Code of Conduct clause 4.5(2)	A Retailer must give the customer information that explains to that customer how to read a meter correctly (if applicable) in clear, simple and concise language.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
186	Electricity Industry Act section 82	Code of Conduct clause 4.7(3)	A Retailer must specify the stated information in circumstances where the customer's bill is estimated.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
187	Electricity Industry Act section 82	Code of Conduct clause 4.7(4)	A Retailer must tell a customer, on request, the basis and reason for the estimation.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
190	Electricity Industry Act section 82	Code of Conduct clause 4.10	A Retailer must request the distributor or metering agent to test the meter if a customer requests the meter to be tested and pays any reasonable charge of the Retailer for testing the meter.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
198	Electricity Industry Act section 82	Code of Conduct clause 4.16(1)	A Retailer must follow the procedures specified if a review of a bill has been conducted and the Retailer is satisfied that the bill is correct or incorrect.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
199	Electricity Industry Act section 82	Code of Conduct clause 4.16(2)	A Retailer must inform the customer of the outcome of the review of a bill as soon as practicable, but, in any event, within 20 business days from the date of receipt of the request for review.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
200	Electricity Industry Act section 82	Code of Conduct clause 4.17(2)	A Retailer must recover an amount undercharged as a result of an act or omission by a Retailer or distributor in the manner specified.	Retail, Integrated Regional	2	As this matter is discretionary by a retailer, it should be classified NR.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
206	Electricity Industry Act section 82	Code of Conduct clause 5.2(2)	A Retailer must comply with the Electronic Funds Transfer Code of Conduct in making an electronic payment.	Retail, Integrated Regional	2	Synergy considers it inappropriate to impose an omnibus Type 2 reporting requirement over a separate regulatory instrument. The Electronic Funds Transfer Code should be reviewed and where appropriate Type 2 classifications assigned opposed to the omnibus basis as drafted.
216	Electricity Industry Act section 82	Code of Conduct clause 5.8(1)	A Retailer must comply with the Conduct Principles set out in the guideline on debt collection issued by the Australian Competition and Consumer Commission.	Retail, Integrated Regional	2	Synergy considers it inappropriate to impose an omnibus Type 2 reporting requirement over a separate regulatory instrument. The Conduct Principles should be reviewed and where appropriate Type 2 classifications assigned opposed to the omnibus basis as drafted.
236	Electricity Industry Act section 82	Code of Conduct clause 6.1.1	A Retailer must consider any reasonable request for alternative payment arrangements from a business customer who is experiencing payment difficulties.	Retail, Integrated Regional	2	Synergy proposes that the matter be NR as the provision is subjective and difficult to determine.
249	Electricity Industry Act section 82	Code of Conduct clause 9.3(2)	A Retailer must establish an account for each pre-payment meter installed or operated at a residential customer's supply address.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
250	Electricity Industry Act section 82	Code of Conduct clause 9.4	A Retailer must provide the prescribed information to a pre-payment meter customer in the manner stated at no charge.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
262	Electricity Industry Act section 82	Code of Conduct clause 10.1(3)	A Retailer must give a customer on request, at no charge, reasonable information on the Retailer's tariffs, including alternative tariffs.	Retail, Integrated Regional	2	Synergy proposes that the matter be NR as the provision is subjective and difficult to determine.
264	Electricity Industry Act section 82	Code of Conduct clause 10.2(1)	A Retailer must, on request, give a non-contestable customer its billing data.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
265	Electricity Industry Act section 82	Code of Conduct clause 10.2(2)	A Retailer must give the requested billing data at no charge in the circumstances specified.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
266	Electricity Industry Act section 82	Code of Conduct clause 10.2(3)	A Retailer must give the requested billing data within 10 business days of the receipt of the request or payment for the Retailer's reasonable charge for providing the billing data.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
268	Electricity Industry Act section 82	Code of Conduct clause 10.3	A Retailer must give a customer on request, at no charge, the concession information specified.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
260	Electricity Industry Act section 82	Code of Conduct clause 10.4	A Retailer must give a customer on request, at no charge, the general energy efficiency information specified.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
270	Electricity Industry Act section 82	Code of Conduct clause 10.5	A Retailer must give information to the customer, or refer the customer to the relevant distributor for a response, if asked by a customer for information relating to the distribution of electricity.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
285	Electricity Industry Act section 82	Code of Conduct clause 10.12(1)	A distributor must advise a customer, at no charge, of the availability of different type of meters.	Distribution, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
286	Electricity Industry Act section 82	Code of Conduct clause 10.12(2)	A Retailer must, if requested by a customer, advise the customer of the availability of different type of meters or refer the customer to the relevant distributor for a response.	Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
291	Electricity Industry Act section 82	Code of Conduct clause 11.2(3)	A Retailer and distributor must provide a copy of the Customer Service Charter to a customer who requests a copy, within two business days of the request.	Distribution, Retail, Integrated Regional	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.

