



# ICRC

Independent Competition and Regulatory Commission

## **Licensed electricity, gas and water and sewerage utilities**

Compliance report for 2005–06

**Report 10 of 2007**

**November 2007**

The Independent Competition and Regulatory Commission (the Commission) was established by the *Independent Competition and Regulatory Commission Act 1997* to determine prices for regulated industries, advise government about industry matters, advise on access to infrastructure and determine access disputes. The Commission also has responsibilities under the Act for determining competitive neutrality complaints and providing advice about other government-regulated activities. Under the *Utilities Act 2000*, the Commission also has responsibility for licensing utility services and ensuring compliance with licence conditions.

The Commission has one part-time Senior Commissioner, Paul Baxter.

Submissions, correspondence or other enquiries may be directed to the Commission at the addresses below:

The Independent Competition and Regulatory Commission

GPO Box 296  
CANBERRA CITY ACT 2601

Level 2  
12 Moore Street  
CANBERRA CITY ACT

The secretariat may be contacted at the above addresses, by telephone on 6205 0799, or by fax on 6207 5887. The Commission's website is at [www.icrc.act.gov.au](http://www.icrc.act.gov.au) and its email address is [icrc@act.gov.au](mailto:icrc@act.gov.au).

For further information on this investigation or any other matters of concern to the Commission, please contact the Commission on 6205 0799.

# Foreword

Utilities licensed to supply electricity, gas, water and sewerage services in the ACT are required to comply with a number of statutory and regulatory obligations under the *Utilities Act 2000*, licences and technical and industry codes of practice. One such requirement is to report annually to the Commission on the utility's compliance with these obligations and performance of functions under the Act.

Each year the Commission prepares a report summarising utility licensees' compliance with their statutory obligations. This is the fifth such report.

The utilities compliance reports serve a number of purposes. First and foremost, they are the principal means by which the Commission monitors utility service providers' compliance. Second, the reports provide information to utilities and other interested parties on the nature and extent of licensees' compliance and, more generally, their performance. Third, by identifying underperformance or non-compliance, the reports provide utilities with a means of addressing and improving their performance.

The Commission also publishes a complementary performance report which comments on the performance of individual businesses, both over time and compared with the performance of like utilities in other jurisdictions. The 2005–06 performance report will be finalised shortly.

**Paul Baxter**  
Senior Commissioner  
November 2007



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# 1 Introduction

The Commission's objectives under the *Utilities Act (2000)* (the Act) include:

- to encourage the provision of safe, reliable, efficient and high-quality utility services at reasonable prices
- to minimise the potential for misuse of monopoly power in the provision of utility services
- to promote competition in the provision of utility services
- to encourage long-term investment, growth and employment in utility services
- to promote ecologically sustainable development in the provision of utility services
- to protect the interests of consumers
- to ensure that the government's programs for the provision of utility services are properly addressed.

In order to meet these objectives, the Commission must also monitor the compliance of utilities licensed under the Act. It does so through a number of means, but principally through utilities' compliance and performance reports to the Commission.

In addition, the Commission seeks the advice of other government agencies that may be in a position to comment on the performance of utilities. As a condition of their licences, utilities must also report material breaches of licence conditions, legislation, codes of practice, directions or guidelines as soon as they become aware of them.

Since the introduction of the Utilities Act, compliance has generally been high. Only a small number of minor procedural breaches have been identified, the result mainly of licensees failing to fully understand their obligations. None of the apparent breaches has had any material impact on customers or on the delivery of licensees' services.

This report is an ‘exception’ report, in that it does not deal with all the obligations that utilities are required to meet, but only with issues of non-compliance or poor performance. Licensees’ individual reports are also included in Appendix 1 of the report.

## 1.1 Utility services licensed in the ACT

During 2005–06, the following utilities were licensed in the ACT.

### *Electricity distribution and connection services*

ActewAGL Distribution<sup>1</sup>

### *Electricity supply*

- ActewAGL Retail<sup>2</sup> (franchise and non-franchise customers)
- AGL Electricity
- AGL Sales (formerly AGL Victoria)
- Aurora Energy
- Country Energy<sup>3</sup> (franchise and non-franchise customers)
- ENERGEX Retail
- EnergyAustralia
- Ergon Energy
- Energy One Electricity
- Integral Energy
- Origin Energy Electricity
- Powerdirect
- Red Energy
- TRUenergy Pty Ltd
- TRUenergy Yallourn Pty Ltd

### *Gas transmission*

- East Australian Pipeline Limited (EAPL)<sup>4</sup>

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<sup>1</sup> ACTEW Distribution Ltd and AGL Gas Company, trading as ‘ActewAGL Distribution’.

<sup>2</sup> ACTEW Retail Ltd and AGL ACT Retail Investments Pty Ltd, trading as ‘ActewAGL Retail’.

<sup>3</sup> The right to supply to franchise customers applies only to those customers serviced by that part of Country Energy’s distribution network that is located within the ACT (approximately 12 customers).

### ***Gas distribution and connection services***

- ActewAGL Distribution<sup>5</sup>

### ***Gas supply***

- ActewAGL Retail<sup>6</sup> (franchise and non-franchise customers)
- Country Energy
- ENERGEX Retail
- EnergyAustralia
- TRUenergy Pty Ltd.

### ***Water and sewerage services***

ACTEW Corporation.

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<sup>4</sup> The transmission pipeline operated by EAPL within the ACT is a relatively short section of the Moomba to Sydney pipeline, and comprises approximately 6 kilometres of pipeline.

<sup>5</sup> ACTEW Distribution Ltd and AGL Gas Company, trading as 'ActewAGL Distribution'.

<sup>6</sup> ACTEW Retail Ltd and AGL ACT Retail Investments Pty Ltd, trading as 'ActewAGL Retail'.

## 2 Compliance summary

Having considered the reports submitted, the Commission has formed the view that utility licensees were generally compliant with the requirements of the Utilities Act, licence conditions and industry codes. The few issues that need further attention are identified in this section.

### 2.1 Material breaches

The Commission has defined a material breach as anything that:

- impacts on a licensee's ability to provide utility services
- adversely affects a significant number of consumers, financially and in terms of service provision
- threatens public health or safety, or the environment.

Licensees did not report any material breaches of their regulatory requirements for this reporting period. The Commission is not aware of any material breach by any licensee in 2005–06. Since the introduction of the Utilities Act in 2000, no material breaches have been notified.<sup>7</sup>

### 2.2 Assessment of licensee compliance by other agencies

As part of its assessment of licensees' compliance, the Commission also seeks the advice of such agencies as the Office of Fair Trading and the Essential Services Consumer Commission (ESCC).

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<sup>7</sup> Under the Utilities Act (section 128), ACTEW Corporation is permitted to add fluoride and chemicals to the ACT's water supply for the purpose of clarifying, purifying or treating the water to make it safe for human consumption. The concentration of fluoride may not exceed 1.0 mg/L, which is taken to be an average concentration of 1.0 mg/L during a 24-hour period and not exceeding 1.2 mg/L at any one time. From time to time, ACTEW Corporation has advised of fluoride concentrations higher than 1.2 mg/L. There has been no instance where the concentration of fluoride has exceeded 1.0 mg/L over a 24-hour period. In all instances, ACTEW Corporation has acted responsibly, notifying relevant authorities and taking prompt remedial action. To date, the incidents have not affected public health.

The ESCC noted an increase in complaints relating to marketing, bundling and churning in the energy retail market in 2005–06. However, despite this increase, the overall number of complaints remains small and the matters to which the complaints relate generally do not constitute breaches of statutory obligations.

The Office of Fair Trading also received a small number of marketing complaints (for example, misconduct in the sale of energy packages or misrepresentation in bundle contracts). The total number of complaints made represented less than 1 per 1,000 customers who had switched retailers. This number does not include complaints that were resolved over the phone; nor does it take into account the number of customers that had churned within ActewAGL. One of the complaints was assessed by the Office of Fair Trading as being unfounded; the others were resolved to the satisfaction of the respective customers.

## **2.3 Minor compliance issues**

### **2.3.1 Network Use of System agreements**

The Electricity Network Use of System Code (the Code) is an industry code under section 4 of the Utilities Act. The Code requires electricity distributors and suppliers to enter into agreements that address certain terms prescribed in the Code. However, the Code does not specify a time in which agreements must be reached.

The Commission is concerned that, since the introduction of the Utilities Act over six years ago and extensive negotiations between the ACT's electricity network operator, ActewAGL Distribution, and licensed electricity suppliers, an unacceptably high number of suppliers have still not signed network use of system (NUoS) agreements<sup>8</sup>. This creates considerable uncertainty for both the network operator and the suppliers who have not entered into an agreement with the distributor, as well as a significant credit risk exposure for ActewAGL Distribution.

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<sup>8</sup> At 30 June 2006, seven electricity suppliers were party to a NUoS agreement with ActewAGL Distribution.

The Commission has therefore requested ActewAGL Distribution to submit to it draft variations to the Code to establish a default agreement if agreement cannot be reached in a timely manner between ActewAGL Distribution and an electricity supplier.<sup>9</sup>

### **2.3.2 Marketing breaches**

As noted above, the ESCC and the Office of Fair Trading received an increased number of complaints relating to the marketing of energy products.

TRUenergy identified a breach of the Consumer Protection Code in September 2006: offer and confirmation packs had not been sent to new customers between 23 May and 23 August 2006. This is a breach of clause 31 of the Consumer Protection Code, which requires utilities to provide customers with the full terms and conditions of their contracts within two days of signing the contract, unless that information has already been provided.

TRUenergy advised that the problem was the result of an incompatibility between a newly implemented quoting system and the external mail house systems. The incompatibility resulted in no information packs being sent to new customers. In the ACT, 41 customers were affected.

TRUenergy subsequently apologised in writing to each of the affected customers. TRUenergy also allowed customers to terminate the contract, without penalty, during the cooling-off period, which commenced on the date of receipt of the information pack.

Following the internal review that identified this issue, TRUenergy implemented a number of systems changes, and also undertook a compliance review of the changes. As a result, further systems changes were introduced, including more robust monitoring and documentation of work procedures, reconciliation of data and information technology improvements.

TRUenergy advised that the new procedures were working well and that it was continuing to monitor the situation.

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<sup>9</sup> At the time of writing, the Commission had approved amendments to the Code, which included provision for the application of a default NUoS agreement where agreement between the parties could not be reached.

The Commission notes TRUenergy's prompt response to the breach of the Code and is satisfied with the remedial action that it took, both in dealing with its customers and in rectifying the problem.

### **2.3.3 Performance of obligations under Utilities Act**

#### ***Utilities Act: network operations***

Part 7 of the Utilities Act places obligations on network operators to take reasonable steps to minimise inconvenience to landowners and damage to property. The Act specifies minimum notice requirements and also requires network operators to restore property affected by the work of the utility.

