

10 October 2024

Energy Use Policy team  
Ministry of Business, Innovation and Employment  
15 Stout Street  
PO Box 1473  
Wellington 6140



Wellington Electricity  
Lines Limited

85 The Esplanade  
Petone, PO Box 31049  
Lower Hutt 5040  
New Zealand

Tel: +64 4 915 6100  
Fax: +64 4 915 6130

**By email:** [energyuse@mbie.govt.nz](mailto:energyuse@mbie.govt.nz)

To whom it may concern,

**Exploring a consumer data right for the electricity sector**

Wellington Electricity appreciates the opportunity to provide a submission to MBIE in response to the above consultation.

We support the submission made by Electricity Networks Aotearoa (ENA) on behalf of New Zealand's electricity distribution businesses and have provided our own additional comments in a separate submission form attached to this cover letter.

If you wish to discuss any of the points we have made in more detail, please email Ben Tuifao-Jenkinson, Economic Regulation & Pricing Specialist at [ben.tuifaojenkinson@welectricity.co.nz](mailto:ben.tuifaojenkinson@welectricity.co.nz).

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'G Skelton'.

Greg Skelton  
Chief Executive Officer

## Submission information

(Please note we require responses to all questions marked with an \*)

## Release of information

Please let us know if you would like any part of your submission to be kept confidential.

I would like my submission (or identified parts of my submission) to be kept confidential, and **have stated below** my reasons and grounds under the Official Information Act that I believe apply, for consideration by MBIE.

I would like my submission (or identified parts of my submission) to be kept confidential because [\[N/A\]](#)

[To check the boxes above: Double click on box, then select 'checked']

Personal details and privacy	
1.	I have read and understand the Privacy Statement above. Please tick Yes if you wish to continue* [To check the boxes below Double click on box, then select 'checked'] <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2.	What is your name? * Ben Tuifao-Jenkinson
3.	Do you consent to your name being published with your submission? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4.	What is your email address? Please note this will not be published with your submission.* <a href="mailto:ben.tuifaojenkinson@welectricity.co.nz">ben.tuifaojenkinson@welectricity.co.nz</a>
5.	What is your contact number? Please note this will not be published with your submission.* 021 476 492
6.	Are you submitting as an individual or on behalf of an organisation? * <input type="checkbox"/> Individual (skip to 8) <input checked="" type="checkbox"/> Organisation
7.	If on behalf of an organisation, we require confirmation you are authorised to make a submission on behalf of this organisation. <input checked="" type="checkbox"/> Yes, I am authorised to make a submission on behalf of my organisation
8.	If you are submitting on behalf of an organisation, what is your organisation's name? Please note this will be published with your submission. Wellington Electricity

9.

If you are submitting on behalf of an organisation, which of these best describes your organisation? Please tick one.

- Energy retailer
- Energy distributor
- Energy generator
- Metering services organisation
- Provider of energy services
- Energy regulator
- Consumer organisation
- Registered charity
- Non-governmental organisation
- Local government
- Central government
- Iwi, hapū or Māori organisation
- Academic/Research
- Other. Please describe:

## 1. Responses to questions

The Energy Use Policy team welcomes your feedback on as many sections as you wish to respond to; please note you do not need to answer every question.

Status quo and problem definition	
1.	<p>What are your experiences of accessing consumer and product data for electricity under the status quo?</p> <p>As an electricity distribution business (EDB) providing network services to end-consumers through electricity retailers, we typically need access to customer data in the form of:</p> <ul style="list-style-type: none"><li>• consumption and/or power quality data via electricity retailers/metering equipment providers ('metered data'); or</li><li>• account holder information via the Electricity Authority's protocol for customer information, EIEP4 ('customer-related data').</li></ul> <p>Our experience is that both of these datasets present their own challenges in availability and consistency, with metered data often costly to obtain. In our view, these challenges and costs can result in end-consumers facing unnecessary costs. We expect that end-consumers will find it even more difficult to access this information.</p>
2.	<p>Do you agree with our summation of the status quo and problem definition? Is anything missing or incorrect in your view? And please provide any evidence you may have to support your views.</p> <p>Wellington Electricity agrees that the summation is accurate.</p>
3.	<p>Do you think that regulatory options are necessary to unlock better access to customer and product data?</p> <p>We think that regulatory options beyond the existing sector-specific regulation (i.e. the Electricity Industry Participation Code 2010 (Code)) are required.</p> <p>While we note that the Electricity Authority is already proposing to improve consumers' access to their electricity information<sup>1</sup>, this may not deliver the full range of benefits of a consumer data right (CDR) as noted in MBIE's discussion paper.</p> <p>We believe that accreditation of an EDB (as an 'accredited requestor') could unlock better access to customer data and result in reduced costs faced by end-consumers and others relative to the status quo, while also improving opportunities for innovation across the sector.</p>
4.	<p>What do you consider to be the likely outcomes for access to customer and product data in the absence of a CDR for electricity?</p> <p>Likely outcomes in the absence of a CDR for electricity could include continued restrictions such as inconsistent data formats, lack of data availability, and potentially data 'monopolies' resulting in increased costs to obtain data.</p>

