

Eligibility criteria for CDR consumers

Energy sector

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1. Purpose

This document provides guidance for data holders in the energy sector, to help them assess whether a consumer in the energy sector is eligible for data sharing in CDR under the *Competition and Consumer (Consumer Data Right) Rules 2020* (CDR rules).

We recognise that account structures in the energy sector will differ. This document provides guidance on how to assess eligibility in a variety of example scenarios.

Data holders should read this guidance in conjunction with the CDR rules.

2. Overview

Under the CDR Rules, data holders are required to enable sharing of required consumer data¹ for eligible CDR consumers. To be an eligible CDR consumer, a consumer must fit within the definition of a ‘customer’ in the Energy Sector Designation² and meet the eligibility criteria set out in the CDR Rules³.

Rule 1.10B provides the definition of an eligible CDR consumer that applies across all designated sectors. Additional eligibility criteria specific to the energy sector is in clause 2.1 of schedule 4. A CDR consumer may be ‘eligible’ in the energy sector if:

- they are a customer of the retailer, and their account relates to an arrangement where the retailer sells or supplies electricity to them
- the energy consumed in association with their account:
 - is less than 5 GWh over the previous 12 months; or
 - for an account that has been in existence for less than 12 months, the estimated annual consumption is less than 5 GWh
- their account has at least one connection point or child connection point⁴ for which there is a financially responsible market participant⁵ in the National Electricity Market (NEM). That is, the consumer must be ‘on market’ in the NEM.⁶

¹ Clause 3.2 of Schedule 4 of the CDR rules defines required consumer data in the energy sector.

² Section 5 of the [Consumer Data Right \(Energy Sector\) Designation 2020](#) defines a ‘customer’ as a person who purchases electricity or to whom electricity is supplied by a retailer.

³ See rule 1.10B and clause 2.1 of Schedule 4 of the CDR rules.

⁴ Child connection points occur where there are multiple end user connection points between the distribution network and end users, each with their own meters (e.g. this may be the case in apartment blocks)

⁵ The financially responsible market participant is the entity registered with AEMO that is responsible for making or receiving payments in relation to electricity transferred across a connection point (e.g. an energy retailer).

⁶ Customers in embedded networks are only eligible if they are being sold electricity by an energy retailer, rather than by a person that holds an exemption from the Australian Energy Regulator from the requirement to be a registered network service provider.

3. Energy arrangements and accounts

As specified in clause 2.1(1) of Schedule 4, a consumer's energy consumption must be below the 5GWh threshold to be considered eligible for data sharing in CDR. The 5GWh consumption threshold applies to the energy account rather than the premises or specific connection point(s) for the premises.

An arrangement in CDR refers to an arrangement under which electricity is sold by a retailer or supplied in respect of connection points for the premises of a person.⁷ An arrangement is held in relation to a specific account and each account may have multiple arrangements associated with it. Multiple arrangements may be in place for different locations or connection points. The aggregated consumption for multiple locations and/or arrangements under a single account must satisfy the 5GWh consumption threshold for a CDR consumer to be considered eligible in the energy sector.⁸

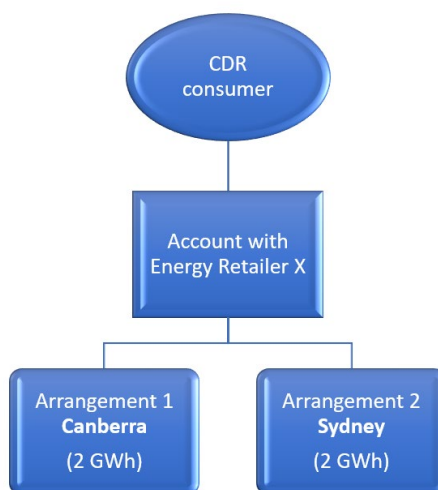
A CDR consumer may have more than one account with their retailer, with each account associated with one or more arrangement.

3.1. Scenario A

A consumer has a single account with Energy Retailer X which includes an arrangement that supplies electricity for a premises in Canberra and another arrangement for a premises in Sydney. The consumer's account has existed for over 12 months and the energy consumed in association with each arrangement was 2GWh over the previous 12 months as demonstrated in Figure 1.

