



Government of **Western Australia**
Office of **Energy**

Amendments to the Electricity Industry Metering Code 2005

Final Recommendations Report

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Executive Summary

In this final report the Office of Energy (OOE) presents its final recommendations for its review of the Electricity Industry Metering Code 2005 (the Code). OOE conducted the review on behalf of the Minister for Energy (the Minister).

The Code is made by the Minister pursuant to section 39 of the Electricity Industry Act 2004 (the EI Act). The Code was made in 2005 and has not been amended since then. In this time Code participants have raised concerns with the OOE that there are potential regulatory gaps and inconsistencies between the Code and other instruments that require addressing. Code participants also identified potential amendments to the Code that they believe will allow them to operate more effectively. The review was undertaken to address the issues raised by Code participants and to ensure the Code is meeting its objectives.

The OOE published an Issues Paper in June 2010 that invited public comment on a range of questions posed on the Code. Ten submissions were received from stakeholders. In April 2011 the OOE published a Recommendations Report which set out its proposed amendments to the Code. The key areas recommended for amendment related to relaxing restrictions on disclosure of energy data, increasing obligations on network operators to undertake meter readings and ensuring that metering installations are appropriately tested. Thirteen submissions were received on the Recommendations Report. Both the Issues Paper and Recommendations Report, and the respective submissions, are available on the OOE website www.energy.wa.gov.au.

This final report details the OOE's final recommended Code amendments that will be sent to the Minister for his consideration and endorsement or amendment. It should be noted that even if an amendment has been recommended in this report, it does not necessarily mean that the recommendation will be implemented. This report is not available for public comment but will be published on the OOE

website. Once the final code amendments have been approved by the Minister they will be drafted for the Minister's approval to gazette.

In relation to the Code's subordinate documents, it is recommended in this report that the Economic Regulation Authority (the Authority) reviews the approved documents in line with the Code's procedural requirements once any Code amendments have been made.

1. Introduction

1.1 Background

The (then) Minister established the Code in 2005 under section 39 of the EI Act. Section 39 of the EI Act allows for a code to be made in respect of the metering of the supply of electricity by licensees.

The Code sets out the rights, obligations and responsibilities of Code participants associated with the measurement of electricity and the provision of metering services; the rules for the provision of metering installations at connection points, and the rules for the provision of metering services, standing data and energy data.

It is a condition of every electricity licence that is issued by the Authority that licensees must comply with the Code.

The Code has not been amended since its inception in 2005. Since this time Code participants have raised concerns with the OOE that there are potential regulatory gaps and inconsistencies between the Code and other instruments that require addressing. Participants have also identified potential amendments to the Code that they believe will allow them to operate more effectively.

Whilst Part 9 of the Code allows for the Authority to recommend amendment to the Code directly to the Minister, the OOE is the agency responsible for advising the Minister on and implementing any amendments to the Code. Given the broad range of issues that have been raised and the policy implications of some of these issues, it was agreed with the Authority that the OOE would manage the consultation and amendment process.

An electronic version of the EI Act and the Code are available on the State Law Publisher website.

1.2 Scope and Objectives

The purpose of this process was to assess:

- the Code's inconsistencies with other instruments;
- a number of industry proposed amendments; and
- the suitability of the Code to meet its objectives.

To facilitate the objectives of this process, the OOE undertook to:

- consult with stakeholders;
- identify amendments to the Code that may be required;
- ensure potential amendments meet / facilitate the Codes objectives;
- identify consequential amendments to other instruments, such as the Electricity Industry Customer Transfer Code 2004 (the Customer Transfer Code), that may be required;
- ensure the Code is consistent with other associated instruments; and
- ensure the Code facilitates regulatory efficiency.

