Submission Form

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.	What are your experiences of accessing consumer and product data for electricity under the status quo?
	According to the Electricity Market Information website (EMI), Cortexo is the largest 3rd party requestor of consumption data using the process outlined in section 11.32 of the Electricity Participation Code (the Code). In 2022 Cortexo made requests for 6,446 individual ICPs. In 2023 it was 9,702 and in 2024 to date we have made requests for 4,346 ICPs. Requests were made across the majority of electricity retailers.
2.	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.
	Consumer data In our experience that can be backed up with relevant statistics, we would only receive valid data for approximately 80% of requests in the relevant timeframe (5 working days). Normally where we have not received any data from a retailer by day 3 of the request period, out of courtesy we would follow up with an email to our contact point at that retailer. Where a retailers still fails to deliver the data and has made no attempt to communicate with us we will take action with the Electricity Authority using the Code breach process. The majority of data that is overdue is because of errors in the file received. If the file fails our automated validation process, which compares the data received to the mandatory EIEP13A format specification, then it cannot be processed by our software and will be rejected. Data file errors are manually collated and emailed to each Retailer for resubmission. This is an incredibly costly activity caused purely by a lack of machine-to-machine communications. This would not happen if: • the process was truly machine-to-machine which would mean no human intervention (removing data format errors) and allowing the response to be near instantons. The only delay should be because of processing and transmission times, not because of human intervention. • the EIEP files were validated against the mandatory specification at the Registry before being delivered to the recipient. **Other issues with consumer data**

	The customer data rules in the Code do not apply to all participants, this appears to be an oversight, but some second tier retailers or brokers, although falling into the definition of 'participant' in the Code do not have the same obligations as tier one retailers and for example do not have to use the automated Registry information system to exchange data which means that requests and responses must be processed 'manually' via emailed EIEP files. The Retailer might not have the most granular data collected from the customer. There are cases where a Retailer does not use half hourly data for billing, and so only holds monthly data even though half hourly data exists. In this case the Retailer only needs to provide monthly data which means the customer cannot access the half hourly data collected from them. **Product Data** In our opinion this is one of the biggest failings of the current Code. Consumption data is of little value if it can't be mapped to retail and network tariffs. We automate the processing of thousands of ICPs worth of consumption data but cannot easily price that data on the specific tariff charged by the retailer and network. Generally available tariff data is of little use. The only way to price the consumption data is for each customer to send us their paper bill every month and have us process it manually. That is impractical. The solution is to update the EIEP14 format to allow for specific ICP pricing, both retail and network to be provided, and when an EIEP13C requests file is sent a 'flag' is set against each ICP if pricing data is required. Although generally available tariff information would be valuable if it covered every actual available tariff and associated rules in a standard format, it currently does not. We do not requests generally available tariff data because; • There is no standardised way of requesting it (unlike consumption data) • The EIEP14 is not a mandatory response format, • There is no guarantee that all 'available' tariffs are supplied
3.	Do you think that regulatory options are necessary to unlock better access to customer and product data?
	Cortexo has been requesting data since the introduction of the Code change in 2016. We were part of the original working group creating and testing the EIEP13 formats. Prior to the Code update in 2020 there were many 'procedural' barriers put in place to slow or inhibit the flow of information. It is our opinion that these impediments, in some but not all cases, were more to do with preventing access for the customers agent than for any real process or privacy issue. When the Code changes were made in 2020 there was a noticeable difference in the process. It was speedier and more streamlined; and it gave an element of protection to the retailers as they had no option but to follow a more tightly prescribed process. Without that Code change there would have continued to be barriers to 3rd parties requesting data on the consumers behalf. It's currently far from perfect, but better than it was. Where there is no commercial imperative then, without regulation, there will be limited willingness to provide efficient processes and timely (or instantaneous) data access. Looking at the example of the unregulated EIEP14 "Retailer tariff rate notification" which is a voluntary protocol, we would suggest that Registry message exchange information will show it is rarely if ever used.

