



16 October 2024

Sara O'Connor
Executive Director, Regulation & ECCC Chair
Economic Regulation Authority
PO Box 8469
Perth BC WA 6849

publicsubmissions@erawa.com.au

Dear Sara

ECCC draft review report 2024 – 2024 Review of the *Code of Conduct for the Supply of Electricity to Small Use Customers*

Alinta Energy is pleased to provide comment on:

- The 13 draft recommendations that amend the Code, as proposed by the Electricity Code Consultative Committee (**ECCCC**) – refer to Table 1 below; and
- The four issues raised to inform further ECCC discussions – refer to Table 2.

Please contact me directly if you have any questions regarding our comments.

Yours sincerely

Catherine Rousch
Manager WA Retail Regulation
Alinta Energy

TABLE 1: COMMENTS ON DRAFT RECOMMENDATIONS		
No.	Draft Recommendation	Alinta Energy Comments
1	Introduce a new provision that prohibits retailers from charging for a paper bill to customers receiving concessions, experiencing financial hardship and vulnerable customers.	Recommendation supported.
2	Introduce a new obligation to advise non-contestable customers annually, that the retailer has other tariff plans available.	<p>We support a new obligation requiring retailers to provide high-level information annually regarding the availability of alternative tariff plans. Retailers should be permitted to deliver this information in any format they consider appropriate for their customer base.</p> <p>We would not support a comprehensive “better offer” type of obligation as specified in the Australian Energy Regulator’s <i>Better Bills Guideline</i>, where retailers are required to provide each customer with an individually tailored comparison of their current plan with other available plans. Such a requirement could necessitate extensive system changes and be costly to implement.</p>
3	Require retailers to offer a bill credit for any charges paid, where the meter is tested and found defective.	Recommendation supported.
4	Amend clause 23(3) of the Code to allow an estimate to be based on the longest data series, where an accumulation meter has been exchanged for an interval meter.	Recommendation supported.
5	Allow a hardship customer with a payment plan to nominate up to three future bills to be incorporated in their payment plan.	<p>Recommendation supported.</p> <p>The note accompanying cl 43(2) suggests that future bills can already be incorporated into a customer’s payment plan:</p> <p>A retailer may offer to assist a residential customer:</p> <p>(a) by estimating the customer’s consumption over the period of the plan and building this into any repayment schedule at the start of the plan; or</p> <p>(b) by giving consideration to rolling new bills into the plan as time progresses.</p>
6	Allow other medical professionals (such as pharmacists and nurses) in regional areas to provide confirmation of a person’s ongoing LSE (Life Support Equipment) requirement, for the purpose of the three-yearly periodic review, under clause 85(1).	Recommendation supported.

TABLE 1: COMMENTS ON DRAFT RECOMMENDATIONS

No.	Draft Recommendation	Alinta Energy Comments
7	<p>Amend clause 85(1) to allow triennial reconfirmation from a general practitioner that a person in the Perth metropolitan area continues to require LSE if:</p> <ul style="list-style-type: none"> - An appropriately qualified medical practitioner certified the LSE requirements for registration of the address. - An authorised medical practitioner has confirmed that the person’s condition is enduring, and that the person will have an enduring need for life support equipment to manage the condition. - The GP confirms that it has sighted the specialist report certifying the enduring need for life support equipment. 	<p>Recommendation supported.</p> <p>In addition to supporting recommendations 6 & 7, we would like to advocate, for certain types of customers, for the removal of the requirement under cl 85(1) to confirm annually that a person residing at the supply address continues to require life support equipment.</p> <p>We have found that many customers are reluctant to provide this confirmation each year, claiming the requirement is burdensome and unnecessary. This is particularly so where the customer is a hospital, hospice or aged care facility, where there is significant patient turnover but where the use of registered life support equipment continues year-on-year.</p> <p>For these types of customers, a simple, triennial confirmation of the continued use of life support equipment at the facility would be sufficient, rather than medical authorisation for each individual that is likely to become quickly out-of-date.</p> <p>We urge the ECCC to give full consideration to this matter, as the current “one size fits all” approach to life support equipment users is onerous for facilities providing patient care.</p>
8	<p>Clarify that where multiple persons require LSE at one supply address, the licensee is only obligated to notify the customer or other nominated person under clause 84.</p>	<p>Recommendation supported.</p>
9	<ul style="list-style-type: none"> a) Amend clause 92(1) of the Code to exempt a retailer from providing the nine-month disconnection protection to a customer when the customer expressly declines the protection. The retailer must obtain the customer’s verifiable and informed consent. b) Amend clause 92(1) of the Code to require a retailer, to confirm a customer’s vulnerable status with either the customer or authorised contact, once they ‘become aware’ that the customer is a vulnerable customer. 	<p>Recommendation supported.</p>
10	<p>Increase the service standard payment amounts in clauses 94, 95, 96, 97 and 98 by CPI from 2010.</p>	<p>Recommendation supported.</p>
11	<ul style="list-style-type: none"> a) Remove acknowledgement times under subclause 88(a) from the Code. b) Remove service standard payments where retailers and distributors fail to meet complaint acknowledgement times in clauses 96(1) and 98(1) of the Code. c) Amend clause 87(2)(c) to include acknowledgement times. 	<p>Recommendation supported.</p>
12	<p>Remove the requirement to proactively provide the required information in clause 66(2) to the customers who disconnect two or more times in any one month for longer than 120 minutes on each occasion.</p>	<p>Recommendation supported.</p>
13	<p>Update the Code for minor amendments as per Appendix 1.</p>	<p>Recommendation supported.</p>