1.3 Timetable and Work Program

Activity	Timeframe
Publish Issues Paper for public consultation	June 2010 (completed)
Assess stakeholder feedback on Issues Paper	July / August 2010 (completed)
Publish Recommendations Report for public consultation	April 2011 (completed)
Assess stakeholder feedback on Recommendations Report	June 2011 (completed)
Publish Final Recommendations Report	August 2011 (completed)
Draft amendments to the Code	September / October 2011
Seek Ministerial approval to gazette amendments to the Code	November 2011
Amended Code gazetted	December 2011

1.4 Issues Paper

On 18 June 2010 the OOE published an Issues Paper that identified potential amendments to the Code that may be required. The Issues Paper invited submissions on a range of questions posed on each Part of the Code.

OOE invited submissions on the Issues Paper from any person or organisation by 16 July 2010. At the request of stakeholders, this date was extended to 30 July 2010.

Ten submissions were received in response to the Issues Paper. The submissions were published on the OOE website in early August 2010 and can be viewed, along with the Issues Paper, at the OOE website www.energy.wa.gov.au.

1.5 Recommendations Report

On 14 April 2011 the OOE published a Recommendations Report which set out proposed amendments to the Code. The Recommendations Report invited submissions on the proposed recommendations from any person or organisation by 27 May 2011. At the request of stakeholders, this date was extended to 3 June 2011.

Thirteen submissions were received in response to the Recommendations Report. The submissions were published on the OOE website in June 2011 and can be viewed, along with the Recommendations Report, at the OOE website www.energy.wa.gov.au.

1.6 Final Recommendations Report

Following receipt of submissions in response to the Recommendations Report, the OOE finalised its recommendations for the Minister. This report details the OOE's final recommended Code amendments that the OOE will send to the Minister for approval to draft.

This report is intended to be read in conjunction with the Recommendations Report. In the interests of brevity, this report provides details of Code amendments only. If the Code amendment in this report is the same as the amendment recommended in the Recommendations Report then the reasoning behind the amendment can be found in the Recommendations Report (i.e. the Code amendment itself will be the only information provided in this report). For ease of reference, this report provides the corresponding heading number in the Recommendations Report for readers who wish to consult the Recommendations Report for further information on the amendments.

If an amendment recommended in the Recommendations Report has not been included in this report an explanation has been given in this report as to why the amendment was not retained. An explanation has also been provided where the Code amendment in the Recommendations Report has been changed.

The final recommendations are set out under headings that follow the structure of the Code itself:

- Part 1 – Preliminary (including Code Definitions)
- Part 2 – Code Objectives and Arms-length Treatment
- Part 3 – Meters and Metering Installations
- Part 4 – The Metering Database
- Part 5 – Metering Services
- Part 6 – Documentation
- Part 7 – Notices and Confidential Information
- Part 8 – Dispute Resolution
- Part 9 – Code Amendment and Review
- Appendices

It should be noted that even if an amendment has been recommended in this report, it does not necessarily mean that the recommendation will be implemented.

2. Final Recommendations

2.1 Preliminary (including Code Definitions)

2.1.1 Recommendation 1

Definitions

It is recommended that the following definitions be amended:

“Code of Conduct”

Amend to reflect that:

- the *Code of Conduct For the Supply of Electricity to Small Use Customers 2004* (the Customer Code) has been updated; and
- is now made by the Authority under section 79 of the EI Act, not the Minister (the Minister made the inaugural Customer Code in 2004 but subsequent versions have been made by the Authority).

“connection point”

Remove “but under clause 3.24 does not include an entry point or an exit point for which the metering installation includes a pre-payment meter”.

“contestable customer”

Remove references to the Customer Transfer Code and the Electricity Corporation Act 1994 and replace with reference to the Electricity Corporations (Prescribed Customers) Order 2007 made under the Electricity Corporations Act 2005.

“generator”

Replace reference to “section 31A of the *Electricity Corporation Act 1994*” with “section 62 of the *Electricity Corporations Act 2005*”.

“meter”

- Remove “but under clause 3.24 does not include a pre-payment meter”.
- Add “and the relevant requirements of the AS 1284 series of standards” after “means a device complying with this Code”.

“metering database”

Amend clause 4.1(1) by including the “registry”.