To measure how well utilities perform against these requirements, the Commission considers the number of complaints made against the utility about its performance of network operations. Table 2.1 summarises the network operation complaints received by each network licensee from 2001–02 to 2005–06.

As network operators have been reporting these data for a number of years, it is now possible to observe trends in performance. As in previous years, the number of customers complaining about network operations is low and, compared with 2004–05, fell for electricity and gas distribution both in absolute terms and as a proportion of customers.

For the past three reporting periods, the network operator receiving the most complaints has been ActewAGL Distribution (electricity). Although this was still the case in 2005–06, the number of electricity network complaints fell by about half compared with the previous year. Complaints against ActewAGL Distribution (gas) fell overall, but increased slightly for matters relating to the removal of machinery, property and waste from land and the restoration of land following network operations. Indeed, all network operators experienced an increase in complaints in this area. In the case of ACTEW Corporation, the overall number of network complaints more than doubled (water and sewerage combined), but fell for the provision of notices.

The Commission appreciates that full compliance with these particular requirements of the Utilities Act is not possible. In last year's compliance report, the Commission expressed concern that inconvenience to landholders should be kept to a minimum and that appropriate strategies be put in place to remedy any detriment or damage caused. The increase in customer

complaints suggests that greater effort is required. However, the Commission was pleased to see that the number of complaints about the provision of notice fell for all network operators, most noticeably for ActewAGL Distribution (electricity), which experienced a relatively large number of complaints in 2004–05.

Table 2.1 Network operations complaints, 2001–02 to 2005–06

Nature of complaint / operator	Complaints per 1,000 customers					No. of complaints
	2001–02	2002–03	2003–04	2004–05	2005–06	2005–06
<b>Inconvenience, detriment or damage to landholder’s property (s. 108)</b>						
<i>ActewAGL Distribution (electricity)</i>	0.20	0.49	0.72	0.86	0.74	115
<i>ActewAGL Distribution (gas)</i>	0.00	0.09	0.06	0.19	0.12	11
<i>ACTEW Corporation</i>						
<i>Water</i>	0.30	0.23	0.18	0.16	0.63	87
<i>Sewerage</i>	0.06	0.11	0.05	0.04	0.20	27
<b>Provision of notice to landholders regarding network operations (s. 109) or tree lopping (s. 110).</b>						
<i>ActewAGL Distribution (electricity)</i>	0.02	0.07	0.25	1.77	0.27	42
<i>ActewAGL Distribution (gas)</i>	0.00	0.00	0.00	0.01	0.00	0
<i>ACTEW Corporation</i>						
<i>Water</i>	0.02	0.01	0.04	0.19	0.03	4
<i>Sewerage</i>	0.01	0.01	0.00	0.02	0.01	2
<b>Removal of machinery, property and waste from land (s. 112) and restoration of land (s. 113) following network operations</b>						
<i>ActewAGL Distribution (electricity)</i>	0.26	0.13	0.15	0.15	0.31	48
<i>ActewAGL Distribution (gas)</i>	0.20	0.17	0.02	0.01	0.04	4
<i>ACTEW Corporation</i>						
<i>Water</i>	1.12	0.35	0.24	0.33	0.45	62
<i>Sewerage</i>	0.01	0.13	0.03	0.05	0.12	16
<b>Totals</b>						
<i>ActewAGL Distribution (electricity)</i>	0.49	0.69	1.11	2.79	1.33	205
<i>ActewAGL Distribution (gas)</i>	0.20	0.26	0.08	0.21	0.16	15

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<i>ACTEW Corporation</i>						
<i>Water</i>	1.45	0.74	0.47	0.68	1.12	153
<i>Sewerage</i>	0.01	0.25	0.08	0.11	0.34	45

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### ***Consumer Protection Code: performance standards***

The Consumer Protection Code specifies a number of performance standards. Most apply only to network operators, but some also apply to suppliers. In some instances, failure to meet a standard may attract a rebate.

The Commission reviewed the Consumer Protection Code in 2005 to address issues identified in the 2003–04 Compliance Report—in particular, inappropriate obligations that were placed on energy suppliers of large customers and the difficulties utilities experienced reporting against some of the performance standards. The code was subsequently amended to clarify the circumstances in which licensees may negotiate alternative arrangements with customers. Some of the performance standards were also amended. These amendments took effect from 1 July 2005.

Table 2.2 summarises licensees’ compliance with the performance standards set out in the schedules to the Consumer Protection Code.

**Table 2.2 Compliance with performance standards, all licensees, 2005–06**

<b>Performance standard</b>	<b>Licensees’ performance</b>	<b>Notes</b>
Customer connection times (standard 1)	ActewAGL Distribution (electricity) and ACTEW Corporation stated that they complied with this performance standard at all times during 2005–06.  ActewAGL Distribution (gas) failed to meet this performance standard on 18 occasions (1.4% of connections).	As reported by licensees, full compliance for electricity, water and sewerage network connections, and high compliance for ActewAGL Distribution (gas).
Responding to complaints (standard 3)	<i>Proportion of complaints acknowledged within 10 business days:</i> ActewAGL Distribution (electricity): 96% ActewAGL Distribution (gas): 95% ACTEW Corporation (water <sup>a</sup> and sewerage): 98% ActewAGL Retail (electricity): 70% ActewAGL Retail (gas): 98%  TRUenergy (electricity and gas) and Country Energy (electricity): 100%  EnergyAustralia (electricity and gas) advised that the vast majority of	High compliance for network operators and full to high compliance for most electricity and gas suppliers for complaint acknowledgment.

Performance standard	Licensees' performance	Notes
	<p>complaints were resolved at the first point of contact at the contact centre.</p> <p><i>Proportion of complaints responded<sup>b</sup> to within 20 business days:</i></p> <p>ActewAGL Distribution (electricity): 84%</p> <p>ActewAGL Distribution (gas): 82%</p> <p>ActewAGL Retail (electricity): 74%</p> <p>ACTEW Corporation (water<sup>a</sup> and sewerage): 97%</p> <p>Country Energy (electricity): 100%</p> <p>ActewAGL Retail (gas) and EnergyAustralia (electricity and gas) advised that they could not report against this standard.</p>	<p>Full compliance for Country Energy for responding to complaints and high compliance for ACTEW Corporation. Moderate compliance for other utilities.</p>
<p>Response time to notification of problem or concern (standard 4)</p> <p>(applies only to gas and electricity distributors, and water and sewerage utilities)</p>	<p><i>a) Notification about a problem or concern that may affect public health, or is causing, or has the potential to cause, substantial damage or harm to people or property</i></p> <p>Proportion (and number) of notifications where the licensee <i>failed</i> to respond within 6 hours:</p> <p>ActewAGL Distribution (electricity): 35% (28)</p> <p>ActewAGL Distribution (gas): 0</p> <p>ACTEW Corporation (water and sewerage): 0</p> <p><i>b) Notification about other problems or concerns</i></p> <p>Proportion (and number) of other notifications<sup>c</sup> where the licensee <i>failed</i> to respond within 48 hours:</p> <p>ActewAGL Distribution (electricity): 0.9% (81)<sup>c</sup></p> <p>ActewAGL Distribution (gas): 5.5% (110)</p> <p>ACTEW Corporation (water): 22% (1,165)</p> <p>ACTEW Corporation (sewerage): 0.3% (15)</p>	<p>Full compliance for ActewAGL Distribution (gas), and ACTEW Corporation for urgent notifications only.</p> <p>Medium compliance for ActewAGL Distribution (electricity) for urgent notifications.</p> <p>High compliance for ActewAGL Distribution (electricity) and ActewAGL Distribution (gas) for non-urgent notifications and ACTEW Corporation for non-urgent sewerage notifications. Medium compliance for ACTEW Corporation for non-urgent water notifications.</p>

Performance standard	Licensees' performance	Notes
	<p>c) <i>Proportion (and number) of other notifications where the licensee failed to respond within the timeframe specified in their response:</i></p> <p>ActewAGL Distribution (electricity): 0  ACTEW Corporation (water): 4.2% (218)  ACTEW Corporation (sewerage): 1.7% (83)</p> <p>ActewAGL Distribution (gas) advised that it could not report against this standard.</p>	<p>Only ActewAGL Distribution (electricity) responded within the timeframes that it specified in all instances.</p>
<p>Planned interruptions to utility services (standard 5)</p> <p>(applies only to gas and electricity distributors and water and sewerage utilities)</p>	<p>(1) <i>Provision of two days notice</i></p> <p>Number (and proportion) of instances where the customer received insufficient or no notice:</p> <p>ActewAGL Distribution (electricity): 288 (0.22 instances per interruption)  ACTEW Corporation (water): 13 (0.3 instances per interruption)</p> <p>There were no planned interruptions for ActewAGL Distribution's gas network (meter replacements excepted) or ACTEW Corporation's sewerage network.</p> <p>(2) <i>Restoration of supply</i></p> <p>There were 6 instances in which ActewAGL Distribution (electricity) did not restore electricity within 12 hours.</p> <p>For the water distributor, there was no instance in which supply was not restored within 12 hours of the initial disruption.</p>	<p>High compliance for ActewAGL Distribution (electricity) and ACTEW Corporation (water).</p>

Performance standard	Licensees' performance	Notes
Unplanned interruptions to utility services (standard 6)  (applies only to gas and electricity distributors, and water and sewerage utilities)	<i>Instances in which supply was not restored within 12 hours:</i>  ActewAGL Distribution (electricity): 42 (out of 906)  ACTEW Corporation (sewerage): 3 (out of 1,847)  Supply resulting from unplanned interruptions was restored within 12 hours for gas services (ActewAGL Distribution) and water services (ACTEW Corporation) in all instances.	Supply was restored within 12 hours in all instances for water and gas services.

a Excludes complaints about water quality.

b A response is taken to mean the resolution of a problem or confirmation of the cause of the issue, if known, advice about what corrective action is being taken to rectify the issue and an indication of the likely time by which the issue will be resolved.

c 'Other notifications' refers to notification of problems that are not likely to affect public health, or cause or potentially cause substantial damage or harm to a person or property.

To the extent that licensees were able to report, most appear to be meeting performance standards to a high level. To summarise:

### *Standard 1: Customer connection times*

As reported by licensees, compliance with this standard has been consistently high over the past few years. ActewAGL Distribution (gas) attributes its failure to meet the performance standard fully in 2005–06 to difficulties in gaining access to sites.

### *Standard 3: Responding to complaints*

This performance standard has been amended, so it is difficult to compare utilities' 2005–06 performance with performance in previous years. Some comparison of performance against time taken to respond to complaints is possible, however (noting that before 2005–06 the standard applied only to written complaints requiring a visit to a customer's premises and/or enquiries of a third party). Notwithstanding these changes, performance appears to have improved for all utilities that reported against this standard.

