



ELECTRICITY CUSTOMER TRANSFER CODE

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PART 1: INTRODUCTION

1. THIS CODE

1.1 Purpose

The purpose of this Code is to facilitate and regulate aspects of the process by which *customers* can choose to change *retailer* or (in certain circumstances) can be transferred to another *retailer*. The data access rules and the transfer rules contained in this Code operate in conjunction with the *National Electricity Rules* and the national *CATS retail transfer procedures* which operate under the *National Electricity Rules*.

1.2 Date of effect

This Code replaces the Code published in December 2009 with effect from 1 April 2011.

1.3 To whom and how this Code applies

This Code applies to:

- (a) each *distributor* under its *distribution licence* or, if applicable, a condition of its exemption from the requirement to hold a licence;
- (b) each *retailer* under its *retail licence* or, if applicable, a condition of its exemption from the requirement to hold a licence;
- (c) each *metering provider* and *metering data provider* who is obliged to comply with this Code under clause 1.3(a) or under a contract with the *distributor* or *retailer* who engaged the provider; and
- (d) each *responsible person* who is not a *distributor* or a *retailer*, under the applicable condition of its exemption from the requirement to hold a licence under the *Act*.

1.4 Obligation to contract for compliance

A *distributor* or a *retailer* must only engage a *metering provider* or a *metering data provider* on the basis that the provider must comply with this Code.

1.5 Amendment

- (a) The *Commission* may amend this Code on its own initiative or in response to a proposal by a *retailer*, a *distributor* or other interested persons if it considers the amendment would better achieve the *Commission's* objectives in the *Essential Services Commission Act 2001* or the *Act* or any relevant statement of government policy.

- (b) The *Commission* will effect an amendment by applying the *Commission's* common seal to a document detailing the amendment.
- (c) Unless the *Commission* is satisfied on reasonable grounds that an amendment is urgently required, the *Commission* will not amend this Code unless and until:
 - (i) all *retailers*, all *distributors* and other interested persons have been given a reasonable opportunity to make representations to the *Commission* concerning the amendment; and
 - (ii) those representations have been taken into account.
- (d) The date specified on the amendment must not be earlier than the date on which the amendment is made without prior agreement from affected persons.
- (e) The *Commission* will notify all *retailers*, all *distributors* and other interested persons of any amendment the *Commission* makes to this Code.

1.6 Other applicable laws and codes

This Code does not set out comprehensively all rights and obligations of persons to whom it applies relating to participation in *MSATS*, market data or *customer* transfers. For information purposes, a list of the other relevant applicable laws and codes as at 30 November 2001 appears in Appendix A.

PART 2: MARKET DATA

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3. NMI DISCOVERY AND MARKET FACILITATION DATA

3.1 NER – Victorian NMI standing data requirements

- (a) For the purposes of clause 3.13.12 of the *NER*:
 - (1) a *NMI* and each item of *NMI standing data* are categories of data which *NEMMCO* is required to make available to *retailers* on request in respect of a *supply point* (identified by *NMI*) specified in the request;
 - (2) each *distributor* is required to provide to *AEMO* the *NMI* and each item of *NMI standing data* in respect of each *supply point* for which it is the *distributor*;
 - (3) a *distributor* must supply the information referred to in sub-paragraph 3.1(a)(2) as soon as practicable and in any event within two *Victorian business days* of becoming aware of a change to an item of data;
 - (4) *AEMO's* disclosure obligation in respect of data referred to in this clause 3.1(a) is limited to data relating to a request made by a *retailer* specifying the applicable supply address or *NMI*;

- (5) a *retailer*, when that *retailer* is not the *FRMP* for the *customer's supply point*, may use a *NMI* or *NMI standing data* supplied by *AEMO* only for the following purposes:
- providing *connection services*;
 - providing a *customer* with a quotation or proposal while seeking to be the *FRMP* for the *customer's supply point*; or
 - entering a change of *retailer* request into *MSATS* in order to become the *FRMP* for the *customer's supply point*.
- (b) Clause 3.1(a) will constitute Victoria's "Jurisdictional NMI Standing Data schedule" within the meaning of that term in the *NER*.