“metering equipment”

Remove “but under clause 3.24 does not include a pre-payment meter or any part thereof”.

“metering installation”

Remove “(excluding under clause 3.24 any of the devices and methods of the purpose of metrology in connection with a pre-payment meter)”.

“metropolitan area”

Amend the definition to reflect the definition of “metropolitan area” in the Customer Code. This means the amended definition will refer to the region described in Schedule 3 of the *Planning and Development Act 2005* and the townsites as constituted under section 26 of the *Land Administration Act 1997*.

“network operator”

Replace reference to “section 31A of the *Electricity Corporation Act 1994*” with “section 62 of the *Electricity Corporations Act 2005*”.

“NMI”

Replace “metering point” with “connection point”.

“retailer”

Replace reference to “section 31A of the *Electricity Corporation Act 1994*” with “section 62 of the *Electricity Corporations Act 2005*”.

It is recommended that the following new definitions be included in the Code:

“AS”

It is recommended that the Code define “AS” as “followed by a designation means the most recent edition of a standard published by Standards Australia Limited”.

“small-use customer”

It is recommended that the Code define “small use customer” as a customer who consumes not more than 160 MWh of electricity per annum.

See point 2.1.1 of the Recommendations Report for further information on the amendments to the definitions.

2.1.2 Recommendation 2

Publication of approved documents and meaning of “publish”

It is recommended that clause 1.6 be amended to expand the meaning of “publish” to include making the document publicly available in an appropriate format so that it is available to any interested party and maintaining the availability of the document once it has been published. The minimum requirement will be publication on the internet and the availability to the public of copies at no cost at the network operator’s place of business during normal office hours.

It is recommended that clause 6.20(4) be amended to stipulate that the network operator must “publish” the amended document once the document has been amended in accordance with the Authority’s final findings.

A consequential amendment to the Customer Transfer Code is also recommended. However, amendments to the Customer Transfer Code will not be submitted to the Minister for approval under this review. Once amendments to the

Code have been gazetted, OOE will consider whether it is appropriate to review the Customer Transfer Code in its entirety or only progress the amendments that have come out of this review.

See point 2.1.3 of the Recommendations Report for further information on this amendment.

2.2 Code Objectives and Arms-length Treatment

2.2.1 Recommendation 3

Arms-length treatment

It is recommended that clause 2.2 be amended so it does not apply to network operators who have only one retailer on their network.

See point 2.2.1 of the Recommendations Report for further information on this amendment.

2.3 Meters and Metering Installations

2.3.1 Recommendation 4

Meter registers

It is recommended that the Code be amended to require that an accumulation meter must display or permit access to a display of the total accumulated electricity production or consumption for each time band (for example, off-peak and on-peak) in a Time of Use (TOU) tariff. Currently, the Code’s minimum requirement is that an accumulation meter displays the accumulated electricity production or consumption, which could be interpreted as the total accumulated production or consumption at the metering point.

The Recommendations Report considered this issue and recommended that a Code amendment was not required as the Code allows a network operator and a Code participant to agree to use meters with enhanced technology features, including multiple registers for accumulated on-peak and off-peak energy use. However, after further consideration, it is not considered appropriate that a customer who decides to go on a TOU tariff may have to pay (via their retailer) for a meter reconfiguration to provide extra registers on their meter. A customer should expect, as a minimum requirement, that their meter will be able to tell them what their accumulated production or consumption is for each time band so they can verify the energy data on their bill.

See point 2.3.1 of the Recommendations Report for further information on this amendment.

2.3.2 Recommendation 5

Recording bi-directional electricity flows

It is recommended that the Code be amended to require that both accumulation and interval meters which record bi-directional electricity flows at the metering point must record electricity production or consumption relative to the connection point, i.e. production net of on-site consumption. For multi-phase metering, electricity production and consumption must be recorded as the net transfer across all phases in either direction at the connection point.