TABLE 2: COMMENTS ON ISSUES

Issue	Question	Alinta Energy Comments
1	a) How has the current three-day notice period impacted your ability (or any LSE customers that you are aware of) to prepare for planned interruptions? b) What concerns do you have with extending the notice period?	No comment.
2	a) Could the benefits of the 'Knock to stay connected' initiative being trialed in other jurisdictions be replicated in Western Australia? b) What operational challenges and concerns do you have with this initiative?	<p>We would support a “knock to stay connected” trial in WA, but only under rigorous conditions.</p> <p>Alinta Energy was a participant in the Energy Charter’s “knock before you disconnect” initiative on the east coast and notes that the “positive” trial outcome referenced in the ECCC’s draft review report was solely based on customer feedback following the cancellation of a significant number of disconnections (70-80%) – there were no clear success measures with respect to customer debt levels, implementation and operational costs, etc. Should a trial proceed in WA, there must be clear success measures, as identified by retailers and distributors collaboratively, to ensure genuine positive results and to ensure the initiative is not just a “kick the can down the road” exercise as far as customer disconnections are concerned.</p> <p>We would be pleased to be included in the development of any trials concerning this initiative.</p>
3	a) Is there a need to amend the Code or can the benefits of a moratorium for disconnecting customers in a heatwave or extreme fire danger be better realised in other ways? b) What are the operational challenges with including this proposal in the Code?	<p>Unless there have been significant complaints regarding disconnection for non-payment during heatwaves or when there is extreme fire danger, we see no reason to include any provisions in the Code.</p> <p>As retailers already have non-codified processes to suspend disconnections during cyclones and bushfires, we would support extending these to heatwaves and extreme fire danger days, at the discretion of the retailer. Noting the extensive new provisions that would need to be included in the Code (definitions, notification requirements, exceptions and exemptions, etc.), this would be a far more practical approach.</p>
4	a) Should the Code be amended to require retailers to pay interest on overcharges? If yes: - What types of overcharges should be eligible for interest payments? - What types of overcharges should be excluded? - Should there be a minimum threshold amount of overpayment before interest is payable? b) What are the potential operational challenges or concerns with this issue?	<p>We do not support amending the Code to require retailers to pay interest on overcharges.</p> <p>Overcharges arising from estimated bills are not exclusively the fault of the retailer or distributor – bills can be estimated for a variety of reasons, including because customers fail to provide safe and unrestricted access to the meter for reading purposes. In such circumstances, establishing the party at fault (to determine whether interest charges would be applicable) could become the subject of dispute, with the Ombudsman called upon to resolve.</p> <p>The cost of monitoring not just the overcharge amount but the reason for the overcharge would be administratively burdensome and significantly costly, with implementation costs far outweighing the very minor financial benefit provided to a very small number of customers.</p> <p>Retailers will already have appropriate alternate solutions in place for customers who may be overcharged where the fault is that of the retailer, such as applying an additional credit to the customer’s bill.</p>