

Comparison of National Energy Retail Rules with Victorian Codes

Strengthening and clarifying protections for life support customers
Attachment 5

15 August 2019

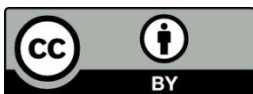


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Life support equipment rules – Comparison between National Energy Retail Rules and existing Victorian Codes

Purpose

The purpose of this document is to provide a comparison between the National Energy Retail Rules and the existing Victorian energy codes:

- Energy Retail Code
- Electricity Distribution Code
- Gas Distribution System Code.

It is important to note that exempt persons currently have life support obligations in both the Energy Retail Code and Electricity Distribution Code. However, the life support obligations in the National Energy Retail Rules do not currently extend to exempt persons. Accordingly, the comparisons in this document only focus on the differences between the national framework and Victoria's energy codes for licensed retailers and distributors.

Definitions

Life support equipment refers to the range of equipment as outlined in Appendix A of the Draft decision.

Life support customer refers to "any customer to whom energy is sold by a retailer that a person who is residing at the customer's premises requires life support equipment", as defined by the Australian Energy Regulator. Further explanation is provided in *Life support registration guide 2019* (Australian Energy Regulator).¹

¹ Australian Energy Regulator 2019, *Life support registration guide*, page 5 <<https://www.aer.gov.au/system/files/AER%20Life%20support%20registration%20guide%202019.pdf>>

Registration process owner refers to the party (retailer/exempt seller or distributor/exempt distributor) first contacted by the customer to advise they require life support protections. The *registration process owner* maintains specific obligations in relation to registration, confirmation, deregistration and information sharing/record keeping. Further explanation is provided in *Life support registration guide 2019* (Australian Energy Regulator).²

The National Energy Retail Rules does not explicitly use the term 'registration process owner' but refers to them/their obligations in manners such as (but not exclusively):

- "(retailer/distributor) obligations when advised by customer" *Rule 124(1) and 124(4)*
- "When advised by a customer... the (retailer/distributor) must" *Rule 124(1) and 124(4)*
- "The retailer or distributor (as the case may be) must" *Rule 124A(1)*
- "Where a (retailer/distributor) is required to register a customer's premises" *Rule 124B(1), Rule 124B(2)(a) and (b)*
- "...premises have been registered by a retailer" *Rule 125(4) and (9)*
- "Where a distributor has registered a customer's premises" *Rule 125(14)*

National Energy Retail Rules	Energy Retail Code	Electricity Distribution Code	Gas Distribution System Code
Rule 124 – Registration of life support equipment			
124(1)(4): Retailer/distributor obligations when advised by customer (i.e. registration process owner obligations)			
When they are advised by the customer that life support equipment is required at the premises, register the premises ³ and the date from which the life support	Register the premises only when the customer provides confirmation from a registered medical practitioner. No	Register the supply address ⁴ only when the customer or retailer provides confirmation from a	No requirement

² Australian Energy Regulator 2019, *Life support registration guide*, page 7 <<https://www.aer.gov.au/system/files/AER%20Life%20support%20registration%20guide%202019.pdf>>

³ For the purposes of this document, "register the premises" refers to the phrase in the NERR "register that a person residing or intending to reside at the customer's premises requires life support equipment"

⁴ The EDC refers to "premises" as "supply address"

equipment is required.	requirement to register the date.	registered medical practitioner or hospital. No requirement to register the date.	
Provide a medical confirmation form no later than 5 business days after receipt of advice from the customer.	No requirement.	No requirement.	No requirement
Explain, in writing no later than 5 business days after receipt of advice from the customer, that if the customer fails to provide this form they may be deregistered and, if so, the customer will cease to receive life support equipment protections.	No requirement.	No requirement.	No requirement
Advise, in writing no later than 5 business days after receipt of advice from the customer, that there may be <i>retailer</i> and/or distributor planned interruptions, for which the customer will be notified.	No requirement.	No requirement.	No requirement
Advise, in writing no later than 5 business days after receipt of advice from the customer, that there may be unplanned interruptions.	No requirement.	No requirement.	No requirement
Provide information, in writing no later than 5 business days after receipt of advice from the customer, to assist the	No requirement.	Provide advice to assist the customer to prepare a plan of action in the case	No requirement

