

Australian Capital Territory

Utilities (Approved Industry Code) 2003 (No 1)

Disallowable Instrument DI2003-111

made under the

Utilities Act 2000, s 58 (Approved code)

The Independent Competition and Regulatory Commission (ICRC) approves the Electricity Customer Transfer Code set out in the schedule.

Paul Baxter
Senior Commissioner
Independent Competition and Regulatory Commission
5 June 2003

Electricity Customer Transfer Code

June 2003



AUSTRALIAN
CAPITAL TERRITORY

ELECTRICITY CUSTOMER TRANSFER CODE

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1. PURPOSE AND APPLICATION OF THIS CODE

1.1. Purpose

The purpose of this Code is to facilitate and regulate aspects of the process by which **Customers** in the ACT can choose to transfer from one **Electricity Supplier** to another. The data access rules and the transfer rules contained in this Code operate in conjunction with the **National Electricity Code** and the requirements of the **NEMMCO Transfer Systems** that operate under the **National Electricity Code**.

Where there is any conflict between the requirements of this Code and the **National Electricity Code**, the requirements of the **National Electricity Code** shall prevail.

1.2. Application

This Code applies to:

- (a) **Electricity Distributors**;
- (b) **Electricity Suppliers**; and
- (c) **Metering Providers** and **Metering Data Providers** who are obliged to comply with this Code under clause 1.3.

1.3. Obligation to contract for compliance

Where an **Electricity Distributor** or an **Electricity Supplier** engages a **Metering Provider** or a **Metering Data Provider**, the provider must be required, as a condition of contract, to comply with this Code.

1.4. Other applicable laws and codes

This Code is in addition to, and does not limit, the rights and obligations of **Electricity Distributors** and **Electricity Suppliers** under the **Act** and any other applicable Act or code of practice.

2. DICTIONARY

2.1. Dictionary Attached

The Dictionary at the end of this Electricity Customer Transfer Code is part of this Code.

3. MARKET DATA

3.1. Initial loading of CATS Standing Data

As soon as practicable after the date of effect of this Code the **Electricity Distributor** must provide **NEMMCO** with **CATS Standing Data** for each **Connection Point** for each relevant **First Tier Customer** for which it is the **Electricity Distributor**.

4. NMI DISCOVERY AND MARKET FACILITATION DATA

4.1. NMI Discovery Service

- (a) An **Electricity Distributor** must establish and operate a **NMI Discovery Service**, that is a facility that enables a **Customer**, an **Electricity Supplier** or a marketer to request information, in writing¹, about **Customer** premises connected to the electricity network of an **Electricity Distributor**. The information should include:
- (i) the **NMI** and **NMI Checksum** for the premises; and
 - (ii) all **Discoverable NMI Standing Data** relating to the **NMI**.
- (b) Each request for information under this clause may only relate to one supply address.

4.2. NMI Discovery Search

- (a) The information must be provided only where the request specifies either the **NMI** or the location of the premises with sufficient accuracy to permit the premises to be uniquely identified.
- (b) The information requested, or reasons for not being able to provide the data, as the case may be, must be provided in no more than two **Business Days** of receiving the request.
- (c) Notwithstanding clause 4.1, an **Electricity Supplier** must, in the first instance, take reasonable steps to obtain the information specified in that clause through the **NMI Discovery Service** available through the **NEMMCO Transfer Systems**.

5. PROCESS FOR CUSTOMER TRANSFER

5.1. Proposed electricity supplier to initiate

A proposed transfer of a **Customer** to a new **Electricity Supplier** must be initiated by the proposed new **Electricity Supplier** in accordance with the **NEMMCO Transfer Systems**.

5.2. Customer Consent

- (a) An **Electricity Supplier** shall not transfer the supply of a **Customer** without the informed consent of that **Customer**.
- (b) For the purposes of this clause, a **Customer** is taken to have given informed consent if the **Customer**:
- (i) has been fully and accurately informed of what the **Customer** is consenting to;
 - (ii) understands what the **Customer** is consenting to; and
 - (iii) gives consent in writing.

¹ A request in writing includes a request made by fax, e-mail or electronically.

5.3. Meter read method

- (a) If the proposed transfer date is the date of an actual meter reading or is the date of a scheduled meter reading, the **Energy Data** on which the transfer proceeds must be the **Energy Data** of the actual meter reading.
- (b) If the proposed date is not the date of a scheduled meter reading the **Electricity Supplier** may, with the **Customer's** consent, obtain a special meter reading. Any charges associated with providing a special meter reading are to be borne, in the first instance, by the proposed new **Electricity Supplier**. Nothing in this clause shall prevent the proposed new **Electricity Supplier**, with the **Customer's** agreement, passing on all or part of those charges to the **Customer**.
- (c) The proposed new **Electricity Supplier** must nominate the applicable meter read method at the time of initiating a transfer through the **NEMMCO Transfer Systems**.
- (d) All meter readings must be performed in accordance with the **Metrology Procedure** or the **Electricity Metering Code** (as applicable).

5.4. Cooling-off period

A new **Electricity Supplier** must provide a **Customer** with a cooling off period in accordance with the **Consumer Protection Code**.

6. OBJECTIONS TO TRANSFER OF CUSTOMERS

6.1. Inadmissible or invalid objections

Despite the provisions of the **NEMMCO Transfer Systems**, a licence holder under the **Act** shall not dispute or withhold a **Customer's** transfer:

- (a) in the case of an **Electricity Distributor**, on the grounds that:
 - (i) there is no valid **Electricity Supply** arrangement; or
 - (ii) there is no network connection agreement as required under the **National Electricity Code**; and
- (b) in the case of a current **Electricity Supplier**,² on the grounds of contractual impediment that includes, but is not limited to, the following:
 - (i) the existence of an outstanding debt owed by the **Customer** to that **Electricity Supplier**; or
 - (ii) the existence of a customer supply contract with that **Electricity Supplier**.