<sup>1</sup> Code amendment omnibus #4 | Electricity Authority <https://www.ea.govt.nz/projects/all/code-amendment-omnibus/consultation/code-amendment-omnibus-4/> (Accessed 8 October 2024).

	Innovation could also be inadvertently stifled as consumers may not have the data they need to make informed decisions about their energy usage and participation in emerging services. Providing consumers with the ability to do this will be essential for EDBs in supporting New Zealand’s Emissions Reduction Plan (see answer to Q6 for more context).
<b>What a consumer data right for electricity could look like</b>	
5.	Who else may be impacted by a designation of the electricity sector? Should particular groups or classes of entities be explicitly included or excluded from a potential designation?
	Wellington Electricity is not aware of any groups or classes of entities that should be explicitly included or excluded from a potential designation that have not already been identified by MBIE.
6.	What customer data do you think is the most important? And what else (now or in the future) would be important? And why? What are the benefits from consumers having ready access to this data?
	<p>Load and consumption data, along with power quality data, are typically the most important customer data for EDBs. ‘Real-time’ power quality data can even be used to help maintain the safety and reliability of a distribution network.</p> <p>Consumers being able to access their own consumption and power quality data can help them become more aware of and better understand their options in respect of retailer offerings, use of consumer energy resources, and enable value adding innovation in product offerings.</p> <p>Consumers as electricity storage providers, energy producers, and energy aggregators, is a key part in ensuring that Aotearoa’s electricity system remains sustainable as the Government works towards its 2050 net zero greenhouse gas emissions goal.</p>
7.	If access to customer data is designated for all consumers (residential, small business, large business and large consumers) what are the potential benefits, risks or costs associated with each type of customer? And why?
	<p>Access to customer data is an enabler of efficiency, competition and innovation. Consumers can also benefit from having access to their own consumption data as it can provide better access to personalised products and help them reduce their energy costs.</p> <p>The primary risk to residential consumers relates to privacy concerns and the misuse of personal data. For example, an unauthorised party could use consumption data to determine when a household is likely to be unoccupied.</p> <p>The primary risk across all consumer segments is the security of the data and the protocols for accessing and transmitting the data electronically.</p>
8.	What product data do you think is the most important? And what else (now or in the future) could be important? And why? What are the benefits from this data?
	The availability of all tariff/pricing plans is critical to consumers being able to find the best option for their needs. Greater awareness amongst consumers of Time of Use pricing will allow EDBs to defer investment where non-network solutions such as load shifting are sufficient, thus keeping lines charges as low as possible.

	EECA’s research <sup>2</sup> showed that 61% of consumers surveyed are aware of off-peak energy plans but aren’t on one, with our own small-scale study indicating that 32% of consumers aren’t sure whether or not their plan has different prices at different times of the day.
9.	Are there any other issues with product data we should be aware of? And why? Please provide examples.
	Wellington Electricity is not aware of any issues with product data that have not already been identified by MBIE.
10.	What factors should be considered when identifying who the best data holder is under a potential CDR regime? And how might contracting agreements affect the application of a CDR in regard to data holders? (e.g., contracts between metering equipment providers and retailers to share data).
	Wellington Electricity agrees that electricity retailers would be data holders for most of the customer data, although the data holder could be the metering equipment provider (MEP) where (a) the data in question is metered data only and (b) provision of this data has been outsourced to the MEP.  While EDBs hold some customer data, most – if not all – metered data and customer-related data will have been obtained from electricity retailers and/or MEPs, who are the primary data holder. Furthermore, EDBs do not typically have direct contractual relationships with consumers.  ‘Flexibility providers’ (who may or may not be electricity industry participants) may also hold customer data that is unique to their use.
11.	Do you agree with our initial framework for how to identify/designate data holders? Why or why not?
	Wellington Electricity agrees with the initial framework for how to identify/designate data holders, noting that the considerations put forward by ENA should also be taken into account.
12.	What actions could be designated for electricity under a CDR? And why? What are the potential benefits from these? Please provide examples.
	Theoretically, designated actions could be used by accredited requestors for demand response, such as those provided as examples in MBIE’s discussion paper.
<b>Potential benefits and risks</b>	
13.	What are your thoughts on the potential impacts of a designation on the interests of consumers? Are there any specific benefits that are likely to be enabled with designation? What is the likely scale of the benefits, and over what timeframe would they occur?