	Regulatory options are necessary to enable efficient access to correct consumer data. The outcome will be greater innovation leading to more beneficial services for consumers that reduce their costs.
4.	What do you consider to be the likely outcomes for access to customer and product data in the absence of a CDR for electricity?
	The Electricity Participation Code, in its current form, is not adequately equipped to facilitate authorised access to consumer data. The process of creating or modifying the Code is heavily swayed by established industry perspectives due to the mandatory industry consultation process, which lacks sufficient consumer input. The implementation of Consumer Data Rights (CDR) is crucial to elevate the data access discussions and procedures beyond a singular industry, promoting a more comprehensive approach emphasizing consumers' rights to their data.
What a consumer data right for electricity could look like	
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?
	We want to emphasise that any entity who 'bills' a consumer for energy services should be subject to the designation of the electricity sector, including 2nd tier electricity retailers or brokers who may not hold consumption data themselves but the retailer they purchase off does. It is our experience that access to that data can be hampered by a 2nd tier electricity retailers or broker not being willing to provide an account number for the customers primary retailer meaning a valid data request cannot be made directly to the primary retailer.
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?
	In addition to the data outlined in the consultation paper, consideration should be given to any data (by way of control signals) sent to consumer owned distributed energy resources such as inverters. It is clear that, as in Australia, network capacity may be managed by distribution networks sending signals directly to consumer devices (Distributed Energy Resources) that may limit the amount of energy that can be imported or exported at the connection point (known as Dynamic Operating Envelopes). This data must be available to consumers or their agents to ensure they can validate any limitations placed on them in a dynamic way that inhibits their ability to gain maximum value from the DER asset they have invested in.
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?
	The benefits are well articulated and the subject of many research papers both here and internationally.
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?

	As previously described a consumer or their agent must understand the consumers current 'product' and so automated access to detailed tariff breakdown is essential. For comparison or planning purposes access to product specific to the customers location and potential use (ie any flexibility payments, EV charge discounts etc, even if the customer does not currently have the necessary DER). In the future it may be important that consumers can access data direct from distribution businesses they products they offer at the consumers location to reward flexibility of consumption and generation. This may have a direct impact on decisions to invest in particular DER (or what size of DER to select). Often products offered further up the supply chain get masked by intermediaries. For example some network time of use tariffs are masked by retailers in their offers to customers.
9.	Are there any other issues with product data we should be aware of? And why? Please provide examples.
	There must be the ability for a customer to access any available product, even if it doesn't meet some particular criteria, if it can change something under its control to meet the requirements for that product in the future. A simplistic example would be a 50% discount on electricity if you have a red EV, that tariff must be visible to all consumers to enable them to buy a red EV. The counter point being a product should not be withheld from 'visibility' if a customer could change its behaviour and subsequently access it.
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).
	It is clear there are artificial limitations imposed in the Code by accessing consumption data via a retailer. Although half hourly data may be collected by the metering company it may not be accessible by the consumer if the retailer does not use that customers half hourly data for any purpose. This clearly stops the consumer from access data that it generates. The consultation document notes "*We have received feedback that under the status quo retailers often contract out data obligations to MEPs to respond to customer data requests".* Where the retailer doesn't have half hourly data we have never had the ability to access that data directly grom the MEP without significant cost and difficulty. There are practical reasons that mean there needs to be *automated* coordination between multiple data holders to satisfy a request for consumption data. For example, the MEP may not know the date at which a customer connected to a specific ICP and therefore not know when that customer data starts and stops. It would need automated coordination with the customers retailer (or Registry, if the swap date is held there) to identify the boundaries of a data request.
11.	Do you agree with our initial framework for how to identify/designate data holders? Why or why not?
	No further comment

12.	What actions could be designated for electricity under a CDR? And why? What are the potential benefits from these? Please provide examples.
	No further comment
Potential benefits and risks	
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?
	It is difficult to articulate consumer benefit from new innovation over and above the obvious ability to reduce costs through better decisions; however there may be innovative benefits in flexibility products, including dynamic operating envelopes, frequency and voltage maintenance if those products are covered by data visibility requirements
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?
	No.
15.	What are your views on the nature and scale of costs/benefits? Who would these costs/benefits apply to and when?
	Although costs and benefits will fall on all parties to varying degrees there will be an overarching benefit of digitalisation and innovation that should increase the productivity of NZ Inc overall.
16.	Would you be able to quantify potential additional costs to your organisation associated with designation under the Bill?
	For a third party supplier like Cortexo the costs will be accreditation and compliance along with implementing any new technology.
17.	Do you have any comments on the benefits and risks to security, privacy, confidentiality, or other sensitivity or customer data and product data?
	Nothing that isn't already covered by Privacy laws and cyber security processes and practices