The total energy consumed under the single account is 4GWh which satisfies the 5GWh consumption threshold. This means the consumer is an eligible CDR consumer if it meets the remaining eligibility criteria in the CDR rules.

Figure 1



⁷ Section 5 of the Consumer Data Right (Energy Sector) Designation 2020.

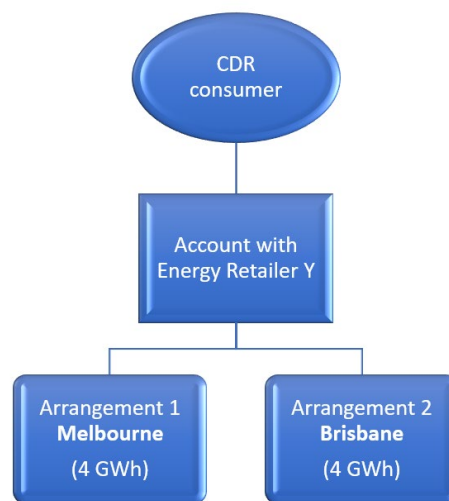
⁸ [Competition and Consumer \(Consumer Data Right\) Amendment Rules \(No. 2\) 2021, Explanatory statement](#), page 8 paragraph 7.

3.2. Scenario B

A consumer has a single account with Energy Retailer Y which includes an arrangement that supplies electricity for a commercial premises in Melbourne and another arrangement for a commercial premises in Brisbane. The consumer's account has existed for over 12 months and the energy consumed in association with each arrangement was 4GWh over the previous 12 months as demonstrated in Figure 2.

The total energy consumed under the single account is 8GWh which surpasses the 5GWh consumption threshold. This means the consumer does not satisfy the eligibility criteria and will not be an eligible CDR consumer.

Figure 2



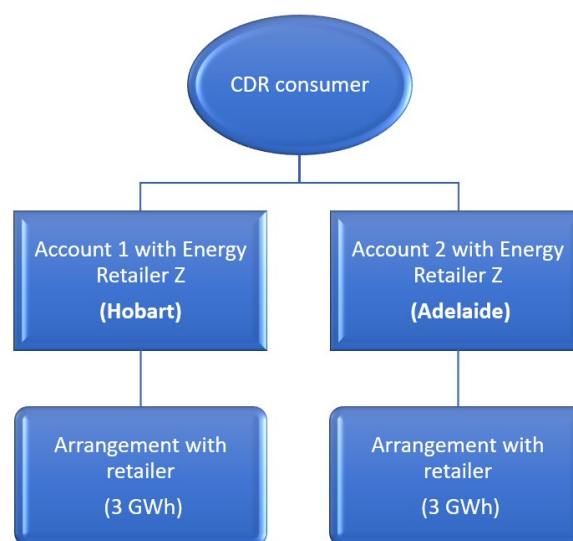
3.3. Scenario C

A consumer holds two accounts with Energy Retailer Z. One account relates to an arrangement for the supply of electricity for a commercial premises in Hobart and the other for a commercial premises in Adelaide. The consumer's accounts have existed for over 12 months and the energy consumed in association with each arrangement was 3GWh over the previous 12 months as demonstrated in Figure 3.

The energy consumed under each account is 3GWh which satisfies the 5GWh consumption threshold. This means the consumer is an eligible CDR consumer if it meets the remaining eligibility criteria in the CDR rules.

However, the consumer would not be an eligible CDR consumer if both arrangements were aggregated into a single account. This is because the total consumption would be 6GWh which is above the 5GWh threshold.

