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Energy Regulatory Review  
Essential Services Commission of Victoria  
35 Spring Street  
MELBOURNE VIC 3000

By email ([EnergyRegulatoryReview@esc.vic.gov.au](mailto:EnergyRegulatoryReview@esc.vic.gov.au))

### **TRUenergy Response: Review of Regulatory Instruments Stage 1:Final Decision**

TRUenergy welcomes the opportunity to provide comments to the Essential Services Commission of Victoria (ESC) Final Decision on the Review of Regulatory Instruments Stage 1. We would like to offer the following comments:

#### **1. Electricity Customer Metering Code Forward**

The ECMC, states that:

*"In addition, the Energy Retail Code sets out minimum contractual requirements for customer billing for customers who consume less than 160 MWh per year". (page 2)*

This statement needs to be updated with the new threshold that will be applied and is contained in the marked up Retail Code, being;

*"The code applies to all domestic consumers and small business consumers who consume less than 40MWh of electricity per year and 1000GJ of gas per year."*

#### **2. Code of Conduct for Marketing Retail Energy in Victoria, clause 2.1**

Amongst other things, the clause states that the marketing representative must provide 'sufficient contact details to enable the consumer to contact' the representative. The Commission states that the changes made to this clause provide that a marketing representative must state the purpose of their visit, which is consistent with the draft national framework.

While the national framework proposal states that the marketer provide 'sufficient contact details', our understanding of the national framework, which is not at detailed drafting stage, is that the salesperson provide the contact details of the

business that is carrying out the marketing as opposed to the individual representative. To align with this objective, we recommend that this clause be amended to state:

*"...sufficient contact details to enable the consumer to contact the **marketer** and, if different, the name of the retailer on whose behalf the marketer is acting".*

where, **marketer** means a person who carries on the business of marketing energy retail contracts.

### **3. Transitional arrangements for clauses 6.2 and 6.3 of the Retail Code**

TRUenergy seeks the Commission's clarification on the application of clause 6.2 and 6.3 of the Retail Code. Does the undercharging or overcharging have to occur and identified after 1 January 2009 to apply the new requirements or do the clauses take effect if the retailer identifies an overcharging or undercharging after 1 January 2009, even though it related to a period prior to 1 January 2009?

### **4. Retail Code: Definitions**

The definition for **relevant default** refers to customers' water bills and providers. We query whether this is a drafting error as the Purpose of the Retail Code explicitly refers to the Code applying to consumers of electricity and gas.

Please contact me on telephone number (03) 8628 1185 or e-mail [con.hristodoulidis@trueenergy.com.au](mailto:con.hristodoulidis@trueenergy.com.au) to discuss any aspects of the submission.

Yours Sincerely

*(signed for e-mail)*

**Con Hristodoulidis**  
**Regulatory Manager**