18.	Are there any risks from the designation to intellectual property rights in relation to customer data or product data?
	We would have thought the intellectual property exists in the use of the data (manipulating it) or in the creation of the product, not the product itself.
Other aspects of a potential designation	
19.	What do you consider to be important if designing an accreditation regime for the sector?
	Accreditation is necessary to provide confidence to the consumer and to the data holders. Accredited parties should meet minimum standards, abide by a set of clear and measurable requirements and be auditable. Accreditation however should not stifle the innovation its trying to create. Currently, the quasi accreditation process the Electricity Authority use for 3rd party data requestors using the Registry messaging system is that we must be given access after signing terms and conditions that warrant amongst other things we will not request data without the authority of the consumer and confirm that we are subject to the requirements of the Privacy Act. With every request, the EIEP13C requires a statement (a Yes/No field) that confirms we hold the authority of the consumer. Our 'authorities' from each consumer are subject to audit.
20.	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?
	The purpose of making consumer data easily available to the human that created it and their nominated representatives is to encourage competition, efficiency and innovation. A fee is a barrier to those goals. Fees are discriminatory to those who can least afford to pay and fees can be used as a barrier to entry. Data is generated by humans and in electricity's case it is used to provide products and services back to those human. Original data should be seen as the property of the human that created it and access should be free. The cost for provision of data should part of the wrap around services provided by a service provider in much the same way websites and information are provided 'free' for customer use Regarding the number of rate of data requests there are technology solutions that can assist such as rate limiting the number of requests. For example rejecting requests that are asking for data that hasn't changed since their last request.
21.	Are there any particular considerations for electricity that should be taken into account for a consumer consenting process?
	Consent should be as robust as necessary but not more, as easy as necessary but not less. From a cross industry perspective, when formulating new services, in the same way any digital strategy should embrace cyber security and engage with government and industry specialists it should also engage with digital identity strategies evolving in New Zealand and elsewhere (See Digital Identity New Zealand).
22.	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?

	Industry in general, needs leadership otherwise a limited vision of what is needed will be developed in silos of self-interest and without the focus on value for the consumer. The electricity system exists for the humans and not for the benefit of the electricity system. It is the role of government to provide leadership for NZ Inc. Without cross ecosystem involvement in standards development the results will not be fit for purpose
23.	How do you believe a CDR and the Code could/could not work together?
	Current data access arrangements for industry are siloed inside a walled garden of terminology, process and history. If we want to become a more productive economy there needs to be a way to lift access and processes balanced by privacy and security across all sectors similarly. As stated in the consultation, "*The CPD Bill creates an economy-wide framework to enable greater access to, and sharing of, customer and product data. This framework can then be applied to individual sectors through designation regulations that are specifically designed for that sector*". As more sectors become designated more cross learning and benefits for the whole of a digitalised NZ Inc. How ever its represented, either as a complete section of the Code or as a separate document for describing the access and sharing of electricity consumption and product data, there should be an 'operating manual' for electricity data as mandatory for the electricity sector under the authority of the "Customer and Product Data Bill".

General Comments:

The New Zealand electricity ecosystem is a multi (60+?) billion dollar operation and yet we settle our market systems by exchanging 'flat' CSV files via secure FTP (1970's technology). We notify industry participants of Grid Emergencies by telephone or PDF's linked from emails. And we make some data available for innovation in days not milliseconds. The New Zealand electricity ecosystem needs to 'digitalise' if we want a highly productive, efficient, electrified zero-carbon future.

To steal from DBEIS & Ofgem's "Digitalising our energy system for net zero Strategy and Action Plan 2021"

Digitalisation is the transformation of a business or industry by using digital technologies to improve its processes.
A digitalised energy system is one where:
- *Presumption of data openness is the industry default;*
- *Data is adequate, standardised, and interoperable across the sector;*
- *The required infrastructure, processes, technologies and skills are appropriately deployed;*
- *The relevant rules and regulations, costs and benefits, and roles and responsibilities are clear.*

The CDR is one small step in the digitalisation journey.

Thank you

We appreciate you sharing your thoughts with us. Please find all instructions for how to return this form to us on the first page.