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customer to prepare a plan of action in the case of unplanned interruption.		of unplanned interruption. No requirement to do this in a certain timeframe or to provide this in writing.	
Provide two emergency phone numbers (one for the distributor and one for the retailer) no later than 5 business days after receipt of advice from the customer. The charge for calls to these phone numbers must be no more than the cost of a local call.	Provide one emergency phone number for the distributor only (the charge for which is no more than the cost of a local call). No requirement to do this in a certain timeframe or to provide this in writing.	Provide one emergency phone number (not specified whether this is for the retailer or distributor). No requirement to do this in a certain timeframe or to provide this in writing.	No requirement
Advise, in writing no later than 5 business days after receipt of advice from the customer, that if the customer decides to change retailer they need to advise their new retailer of life support requirements.	No requirement.	No requirement.	No requirement
Notify the other party ⁵ that the premises require life support equipment and the date from which it is required, after receipt of advice from the customer.	Advise the distributor that a person residing at the premises requires life support equipment. No requirement to do this in a certain timeframe or to provide this in writing.	No requirement.	No requirement.

⁵ For the purposes of this document “the other party” refers to the party out of retailer or distributor that is **not** the registration process owner.

124(3): Retailer obligations when advised by distributor (i.e. when the distributor is the registration process owner)

Register the premises as requiring life support and the date from which life support equipment is required.	No requirement as distributor is currently not required to notify retailer.	N/A	N/A
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No later than 5 business days after receiving notification from the distributor: advise, in writing, that there may be retailer planned interruptions, for which the customer will be notified.	No requirement.	N/A	N/A
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No later than 5 business days after receiving notification from the distributor: provide two emergency phone numbers (one for the distributor and one for the retailer). The charge for calls to these phone numbers must be no more than the cost of a local call.	No requirement.	N/A	N/A
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124(5): Distributor obligations when advised by retailer (i.e. when the retailer is the registration process owner)

Register the premises as requiring life support and the date from which life support equipment is required.	N/A	Register the supply address as requiring life support (only if provided with medical confirmation).	No requirement.
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Registration process owner is required to do this (i.e. the retailer in this case).	N/A	Provide advice to assist the customer to prepare a plan of action in the case	No requirement.
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			of unplanned interruption (only if provided with medical confirmation).	
Registration process owner is required to do this (i.e. the retailer in this case).	N/A		Provide the customer with an emergency phone number for the distributor.	No requirement.
124(6): Content of medical confirmation form				
Must be dated.	No requirement.		No requirement.	No requirement.
State that the completion and return of the form to the registration process owner satisfies the condition of medical confirmation.	No requirement.		No requirement.	No requirement.
Request property address, the date from which the customer requires supply of energy at the premises for the purposes of the life support equipment, and medical confirmation.	No requirement.		No requirement.	No requirement.
Specify the types of equipment that fall within the definition of life support equipment.	No requirement.		No requirement.	No requirement.

Advise the date by which the customer must return the form to the registration process owner.	No requirement.	No requirement.	No requirement.
Advise the customer that they can request an extension of time to complete and return the medical confirmation form.	No requirement.	No requirement.	No requirement.
124(7)(8): Application of this rule to standard retail contracts and market retail contracts.			
Rule 124 applies to standard retail contracts and market retail contracts.	Applies to standard retail contracts and market retail contracts with additional requirements for exempt persons.	Not specified.	N/A
124A – Confirmation of premises as requiring life support equipment			
124A(1): Registration process owner obligations			
From the date of the medical confirmation form, give the customer a minimum of 50 business days to provide medical confirmation.	No requirement.	No requirement.	No requirement.
Provide the customer with at least two written notices (medical confirmation reminder notice) to remind the	No requirement.	No requirement.	No requirement.

customer to provide medical confirmation.

Each confirmation reminder notice must be given no less than 15 business days from the date of issue of the medical confirmation form or the previous confirmation reminder notice.

No requirement.

No requirement.

No requirement.

On request from the customer, provide at least one extension of time to provide medical confirmation of a minimum of 25 business days.

No requirement.

No requirement.

No requirement.

124A(2): Content of confirmation reminder notice

Must be dated.

No requirement.

No requirement.

No requirement.

State the date by which the medical confirmation is required.

No requirement.

No requirement.

No requirement.

Specify the types of equipment that fall within the definition of life support equipment.

No requirement.