It is recommended that the Authority considers amending the Metrology Procedure to expand on the Code amendment by providing detailed information on the requirements for 'net metering' for single and multi-phase metering installations.

The Recommendations Report recommended that 'net metering' be addressed in the Metrology Procedure but not the Code. Due to the views expressed in stakeholder submissions received on the Recommendations Report, and the ongoing uncertainty caused by the regulatory

framework not addressing this issue, the OOE considers that both the Code and the Metrology Procedure should provide for 'net metering'.

See points 2.1.1 (New definitions – "net metering") and 2.3.2 of the Recommendations Report for further information on this amendment.

2.3.3 Recommendation 6

Meters that can run backwards and bi-directional flows

It is recommended that the Code be amended to expressly prohibit a meter from running backwards.

See point 2.3.3 of the Recommendations Report for further information on this amendment.

2.3.4 Recommendation 7

Ownership of meters and communication links

It is recommended that clause 3.4 be amended to exempt from the clause Automated Meter Reading systems that are not owned by the network operator.

See point 2.3.15 of the Recommendations Report for further information on this amendment.

2.3.5 Recommendation 8

Sub-meters

It is recommended that the Government develop a policy framework and associated legislation to provide protection to electricity consumers who are not direct customers of a licensed retailer. The framework should also address the interests of residential and commercial on-sellers.

Through the Tariff and Concession Framework Review, the OOE has commenced investigating some of the issues associated with providing protection to customers who do not have a direct relationship with a retailer.

See point 2.3.4 of the Recommendations Report for further information on this amendment.

2.3.6 Recommendation 9

Non-compliant metering installations

It is recommended that the words “the non-compliance” be added to the end of clause 3.5(9)(b).

See point 2.3.7 of the Recommendations Report for further information on this amendment.

2.3.7 Recommendation 10

Reliability of metering installations

It is recommended that clause 3.11(1) be amended to clarify that the clause relates to the collective operational availability of a metering installation as a system to record and provide energy data.

See point 2.3.8 of the Recommendations Report for further information on this amendment.

2.3.8 Recommendation 11

Metering installations commissioned prior to commencement of the Code

It is recommended that the Code be amended so that generators who hold a generation licence will not be covered by clause 3.14. These generators will have until 30 June 2017 to ensure all the metering installations for their licensed generating plant currently covered by clause 3.14 are Code compliant.

The deadline of 30 June 2017 has been set because it is the day that Western Power’s third access arrangement period is due to expire. It will also provide sufficient time for the relevant generators and Western Power to become Code compliant.

This recommendation was not in the Recommendations Report published in April 2010 but the Recommendations Report did ask for stakeholder views on imposing a time limit on clause 3.14.

Only licensed generators will be affected by the Code amendment due to the impact of them having metering that is less accurate than revenue quality metering (a licence is required for generating plant over 30 MW). For example, the Independent Market Operator (IMO) has raised concerns with the OOE that even relatively small percentage errors in readings by Verve Energy’s less accurate SCADA metering can have a significant financial impact on the Wholesale Electricity Market. Having less accurate metering measuring generation undermines the integrity of the market as accurate data is fundamental to the operation of an efficient and effective market.

Allowing generators such as Verve Energy to continue to operate under the current arrangements also raises issues of equity between generators that are operating generating plant that was commissioned or committed to either before or after the Code was gazetted.

See point 2.3.9 of the Recommendations Report for further information on this amendment.

2.3.9 Recommendation 12

Bi-directional metering of generation plants

It is recommended that a sample of facilities be analysed to quantify the level of inaccuracy that occurs when a single metering installation measures production and consumption at a

generating plant where production is significantly greater than consumption.

The OOE will liaise with the IMO on the options for proceeding with the analysis. Initially, a preliminary analysis may be required to determine if this matter warrants further consideration and action.

See point 2.3.10 of the Recommendations Report for further information on this amendment.

2.3.10 Recommendation 13

Pre-payment meters

It is recommended that the Code be amended to require a network operator to install and operate a pre-payment meter (PPM) requested by a retailer in a manner that enables the retailer to comply with its obligations under the Customer Code.

