

DRAFT DECISION: NON-LICENSED ELECTRICITY PROVIDERS - REGISTRATION GUIDELINE

1. ABOUT US

The Shopping Centre Council of Australia (**SCCA**) is the national industry group for major owners, managers and developers of shopping centres. Our members own and operate embedded networks, as an ancillary aspect of their shopping centre operations.

2. COMMENT

We were involved in the Department of Environment, Land, Water and Planning's (DELWP's) consultation on the General Exemption Order (GEO), which was released on 15 November 2017.

In this regard, we are aware of the requirement, due to commence on 1 April 2018, for non-licensed electricity providers to register with the Essential Services Commission (ESC). In our industry, this includes shopping centres that supply electricity to 10 or more small customers; and also to any large customers.

We note that the online portal to enable registration will be open on the ESC's website in mid-March 2018. We also note that there are no fees for registration.

Terminology

We believe there should be an attempt to align key policy terminology with the Australian Energy Regulator's (AER) retail and network exemption frameworks, which itself relates to terminology under the National Energy Retail Law (NERL). As an example, the proposal at page 1 to reference "exempt persons as 'non-licensed electricity providers'" unnecessarily creates new terminology; and consideration should be given to simply referring them as 'exempt persons' – as someone exempt from requiring a license. This would not be inconsistent with the terminology used in the GEO, and 'exempt persons' already features in the Glossary.

Who does not need to register?

In addition to the cases identified, it should be made clear that non-selling sites – e.g. there is no gate/parent meter, there is a private network, but all customers have market-meters – do not require an exemption or need to be registered.

It should also be made clear that embedded generators are also to be unlicensed (e.g. where the generator is not directly connected to the transmission or distribution network).

Information requirements

We have reviewed the required information the ESC is to collect, along with the proposed additional information for the ESC to collect and publish.

In relation to the proposed information requirements noted at page 8 of the Draft Decision, we note that the information largely reflects the information requirements of the Australian Energy Regulator (AER) under their retail and network exemption guidelines.

While we have no overall objection to the proposed required/requested information, we are keen to ensure that this approach both acknowledges and supports:

- Where the provider is several companies as a result of an asset being jointly owned, such as in a joint-venture or trust structure – this could also involve multiple ABNs.
- Where the provider is a related entity, such as a management or service company on behalf of an asset owner/operator.
- The provider may not have a 'trading name' or 'contact details' per se, but can still be readily identifiable to a company (e.g. Scentre Group) or site name (e.g. Westfield Doncaster, Chadstone shopping centre). This would still meet the ESC's desired objective in relation to transparency.
- The ability to identify and request that confidential information cannot be published.

In addition, the provision of information on the number of customers that are being supplied or sold electricity (section 2.3) should be flexible, due to the dynamic nature of retail leasing, which can affect the amount of customers at any given time (e.g. new shops, shop merges).

We seek clarification in relation to section 2.4 that the provision of aggregate annual consumption information is a one-off requirement.

What happens after a non-licensed electricity provider registers?

This should be limited to material changes, rather than minor operational changes (e.g. the number of stores).

Other

It would be useful if a table summarising key requirements could be produced for the final Guideline to enable easier awareness and understanding for exempt persons.

3. CONTACT

Please do not hesitate to contact me to discuss this submission.

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