3.2 NMI discovery search

- (a) A *distributor* must provide to a *retailer*, on request by the *retailer*, the *NMI* for a particular requested supply address expressed by street address, *DPID* (if applicable) or other unique meter identifier (if applicable). Each request by a *retailer* under this clause may only relate to one supply address. The *distributor* must provide the *NMI* as soon as possible but in any event within two *Victorian business days* of the request.
- (b) A *retailer* must not request a *distributor* to provide a *NMI* if it is available to that *retailer* in a timely manner through *MSATS*.

3.3 Access to NMI standing data

- (a) As a separate obligation to those contained in the *NER*, subject to clause 3.3(b) a *distributor* must not release *CATS standing data* to any person other than the *Commission* or *AEMO*, except as required by law or as permitted by the *Commission*.
- (b) A *distributor* must provide *NMI standing data* to a *retailer* as soon as possible but in any event within two *Victorian business days* of a request by way of an identified *NMI* (not a supply address).
- (c) A *retailer* must not request a *distributor* to provide *NMI standing data* if it is available to that *retailer* in a timely manner through *MSATS*.

PART 3: CUSTOMER TRANSFERS

4. PROCESS FOR CUSTOMER TRANSFER

4.1 Proposed retailer to initiate

- (a) A proposed transfer of a *customer* to a new *retailer* must be initiated by the proposed new *retailer* as soon as practicable after the expiry of the cooling-off

period (if any) applicable to the contract between the *customer* and the new *retailer*:

- (1) with the *explicit informed consent* of a *relevant customer* or otherwise the consent of the *customer*;
- (2) in accordance with the *CATS retail transfer procedures*;
- (3) by nomination of a proposed date in accordance with clause 4.2.

(b) A proposed transfer of a *customer* to a new *retailer* may be initiated by the proposed new *retailer* prior to the completion of the cooling-off period (if any) so long as the transfer can be reversed if the *customer* elects to withdraw.

(cb) Clause 4.1(a)(1) does not apply in respect of the transfer of a *customer*:

(i) to the person nominated as the 'ROLR' for the NMI in accordance with the *CATS retail transfer procedures*;

(ii) in connection with an *assignment* of that *customer's* contract which forms part of the transfer to the same third party of all or substantially all of the *retailer's* retail sales business.

4.1A Smart meters

For the purposes of clauses 4.2 and 4.3, if a *customer* has a *smart meter* that is remotely read, a reading of the *customer's* meter and the processing of the consumption data in accordance with the *Electricity Customer Metering Code* or *Metrology Procedure*, as the case may be, is considered to be an actual read and a scheduled meter read.

4.2 Proposed transfer date

- (a) Subject to clauses 4.2(b),(c) and (d)¹, a proposed transfer date may be up to 20 *national business days* after a *customer's* request to transfer is made to the proposed new *retailer* or a previous date. Until either the *special reads start date*² or the *estimates start date*, in the case of a transfer of a *relevant customer* the date must be a previous actual or a scheduled meter reading date.
- (b) A proposed transfer date must not be a previous date unless it:
 - (1) is the date on which a *relevant customer* took possession of the premises at which the *supply point* is located ("move-in" date) (*CATS code* 1040 or 1084);

¹ Also subject to clause 7.1(o)

² The Commission has decided that the *special reads start date* is 1 June 2004.

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- (2) was an actual meter reading date for a *relevant customer* with other than a *smart meter* occurring after the *retrospectivity start date* (*CATS code* 1010 or 1081)³; or
- (3) is proposed to correct an error in *CATS standing data* (*CATS code* 1020 to 1029 inclusive or 1082).
- (c) A proposed transfer date cannot be earlier than the later of 130 *national business days* before nomination of the date to *AEMO* or the date on which the existing *retailer* became financially responsible for the *NMI*; or
- (d) Despite clause 4.2(a), in the case of a *customer* who is not a *relevant customer*, or with the agreement of a *relevant customer*, a proposed transfer date may be up to 65 *national business days* after a *customer's* request to transfer is made to the proposed new *retailer*.
- (e) From the *estimates start date*, in any discussions with a *customer* about a proposed transfer date a proposed new *retailer* must explain the implications of the date for whether an estimated meter reading will be the basis of the transfer and must explain the nature and implications of such an estimate for a transfer.