See point 2.3.13 of the Recommendations Report for further information on this amendment.

2.3.11 Recommendation 14

Determining the metering installation “type” that should be installed

It is recommended that the Code be amended to provide network operators with the authority to determine the metering installation “Type” that must be installed at a connection point.

See point 2.3.14 of the Recommendations Report for further information on this amendment.

2.3.12 Recommendation 15

Metering installation design requirements

It is recommended that clause 3.12(d) be amended to read, “if a VT is required as part of

a metering installation and only one secondary winding is provided from it, then the voltage supply to the metering point must be separately fused and located in an accessible position as near as practicable to the VT secondary winding”.

See point 2.3.15(a) of the Recommendations Report for further information on this amendment.

2.3.13 Recommendation 16

Wholesale market metering installation requirements

1. It is recommended that clause 3.16(1) be amended to replace “internal” with “interval”.
2. It is recommended that clause 3.16(3) be amended to remove the requirement for an agreement between the network operator and Code participant to be reached for interval energy data to be recorded in sub-multiples of the trading interval. However, a requirement will remain for interval energy data to be recorded in a trading interval or sub-multiples of a trading interval.
3. It is recommended that clause 3.16(4) be removed from the Code. It is also recommended that the Authority considers a consequential amendment to the Metrology Procedure to remove the requirement on the network operator to produce the notional wholesale meter value.

See points 2.3.12 (Notional wholesale meter value) and 2.3.15 for further information on these amendments.

2.4 The Metering Database

2.4.1 Recommendation 17

Rights of access to data

It was recommended in the Recommendations Report that the Code be amended to provide users' customers with the same rights that users are provided under clause 4.8(3).

This recommendation is not being retained. The OOE appreciates the desire for this amendment from certain groups of stakeholders but on further analysis it is not deemed appropriate to allow users' customers (or users' customer representatives) remote access to metering installations. There are concerns that due to the technical limitations of Western Power's systems the proposed amendment may create unintended consequences. For example, Western Power is not currently able to provide unique read-only passwords for individual meters (the password gives you access to the population of meters) so customers could be provided with access to meters they are not entitled access to. Therefore, at this time, this amendment is not supported.

There are other options that offer lower risk solutions to providing metering data to non-Code participants. For example, this report (point 2.7.1) recommends an amendment to Part 7 of the Code that will allow Code participants to disclose energy data to third parties, with the relevant customer's consent. It is also noted that the Code currently permits signals to be provided from the meter for the user or user's customer's use.

See point 2.4.2 of the Recommendations Report for further information on this amendment.

2.4.2 Recommendation 18

Manifest error

It is recommended that "manifest error" be defined in the Code as an error that is obvious and indisputable.

In relation to what must occur when a "manifest error" is identified, it is recommended that the Code be amended to require the owner of the data that is in manifest error to use its best endeavours, with the support of the affected Code participants, to rectify the error.

See point 2.4.3 of the Recommendations Report for further information on this amendment

2.5 Metering Services

2.5.1 Recommendation 19

Metering readings and actual value

It is recommended that the Code define "actual value" as the physical collection of energy data from a metering point or the remote collection of energy data from a metering point by way of a communications link.

In the Recommendations Report it was recommended that the definition include a reading provided by the customer to the network operator. However, in order to support the provision of accurate data, and consequently accurate billing, it is not considered appropriate to allow the definition of "actual value" to include customer self-reads.

See point 2.5.3 of the Recommendations Report for further information on this amendment.

2.5.2 Recommendation 20

Undertaking a meter reading that obtains an actual value

It is recommended that the Code be amended to require that a network operator must undertake a metering reading at least once every 12 months to obtain an actual value from a meter. This amendment will apply to both accumulation and interval meters. For example, under this amendment (and the amendment in Recommendation 20) the network operator will be required to obtain interval energy data from an interval meter through physically visiting the meter or via a communications link at least once every 12 months.