No requirement.

No requirement.

Specify that the customer must provide medical confirmation to the registration process owner, and that

No requirement.

No requirement.

No requirement.

until it is received, the premises is only temporarily registered and that failure to provide medical confirmation may result in the premises being de-registered.

Advise the customer that they can request an extension of time to provide medical confirmation to the registration process owner.	No requirement.	No requirement.	No requirement.
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124A(3)(4): Application of this rule to standard retail contracts and market retail contracts

Rule 124A applies to standard retail contracts and market retail contracts.	N/A	N/A	N/A
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124B – Ongoing retailer and distributor obligations

124B(1)(2): Retailer and distributor obligations (regardless of who is the registration process owner)

Give the other party relevant information about the life support equipment requirements for the customer’s premises and any relevant contact details for the purposes of updating their registration (unless this information was provided to the registration process owner by the other party).	Give the distributor relevant information about the premises for the purposes of updating the distributor’s records and registers. No requirement to provide contact details.	No requirement.	No requirement.
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When advised by the customer or the other party of any updates to the life support equipment requirements for the customer's premises, or any relevant contact details, update the registration process owner's registration.	No requirement.	No requirement.	No requirement.
Except in the case of retailer planned interruption (for retailers) or interruptions (for distributors), not arrange for de-energisation of the premises from the date the life support equipment will be required at the premises.	Not arrange for the de-energisation of the premises while life support equipment is still required. No specification for actions regarding interruptions.	Not disconnect supply to the supply address while the premises remains registered.	No requirement.
In planned interruptions where the customer has provided consent to the registration process owner, give the customer written notice of the expected time and duration of the interruption, and specify a 24 hour phone number for enquiries (the charge for which is no more than the cost of a local call).	No requirement.	No specification regarding customer consent.	No requirement.
In all other planned interruptions, give the customer at least 4 business days (counted from but not including the date of receipt) written notice of the planned interruption.	No requirement.	Give the customer minimum 4 business days (to be counted from the date of receipt of the notice) written notice of any planned interruption (unless a longer period of notice is requested by the customer	No requirement.

and provided the longer period of notice is reasonably necessary and can be accommodated by the distributor).

124B(2)(b): Distributor obligations when distributor is the registration process owner

If the distributor becomes aware (including by way of notification in accordance with the Market Settlement and Transfer Solutions (MSATS) Procedures⁶) that the customer has transferred to a new retailer, the distributor must notify the new retailer that the premises requires life support equipment.

N/A

No requirement.

N/A

124B(3)(4): Application of this rule to standard retail contracts and market retail contracts.

Rule 124B applies to standard retail contracts and market retail contracts.

Applies to standard retail contracts and market retail contracts with additional requirements for exempt persons.

Not specified.

N/A

⁶ Australian Energy Market Operator 2017, *MSATS Procedures version 4.5*
 < https://www.aemo.com.au/media/Files/Electricity/NEM/Retail_and_Metering/Market_Settlement_And_Transfer_Solutions/2017/MSATS-Procedures--CATS-v45.pdf >

125 – Deregistration of premises

If a customer's premises is deregistered, the registration process owner must, within 5 business days of the date of de-registration, notify the other party of the date and reason for de-registration. The retailer and the distributor must update their registrations.

Where the customer advises the retailer that life support equipment is no longer required, the retailer must inform the distributor as soon as possible. No requirement to specify date or reason. No requirement for the distributor to update their registration.

No requirement.

No requirement.

125(3): Cessation of retailer and distributor obligations after deregistration

The ongoing retailer and distributor obligations (obligations under rule 124B) cease to apply in respect of a customer's premises once that customer's premises is validly de-registered.

Not specified.

Not specified.

Not specified.

125(4)(5)(6)(7)(8): Deregistration where medical confirmation not provided

Where a customer fails to provide medical confirmation, the registration process owner may de-register the customer's premises only when they have:

- complied with all requirements under rule 124A; and

N/A – registration does not occur unless medical confirmation is received.

N/A – registration does not occur unless medical confirmation is received.

Not specified.