6.2. Valid objections

A **Market Participant** may make a **Valid Objection** to a proposed transfer by a **Customer** to a new **Electricity Supplier**.

² Disputes between current and prospective **Electricity Suppliers** may be raised outside the **NEMMCO Transfer Systems**.

6.3. Effect of valid objection

- (a) If a **Market Participant** has a **Valid Objection** to a proposed transfer of a **Customer** to a new **Electricity Supplier**, the **Market Participant** must lodge the appropriate objection code under the **NEMMCO Transfer Systems**.
- (b) Subject to clause 6.3(a), the proposed new **Electricity Supplier** must not accept the **Customer** under the terms of that transfer proposal.

6.4. Resolution efforts required

Where a **Valid Objection** has been lodged, the person who has made the objection and the proposed new **Electricity Supplier** must each take reasonable steps to resolve the objection and involve the **Customer** in such resolution endeavours where appropriate. Such resolution endeavours should continue until such time as the objection is resolved or the **NEMMCO Transfer Systems** expire the proposed transfer.

DICTIONARY

- (1) “**Act**” means the *Utilities Act 2000*;
- (2) “**ACT Jurisdiction Objection Rules**” means the rules used in the ACT to govern the use of objections by **Market Participants** against **Electricity Suppliers’** requests to transfer **Customers**;
- (3) “**Business Day**” means a day other than a Saturday or Sunday or a declared national public holiday on the same day in each of the jurisdictions participating in the National Electricity Market;
- (4) “**CATS**” means the Consumer Administration and Transfer Solution administered by **NEMMCO** and is a component of the **NEMMCO Transfer Systems**;
- (5) “**CATS Standing Data**” means data as defined by the “**CATS Procedures - Part 1, Principles and Obligations**”, administered by **NEMMCO**;
- (6) “**Checksum**” means the single numeral associated with a **NMI** used to assist with data validation when the **NMI** is passed manually between parties in the National Electricity Market;
- (7) “**Connection Point**” means the point to which electricity is delivered to a **Customer** by an **Electricity Distributor**;
- (8) “**Consumer Protection Code**” means the **Consumer Protection Code** approved as an industry code under Part 4 of the **Act**;
- (9) “**Customer**” means a person who buys or proposes to buy electricity from an **Electricity Supplier**;
- (10) “**Discoverable NMI Standing Data**” means a subset of **CATS Standing Data**;
- (11) “**Electricity Distributor**” means a person who holds a licence to distribute electricity under Part 3 of the **Act**;
- (12) “**Electricity Metering Code**” means the **Electricity Metering Code** approved as a technical code under Part 5 of the **Act**;
- (13) “**Electricity Supplier**” means a person who holds a licence to supply electricity to premises under Part 3 of the **Act**;
- (14) “**Electricity Supply**” means the supply of electricity from an electricity network to premises for consumption;
- (15) “**Energy Data**” means data relating to the consumption of energy for a period of time;

- (16) **“First Tier Customer”** means a person who buys electricity from a **Local Electricity Supplier** and includes **Franchise Customers**;
- (17) **“Franchise Customer”** means a **Customer** other than a **Non-Franchise Customer**: the term has the same meaning as “non-contestable customer”;
- (18) **“Local Electricity Supplier”** means the **Electricity Supplier** responsible for the supply of electricity to **Franchise Customers** in the geographical area allocated to the **Electricity Distributor**: the term has the same meaning as “Local Retailer” in the **National Electricity Code**;
- (19) **“Market Participant”** means a person who is registered with **NEMMCO** as one or more of the categories provided for under the **National Electricity Code**, including market customer and market network service provider;
- (20) **“Metering Data Provider”** means a person accredited by **NEMMCO** to collect, process and transfer **Energy Data** from the meter or data logger to **NEMMCO** and relevant **Market Participants**;
- (21) **“Metering Installation”** has the same meaning as in the **National Electricity Code**;
- (22) **“Metering Provider”** means a person accredited by **NEMMCO** to install and maintain **Metering Installations**;
- (23) **“Metrology Procedure”** means the ACT Metrology Procedure for Types 5, 6 and 7 **Metering Installations** published under the **National Electricity Code**, and those set under section 7 of the **National Electricity Code** for Types 1 – 4 **Metering Installations**;
- (24) **“National Electricity Code”** means the code of conduct approved in accordance with the **National Electricity Law**;
- (25) **“National Electricity Law”** means the National Electricity Law agreed to be enacted by New South Wales, Victoria, South Australia, Queensland and the Australian Capital Territory pursuant to an agreement made on 9 May 1996 being the schedule (as amended from time to time) to the *National Electricity Act 1996 (South Australia)*;
- (26) **“NEMMCO”** means National Electricity Market Management Company Limited ACN 072 010 327;
- (27) **“NEMMCO Transfer Systems”** means the systems and procedures operated by **NEMMCO** for transferring supply to **Customers** and for storing and providing information about the supply of **Customers** who may wish to transfer their supply;
- (28) **“NMI”** means a national metering identifier, that is a unique identification for each connection point;

- (29) **“Non-Franchise Customer”** means a **Customer** who has declared themselves non-franchise as provided by section 18 of the **Act** or where the annual consumption of the premises is greater or equal to 100MWh pa;
- (30) **“Valid Objection”** means an objection permitted by the **ACT Jurisdiction Objection Rules** within the **NEMMCO Transfer Systems**.