It is also recommended that the Code be amended to require that a user must, when reasonably requested by a network operator, use “best” endeavours to assist the network operator to comply with the network operator’s obligation to obtain an actual value from the meter at least once every 12 months (this will replace clause 5.4(2)).

The Recommendations Report recommended that clause 5.4(1) be amended to require a network operator to use its best endeavours to obtain an actual value at least once every 12 months. However, stakeholder submissions raised significant concerns with this approach due to the impact ongoing estimated bills can have on customers. The OOE supports these concerns and believes it is not unreasonable to expect a network operator to obtain an actual value from a meter at least once every 12 months to provide certainty to retailers and customers that meters will be read to provide for accurate billing.

See points 2.5.1 and 2.5.4 of the Recommendations Report for further information on these amendments.

2.5.3 Recommendation 21

Providing energy data to the network operator

It is recommended that clause 5.16 be removed from the Code.

See point 2.5.7 of the Recommendations Report for further information on this amendment.

2.5.4 Recommendation 22

Retaining energy data

It is recommended that the Code be amended to require data that has been replaced by better data to be retained in the metering database in accordance with the timeframes and conditions prescribed in clause 4.9.

See point 2.5.8 of the Recommendations Report for further information on this amendment.

2.5.5 Recommendation 23

Notification of a sensitive load

It is recommended that the Code be amended to clarify that when a user collects and maintains customer information on sensitive loads under clause 5.19, the user must collect from the customer confirmation from an appropriately qualified medical practitioner that a person residing at the customer’s site requires the sensitive load supplied by the connection point.

The Recommendations Report recommended that no amendments be made to the Code in relation to sensitive loads. However, whilst the Customer Code makes various provisions for “life support equipment” it applies only to customers who consume not more than 160 MWh of electricity per annum. There are large use customers who consume more than 160 MWh (based on annual throughput at the connection

point) who may have sensitive loads at their address. These customers will not be covered by the Customer Code. It is considered necessary to expand the provisions in the Code as there is currently no provision to require a user to verify that a customer's site has a sensitive load.

See point 2.5.11(a) of the Recommendations Report for further information on this amendment.

2.5.6 Recommendation 24

Test and audit requests

It is recommended that clause 5.21(9) of the Code be amended to remove the following words at the end of the clause: "which results in energy data errors in the network operator's favour".

See point 2.5.11(c) of the Recommendation Report for further information on this amendment.

2.5.7 Recommendation 25

Appointment of electricity networks corporation as metering data agent

It is recommended that the Code be amended to restrict the application of Division 5.4 so that Western Power is only obligated to be a metering data agent for another network operator if the network operator's network is located within Western Power's licence area (i.e. the licence boundaries of the South West Interconnected System).

See point 2.5.9 of the Recommendations Report for further information on this amendment.

2.6 Documentation

2.6.1 Recommendation 26

Network operator must establish communication rules

It is recommended that the Code be amended to incorporate the concept of the "Build Pack" in the Communication Rules. A network operator will be required to develop the Build Pack in consultation with Code participants and any documentation that falls under the Build Pack will be required to be consistent with clause 6.5 of the Code.

It is noted that the Build Pack will not be approved by the Authority. However, if Code participants have a dispute with a network operator over the Build Pack the Code's dispute resolution procedure provides an avenue for redress.

See point 2.6.1 of the Recommendations Report for further information on this amendment.

2.6.2 Recommendation 27

Transitional provisions for documents

It is recommended that clauses 6.3 be removed from the Code.

The Recommendations Report recommended that clause 6.4 be removed from the Code but this recommendation is not being retained. Clause 6.4 may be required by network operators before their Communication Rules are approved by the Authority.

See point 2.6.2 of the Recommendations Report for further information on this amendment.

2.6.3 Recommendation 28

Model service level agreement

It is recommended that clause 6.6(1)(a) be amended to include “the Code of Conduct” before “and the Customer Transfer Code”.