Figure 3



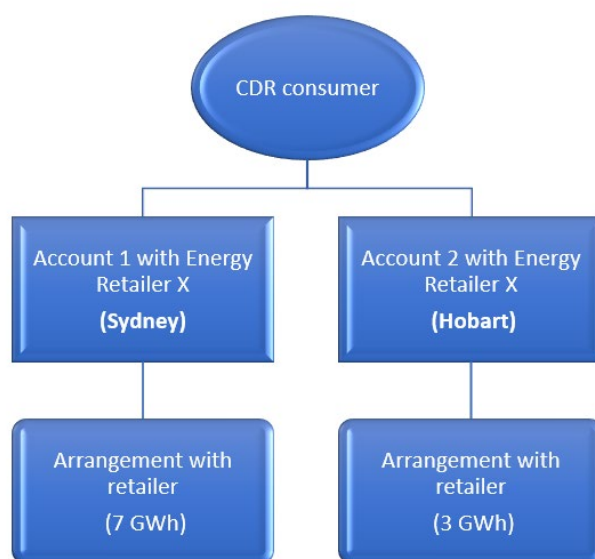
3.4. Scenario D

A consumer holds two accounts with Energy Retailer X. One account relates to an arrangement for the supply of electricity for a commercial premises in Sydney and the other for a commercial premises in Hobart. The consumer's accounts have existed for over 12 months. The energy consumed under the Sydney and Hobart accounts are 7GWh and 3GWh respectively (see Figure 4).

While the Sydney account exceeds 5GWh, the Hobart account satisfies the 5GWh threshold. If the consumer meets the remaining eligibility criteria, both accounts will be in scope for data sharing under the CDR. This is because the consumer has at least one account with the retailer that satisfies the 5GWh threshold. Once a consumer has one account that meets the eligibility requirements (including the 5GWh threshold), the retailer is required to facilitate data sharing for all accounts the consumer holds with them. This can include accounts with more than 5GWh consumption.

In these circumstances, if the site-based arrangements were aggregated into a single account, the aggregate consumption would be 10GWh which exceeds the 5GWh threshold. This would mean the consumer would no longer be considered an eligible CDR consumer.

Figure 4



4. Franchising arrangements

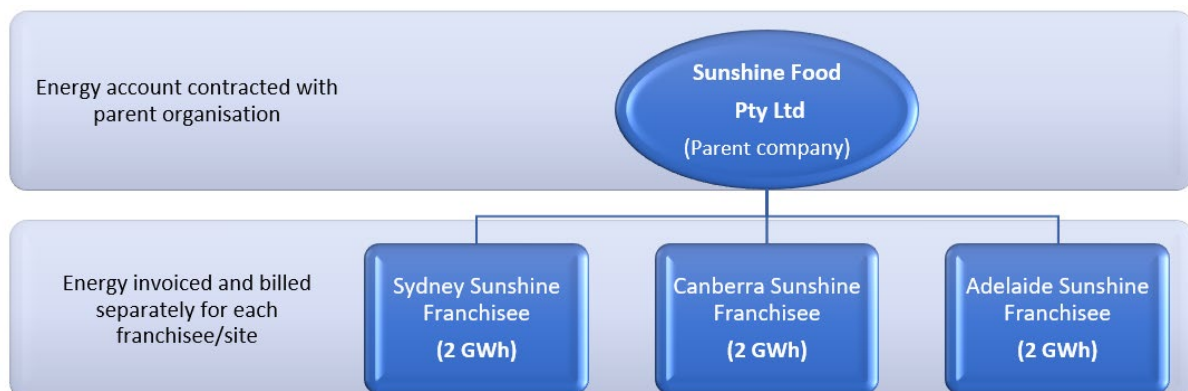
Where franchising and other collective billing arrangements are in place, the 5GWh consumption threshold is calculated based on the aggregate energy consumption of each contract maintained by the parent organisation. This contract is considered the parent account. For example, the franchisor may maintain the contract for all its franchisees. In this scenario, multiple sites may be billed separately in accordance with the terms and conditions of a single contract. This means that specific sites could be considered eligible for data sharing in the CDR only if the total energy consumption of all sites under the single contract is less than 5GWh.

4.1. Scenario E

Sunshine Food Pty Ltd is a franchisor with franchisees located in Sydney, Canberra and Adelaide. Sunshine Food enters into a single energy contract with Retailer X which covers all three franchisees (see Figure 5). This contract is considered the parent account. Each franchisee is individually billed and invoiced for their energy consumption.

Sunshine Food Pty Ltd's account with Energy Retailer X has existed for over 12 months and the aggregate energy consumed by all 3 sites is 6 GWh which exceeds the 5GWh consumption threshold. This means that Sunshine Food Pty Ltd and any franchisees billed in accordance with the same parent contract will not be eligible for data sharing under the CDR.

Figure 5



NOTE: This document provides general guidance only. It does not constitute legal or other professional advice and should not be relied on as a statement of the law. As this is only a guide, it may contain generalisations. We encourage participants to obtain their own professional advice to ensure they understand their obligations under the CDR framework.