Compliance was high to very high in 2005–06, whereas in the previous year most respondents reported that they met these standards in 50% of instances or less. In 2004–05, ActewAGL Retail (electricity) failed to meet the standard altogether.

*Standard 4: Response time to notification of problem or concern*

ActewAGL Distribution (gas) and ACTEW Corporation were fully compliant in responding to consumer notifications of serious problems, as was the case for ActewAGL Distribution and ACTEW Corporation (water) the previous year.

The performance of ActewAGL Distribution (electricity) declined for urgent and non-urgent notifications. ActewAGL Distribution notes the effect of a severe storm in December on its performance against this standard. Excluding the effects of this storm, 23% of urgent notifications were not responded to within six hours (as opposed to 35% if the effects of the storm are included), and 6% of non-urgent notifications were not responded to within 48 hours (9% including the effects of the storm). This is still significantly higher than in 2004–05 for both urgent and non-urgent notifications (18% for urgent notifications, and 0.4% for non-urgent notifications). While this is a concern, ActewAGL Distribution was unable to provide any detailed information that might explain this increase in response times.

The performance of ActewAGL Distribution (gas) also declined for non-urgent notifications, but ACTEW Corporation's performance improved for non-urgent water and sewerage notifications. Only ActewAGL Distribution (electricity) met its own timeframe for responding to non-urgent notifications (this is a new standard, so comparisons with previous years' performances are not possible).

*Standard 5: Planned interruptions to utility services*

ActewAGL Distribution (gas) and ACTEW Corporation (sewerage) reported that there were no planned interruptions to services in 2005–06. In previous years, ActewAGL Distribution (electricity) provided information on the number of complaints received about inadequate notice or failure to give notice. Using this measure, the rate of complaints per planned interruption was lower in 2005–06 than in 2004–05 (0.18 and 0.22, respectively).

Although ACTEW Corporation's performance for the restoration of water supply declined compared with the previous year, the number of instances in which inadequate notice was provided was still small. Moreover, ACTEW Corporation's failure was more apparent than real, as it provided 48 hours notice of interruptions, rather than the two business days technically required

by the Code. ACTEW Corporation reported that it restored supply within 12 hours of the initial interruption in all instances.

There were six instances where electricity supply was not restored within 12 hours in 2005–06, one less than for the previous year. In five cases, electricity supply had to be isolated to enable work on customers’ main switchboards; in the sixth case, a high-voltage line was brought down as a result of tree lopping.

*Standard 6: Unplanned interruptions to utility services*

The number of instances in which power was not restored within 12 hours was greater in 2005–06 than in 2004–05; however, most of these instances (34 of 42) can be attributed to a severe storm in December 2005. Four extended outages related to safety considerations, two to bad light, and two involved lengthy cable fault identification. Excluding the affects of the storm, the performance of ActewAGL Distribution (electricity) marginally improved over the previous year.

Whereas ACTEW Corporation met this standard in all instances for water and sewerage services in 2004–05, it failed to meet the standard on three occasions for sewerage services in 2005–06. ACTEW Corporation advises that in two cases the delay was caused by the need to return to the customer’s premises to dig up and repair a broken sewer tie, and in the third the blockage could not be cleared at the time (that is, in the evening), so the customer agreed to it being attended to the following morning.

*Performance rebates*

Table 2.3 summarises the payment of performance rebates in 2005–06.

Table 2.3 Payment of performance rebates, all licensees, 2005–06

Utility	No. of rebates paid (No. of claims made)	Value of rebates (\$)	Nature of incident
ACTEW Corporation (water)	7 (0)	330	<ul style="list-style-type: none"> <li>– insufficient/no notice of planned interruptions</li> <li>– delayed response to complaints</li> <li>– delay in answering complaint</li> </ul>

Utility	No. of rebates paid (No. of claims made)	Value of rebates (\$)	Nature of incident
ACTEW Corporation (sewerage))	1 (0)	40	– failure to resolve problem
ActewAGL Distribution (electricity)	137 (24)	6,530	– insufficient/ no notice of planned interruptions – delayed response to complaints
ActewAGL Retail (electricity)	8 (0)	160	– delayed response to complaints

The Commission notes that the payment of rebates in 2005–06 is not as high as for the previous year (\$7,060 and \$7,800, respectively) and that the number of rebates paid still falls short of the number of complaints made, particularly water and sewerage complaints. However, performance on this score is much better than it was prior to 2004–05. The Commission also notes that, in most cases, payments were made without a claim being made.

### ***Ring Fencing Guidelines***

The Ring Fencing Guidelines place a number of obligations on the electricity and gas distributors for the legal, operational, physical and accounting separation of the monopoly distribution businesses from contestable retail activities. ActewAGL Distribution (electricity) and ActewAGL Distribution (gas), to which the obligations apply, reported compliance with their ringfencing obligations and a high level of understanding among staff about those obligations.

Specific measures to ensure ringfencing compliance include:

- the implementation of appropriate procedures and policies
- staff training
- maintenance of a ringfencing issues register
- monthly reporting of breaches, including of ringfencing obligations
- legal advice on potential ringfencing issues.

The Commission has previously noted the difficulties of establishing ringfencing compliance solely through reporting.

## Appendix 1 Compliance summary schedules

The tables in this appendix summarise licensees' annual compliance reporting returns to the Commission. In the case of electricity suppliers and gas suppliers, information is provided only for suppliers who were active in the ACT market in the 2005–06 reporting period. Licensees' supporting documentation has not been included; nor has any information that is commercially sensitive. Licensees are invited to provide comments where appropriate, and these comments are included in the tables. The Commission has also made comments for clarification purposes in a number of instances; the Commission's comments are in square brackets. In the interests of brevity, the Commission's instructions to licensees or prompts for additional information have been excluded from the tables.

### Electricity distribution

ActewAGL Distribution was the only electricity distribution licensee in the ACT during the 2005–06 reporting period.

#### Utilities Act

Obligation	Response	ActewAGL Distribution comments
<i>Obligation to connect or vary connection (s. 79)</i>		
How many requests to connect to licensee's network were refused in 2005–06?	0	
How many requests to vary a connection were refused in 2005–06?	0	
How many requests to allow an accredited third party to undertake a connection or variation of a connection were refused in 2005–06?	0	

Obligation	Response	ActewAGL Distribution comments
<i>Performance of network operations (Division 7.3)</i>		
How many times in 2005–06 did the licensee enter landholders' properties to undertake network operations?	94,033	<p>Outage—1,432: assumes 1 access per outage</p> <p>inspection—62,627: includes meter testing and replacement</p> <p>disconnection/reconnection—10,496: includes disconnections for non-payment</p> <p>reactive work—7,471: assumes 1 access per 'problem'</p> <p>meter defects—331: includes enquiries and investigations</p>
<i>Damage etc to landholders' property (s. 108)</i>		
What strategies does the licensee have in place to minimise inconvenience, detriment and damage to landholders' property resulting from network operations?		<p>Procedure NSW 041 <i>Preparation and Restoring of Sites</i> outlines the requirements for site preparation, restoration and landscaping for all field works undertaken by electricity networks personnel.</p> <p>Procedure NSW 021 <i>Customer Notifications and Access to Customer Property</i> outlines a requirement for network personnel to ask specifically for an access route through to the work site.</p>
In 2005–06, how many complaints did the licensee receive about any inconvenience, detriment or damage to landholders' property resulting from network operations?	115	ActewAGL uses complaint descriptions reflecting the type of complaints received and language used by complainants. The words used by the ICRC do not align with ActewAGL's categories so some judgmental amalgamation of categories is required. To provide the numbers shown ActewAGL amalgamated complaints about site restoration and damage to property.
<i>Provision of notice to landholders to undertake network operations (ss. 109, 110)</i>		

Obligation	Response	ActewAGL Distribution comments
In 2005–06, how many complaints did the licensee receive for failing to give 7 days notice to landholders before performing network operations, tree lopping or vegetation clearing/trimming on their land?	42	Comprises entry to land, no or inadequate notice of work.
<b><i>Provision of notice to other utilities to undertake network operations (s. 111)</i></b>		
In 2005–06, how many complaints did the licensee receive for failing to give 7 days notice to other utilities before performing network operations on their land that potentially affected network facilities under the care and management of those utilities?	0	
<b><i>Restoring landholders' property after undertaking network operations (ss. 112, 113)</i></b>		
In 2005–06, how many complaints did the licensee receive about the removal of its property and waste, or the restoration of affected land, after the completion of any network operations?	48	
<b><i>Authorised persons (Division 7.4)</i></b>		
Were all authorised persons issued with photographic identity cards in 2005–06?	Yes	
How are authorised persons made aware of their obligations and entry restrictions under the Act?		Upon the introduction of the Utilities Act, comprehensive training was provided to field staff concerning their obligations. Work procedures have been developed to ensure that all work practices are consistent with the Act. Any issues that arise are discussed during monthly work group meetings. Induction training for all new field staff includes obligations under the Utilities Act.

## Licence conditions

Obligation	Response	ActewAGL Distribution comments
<i>Licence compliance (cl. 7)</i>		
Was the ICRC notified of all material breaches of the licensee's licence or any applicable law, code of practice, directions and guidelines in 2005–06?	Yes	ActewAGL believes that no material breaches occurred.
<i>Ownership/management changes (cl. 10)</i>		
Were there any significant transfers in shareholdings (involving more than 50% of the shares) or changes in ownership in 2005–06?	No	
<i>Emergency telephone number (schedule: cl. 1)</i>		
Did the licensee maintain a 24-hour emergency telephone service at all times during 2005–06?	Yes	13 10 93: Faults and Emergencies Call Centre
How are customers and the public informed of the service?		White and Yellow Pages, customer connection contract, ActewAGL website, customer accounts, mail-outs, brochures.
<i>Environmental strategies (schedule: cl. 2)</i>		
Please provide details of strategies employed to reduce the licensee's network losses and greenhouse gas emissions attributable to network operations.		[Environment Action Plan 2006–07 was provided. The Sustainability Report and Environment Action Plan were being prepared and available on request.]