<ul style="list-style-type: none"> • taken all reasonable steps to contact the customer in person, by telephone or by electronic means; and • provided the customer with a de-registration notice no less than 15 business days from the date of issue of the second confirmation reminder notice; and • the customer has still not provided medical confirmation before the date specified in the deregistration notice. 			
<p>A de-registration notice must:</p> <ul style="list-style-type: none"> • be dated • specify the date on which the premises will be de-registered which must be at least 15 business days from the date of the de-registration notice • advise that the premises will be de-registered unless medical confirmation is provided before that date • advise the customer that they will no longer receive life support equipment protections once the premises is de-registered. 	<p>N/A – registration does not occur unless medical confirmation is received.</p>	<p>N/A – registration does not occur unless medical confirmation is received.</p>	<p>No requirement.</p>
<p>The other party may de-register the premises after being notified by the process registration owner that the premises has been de-registered.</p>	<p>Not specified.</p>	<p>Not specified.</p>	<p>Not specified.</p>
<p>125(9)(10)(11)(12)(13): Deregistration when there is a change in customer’s circumstances</p>			
<p>No requirement.</p>	<p>No requirement.</p>	<p>The customer must inform their</p>	<p>No</p>

		distributor (if the distributor was the registration process owner) or retailer if life support equipment is no longer required. No requirement for the distributor to inform the customer of this obligation.	requirement.
When the customer advises the registration process owner that the life support equipment is no longer required ⁷ , the registration process owner may de-register the premises if they have provided written notification advising:	Not specified.	When the customer advises the distributor the supply address no longer requires life support the distributor may cancel the registration of the premises. No requirement for how this is completed.	Not specified.
<ul style="list-style-type: none"> • that the premises will be de-registered on the basis that the customer has advised the retailer that life support equipment is no longer required • the date of de-registration which must be at least 15 business days from the date of the written notification • that the customer will no longer receive life support equipment protections once the premises is de-registered • and that the customer must contact the registration process owner prior to the date of de-registration if the life support equipment is still required • and the customer has not contacted the registration 			

⁷ NB: For the purposes of this document, “the life support equipment is (still/no longer) required” refers to the phrase in the regulation “the person for whom the life support equipment is required (has/has not) vacated the premises or (still/no longer) requires the life support equipment”.

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process owner prior to the date of de-registration to advise that the life support equipment is still required.			
The other party (retailer or distributor who is not the registration process owner) may de-register a customer's premises after being notified by the registration process owner that the registration process owner has de-registered the customer's premises.	Not specified.	The distributor may cancel the registration of the supply address after being notified by the retailer.	Not specified.
The retailer or distributor may at any time request a customer to confirm whether the life support equipment is still required.	Not specified.	At least once a year, the distributor must take all reasonable steps to ensure the accuracy and completeness of its register (no requirements for how this is to be completed).	Not specified.
125(14)(15): Deregistration where there is a change in the customer's retailer (only applicable if distributor is not the registration process owner)			
If the distributor becomes aware (including by way of notification in accordance with the MSATS Procedures) that the customer has transferred to another retailer at the same premises, the distributor may de-register the premises if they provide written notification to the customer	N/A	Not specified.	N/A

advising:

- that the premises will be de-registered
- the date de-registration will occur, which must be at least 15 days from the date of the written notification
- that the customer will no longer receive life support protections once de-registered
- that the customer must contact the distributor prior to the date specified if a person residing at the customer's premises still requires life support equipment
- and the customer has not contacted the distributor prior to the date specified to advise that the life support equipment is still required.

NB: This does not affect the operation of Rules 124(4)(a) and 124(5).

125(16)(17): Application of this rule to standard retail contracts and market retail contracts.

Rule 125 applies to standard retail contracts and market retail contracts.	Applies to standard retail contracts and market retail contracts with additional requirements for exempt persons.	Not specified.	N/A
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126 – Registration and deregistration details must be kept by retailers and distributors

126(a)(b): Retailer and distributor obligations (regardless of who is the registration process owner)

Establish policies, systems and procedures for registering and deregistering premises to facilitate compliance with life support equipment rules.	No requirement.	No requirement.	No requirement.
Ensure that registration and de-registration details are kept up to date.	No requirement.	At least once a year, the distributor must take all reasonable steps to ensure the accuracy of its register (no specification of how this is completed).	No requirement.
Details required to be kept include: <ul style="list-style-type: none"> the date when the customer requires supply of energy for life support equipment when medical confirmation was received the date and reason for de-registration a record of communications with the customer. 	No requirement.	No requirement.	No requirement.