ATTACHMENT 6

Electricity Industry Metering Code 2004 Licence Conditions and Obligations

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
356	Distribution Licence condition 5.1 Generation Licence condition 5.1 Integrated Regional Licence condition 5.1 Retail Licence condition 5.1 Transmission Licence condition 5.1	Electricity Industry Metering Code clause 3.5(6)	A network operator may only impose a charge for providing, installing, operating or maintaining a metering installation in accordance with the applicable service level agreement between it and the user.	Distribution, Integrated Regional, Transmission, Retail, Generation	2	This matter is limited to a network operator.
378	Distribution Licence condition 5.1 Generation Licence condition 5.1 Integrated Regional Licence condition 5.1 Retail Licence condition 5.1 Transmission Licence condition 5.1	Electricity Industry Metering Code clause 3.16(5)	A network operator or a user may require the other to negotiate and enter into a written service level agreement in respect of the matters in the metrology procedure dealt with under clause 3.16(4) of the Code.	Distribution, Integrated Regional, Transmission, Retail, Generation	2	Clause 3.16(4) of the Metering Code relates to the network operator specifying how it will produce the Notional Wholesale Meter value for the network. It has been decided that this function will be performed by the IMO rather than the network operator. As a result clauses 3.16(4) and 3.16(5) no longer apply. However, until such time as the Metering Code is amended, the matter should be classified as NR.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
380	Distribution Licence condition 5.1 Integrated Regional Licence condition 5.1 Retail Licence condition 5.1 Transmission Licence condition 5.1	Electricity Industry Metering Code clause 3.18(1)	If the Electricity Retail Corporation supplies electricity to a contestable customer at a connection point under a non-regulated contract, and in circumstances where immediately before entering into the contract, the electricity Retail corporation supplied electricity to the contestable customer under a regulated contract, then the metering installation for the connection point must comply with the prescribed wholesale market metering installation requirements.	Distribution, Retail, Integrated Regional, Transmission	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
389	Generation Licence condition 5.1 Retail Licence condition 5.1	Electricity Industry Metering Code clause 3.27	A person must not install a metering installation on a network unless the person is the network operator or a registered metering installation provider for the network operator doing the type of work authorised by its registration.	Retail, Generation	2	Synergy does not install metering installations, so the provision is not applicable. (The network operator undertakes metering installation.)
396	Distribution Licence condition 5.1 Generation Licence condition 5.1 Integrated Regional Licence condition 5.1 Retail Licence condition 5.1 Transmission Licence condition 5.1	Electricity Industry Metering Code clause 4.4(1)	A network operator and affected Code participants must liaise together to determine the most appropriate way to resolve a discrepancy between energy data held in a metering installation and data held in the metering database.	Distribution, Integrated Regional, Transmission, Retail, Generation	2	Synergy proposes that the matter be NR as the provision is subjective and parties will have difficulty determining whether a breach has occurred unless determined by an independent party.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
397	Distribution Licence condition 5.1 Generation Licence condition 5.1 Integrated Regional Licence condition 5.1 Retail Licence condition 5.1 Transmission Licence condition 5.1	Electricity Industry Metering Code clause 4.5(1)	A Code participant must not knowingly permit the registry to be materially inaccurate.	Distribution, Integrated Regional, Transmission, Retail, Generation	2	Synergy proposes that the matter be NR as the provision is subjective and difficult to determine.
398	Generation Licence condition 5.1 Retail Licence condition 5.1	Electricity Industry Metering Code clause 4.5(2)	If a Code participant (other than a network operator) becomes aware of a change to, or an inaccuracy in an item of standing data in the registry, then it must notify the network operator and provide details of the change or inaccuracy, within the timeframes prescribed.	Retail, Generation	2	Synergy proposes that this item be NR as the market matter has not been an issue to date. In the event that stakeholders express concern over the matter, then Synergy proposes the classification be revisited by the Authority as and when it occurs.