## Consumer Protection Code

Obligation	Response	ActewAGL Distribution comments
<i>Complaints handling (cl. 6)</i>		
Does the licensee have in place complaints handling procedures that:		

Obligation	Response	ActewAGL Distribution comments
<ul style="list-style-type: none"> <li>enable the consumer to have their complaint considered by a senior employee if not satisfied with the handling of their complaint?</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>deal with complaints against an agent of the licensee?</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>deal with the resolution of disputes between the licensee and consumers?</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>comply with the relevant Australian Standard?</li> </ul> <p>How and when are consumers advised of the licensee's complaints handling procedures?</p> <p>How and when are customers advised of their right to complain to the Essential Services Consumer Council?</p> <p>How long are complaints records held after the resolution of complaints?</p>	Yes	<p>AS 10002:2006</p> <p>in the customer contract—charter in phone directory</p> <p>in first written response to a customer complaint</p> <p>during phone call as required by the nature of the call</p> <p>If a complainant's requested corrective action is not agreed to, advice of that decision is accompanied by advice about the role and phone number of the Essential Services Consumer Council.</p> <p>More than 2 years.</p>
<p><b>Summary of consumer and utility rights (cl. 9)</b></p>		
<p>Please provide a copy of the licensee's statement summarising the rights of a consumer and the licensee under the Utilities Act, the Consumer Protection Code and the relevant customer contract.</p> <p>Is the summary available in:</p> <ul style="list-style-type: none"> <li>the 5 most common non-English languages used in the Territory: and</li> </ul>		[provided]
<ul style="list-style-type: none"> <li>the 5 most common non-English languages used in the Territory: and</li> </ul>	Yes	

Obligation	Response	ActewAGL Distribution comments
the Territory; and	Yes	
<ul style="list-style-type: none"> <li>large print?</li> </ul>		
Is a copy of the summary included in the customer's first account?	Yes	
<b><i>Customer payment options (cl. 13.5)</i></b>		
What methods of payment are available to customers to pay a customer account?	N/A	Payments are made to suppliers on ActewAGL Distribution's behalf.
<b><i>Customer connection times (schedule: performance standard 1)</i></b>		
In 2005–06, how many customer connections failed to meet the performance standards specified in the Consumer Protection Code?	0	
<b><i>Response to complaints (schedule: performance standard 3)</i></b>		
1. How many consumer complaints did the licensee receive in 2005–06?	844	
2. How many were acknowledged within 10 business days?	807	
3. How many were responded to within 20 business days?	706	
<b><i>Responding to notifications about network problems or concerns (schedule: performance standards 4 and 7)</i></b>		
1. How many notifications of network problems or concerns about the licensee's network did the licensee receive in 2005–06?	8,589 (includes 2 December 05 storm)	
	8,328 (excludes storm)	
2. How many notifications related to damage or harm to, or fault with, the licensee's network that was likely to affect public health, or caused or potentially caused substantial damage or harm to a person or property?	79 (includes 2 December 05 storm)	
	47 (excludes storm)	
3. Of the notifications referred to in 2, how many responses were not	28 (includes 2 December	

Obligation	Response	ActewAGL Distribution comments
made within 6 hours?	05 storm) 11 (excludes storm)	
4. How many notifications related to other problems or concerns that were not likely to affect public health, or cause or potentially cause substantial damage or harm to a person or property?	8,510 (includes 2 December 05 storm) 8,249 (excludes storm)	
5. Of the notifications referred to in 4, how many responses were not made within 48 hours?	81 (includes 2 December 05 storm) 49 (excludes storm)	
6. Of the notifications referred to in 4, how many problems or concerns were not resolved in the time specified in the response?	0	Care is taken to respond without delay. However, there are no time frames specified for reactive works. Often it is not possible to specify a time frame. The time for the resolution may depend on the problem and many other factors.
<b><i>Planned interruptions (schedule: performance standard 5)</i></b>		
How many planned interruptions to services were there in 2005–06?	1,327	
How many instances were there where the licensee did not provide at least 2 days notice of a planned interruption to each premises affected?	288	Work is only undertaken with <2 days notice in the case of urgent repairs and maintenance.

Obligation	Response	ActewAGL Distribution comments
How many instances were there where supply was not restored within 12 hours of the initial interruption?	6	5 of them were due to customer requirements for supply isolation so that workmen could work on their main switchboard (MSB).  The other one was when a tree contractor brought down the HV line while cutting trees, resulting in the outage being extended by 7 hours to effect repairs.

*Unplanned interruptions (schedule: performance standard 6)*

How many unplanned interruptions to services were there in 2005–06?	906 (includes 2 December 05 storm)	
	823 (excludes storm)	
In how many instances was supply not restored within:	42 (includes 2 December 05 storm)	<ul style="list-style-type: none"> <li>• 34 of the 42 instances were due to the 2 December 05 storm,</li> </ul>
<ul style="list-style-type: none"> <li>• 12 hours of the initial interruption</li> </ul>	8 (excludes storm)	<ul style="list-style-type: none"> <li>• 3 of them were waiting for clearance following an explosion and fire at ANU and fire at JSSC in Weston,</li> <li>• 2 were due to conductors down and lightning strike where work had to be continued the next day through bad light,</li> <li>• 3 were due to cable faults where in one instance there was leaking fuel and repairs had to wait while the site was made safe; the other 2 involved lengthy fault location.</li> </ul>

## Rebates payable for non-compliance

Obligation	Response	ActewAGL Distribution comments
<i>Obligation to pay rebate for non-compliance (cl. 11.2)</i>		
How many claims for a rebate for failing to meet the performance standards specified in the schedule to the Consumer Protection Code did the licensee receive during 2005–06?	24	
How many rebates did the licensee pay customers in 2005–06?	137	
<ul style="list-style-type: none"> <li>• What was the nature of the incidents?</li> </ul>		<ul style="list-style-type: none"> <li>• outage notice failure</li> <li>• delayed response to complaints</li> </ul>
<ul style="list-style-type: none"> <li>• What was the total value of the rebates paid? (\$)</li> </ul>	\$6,350	

## Ring fencing guidelines

Obligation	Response	ActewAGL Distribution comments
<i>Ring Fencing Guidelines (cl. 3.1)</i>		
Please provide copies of the licensee's ringfencing policies and procedures.		[provided]
<p>What measures are taken to ensure that:</p> <ul style="list-style-type: none"> <li>• staff are aware of the licensee's ringfencing policies and procedures?</li> <li>• the licensee's ringfencing policies and procedures are adhered to?</li> </ul>		<p>There is a high level of awareness about ringfencing policies and procedures. The legal compliance program involves occasional training sessions for staff judged most likely to be affected by the nature of their work role. Ringfencing obligations are referred to.</p> <p>Experience demonstrates an effective level of policy adherence deriving from collective knowledge. A person proposing something that has a potentially adverse ringfencing implication is likely to be very quickly reminded of that by colleagues. There is constant awareness at executive level through the segregation of papers from distribution area to prevent the retail business gaining an information advantage over its competitors. This is a highly visible practice that serves to keep executives in tune with ringfencing and that in turn filters down the ranks.</p>
<p>Where any breaches detected of the licensees' obligations with respect to:</p> <ul style="list-style-type: none"> <li>• cost allocation</li> <li>• protection of customer information</li> <li>• protection of information obtained by the licensee</li> <li>• staff separation</li> <li>• dealing with related businesses</li> <li>• marketing?</li> </ul>	No	<p>For reasons stated above, any potential ringfencing breach is recognised early. At times, even when legal advice was that a particular course of action did not constitute a ringfencing breach, it was not proceeded with because it was perceived as 'getting close to the line'.</p>

## Electricity Network Use of System (NUoS) Code

Obligation	Response	ActewAGL Distribution comments
<i>Requirement to negotiate an NUoS agreement</i>		
As at 30 June 2006, which electricity suppliers were party to the NUoS agreement?	7	<ul style="list-style-type: none"><li>• Country Energy</li><li>• ActewAGL Retail</li><li>• ENERGEX</li><li>• EnergyOne</li><li>• Integral Energy</li><li>• Red Energy</li><li>• TRUenergy</li></ul>

## Electricity suppliers

Fifteen utilities were licensed to supply electricity in the ACT in 2005–06: all but Energy One, Red Energy and Powerdirect were active during this period. The following tables contain information about the active suppliers only.

### Utilities Act

Obligation	ActewAGL Retail	AGL Electricity	AGL Victoria	Aurora Energy	Country Energy	ENERGEX	Energy-Australia	Ergon Energy	Integral Energy	Origin Energy	TRU energy	TRU energy Yallourn
How many requests for supply from franchise customers were refused in 2005–06? <sup>a</sup>	0											
How many requests for supply did the licensee receive from users or suppliers of alternative energy services?	0	0	0	0	0	0	0	0	0	0	0	0

<sup>a</sup> Obligation applies only to first-tier retailers.

## Licence conditions

Obligation	ActewAGL Retail	AGL Electricity	AGL Victoria	Aurora Energy	Country Energy	ENERGEX	Energy-Australia	Ergon Energy	Integral Energy	Origin Energy	TRU energy	TRU energy Yallourn
Was the ICRC notified of all material breaches of the licensee's licence or any applicable law, code of practice, directions and guidelines in 2005-06?	Yes <sup>a</sup>	N/A	N/A	N/A	N/A	N/A	Yes <sup>a</sup>	N/A	Yes <sup>a</sup>	N/A	Yes <sup>b</sup>	N/A
Were there any significant transfers in shareholdings (involving more than 50% of the shares) or changes in ownership in 2005-06?	No	No	No	No	No	No	No	No	No	No		No

Obligation	ActewAGL Retail	AGL Electricity	AGL Victoria	Aurora Energy	Country Energy	ENERGEX	Energy- Australia	Ergon Energy	Integral Energy	Origin Energy	TRU energy	TRU energy Yallourn
<b>2.3 National Electricity Market registration (schedule: cl. 1)</b>												
Did the licensee hold, directly or by an agent, a registration with NEMMCO at all times in 2005–06?	Yes By agent (AGL), and as intending participant	Yes market customer										
<b>2.4 Environmental strategies (schedule: cl. 2 or 3)</b>												
Do the licensee's environmental strategies:												
• facilitate green energy programs?	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
• facilitate buy-back arrangements for stand-alone greenhouse friendly systems?	X <sup>c</sup>	✓	✓		✓	✓	✓ <sup>d</sup>		✓	✓	X	✓

Obligation	ActewAGL Retail	AGL Electricity	AGL Victoria	Aurora Energy	Country Energy	ENERGEX	Energy-Australia	Ergon Energy	Integral Energy	Origin Energy	TRU energy	TRU energy Yallourn
<ul style="list-style-type: none"> <li>address the provision of information to customers to enable them to better manage their energy use?</li> </ul>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<ul style="list-style-type: none"> <li>address management of energy consumption by commercial and industrial customers?</li> </ul>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	N/A	✓

a Licensees responded that they were not aware of any material breaches.

b TRUenergy identified a breach of the Consumer Protection Code in September 2006: offer and confirmation packs had not been sent to new customers between 23 May and 23 August 2006. Forty-one customers were affected.

c Permission required from ActewAGL Distribution before buy-back arrangements can be made.

d EnergyAustralia advised that no requests for buy-back received.