4.3 Meter read method

- (a) All meter readings including (if allowed by this Code) estimates and *customer* own readings must be performed in accordance with the *Metrology Procedure* or the *Electricity Customer Metering Code* (as applicable).
- (b) A transfer on an actual meter reading date must be based on the actual meter reading.
- (c) Until the *special reads start date*, a transfer of a *relevant customer* must not be based on a special meter reading unless a scheduled meter reading did not occur or unless the special meter reading was performed for a reason other than for the proposed transfer. A special meter reading performed for the transfer because the scheduled meter reading did not occur must be conducted at the proposed new *retailer's* cost (or, by agreement with the *customer*, partly or wholly at the *customer's* cost).
- (d) Until the *estimates start date*, a transfer of a *relevant customer* must not be based on an estimated meter reading. For a proposed transfer of a *relevant customer* after the *special reads start date* which is not a previous actual or a scheduled meter reading date:
 - (1) until the *estimates start date*, the transfer must be based on a special meter reading obtained at the proposed new *retailer's* cost (or, by agreement with the *customer*, partly or wholly at the *customer's* cost); or

³ The *Commission* has decided that the *retrospectivity start date* for *CATS codes* 1010 and 1081 is 1 July 2002.

- (2) from the *estimates start date*, a transfer must be based on a special meter reading obtained at the proposed new *retailer's* cost unless the *customer* has agreed to the proposed new *retailer* basing the transfer on an estimated meter reading.
- (e) The proposed new *retailer* must advise *AEMO* of the applicable meter read method at the time of initiating a transfer proposal through *MSATS*.
- (f) If, after the *estimates start date*, a proposed new *retailer* proposes a transfer based on an estimated meter reading, the existing *retailer* may procure a special meter reading to occur on the proposed transfer date at its cost, in which case the transfer is to be based on that special meter reading.
- (g) The relevant *responsible person* and *metering data provider* must give effect to a *retailer's* reasonable requirements under this clause 4.3.

4.4 Customer's own reading

An actual meter reading may be performed by a *customer* where the *customer* has an arrangement to do so prior to a proposed transfer with the *distributor* or *responsible person* (as the case may be). The references to "special meter reading" in clause 4.3(d) in those cases include a *customer's* own reading (in which case there is to be no special meter reading cost borne by the new *retailer*).

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4.6 Intentionally Left Blank

5. OBJECTIONS TO TRANSFER OF CUSTOMERS

5.1 Valid objections

- (a) Intentionally left blank
- (b) Subject to clause 5.3, an objection using *CATS code* "DEBT" must not be made by an existing *retailer* unless the debt is *certified debt*.

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5.4 Notification to customer of valid objection

A proposed new *retailer* must notify a *customer* of a *valid objection* within 5 *national business days* of its receipt of notice of the objection. All such notifications must be accompanied by an explanation of the reasons for the objection and an explanation of any mechanism available for resolution of the objection.

5.5 Resolution efforts required

Until the end of 20 *national business days* after a *valid objection*, the *objector* and the proposed new *retailer* must each use best endeavours to resolve the objection, involving the *customer* in such resolution endeavours if appropriate.

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THE COMMON SEAL of
THE ESSENTIAL SERVICES
COMMISSION

was affixed pursuant to
the authority of the Commission
on 11 December 2002

JOHN C. TAMBLYN
Chairperson

PART 4: DEFINITIONS AND INTERPRETATION

6. DEFINITIONS

In this Code:

Act means the *Electricity Industry Act 2000*.

AEMO means the Australian Energy Market Operator ABN 94 072 010 327

Assignment has the same meaning as in the *Energy Retail Code*.

CATS code means a code used in the *CATS retail transfer procedures*.

CATS standing data means the data items held in the following data base tables defined in *MSATS* in respect of a *NMI*⁴:

- (a) CATS NMI Data Stream;
- (b) CATS NMI Data;
- (c) CATS NMI Register;
- (d) CATS NMI Participants Relation.