See point 2.3.15 of the Recommendations Report for further information on this amendment.

2.6.4 Recommendation 29

Network operator performance reports

It is recommended that the Code be amended to require a network operator to keep records, and prepare and publish performance reports annually on, metering services in the service level agreements it has with users of its network (or the Model Service Level Agreement (MSLA) if no service level agreement has been agreed). This requirement will apply only to a network operator that had one or more small use customers connected to its network during the year.

Network operators who do not have any users on their network, such as Horizon Power, will be required to report on their performance against the timeframes and other service standards in the MSLA. The MSLA is considered to provide the most appropriate metering service standards with which to measure network operator performance throughout Western Australia.

A network operator will be required to report on performance against service standards for all its meters (not just the meters at connection points of small use customers). However, if a service level agreement has been agreed between network operator and user there will be no requirement for the report to disclose the agreed service standards in the service level agreement. As the MSLA is a public document, if a network operator is providing metering services under the

MSLA the performance report will be required to disclose the service standards in the MSLA.

Network operators will be required to disclose the total number of a ‘service’ it has been requested to provide or has scheduled to carry out under the metering service during the reporting period, the number of ‘services’ it carried out that complied with the applicable service standard and the calculated percentage compliance. For example, for scheduled bi-monthly metering readings under the MSLA, the network operator will be required to provide the total number of meter readings scheduled for the reporting period, the number of meter reads that complied with the service standard and the calculated percentage compliance.

The network operator will be required to provide a copy of the report to the Minister and the Authority and make the report publicly available by 1 October in the financial year following the financial year that is being reported on. A copy of the report will be required to be given to the Minister and the Authority at least five business days before it is published.

The Recommendations Report recommended that the Code be amended to require network operators to report annually on meeting the requirements of specific Code clauses. However, it is considered preferable to require network operators to report on metering services provided under the MSLA or service level agreements. Metering services are directly related to requirements under the Code and performance is easily measured against the relevant service standard. Also, users (and by extension customers) must pay for the services and performance reports will ensure transparency and accountability.

See point 2.6.3 of the Recommendations Report for further information on this amendment.

2.6.5 Recommendation 30

Metering management plan and AS 1284

It is recommended that the Code's definition of "meter" be amended to reflect the Metrology Procedures definition of "meter", which is "a device [complying with the relevant requirements of the AS 1284 series of standards] which measures and records the production or consumption of electrical energy, electricity production or consumption."

An amendment to clause 6.8 is recommended that requires the Metrology Procedure to provide for the systematic sampling and testing of meters in service in accordance with AS 1284.13 (Part 13: In-service compliance testing).

See point 2.6.4 of the Recommendations Report for further information on this amendment.

2.6.6 Recommendation 31

Metrology procedure and asset management system

It is recommended that clause 6.8(d) be removed from the Code. This is to address an inconsistency that there is no statutory requirement for the asset management system of a network operator to be consistent with the Metrology Procedure. Clause 6.8(d) infers an obligation for the asset management system approved under section 14 of the EI Act to be consistent with the Metrology Procedure, which is not explicitly supported by the EI Act. The licensee can demonstrate they are maintaining metering assets by complying with the Code and Metrology Procedure.

2.6.7 Recommendation 32

Approval procedure for approved documents

It is recommended that clause 6.13(2) be amended to remove the restriction of a maximum of 30 business days that the time limit can be extended by. It is recommended that the Authority be permitted to extend the time limit for a period determined by the Authority and more than once if required.

In the Recommendations Report it was also recommended that extensions of time by the Authority must be agreed with the network operator and the Authority will be required to report extensions in its annual report. However, it is not considered appropriate for the Authority's decisions to be subject to network operator approval and, as the Authority will be required to publish a notice of the extension, it is not considered necessary to require similar information to be published in its annual report. Therefore, these additional amendments are not supported.

See point 2.6.6 of the Recommendations Report for further information on this amendment.