410	Generation Licence condition 5.1 Retail Licence condition 5.1	Electricity Industry Metering Code clause 5.4(2)	A user must, when reasonably requested by a network operator, use reasonable endeavours to assist the network operator to comply with the network operator's obligation.	Retail, Generation	2	Synergy proposes that the matter be NR as the provision is subjective and difficult to determine.
423	Generation Licence condition 5.1 Retail Licence condition 5.1	Electricity Industry Metering Code clause 5.16	A user that collects or receives energy data from a metering installation must provide the network operator with the energy data (in accordance with the communication rules), within the timeframes prescribed.	Retail, Generation	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
424	Generation Licence condition 5.1 Retail Licence condition 5.1	Electricity Industry Metering Code clause 5.17(1)	A user must provide standing data and validated (and where necessary substituted or estimated) energy data, to the user's customer to which that information relates where the user is required by an enactment or an agreement to do so for billing purposes or for the purpose of providing metering services to the customer.	Retail, Generation	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
425	Generation Licence condition 5.1 Retail Licence condition 5.1	Electricity Industry Metering Code clause 5.18	A user that collects or receives information regarding a change in the energisation status of a metering point must provide the network operator with the prescribed information, including the stated attributes, within the timeframes prescribed.	Retail, Generation	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
426	Generation Licence condition 5.1 Retail Licence condition 5.1	Electricity Industry Metering Code clause 5.19(1)	A user must, when requested by the network operator acting in accordance with good electricity industry practice, use reasonable endeavours to collect information from customers, if any, that assists the network operator in meeting its obligations described in the Code and elsewhere.	Retail, Generation	NR	Synergy proposes that the matter be NR as the provision is subjective and difficult to determine.
427	Generation Licence condition 5.1 Retail Licence condition 5.1	Electricity Industry Metering Code clause 5.19(2)	A user must, to the extent that it is able, collect and maintain a record of the address, site and customer attributes, prescribed in relation to the site of each connection point with which the user is associated.	Retail, Generation	2	Synergy proposes that the matter be NR as the provision is subjective and difficult to determine.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
428	Generation Licence condition 5.1 Retail Licence condition 5.1	Electricity Industry Metering Code clause 5.19(3)	A user must, after becoming aware of any change in a site's prescribed attributes, notify the network operator of the change, within the timeframes prescribed.	Retail, Generation	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
430	Distribution Licence condition 5.1 Integrated Regional Licence condition 5.1 Transmission Licence condition 5.1	Electricity Industry Metering Code clause 5.19(5)	A network operator must give notice to a user, or (if there is a different current user) the current user, acknowledging receipt of any customer, site or address attributes from the user, within the timeframes prescribed.	Distribution, Integrated Regional, Transmission	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
431	Generation Licence condition 5.1 Retail Licence condition 5.1	Electricity Industry Metering Code clause 5.19(6)	A user must use reasonable endeavours to ensure that it does not notify the network operator of a change in an attribute that results from the provision of standing data by the network operator to the user.	Retail, Generation	2	Synergy proposes that the matter be NR as the provision is subjective and difficult to determine.
437	Generation Licence condition 5.1 Retail Licence condition 5.1	Electricity Industry Metering Code clause 5.21(5)	A Code participant must not request a test or audit unless the Code participant is a user and the test or audit relates to a time or times at which the user was the current user; or the Code participant is the IMO.	Retail, Generation	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
438	Generation Licence condition 5.1 Retail Licence condition 5.1	Electricity Industry Metering Code clause 5.21(6)	A Code participant must not make a test or audit request that is inconsistent with any access arrangement or agreement.	Retail, Generation	2	Synergy proposes that this item be NR as the market matter has not been an issue to date. In the event that stakeholders express concern over the matter, then Synergy proposes the classification be revisited by the Authority as and when it occurs.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
456	Generation Licence condition 5.1 Retail Licence condition 5.1	Electricity Industry Metering Code clause 5.27	A current user must provide the network operator with customer attribute information that it reasonably believes are missing or incorrect, within the timeframes prescribed, upon request.	Retail, Generation	2	Synergy considers that a single incident on this matter will not have a material impact on the market or customers. The requirement to report a single breach annually is considered to be excessive. Synergy recommends that the Type 2 matter be reported if there are more than 10 incidents annually.