CATS retail transfer procedures means the procedures set out in the document named “MSATS Procedures: CATS Procedures Part 1 Principles and Obligations” issued by *AEMO* under the *NER*.⁵

certified debt means an aggregate sum of \$200 or more:

- (a) net of any refundable advance held by the *retailer*; and
- (b) not including any debt owing by a *customer* to a *retailer* for which restructured payment terms have been agreed by the *customer* and adhered to for at least three months,

owing by a *relevant customer* to a *retailer* in respect of a *NMI* which:

- (a) is not in dispute;
- (b) has been outstanding for at least 40 *Victorian business days*;
- (c) is in respect of the supply and sale of electricity or *connection services*;

⁴ *NMI standing data* is a subset of *CATS standing data*

⁵ “CATS” is an acronym for Customer Administration and Transfer Solution, a component of *MSATS*.

(d) remains despite the *customer* having been offered, in writing, restructured payment terms for its repayment (of the sort contemplated by the Electricity Retail Code).

Commission means the Essential Services Commission under the *Essential Services Commission Act 2001*.

connection services means services provided by a *retailer* in relation to the connection of a *customer's supply point*.

customer means a person who buys or proposes to buy electricity from a *retailer*.

distribution licence means a licence to distribute and supply electricity granted under the *Act*.

distributor means a person who holds, or is exempt from holding, a *distribution licence* under the *Act*.

DPID means Delivery Point Identifier, an identifier used by Australia Post.

Electricity Customer Metering Code means the code of that name certified by the *Commission*.

Energy Retail Code means the code of that name ~~certified~~ determined by the *Commission* under the *Electricity Industry Act and Gas Industry Act*.

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estimates start date means a date *notified* as the date from which a *customer* transfer can be based on an estimated meter reading.

embedded network has the same meaning as in the *Metrology Procedure*.

explicit informed consent has the same meaning as in each *retail licence*.

FRMP means the *retailer* who is the Financially Responsible Market Participant within the meaning in the *NER*.

local retailer has the same meaning as in each *retail licence*.

metering data provider means the Metering Data Provider within the meaning in the *NER* or, if no such person is appointed, the *distributor*.

metering installation has the same meaning as in the *NER*.

metering provider means the Metering Provider within the meaning in the *NER* or, if no such person is appointed, the *distributor*.

Metrology Procedure means the national metrology procedure published by *AEMO* in accordance with the requirements of the *NER*.

MSATS means the Market Settlement and Transfer Solution, a system operated by *AEMO*.

national business day means a business day under the *NER*.

National Electricity Rules or *NER* has the meaning given to it in the *National Electricity (Victoria) Act 2005*.

NMI means a national metering identifier.

NMI standing data means each of the following in respect of a *NMI*:

- (a) the *NMI* checksum;
- (b) the transmission node identifier code;
- (c) the distribution loss factor;
- (d) the *distributor*'s network tariff code;
- (e) Meter Serial Number (as defined in the *CATS retail transfer procedures*);
- (f) Register ID (as defined in the *CATS retail transfer procedures*);
- (g) Network Tariff Code Additional Information (as defined in the *CATS retail transfer procedures*);
- (h) the *NMI* classification;
- (i) the read cycle date or date of next scheduled meter read (if applicable);
- (j) the characteristic of a *parent* or child in an *embedded network* (if applicable);
- (k) the responsible *distributor*;
- (l) Address (as defined in the *CATS retail transfer procedures*);
- (m) the jurisdictional code (as defined in the *CATS retail transfer procedures*);
- (n) *NMI* Status Code (as defined in the *CATS retail transfer procedures*);
- (o) Metering Installation Code (as defined in the *CATS retail transfer procedures*);
- (p) Suffix (as defined in the *CATS retail transfer procedures*);
- (q) Profile Name (as defined in the *CATS retail transfer procedures*).

notified means published by the *Commission* in the Government Gazette and on its website and advised to *AEMO*.

objector means a person who makes a *valid objection*.

parent has the same meaning as in the *Metrology Procedure*.

relevant customer has the same meaning as in any relevant Order in Council made or in force under the *Act*.⁶

responsible person means in relation to second tier *customers*, the person who has the responsibility for a *metering installation* for a particular *supply point*, being either the *distributor* or the Market Participant within the meaning in the *NER*.