2.6.8 Recommendation 33

Authority drafts its own documents

It is recommended that clause 6.17(1) be removed from the Code.

See point 2.6.7 of the Recommendations Report for further information on this amendment.

2.6.9 Recommendation 34

Review and amendment of a network operator's documents

It is recommended that the Code be amended to make available to the Authority additional extensions to the timeframes in clauses 6.20(3)(a) and 6.20(3)(c). The period of the extensions will be determined by the Authority and the Authority will be required to publish notice of, and reasons for, its decision to extend the time limit.

In the Recommendations Report it was also recommended that extensions of time by the Authority must be agreed with the network operator and the Authority will be required to report extensions in its annual report. However, it is not considered appropriate for the Authority's decisions to be subject to network operator approval and, as the Authority will be required to publish a notice of the extension, it is not considered necessary to require similar information to be published in its annual report. Therefore, these additional amendments are not supported.

See point 2.6.8 of the Recommendations Report for further information on this amendment.

2.6.10 Recommendation 35

Metering advisory committee

It is recommended that clause 6.12 be amended to require that the Authority must, if it decides to establish the Metering Advisory Committee, determine the role, functions, composition and procedures of the Metering Advisory Committee before it is established.

See point 2.6.9 of the Recommendations Report for further information on this amendment.

2.7 Notices and Confidential Information

2.7.1 Recommendation 36

Permitted disclosure

1. It is recommended that the Code be amended to allow a Code participant to disclose or permit the disclosure, use or reproduction of metering database information ("confidential information") with the explicit informed written consent of the relevant customer. "Written" consent will include any electronic form capable of being reduced to paper form by being printed.

A disclosing Code participant will be permitted to recover the cost of providing the data, must not unreasonably deny access to the data and may make disclosure subject to reasonable conditions. This additional information about the amendment was not in the Recommendations Report and has been provided in response to requests from stakeholders for more detail on the amendment.

2. It is recommended that the Code be amended to permit the IMO to disclose, use or reproduce "confidential information" for the purpose of facilitating the operation of the Wholesale Electricity Market Rules (the Market Rules).

This amendment was not in the Recommendations Report. However, the IMO has raised valid concerns about the restrictions it has in using the metering data of market participants to facilitate the operation of the Market Rules. As an objective of the Code is to facilitate the operation of Part 9 of the EI Act (the part of the EI Act that provides for the Market Rules) it is considered appropriate to amend the Code to specifically allow the IMO to use metering data for the purpose of facilitating the operation of the Market Rules.

3. It is recommended that the Code be amended to define “affected Code participant” as the Code participant who is the “user” with the access contract for the connection point that the relevant “confidential information” relates to or who is the owner of the relevant “confidential information” under the Code.

See point 2.7.1 of the Recommendations Report for further information on these amendments.

2.8 Dispute Resolution

2.8.1 Recommendation 37

Dispute resolution

No amendments to Part 8 of the Code are recommended.

In the Recommendations Report it was recommended that Part 8 be removed from the Code. However, the OOE understands there are sufficient grounds to retain Part 8 in the Code (and, more generally, for section 39 Codes to provide for dispute resolution). The OOE supports the retention of Part 8 and therefore does not recommend its removal.

See point 2.8.1 of the Recommendations Report for further information on this amendment.

2.9 Code Amendment and Review

2.9.1 Recommendation 38

Effectiveness of the Code

It is recommended that the OOE investigate mechanisms for increasing communications between itself and industry to ensure that the Code continues to meet its objectives.

It is noted that Part 9 of the Code allows a Code participant or an interested person to submit a proposed Code amendment to the Authority for its consideration and recommendation to the Minister. Therefore, there is an existing mechanism available to consider any amendments that may be required from time to time.

See point 2.9.1 of the Recommendations Report for further information on this amendment.

2.10 Appendices

2.10.1 Recommendation 39

Appendix 5

It is recommended that Appendix 5 be removed from the Code.

See point 2.10.3 of the Recommendations Report for further information on this amendment.



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