



AGL Energy Limited

ABN: 74 115 061 375
Level 24, 200 George St
Sydney NSW 2000
Locked Bag 1837
St Leonards NSW 2065
t: 02 9921 2999
f: 02 9921 2552
agl.com.au

The Australian Competition Tribunal
C/- Associate to the President
The Hon. Justice John Eric Middleton

Submitted by email to: registry@competitiontribunal.gov.au

3 April 2020

Application for Authorisation AA1000439 Lodged by Australian Energy Council, Clean Energy Council, Smart Energy Council and Energy Consumers Australia in respect of the New Energy Tech Consumer Code

AGL Energy (**AGL**) welcomes the opportunity to provide a submission in support of the New Energy Tech Consumer Code (**Consumer Code**) developed by the Australian Energy Council (**AEC**), Clean Energy Council, the Smart Energy Council and Energy Consumers Australia (collectively **the Applicants**).

AGL is one of Australia's largest integrated energy companies and the largest ASX listed owner, operator, and developer of renewable generation. Our diverse power generation portfolio includes base, peaking, and intermediate generation plants, spread across traditional thermal generation as well as renewable sources. AGL is also a significant retailer of energy, providing energy solutions to around 3.72 million customers throughout eastern Australia. We have delivered multiple trials and projects that draw upon customers' distributed energy resources (**DER**). Our current DER product and service offerings include our Virtual Power Plant¹, our retail offer for electric vehicle owners² and our Peak Energy Rewards Managed for You program.³

AGL's position

AGL supports the Consumer Code.

As businesses diversify and new entrants disrupt the energy market with new energy products and services, we believe it is essential to provide a consistent customer experience by affording equivalent rights and protections to consumers regardless of how they choose to receive their energy supply and services.

In line with the COAG EC objectives in requesting the development of the Code⁴, the function of the Consumer Code is primarily to build customer confidence in DER products, systems and services, thereby encouraging greater and faster participation in the emerging DER market. The Consumer Code has the potential to complement current consumer protection requirements (i.e. the National Energy Consumer Framework and Australian Consumer Law) by facilitating customer confidence. Specifically, the Consumer

¹ For further information regarding AGL's Virtual Power Plant, please refer to https://www.agl.com.au/solar-renewables/solar-energy/bring-your-own-battery?cde=sem-r&gclid=EAlalQobChMlicjKmKuP5wIVyjUrCh2eXwvVEAAYASAAEgLRPD_BwE&gclsrc=aw.ds.

² See further, AGL EV Plan, available at <https://www.agl.com.au/electric-vehicles>.

³ See further, AGL Peak Energy Rewards Managed for You, available at <https://www.agl.com.au/solar-renewables/projects/peak-energy-rewards-managed-for-you>.

⁴ See further, COAG EC Energy Market Transformation Bulletin No 05 – Work Program Update (3 August 2017), available at <http://www.coagenergycouncil.gov.au/publications/energy-market-transformation-bulletin-no-05—work-program-update>.



Code reduces information asymmetry for consumers and requires minimum and consistent standards for sales practices. We consider that this overarching purpose is articulated well in the Consumer Code aims.

In the context of the proposed payment and finance provisions under the Consumer Code, we support the Applicants' view that the proposed requirements will provide a clear public benefit to consumers by improving information asymmetry, requiring a responsible lending assessment and enabling dispute resolution in certain circumstances. This will ensure an equivalent level of protection across the energy sector, regardless of the business model used to provide DER products and services and therefore a consistent customer experience.

AGL's involvement in the development of the Consumer Code

AGL was nominated by the AEC to represent energy retailers on the BTM Working Group and contributed towards the development of the Consumer Code through formal submissions, technical lead support and ongoing engagement with the BTM Working Group.

Given the infancy of the DER market, careful drafting was required to ensure that the Consumer Code fulfils its stated aims and does not lead to unintended consequences by stifling innovation or leading to poor customer outcomes. Accordingly, the BTM Working Group's process was informed by the drafting principles set out in the explanatory memorandum, namely:

- 1) balancing consumer protections with market efficiency and the promotion of innovation;
- 2) being technologically neutral and future proof;
- 3) expressed in plain English and accessible;
- 4) structured in line with the customer journey;
- 5) proving practical guidance and enforceability; and
- 6) administered and enforced fairly and independently.

AGL believes that the Consumer Code fulfils these principles. We therefore support its authorisation.

Should you have any questions in relation to this submission, please contact Kurt Winter, Regulatory Strategy Manager, on 03 8633 7204 or KWinter@agl.com.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'K. Winter', with a long horizontal flourish extending to the right.

Con Hristodoulidis

Senior Regulatory Strategy Manager