## Licence conditions (continued)

Obligation	ActewAGL Retail	AGL Electricity	AGL Victoria	Aurora Energy	Country Energy	ENERGEX	Energy- Australia	Ergon Energy	Integral Energy	Origin Energy	TRU energy	TRU energy Yallourn	TOTAL
How many ACT customers did the licensee have at 30 June 2006 who were purchasing electricity through a government approved and accredited Green Power product?													6,699
What was the total volume of electricity sold to ACT customers through government approved and accredited Green Power products during 2005–06? (MWh)													46,631

## Licence conditions (continued)

Obligation	ActewAGL Retail	AGL Electricity	AGL Victoria	Aurora Energy	Country Energy	ENERGEX	Energy-Australia	Ergon Energy	Integral Energy	Origin Energy	TRUenergy	TRU energy Yallourn
Please provide details of the sources of generation of electricity:												
• landfill gas	✓	✓	✓					✓				
• wind	✓	✓	✓		✓	✓		✓	✓	✓	✓	
• biomass					✓	✓			✓	✓		
• hydro	✓			✓	✓	✓		✓	✓		✓	
• solar					✓	✓		✓		✓		
• cogeneration					✓					✓		

## Consumer Protection Code

Obligation	ActewAGL Retail	AGL Electricity	AGL Victoria	Aurora Energy	Country Energy	ENERGEX	Energy-Australia	Ergon Energy	Integral Energy	Origin Energy	TRU energy	TRU energy Yallourn
Does the licensee have in place complaints handling procedures that:												
<ul style="list-style-type: none"> <li>enable the consumer to have their complaint considered by a senior employee if not satisfied with the handling of their complaint?</li> </ul>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<ul style="list-style-type: none"> <li>deal with complaints against an agent of the licensee?</li> </ul>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Obligation	ActewAGL Retail	AGL Electricity	AGL Victoria	Aurora Energy	Country Energy	ENERGEX	Energy-Australia	Ergon Energy	Integral Energy	Origin Energy	TRU energy	TRU energy Yallourn
• deal with the resolution of disputes between the licensee and consumers?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
• comply with the relevant Australian Standards?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
How and when are consumers advised of the licensee's complaints handling procedures?	Customer Summary	contract	contract	contract	contract and initial response	account manager	contract information booklet	policies and procedures	account manager and contracts	contract / account manager	website or call centre	
How and when are consumers advised of their right to complain to the Essential Services Consumer Council?	If customer's request not agreed to	advised that obligation does not apply	advised that obligation does not apply	when complaint is made	final decision	if dispute not resolved	accounts, disconnection notices	account manager	contracts	contract, account manager	over phone	

Obligation	ActewAGL Retail	AGL Electricity	AGL Victoria	Aurora Energy	Country Energy	ENERGEX	Energy-Australia	Ergon Energy	Integral Energy	Origin Energy	TRU energy	TRU energy Yallourn
How long are complaints records held after the resolution of complaints?	> 2 years	duration of contract	duration of contract	indefinitely	indefinitely	indefinitely	indefinitely	archived after 2 years	up to 7 years	indefinitely	7 years	
Please provide a copy of the licensee's statement summarising the rights of a consumer and the licensee under the utilities Act, the Consumer Protection Code and the relevant customer contract. <sup>a</sup>	[provided]											



Obligation	ActewAGL Retail	AGL Electricity	AGL Victoria	Aurora Energy	Country Energy	ENERGEX	Energy-Australia	Ergon Energy	Integral Energy	Origin Energy	TRU energy	TRU energy Yallourn
• Centrelink— Centrepay	✓						✓				✓	
• phone	✓				✓		✓	✓	✓		✓	
• Bpay	✓				✓	✓	✓	✓	✓	✓	✓	

a Obligation applies only to first-tier retailers.

b The main payment methods have been categorised by the Commission based on the information provided by licensees. The list is not exhaustive.

## Consumer Protection Code (continued)

Obligation	ActewAGL Retail	EnergyAustralia	TRUenergy
<b>3.4 Marketing of electricity supply services<sup>a</sup></b>			
<b>3.4.1 Obligations of marketer (cl. 27.1)</b>			
How does the licensee ensure that a marketer:			
<ul style="list-style-type: none"> <li>understands and complies with the obligations under Part 4.3 of the Consumer Protection Code and all applicable laws</li> <li>has product knowledge, including knowledge about tariffs, billing procedures, payment options and redress available to consumers experiencing financial hardship</li> <li>understands and is able to explain all offers made to consumer</li> <li>understands what is misleading, deceptive and unconscionable conduct?</li> </ul>	<p>Training</p> <p>ActewAGL trains sellers on the Consumer Protection Code and product knowledge, including tariffs. All offers are accompanied by a marketing brief and collateral detailing offers. Sellers are also trained on [ActewAGL's] code of conduct that includes misleading, deceptive and unconscionable conduct.</p>	<p>EnergyAustralia has developed comprehensive training for both [door-to-door] and telesales representatives. The training covers all areas listed.</p> <p>EnergyAustralia also regularly monitors the activity of all sales agents. [Door-to-door] sales require a follow-up verification call, which is recorded and monitored for compliance purposes. Telesales calls are recorded and monitored for compliance purposes.</p>	<p>Induction program and training. Training is conducted via an online module, which incorporates assessment. Team managers conduct coaching sessions with staff.</p> <p>TRUenergy uses a third party sales company, Utility One. TRUenergy provides Utility One with:</p> <ul style="list-style-type: none"> <li>a Regulatory &amp; Legal Compliance training pack that gives an overview of the requirements under various applicable codes and guidelines and definitions of misleading and deceptive conduct;</li> <li>a training assessment, which all new staff must complete before commencing work on the telephone; and</li> <li>a product training pack (and assessments) that Utility One staff are required to complete before they commence selling TRUenergy products.</li> </ul>

Obligation	ActewAGL Retail	EnergyAustralia	TRUenergy
<b>3.4.2 Obligation of utility (cl. 27.2(2))</b>			
Has the licensee obtained a written statement of compliance with Part 4.3 of the Consumer Protection Code and all applicable laws from the marketer in those instances, or arranged or facilitated a supply arrangement on behalf of the licensee?	Yes  Sellers are required to comply with the Consumer Protection Code and this is policed through contractual guidelines. Financial penalties are levied for any non-compliance.	Yes	Yes [copy provided]

Obligation	ActewAGL Retail	EnergyAustralia	TRUenergy
<b>3.4.3 Contact with consumers (cl. 28.2(4))</b>			
How does the licensee ensure that where a marketer makes personal contact with consumers, either at a consumer's premises or outside a consumer's premises, that the marketer displays an identity card that shows: 1. the marketer's full name, and the name of the utility that the marketer represents 2. where a marketer is not a utility, the name of the company that the marketer works for?	Yes  ActewAGL supplies sellers with appropriate photo ID. Contractual guidelines stipulate that this is to be displayed at all times.  [ActewAGL] contracts sellers to a strict guideline in identification.	All sales made door-to-door require a verification call. This is a call made independently of the sales agent. The call consists of a number of questions to ensure the customer has been told all of the essential information about the contract and also information such as the agent's name and whether or not the agent is displaying their ID card.  EnergyAustralia provides the badges for sales agents to ensure that this information is included.	TRUenergy did not conduct any doorknocking in the ACT in 2005–06.

a Only ActewAGL Retail, TRUenergy and EnergyAustralia actively marketed in the ACT during the reporting period.

## Consumer Protection Code (continued)

Obligation	ActewAGL Retail	AGL Electricity	AGL Victoria	Aurora Energy	Country Energy	ENERGEX	Energy-Australia	Ergon Energy	Integral Energy	Origin Energy	TRU energy	TRU energy Yallourn
1. How many consumer/customer complaints did the licensee receive in 2005–06?	508	0	0	0	1	0	2,072 <sup>a</sup>	0	0	0	1	0
2. How many were acknowledged within 10 business days?	357	N/A	N/A	N/A	1	N/A	N/A	N/A	N/A	N/A	1	N/A
3. How many were responded to within 20 business days?	374	N/A	N/A	N/A	1	N/A	N/A	N/A	N/A	N/A	1	N/A



Obligation	ActewAGL Retail	AGL Electricity	AGL Victoria	Aurora Energy	Country Energy	ENERGEX	Energy-Australia	Ergon Energy	Integral Energy	Origin Energy	TRU energy	TRU energy Yallourn
As at 30 June 2006, was the licensee a party to a network use of system (NUoS) agreement with the ACT's electricity distributor (ActewAGL Distribution)?	Yes	Yes	Yes	No	Yes	Yes	No	No	Yes	No	Yes	Yes

a Complaints are for ACT and NSW.

## Gas transmission

East Australian Pipeline Limited (EAPL) was the only gas transmission licensee in the ACT during the 2005–06 reporting period.

### Licence conditions

Obligation	Response	Comments
<i>Utilities Act</i>		
<i>Performance of network operations (Division 7.3)</i>		
How many times in 2005–06 did the licensee enter landholders' properties to undertake network operations?	0	Transmission pipelines are situated within the boundaries of easement and are regularly patrolled by land and aerially. Any required activities to the network do not need entry to landowners' properties.
<i>Damage etc to landholders' property (s. 108)</i>		
What strategies does the licensee have in place to minimise inconvenience, detriment and damage to landholders' property resulting from network operations?		Documented procedures: <i>Consultation and notification</i> <i>Rehabilitation and restoration</i> <i>Complaints handling</i>
In 2005–06, how many complaints did the licensee receive about any inconvenience, detriment or damage to landholders' property resulting from network operations?	0	
<i>Provision of notice to landholders to undertake network operations (ss. 109, 110)</i>		
In 2005–06, how many complaints did the licensee receive for failing to give 7 days notice to landholders before performing network operations, or vegetation clearing/trimming on their land?	0	

Obligation	Response	Comments
<b><i>Provision of notice to other utilities to undertake network operations (s. 111)</i></b>		
In 2005–06, how many complaints did the licensee receive for failing to give 7 days notice to other utilities before performing network operations on their land that potentially affected network facilities under the care and management of those utilities?	0	
<b><i>Restoring landholders' property after undertaking network operations (ss. 112, 113)</i></b>		
In 2005–06, how many complaints did the licensee receive about the removal of its property and waste, or the restoration of affected land, after the completion of any network operations?	0	
<b><i>Authorised persons (Division 7.4)</i></b>		
Were all authorised persons issued with photographic identity cards in 2005–06?	Yes	
How are authorised persons made aware of their obligations and entry restrictions under the Act?		Pipeline patrol officers are required to undergo formal induction and training in Agility's procedures and legislative obligations.  Agility's formal induction and job-specific training is provided to all employees.
<b><i>Licence</i></b>		
<b><i>Licence compliance (cl. 7)</i></b>		
Was the ICRC notified of all material breaches of the licensee's licence or any applicable law, code of practice, directions and guidelines in 2005–06?	Yes	[Licensee advised that it was not aware of any material breaches]
<b><i>Ownership/management changes (cl. 10)</i></b>		
Were there any significant transfers in shareholdings (involving more than 50% of the shares) or changes in ownership in 2005–06?	No	