retrospectivity start date means a date *notified* as the date from which retrospective transfers are allowed in addition to retrospectivity for *customer* “move-ins” and for correction of errors in *CATS standing data*.

retailer means a person who holds, or is exempt from holding, a *retail licence* under the *Act*.

retail licence means a licence granted under the *Act* to sell electricity otherwise than through the *wholesale electricity market*.

smart meter means an interval *meter* designed to transmit data to a remote locality that meets the functionality requirements for advanced metering infrastructure set out in any relevant Order made under section 46D of the *Electricity Act*.

special reads start date means a date *notified* as the date from which a *customer* transfer can be based on a special meter reading performed for the purpose of that transfer.

supply point in relation to the supply of electricity to a person, means the point at which that supply of electricity last leaves a supply facility owned or operated by a *distributor* before being supplied to the person, whether or not the electricity passes through facilities owned or operated by any other person after leaving that point before being so supplied. It includes a “Connection Point” within the meaning in the *Metrology Procedure* and a “point of supply” within the meaning in the *Electricity Customer Metering Code*.

valid objection means an objection permitted by and made pursuant to clause 5.1.

Victorian business day means a day other than a Saturday or Sunday or a Victorian public holiday.

wholesale electricity market means the market for wholesale trading in electricity operated by *AEMO* under the *NER*.

7. INTERPRETATION

7.1 In this Code, unless the context otherwise requires:

- (a) headings are for convenience only and do not affect the interpretation of this Code;
- (b) words importing the singular include the plural and vice versa;

⁶ At present the *NMI* classification “SMALL” in the *CATS retail transfer procedures* equates to *relevant customers*.

- (c) words importing a gender include any gender;
- (d) an expression importing a natural person includes any company, partnership, trust, joint venture, association, corporation or other body corporate and any governmental agency;
- (e) a reference to a condition, clause, schedule or part is to a condition, clause, schedule or part of this Code;
- (f) a reference to terms of an offer or agreement is to all terms, conditions and provisions of the offer or agreement;
- (g) a reference to any statute, regulation, proclamation, order in council, ordinance or by-law includes all statutes, regulations, proclamations, orders in council, ordinances or by-laws varying, consolidating, re-enacting, extending or replacing them and a reference to a statute includes all regulations, proclamations, orders in council, ordinances and by-laws issued under that statute;
- (h) a reference to a document or a provision of a document includes an amendment or supplement to, or replacement or novation of, that document or that provision of that document;
- (i) a reference to a person includes that person's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and permitted assigns;
- (j) when italicised, other parts of speech and grammatical forms of a word or phrase defined in this Code have a corresponding meaning;
- (k) a period of time:
 - (1) which dates from a given day or the day of an act or event is to be calculated exclusive of that day; or
 - (2) which commences on a given day or the day of an act or event is to be calculated inclusive of that day;
- (l) an event which is required under this Code to occur on or by a stipulated day which is not a ***national business day*** may occur on or by the next ***national business day***;
- (m) “meter reading” is taken to mean the calculation of energy data for an unmetered load in the case of a type 7 ***metering installation***;
- (n) “type” in relation to a ***metering installation*** means a type (numbered 1 to 7) within the meaning in the ***Metrology Procedure***;
- (o) a “previous” or “retrospective” date cannot be a day earlier than either the commencement of ***MSATS*** or the date from which a ***customer*** could choose its ***retailer***;
- (p) if there is any inconsistency between a clause and an Appendix, the clause prevails.

- 7.2 In deciding whether a person has used best endeavours, regard will had to all relevant factors including whether the person has acted in good faith and has done what is reasonably necessary in the circumstances.

APPENDICES

APPENDIX A - OTHER APPLICABLE LAWS AND CODES

- *National Electricity Law*
- *Energy Retail Code*
- *CATS retail transfer procedures*
- *Metrology procedure* (clauses 3.2.6, 3.2.7 3.4.1, 3.4.4, 3.5, 3.7.1, 3.7.4, 3.6.5)
- *Electricity Customer Metering Code* (clauses 8.1, 13, 15, 17, 19, 20)
- *Distribution licences* (clauses 14.1 and 33.3)
- *Retail licences* (clause 9.1)

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