463	Generation Licence condition 5.1 Retail Licence condition 5.1	Electricity Industry Metering Code clause 6.1(2)	A user must, in relation to a network on which it has an access contract, comply with the rules, procedures, agreements and criteria prescribed.	Retail, Generation	2	Synergy considers it inappropriate to impose an omnibus Type 2 reporting requirement over a range of separate regulatory and commercial instruments, specified under clause 6.1(2). Each provision within each instrument needs to be assessed on a case by case basis and an appropriate reporting classification assigned, if appropriate.
467	Distribution Licence condition 5.1 Generation Licence condition 5.1 Integrated Regional Licence condition 5.1 Retail Licence condition 5.1 Transmission Licence condition 5.1	Electricity Industry Metering Code clause 7.2(4)	A Code participant must notify its contact details to a network operator with whom it has entered into an access contract, within 3 business days after the network operator's request.	Retail, Generation	2	Synergy proposes that this item be NR as the market matter has not been an issue to date. In the event that stakeholders express concern over the matter, then Synergy proposes the classification be revisited by the Authority as and when it occurs.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
468	Distribution Licence condition 5.1 Generation Licence condition 5.1 Integrated Regional Licence condition 5.1 Retail Licence condition 5.1 Transmission Licence condition 5.1	Electricity Industry Metering Code clause 7.2(5)	A Code participant must notify any affected network operator of any change to the contact details it notified to the network operator at least 3 business days before the change takes effect.	Retail, Generation	2	Synergy proposes that this item be NR as the market matter has not been an issue to date. In the event that stakeholders express concern over the matter, then Synergy proposes the classification be revisited by the Authority as and when it occurs.
470	Distribution Licence condition 5.1 Generation Licence condition 5.1 Integrated Regional Licence condition 5.1 Retail Licence condition 5.1 Transmission Licence condition 5.1	Electricity Industry Metering Code clause 7.6(1)	A Code participant must disclose or permit the disclosure of confidential information that is required to be disclosed by the Code.	Retail, Generation	2	Synergy proposes that this item be NR as the market matter has not been an issue to date. In the event that stakeholders express concern over the matter, then Synergy proposes the classification be revisited by the Authority as and when it occurs.
471	Distribution Licence condition 5.1 Generation Licence condition 5.1 Integrated Regional Licence condition 5.1 Retail Licence condition 5.1 Transmission Licence condition 5.1	Electricity Industry Metering Code clause 8.1(1)	Representatives of disputing parties must meet within 5 business days after a notice given by a disputing party to the other disputing parties and attempt to resolve the dispute under of in connection with the Electricity Industry Metering Code by negotiations in good faith.	Distribution, Integrated Regional, Transmission, Retail, Generation	2	Synergy proposes that the matter be NR as the provision is subjective and difficult to determine.

No	Licence Condition	Obligations under Condition	Description	Licensee	Type	Synergy Comment
472	Distribution Licence condition 5.1 Generation Licence condition 5.1 Integrated Regional Licence condition 5.1 Retail Licence condition 5.1 Transmission Licence condition 5.1	Electricity Industry Metering Code clause 8.1(2)	If a dispute is not resolved within 10 business days after the dispute is referred to representative negotiations, the disputing parties must refer the dispute to a senior management officer of each disputing party who must meet and attempt to resolve the dispute by negotiations in good faith.	Distribution, Integrated Regional, Transmission, Retail, Generation	2	Synergy proposes that the matter be NR as the provision is subjective and difficult to determine.
473	Distribution Licence condition 5.1 Generation Licence condition 5.1 Integrated Regional Licence condition 5.1 Retail Licence condition 5.1 Transmission Licence condition 5.1	Electricity Industry Metering Code clause 8.1(3)	If the dispute is not resolved within 10 business days after the dispute is referred to senior management negotiations, the disputing parties must refer the dispute to the senior executive officer of each disputing party who must meet and attempt to resolve the dispute by negotiations in good faith.	Distribution, Integrated Regional, Transmission, Retail, Generation	2	Synergy proposes that the matter be NR as the provision is subjective and difficult to determine.