Obligation	Response	Comments
<b><i>Emergency telephone services (schedule: cl. 1)</i></b>		
Did the licensee maintain a 24-hour emergency telephone service at all times during 2005–06?	Yes	
How are customers and the public informed of the service?		Easement marker posts provide emergency numbers. Patrol officers maintain contact with landowners, who also receive an annual information pack detailing emergency contacts.
<b><i>Environmental management (schedule: cl. 2)</i></b>		
Are the licensee's environmental management objectives, policies and practices in line with Part B of the Australian Pipeline Industry Association Code of Environmental Practice?	Yes	
<b><i>Annual reporting (schedule: cl. 3)</i></b>		
What was the quantity of gas transferred from the gas transmission network to the gas distribution network at the North Watson Custody Transfer Station for 2005–06? (TJ)		[provided in confidence]
How many restrictions or interruptions to the supply of gas delivered to the gas distribution network at the North Watson Custody Transfer Station were there in 2005–06?	0	
How many incidents were there in 2005–06 that affected that section of the gas transmission network located in the Territory?	0	

Obligation	Response	Comments
Did the licensee conduct any emergency simulations in 2005–06?	1	An emergency simulation/exercise was conducted on the Junee to Griffith pipeline on 17 February 2006 (not specifically addressing assets in the ACT). Key findings were: <ul style="list-style-type: none"> <li>• communication: identification of training needs to roles and competencies identified within ER manual;</li> <li>• review of equipment list conducted and updated within emergency folder.</li> </ul>
Did the licensee conduct any periodic reviews or assessments during 2005–06?	No	5-yearly review conducted on the risk assessment, class location and MAOP in accordance with AS2885. [The next review is scheduled for 2006–07]
Were there any reported third party hits in 2005–06 that touched the pipeline/coating?	No	
What was the number and duration of instances when the pipeline pressure exceeded the MAOP and/or temperature exceeded the limits set by the pipeline design?	0	

Obligation	Response	Comments
What was the overall effectiveness of controls for the pipeline, including major corrective actions (number, type of action and location) arising from:		
<ul style="list-style-type: none"> <li>patrols?</li> </ul>	0	Fortnightly aerial surveillance is carried out along the pipeline.
<ul style="list-style-type: none"> <li>cathodic protection surveys?</li> </ul>	0	
<ul style="list-style-type: none"> <li>coating defect surveys?</li> </ul>	0	
How many calls were referred to the licensee from a One Call System?	0	No breakdown for the ACT is available.
<ul style="list-style-type: none"> <li>How many of these required supervision at the site (standbys)?</li> </ul>	0	
How many third party activities were detected (within 10 metres each side of the pipeline) that did not call the One Call System?	0	
How many patrols, cathodic protection and coating defect surveys were:	Patrols: 52 CP surveys: 1 CD surveys: 0	
<ul style="list-style-type: none"> <li>specified in the maintenance schedule?</li> </ul>		
<ul style="list-style-type: none"> <li>carried out during the reporting period?</li> </ul>	Patrols: 52 CP surveys: 1 CD surveys: 0	Cathodic protection survey results 100% protected to AS/NZS 2382
How many excavations were carried out (including those carried out in response to third party damage)?	0	
<ul style="list-style-type: none"> <li>How many excavations were carried out in response to third party damage?</li> </ul>		

Obligation	Response	Comments
Landowner liaison:		
<ul style="list-style-type: none"> <li>What proportion of all new landowners was contacted during the 12-month reporting period?</li> </ul>	100%	
<ul style="list-style-type: none"> <li>What proportion of existing landowners were contacted during this period?</li> </ul>	100%	
<ul style="list-style-type: none"> <li>What was the content of the liaison with landowners, including details of the message?</li> </ul>		<ul style="list-style-type: none"> <li>Pamphlet explaining pipeline route and its connection with the mainline.</li> <li>Explanation of safety measures and restrictions and when and why members of the public should call for a location.</li> <li>Information about Dial Before You Dig.</li> <li>Pocket knife listing emergency number.</li> </ul>
<ul style="list-style-type: none"> <li>How were landholders contacted?</li> </ul>	3 landowners— personal visits  3 landowners— letter and telephone	
What was the total number of third party activities:		
<ul style="list-style-type: none"> <li>Within 10m each side of the pipeline?</li> </ul>	0	
<ul style="list-style-type: none"> <li>Supervised at site (standbys)?</li> </ul>	0	

## Gas distribution

ActewAGL Distribution was the only gas distribution licensee in the ACT during the 2005–06 reporting period.

### Utilities Act

Obligation	Response	ActewAGL Distribution comments
<i>Obligation to connect or vary connection (ss. 31, 81)</i>		
How many requests to connect to the licensee's network were refused in 2005–06?	0	
How many requests to vary a connection were refused in 2005–06?	0	
<i>Performance of network operations (Division 7.3)</i>		
How many times in 2005–06 did the licensee enter landholders' properties to undertake network operations?	1,325	
<i>Damage etc to landholders' property (s. 108)</i>		
What strategies does the licensee have in place to minimise inconvenience, detriment and damage to landholders' property resulting from network operations?		Documented procedures: <i>Consultation and Notification</i> <i>Rehabilitation and Restoration</i> <i>Complaints Handling</i>
In 2005–06, how many complaints did the licensee receive about any inconvenience, detriment or damage to landholders' property resulting from network operations?	11	
<i>Provision of notice to landholders to undertake network operations (ss. 109, 110)</i>		
In 2005–06, how many complaints did the licensee receive for failing to give 7 days notice to landholders before performing network operations, or vegetation clearing/trimming on their land?	0	
<i>Provision of notice to other utilities to undertake network operations (s. 111)</i>		
In 2005–06, how many complaints did	0	

Obligation	Response	ActewAGL Distribution comments
<p>the licensee receive for failing to give 7 days notice to other utilities before performing network operations on their land that potentially affected network facilities under the care and management of those utilities?</p>		
<p><b><i>Restoring landholders' property after undertaking network operations (ss. 112, 113)</i></b></p>		
<p>In 2005–06, how many complaints did the licensee receive about the removal of its property and waste, or the restoration of affected land, after the completion of any network operations?</p>	<p>4</p>	
<p><b><i>Authorised persons (Division 7.4)</i></b></p>		
<p>Were all authorised persons issued with photographic identity cards in 2005–06?</p>	<p>Yes</p>	<p>The contractor is contractually obliged to ensure that all authorised persons are aware of their obligations and entry restrictions under the Act.</p>
<p>How are authorised persons made aware of their obligations and entry restrictions under the Act?</p>		

## Licence conditions

Obligation	Response	ActewAGL Distribution comments
<i>Licence compliance (cl. 7)</i>		
Was the ICRC notified of all material breaches of the licensee's licence or any applicable law, code of practice, directions and guidelines in 2005–06?	Yes	[Licensee advised that it was not aware of any material breaches]
<i>Ownership/management changes (cl. 10)</i>		
Were there any significant transfers in shareholdings (involving more than 50% of the shares) or changes in ownership in 2005–06?	No	
<i>Emergency telephone number (schedule: cl. 1)</i>		
Did the licensee maintain a 24-hour emergency telephone service at all times during 2005–06?	Yes	
How are customers and the public informed of the services?		Telephone directory and customer bills Calls are also directed to the response centre from the ACT call centre.
<i>Network operation standards (schedule: cl. 2)</i>		
Were there any instances of non-compliance with the licensee's network operation standards in 2005–06?	No	
<i>Environmental management (schedule: cl. 3 and 4)</i>		
Are the licensee's environmental management policies and practices in line with AG750 Environmental Code of Practice and the Australian Pipeline Industry Code of Practice for Pipeline Construction?	Yes	
What was the amount of gas lost from the licensee's distribution network in 2005–06 (unaccounted for gas)? (TJ)	66	Note: This figure also includes losses incurred in the Queanbeyan portion of the network
Please provide details of the licensee's		Ongoing leakage survey

Obligation	Response	ActewAGL Distribution comments
plans to minimise gas losses in the forthcoming year (i.e. 2006–07)?		program.
Please provide an assessment of the effectiveness of the plan to minimise gas losses in 2005–06.	Effective	The primary environmental management approach for minimising gas losses is through the use of the leakage survey. Over the last 5 years 98% of the network has been leakage surveyed. This program has identified a low level of leaks; all leaks identified were Class-3 Non-Hazardous, indicating an effective result overall.
<i>Gas Market Scheme (schedule: cl. 6)</i>		
Was the licensee a participant in the Gas Market Company's gas market scheme, or an equivalent scheme, for all of 2005–06?	Yes	

## Consumer Protection Code

Obligation	Response	ActewAGL Distribution comments
<i>Complaints handling (schedule: cl. 6)</i>		
Does the licensee have in place complaints handling procedures that:		
<ul style="list-style-type: none"> <li>enable the consumer to have their complaint considered by a senior employee if not satisfied with the handling of their complaints?</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>deal with complaints against an agent of the licensee?</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>deal with the resolution of disputes between the licensee and consumers?</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>comply with the relevant Australian Standard?</li> </ul>	Yes	

Obligation	Response	ActewAGL Distribution comments
How and when are consumers advised of the licensee's complaints handling procedures?		Customers are advised through the customer summary, which goes to all new customers. The customer summary is also on the website. Customers are also advised during phone contact with ActewAGL's call centres where appropriate. Process is also included in written responses to consumer complaints.
How and when are consumers advised of their right to complain to the Essential Services Consumer Council?		As above.
How long are complaints records held after the resolution of complaints?		Complaints recorded on the GASS billing system remain on the customer account notes indefinitely.  Complaints recorded on the 'Satisfy' complaints system are kept for at least 2 years.
<b><i>Summary of consumer and utility rights (schedule: cl. 9)</i></b>		
Please provide a copy of the licensee's statement summarising the rights of the consumer and the licensee under the Utilities Act, the Consumer Protection Code and the relevant customer contract.		[provided]
Is the summary available in:		
<ul style="list-style-type: none"> <li>the 5 most common non-English languages used in the Territory</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>large print?</li> </ul>	Yes	
<b><i>Customer connection times (schedule: performance standard 1)</i></b>		
In 2005–06, how many customer connections failed to meet the performance standard specified in the Consumer Protection Code?	18 (out of 1,321)	Site access restraints
If any, what percentage does this represent of total connections?	1.36%	

Obligation	Response	ActewAGL Distribution comments
<i>Responding to complaints (schedule: performance standard 3)</i>		
1. How many written consumer complaints did the licensee receive in 2005–06?	130	
2. How many were acknowledged within 10 business days?	123	
3. How many were responded to within 20 business days?	107	
<i>Responding to notifications about network problems or concerns (schedule: performance standard 4)</i>		
1. How many notifications of network problems or concerns about the licensee's network did the licensee receive in 2005–06?	2176	Data are based on high level network issues, priority responses of 60 minutes, four hours or seven days.
2. How many of these notifications related to damage or harm to, or fault with, the licensee's network that was likely to affect public health, or caused or potentially caused substantial damage or harm to a person or property?	183	Data are based on high priority incidents such as third party hits requiring a response time of 60 minutes.
<ul style="list-style-type: none"> <li>Of the notifications referred to in 2, how many responses were not made within 6 hours?</li> </ul>	0	
3. How many notifications related to other problems or concerns that were not likely to affect public health, or cause or potentially cause substantial damage or harm to a person or property?	1,993	Data include incidents or problems that were determined not to warrant high level responses. Data are reflective of response times requiring four hours or up to seven days.
<ul style="list-style-type: none"> <li>Of the notifications referred to in 3, how many of responses were not made within 48 hours?</li> </ul>	5.5%	Data given are in response to this specific question; however normal operating performance is not normally measured in this manner.
<ul style="list-style-type: none"> <li>Of the notifications referred to in 3, how many problems or concerns were not resolved in the time specified in the response?</li> </ul>	N/A	This question does not correspond within any performance reporting data used by the business.