<sup>2</sup> *Electrifying Aotearoa: The consumer perspective* | EECA <https://www.eeca.govt.nz/insights/eeca-insights/electrifying-aotearoa-the-consumer-perspective/> (Accessed 8 October 2024).

	<p>With data made more accessible, products could be more easily designed to better meet consumer needs and drive efficiency, innovation, and sustainability in the electricity sector.</p> <p>On the other hand, building new systems to securely manage and share data could require substantial investment which will need to be considered.</p>
14.	Do you have any comments on the specific interests of different types of consumers, such as, residential, business, industrial, rural, Māori, or other groups of consumers?
	To help prevent energy inequity, consumer awareness would be key to ensuring that all consumers are aware of how they can take advantage of a CDR to their benefit. Engagement with a diverse range of stakeholders, including low-income households, would be beneficial for consumers in this respect.
15.	What are your views on the nature and scale of costs/benefits? Who would these costs/benefits apply to and when?
	<p>Access to customer data is a potential enabler for many innovations and consumer benefits. For example, the potential for improved innovation and uptake in demand-side management participation could provide a cost benefit to EDBs which would be passed through to end-consumers through the potential avoidance of significant increases to lines charges.</p> <p>Increased consumer participation in emerging services as a result of a CDR could also assist the system operator, Transpower, during potential generation shortfalls.</p>
16.	Would you be able to quantify potential additional costs to your organisation associated with designation under the Bill?
	<p>Not quantifiable at this stage, however if EDBs were to be designated as data holders, this may require significant investment.</p> <p>Note that, we are of the view that EDBs should <b>not</b> be designated as data holders (see answer to Q10).</p>
17.	Do you have any comments on the benefits and risks to security, privacy, confidentiality, or other sensitivity or customer data and product data?
	Refer to Q7 answer.
18.	Are there any risks from the designation to intellectual property rights in relation to customer data or product data?
<b>Other aspects of a potential designation</b>	
19.	What do you consider to be important if designing an accreditation regime for the sector?

	<p>Wellington Electricity agrees in principle with the anticipated criteria put forward in MBIE’s discussion paper.</p> <p>Accreditation must be robust but should not be a barrier to legitimately accessing data for purposes which will help drive innovation or provide other benefits to the electricity sector.</p>
20.	<p>What are your views on fees for requests for customer electricity data under the Bill? If fees are charged, what limits or restrictions should be placed on fees? Do you have any comments on the costs and benefits of the various options?</p>
	<p>A CDR should be fee-free to a certain point but with limits in place to prevent cross-subsidisation. These fees could be set out in a similar way to how charges are permitted under OIA and LGOIMA<sup>3</sup>.</p> <p>However, any fees should be capped based on the actual cost of data provision. Currently, third parties can face high costs for data access. Charging excessive fees could further burden requestors and discourage innovation. Furthermore, if data is already available and being provided (say, from an MEP to an electricity retailer), there may be a case for the cost of such data provision to other parties to be nil.</p>
21.	<p>Are there any particular considerations for electricity that should be taken into account for a consumer consenting process?</p>
22.	<p>Do you think that standards should be led by industry, by government or co-led? What is the role of industry in developing standards? And why?</p>
	<p>Wellington Electricity believes the standards should be co-led, possibly through the Electricity Authority’s Switch and Data Formats Group.</p> <p>We note that, in respect of customer-related data, the Electricity Authority’s EIEP4 is currently non-regulated but would need to be regulated in order to be used consistently.</p>
23.	<p>How do you believe a CDR and the Code could/could not work together?</p>
	<p>Interaction between a CDR and the Code should be made explicit for the avoidance of doubt for all parties.</p> <p>MBIE should ensure that a CDR does not interfere with existing EDB data access rights, specifically avoiding any unintended consequences that a CDR may have in relation to mechanisms currently used by EDBs to request customer data.</p>

<sup>3</sup> *Charging: A guide to charging for official information under the OIA and LGOIMA* | Ombudsman <https://www.ombudsman.parliament.nz/resources/charging-guide-charging-official-information-under-oia-and-lgoima> (Accessed 8 October 2024).



**General Comments:**