Obligation	Response	ActewAGL Distribution comments
<i>Planned interruptions (schedule: performance standard 5)</i>		
How many planned interruptions to services were there in 2005–06?	0	Excludes planned meter replacement
How many instances where there where the licensee did not provide at least 2 days notice of a planned interruption to each premises affected?	N/A	
How many instances were there where supply was not restored within 12 hours of the initial interruption?	N/A	
<i>Unplanned interruptions (schedule: performance standard 6)</i>		
How many unplanned interruptions to services were there in 2005–06?	87	
In how many instances was supply not restored within 12 hours of the initial interruption?	0	

## Rebates

Obligation	Response	ActewAGL Distribution comments
<i>Obligation to pay rebate for non-compliance (cl. 11.2)</i>		
How many claims for a rebate for failing to meet the performance standards specified in the schedule to the Consumer Protection Code did the licensee receive during 2005–06?	0	
How many rebates did the licensee pay customers in 2005–06?	0	
What was the nature of the incidents?	N/A	
What was the total value of the rebates paid? (\$)	N/A	

## Ring fencing guidelines

Obligation	Response	ActewAGL Distribution comments
<i>Ring fencing guidelines (cl. 3.1)</i>		
Please provide copies of the licensee's ringfencing policies and procedures.		[provided]
What measures are taken to ensure that: staff are aware of the licensee's ringfencing policies and procedures		Ringfencing policies and procedures are in place to address this issue. All new staff are required to view ringfencing slideshow as part of induction to the company. Policies and procedures include:
<ul style="list-style-type: none"> <li>the licensee's ringfencing policies and procedures are adhered to?</li> </ul>		<ul style="list-style-type: none"> <li><i>Ring Fencing Obligations and Compliance Procedure</i></li> <li><i>Ring Fencing Corporate Policy</i></li> </ul>
Were any breaches detected of the licensees' obligations with respect to:		
<ul style="list-style-type: none"> <li>Cost allocation</li> </ul>	No	
<ul style="list-style-type: none"> <li>Protection of customer information</li> </ul>	No	
<ul style="list-style-type: none"> <li>Protection of information obtained by the licensee</li> </ul>	No	
<ul style="list-style-type: none"> <li>Staff separation</li> </ul>	No	
<ul style="list-style-type: none"> <li>Dealings with related business</li> </ul>	No	
<ul style="list-style-type: none"> <li>Marketing?</li> </ul>	No	

## Gas supply

The ACT had five licensed gas suppliers in 2005–06, four of which were active in this reporting period. The following tables contain information about the active suppliers only.

### Utilities Act

Obligation	ActewAGL Retail	Country Energy	Energy Australia	TRUenergy
<b>1.1 Obligation to request connection (s. 81)</b>				
In how many instances did the licensee not request connection, or variation of a connection, on behalf of a person who requested it?	0	0	0	0
<b>1.2 Obligation to supply (s. 82)<sup>a</sup></b>				
How many requests for supply from franchise customers were refused in 2005–06?	0			
<b>1.3 Discrimination against users of alternative energy services (s. 102(1))</b>				
How many requests for supply did the licensee receive from users or suppliers of alternative energy services in 2005–06?	0	0	0	3

a Obligation applies to first-tier retailers only.

## Licence conditions

Obligation	ActewAGL Retail	Country Energy	Energy- Australia	TRUenergy
<i>2.1 Licence compliance (cl. 7)</i>				
Was the ICRC notified of all material breaches of the licensee's licence or any applicable law, code of practice, directions and guidelines in 2005–06?	N/A	N/A	N/A	Yes <sup>a</sup>
<i>2.2 Ownership/management changes (cl. 10)</i>				
Were there any significant transfers in shareholdings (involving more than 50% of the shares) or changes in ownership in 2005–06?	No	No	No	No

Obligation	ActewAGL Retail	Country Energy	Energy-Australia	TRUenergy
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**2.3 Environmental requirements (schedule: cl. 2)<sup>b</sup>**

What strategies does the licensee use to encourage the use of thermally efficient gas appliances and efficient energy-use practice by its customers?	<ul style="list-style-type: none"> <li>• <i>Essentials</i> newsletters</li> <li>• brochures</li> <li>• ActewAGL website</li> <li>• staff advice at retail stores</li> <li>• demand management and energy efficiency advice for business customers</li> </ul>			
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**2.4 Gas Market Scheme (schedule: cl. 3)**

Was the licensee a participant in the Gas Market Company's gas market scheme, or an equivalent scheme, in 2005–06?	Yes	Yes	Yes	Yes
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<sup>a</sup> TRUenergy identified a breach of the Consumer Protection Code in September 2006: offer and confirmation packs had not been sent to new customers between 23 May and 23 August 2006. Forty-one customers were affected.

## Consumer Protection Code

Obligation	ActewAGL Retail	Country Energy	Energy Australia
<b>3.1 Complaints handling (cl. 6)</b>			
Does the licensee have in place complaints handling procedures that:			
<ul style="list-style-type: none"> <li>enable the consumer to have their complaint considered by a senior employee if not satisfied with the handling of their complaint?</li> </ul>	Yes	Yes	Yes
<ul style="list-style-type: none"> <li>deal with complaints against an agent of the licensee?</li> </ul>	Yes	Yes	Yes

Obligation	ActewAGL Retail	Country Energy	Energy Australia	
<ul style="list-style-type: none"> <li>deal with the resolution of disputes between the licensee and consumers?</li> </ul>	Yes	Yes	Yes	Yes
<ul style="list-style-type: none"> <li>comply with the relevant Australian Standard?</li> </ul>	Yes	Yes	Yes	Yes
How and when are consumers advised of the licensee's complaints handling procedures?	Customer summary, customer service centre, written responses to complaints	Initial response and contract	Contract information booklet	Phone
How and when are consumers advised of their right to complain to the Essential Services Consumer Council?	as above	In final decision	Quarterly accounts, reminder and disconnection notices	Phone
How long are complaints records held after the resolution of complaints?	Indefinitely for GGAS, 2 years for 'Satisfy' complaints system	Indefinitely	Indefinitely	7 years

Obligation	ActewAGL Retail	Country Energy	Energy Australia
<b>3.2 Summary of consumer and utility rights (cl. 9)<sup>a</sup></b>			
Please provide a copy of the licensee's statement summarising the rights of a consumer and the licensee under Utilities Act, the Consumer Protection Code and the relevant customer contract.	[provided]		
Is the summary available in:	Yes		
<ul style="list-style-type: none"> <li>the 5 most common non-English languages used in the Territory; and</li> <li>large print?</li> </ul>	Yes		
Is a copy of the summary included in the customer's first account?	Yes, and on request		

Obligation	ActewAGL Retail	Country Energy	Energy Australia
<i>3.3 Customer payment options (cl. 13.5)</i>			
What methods of payment are available to customers to pay a customer account?			
• in person	✓	✓	✓
• direct debit	✓	✓	✓
• mail	✓	✓	✓
• Centrelink— Centrepay			✓
• phone	✓	✓	✓
• Bpay	✓	✓	✓

a Obligation only applies to first-tier retailers.

Obligation	ActewAGL Retail	EnergyAustralia	TRUenergy
<b>3.4 Marketing of electricity supply services<sup>a</sup></b>			
<b>3.4.1 Obligations of marketer (cl. 27.1)</b>			
How does the licensee ensure that a marketer:			
<ul style="list-style-type: none"> <li>understands and complies with the obligations under Part 4.3 of the Consumer Protection Code and all applicable laws</li> <li>has product knowledge, including knowledge about tariffs, billing procedures, payment options and redress available to consumers experiencing financial hardship</li> <li>understands and is able to explain all offers made to consumer</li> <li>understands what is misleading, deceptive and unconscionable conduct?</li> </ul>	<p>Training</p> <p>ActewAGL trains sellers on the Consumer Protection Code and product knowledge, including tariffs. All offers are accompanied by a marketing brief and collateral detailing offers. Sellers are also trained on [ActewAGL's] code of conduct that includes misleading, deceptive and unconscionable conduct.</p>	<p>EnergyAustralia has developed comprehensive training for both [door-to-door] and telesales representatives. The training covers all areas listed.</p> <p>EnergyAustralia also regularly monitors the activity of all sales agents. [Door-to-door] sales require a follow-up verification call, which is recorded and monitored for compliance purposes. Telesales calls are recorded and monitored for compliance purposes.</p>	<p>Induction program and training</p> <p>Training is conducted via an online module, which incorporates assessment. Team managers conduct coaching sessions with staff.</p> <p>TRUenergy uses a third party sales company, Utility One. TRUenergy provides Utility One with:</p> <ul style="list-style-type: none"> <li>a Regulatory &amp; Legal Compliance training pack that gives an overview of the requirements under various applicable codes and guidelines and definitions of misleading and deceptive conduct;</li> <li>a training assessment, which all new staff must complete before commencing work on the telephone; and</li> <li>a product training pack (and assessments) that Utility One staff are required to complete before they commence selling TRUenergy products.</li> </ul>

Obligation	ActewAGL Retail	EnergyAustralia	TRUenergy
<b>3.4.2 Obligation of utility (cl. 27.2(2))</b>			
Has the licensee obtained a written statement of compliance with Part 4.3 of the Consumer Protection Code and all applicable laws from the marketer in those instances, or arranged or facilitated a supply arrangement on behalf of the licensee?	Yes  Sellers are required to comply with the Consumer Protection Code and this is policed through contractual guidelines. Financial penalties are levied for any non-compliance.	Yes	Yes [copy provided]

Obligation	ActewAGL Retail	EnergyAustralia	TRUenergy
<b>3.4.3 Contact with consumers (cl. 28.2(4))</b>			
How does the licensee ensure that where a marketer makes personal contact with consumers, either at a consumer's premises or outside a consumer's premises, that the marketer displays an identity card that shows:	Yes ActewAGL supplies sellers with appropriate photo ID. Contractual guidelines stipulate that this is to be displayed at all times.	All sales made door-to-door require a verification call. This is a call made independently of the sales agent. The call consists of a number of questions to ensure the customer has been told all of the essential information about the contract and also information such as the agent's name and whether or not the agent is displaying their ID card.	TRUenergy did not conduct any doorknocking in the ACT in 2005–06.
1. the marketer's full name, and the name of the utility that the marketer represents	[ActewAGL] contracts sellers to a strict guideline in identification.	EnergyAustralia provides the badges for sales agents to ensure that this information is included.	
2. where a marketer is not a utility, the name of the company that the marketer works for?			

a Only ActewAGL Retail, TRUenergy and EnergyAustralia actively marketed in the ACT during the reporting period.

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**3.5 Responding to complaints (schedule: performance standard 3)**

1. How many customer/consumer complaints did the licensee receive in 2005–06?	129	0	207 <sup>a</sup>	1
2. How many were acknowledged within 10 business days?	127	N/A	0	1
3. How many were responded to within 20 business days?	information not available	N/A	N/A	N/A

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**Rebates**


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**3.6.1 Obligation to pay rebate for non-compliance (cl. 11.2)**

How many claims for a rebate for failing to meet the performance standards specified in the schedule to the Consumer Protection Code did the licensee receive during 2005–05?	0	0	0	0
How many rebates did the licensee pay customers in 2005–06?	0	0	0	0
What was the nature of the incidents?	N/A	N/A	N/A	N/A
What was the total value of the rebates paid? (\$)	N/A	N/A	N/A	N/A

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a Complaints are for ACT and NSW.

## Water and sewerage services

ACTEW Corporation was the only licensed provider of water and sewerage services in the ACT in the 2005–06 reporting period.

## Water and sewerage common requirements

### Utilities Act

Obligation	Response	ACTEW Corporation comments
<i>Authorised persons (Division 7.4)</i>		
Were all authorised persons issued with photographic identity cards in 2005–06?	Yes	
How are authorised persons made aware of their obligations and entry restrictions under the Act?		All new employees and applicable contractors were inducted, with particular emphasis on entry to land and carriage of ID

## Licence conditions

Obligation	Response	ACTEW Corporation comments
<i>Ownership/management changes (cl. 10)</i>		
Were there any significant transfers in shareholdings (involving more than 50% of the shares) or changes in ownership in 2005–06?	No	
<i>Emergency telephone service (schedule: cl. 1)</i>		
Did the licensee maintain a 24-hour emergency telephone service at all times during 2005–06?	Yes	
<ul style="list-style-type: none"> <li>How are customers and the public informed of these services?</li> </ul>		White and Yellow Pages, web page, customer accounts, television, radio
<i>Supply of information (schedule: cl. 3)</i>		
Did the licensee provide all information to the Water Supply Association of Australia that the association requested in place in 2005–06?	No	Data on significant injury frequency rate (contractors) not collected; nor are data on residential revenue from usage charges/water (%)

## Consumer Protection Code

Obligation	Response	ACTEW Corporation comments
<i>Complaints handling (cl. 6)</i>		
Does the licensee have in place complaints handling procedures that:		
<ul style="list-style-type: none"> <li>enable the consumer to have their complaints considered by a senior employee if not satisfied with the handling of their complaints?</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>deal with complaints against an agent of the licensee?</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>deal with the resolution of disputes between the licensee and consumer?</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>comply with the relevant Australian Standards?</li> </ul>	Yes	AS 10002:2006
How and when are consumers advised of the licensee's complaints handling procedures?		<ul style="list-style-type: none"> <li>customer contract—charter;</li> <li>phone directory;</li> <li>in first response to customer complaint;</li> <li>over phone, as required.</li> </ul>
How and when are consumers advised of their right to complain to the Essential Services Consumer Council?		If complainant's requested solution is not agreed to, advice of the decision is accompanied with advice about the role and phone number of the ESCC.
How long are complaints records held after the resolution of complaints?		> 2 years
<i>Summary of consumer and utility rights (cl. 9)</i>		
Please provide a copy of the licensee's statement summarising the rights of a consumer and the licensee under the utilities Act, the Consumer Protection Code and the relevant customer contract.		[provided]

Obligation	Response	ACTEW Corporation comments
Is the summary available in:		
<ul style="list-style-type: none"> <li>the 5 most common non-English languages used in the Territory</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>large print?</li> </ul>	Yes	
Is a copy of the summary included in the customer's first account?	No	A copy of the Customer Charter is included in the 'Welcome' letter sent to all new/existing ACTEW customers when they move properties.
<hr/>		
<i>Customer payment options (cl. 13.5)</i>		
What methods of payment are available to customers to pay a customer account?		<p>Payments can be made by the following methods:</p> <ul style="list-style-type: none"> <li>in person (Australia Post, ActewAGL or Energy shop)</li> <li>phone pay by credit card</li> <li>Centrelink</li> <li>Bpay</li> <li>Coles/Myer</li> <li>direct debit</li> <li>mail</li> <li>eBusiness.</li> </ul>

## Water supply

### Utilities Act

Obligation	Response	ACTEW Corporation comments
<i>Obligation to connect or vary connection (ss. 83, 85)</i>		
How many requests to install a connection to the licensee's network were refused in 2005–06?	0	
How many requests to vary a connection were refused in 2005–06?	0	
How many requests to allow an accredited third party to install or vary a water or sewerage connection (pipe) were refused 2005–06?	0	
<i>Obligation to provide water supply services (s. 84)</i>		
How many requests to supply water to premises owned or occupied by a franchise customer were refused in 2005–06?	0	
<i>Damage etc to landholders' property (s. 108)</i>		
What strategies does the licensee have in place to minimise inconvenience, detriment and damage to landholders' property resulting from network operations?		<ul style="list-style-type: none"> <li>• on site risk and job assessment;</li> <li>• quality systems procedures and work instructions describing the nature and process of work;</li> <li>• supervision of work crews by an experienced supervisor;</li> <li>• a discrete 'rectification' manager to coordinate post-incident site restorations.</li> </ul>
In 2005–06, how many complaints did the licensee receive about any inconvenience, detriment or damage to landholders' property resulting from network operations?	87	

Obligation	Response	ACTEW Corporation comments
<i>Provision of notice to landholders to undertake network operations (ss. 109, 110)</i>		
In 2005–06, how many complaints did the licensee receive for failing to give 7 days notice to landholders before performing network operations, or vegetation clearing/trimming on their land?	4	
<i>Provision of notice to other utilities to undertake network operations (s. 111)</i>		
In 2005–06, how many complaints did the licensee receive for failing to give 7 days notice to other utilities before performing network operations on their land that potentially affected network facilities under the care and management of those utilities?	0	
<i>Restoring landholders' property after undertaking network operations (ss. 112, 113)</i>		
In 2005–06, how many complaints did the licensee receive about the removal of its property and waste, or the restoration of affected land, after the completion of any network operations?	62	

## Licence conditions

Obligation	Response	ACTEW Corporation comments
<i>Licence compliance (cl. 7)</i>		
Was the ICRC notified of all material breaches of the licensee's licence or any applicable law, code of practice, directions and guidelines in 2005–06?	Yes	Breach of clause 128 of the Utilities Act—excessive concentration of fluoride added to water supply on 19 June 2006.
<i>Environmental strategies (schedule: cl. 2.1, 2.2)</i>		
Please provide a copy of the licensee's environmental strategy.		[provided]
What was the volume of unaccounted-for water as a percentage of volume extracted in 2005–06? (%)	8.2%	
What was the average annual distribution loss from the network in 2005–06? (L/km of main per day)	2,766	
<i>Agreement with Fire Brigade (schedule: cl. 4)</i>		
Did the licensee comply with its fire fighting/water supply agreement with the ACT Fire Brigade at all times during 2005–06?	Yes	

## Consumer Protection Code

Obligation	Response	ACTEW Corporation comments
<i>Customer connection times (schedule: performance standard 1)</i>		
In 2005–06, how many customer connections failed to meet the performance standard specified in the Consumer Protection Code?	0	
<i>Responding to customer complaints (schedule: performance standard 3)</i>		
1. How many customer/consumer complaints did the licensee receive in 2005–06?	224	number includes enquiries there were an additional 851 water quality complaints
2. How many were acknowledged within 10 business days?	222	(849 for water quality)
3. How many were responded to within 20 business days?	216	(850 for water quality)
<i>Responding to notifications about network problems or concerns (schedule: performance standard 4)</i>		
1. How many notifications of network problems or concerns about the licensee's network did the licensee receive in 2005–06?	5,243	
2. How many of these notifications related to damage or harm to, or fault with, the licensee's network that was likely to affect public health, or caused or potentially caused substantial damage or harm to a person or property?	65	
<ul style="list-style-type: none"> <li>Of the notifications referred to in 2, how many responses were not made within 6 hours?</li> </ul>	0	
3. How many notifications related to other problems or concerns that were not likely to affect public health, or cause or potentially cause substantial damage or harm to a person or property?	5,178	

Obligation	Response	ACTEW Corporation comments
<ul style="list-style-type: none"> <li>Of the notifications referred to in 3, how many responses were not made within 48 hours?</li> </ul>	1,165	
<ul style="list-style-type: none"> <li>Of the notifications referred to in 3, how many problems or concerns were not resolved in the time specified in the response?</li> </ul>	218	
<b><i>Planned interruptions (schedule: performance standard 5)</i></b>		
How many planned interruptions to services were there in 2005–06?	462 events	5,637 properties including 318 meters affecting 2,350 properties
How many instances were there where the licensee did not provide at least 2 days notice of a planned interruption to each premises affected?	13	352 customers affected. Reason for failure_ 48 hours notice provided instead of 2 full working days.
How many instances were there where supply was not restored within 12 hours of the initial interruption?	0	
<b><i>Unplanned interruptions (schedule: performance standard 6)</i></b>		
How many unplanned interruptions to services were there in 2005–06?	708 (main to maincock)	19,213 properties affected
In how many instances was supply not restored within 12 hours of the initial interruption?	0	

## Rebates

Obligation	Response	ACTEW Corporation comments
<i>Obligation to pay rebate for non-compliance (cl. 11.2)</i>		
How many claims for a rebate for failing to meet the performance standards specified in the schedule to the Consumer Protection Code did the licensee receive during 2005–06?	0	
How many rebates did the licensee pay customers in 2005–06?	7	
<ul style="list-style-type: none"> <li>What was the nature of the incidents?</li> </ul>		<ul style="list-style-type: none"> <li>failure to notify of planned interruptions to supply—5</li> <li>delay answering complaint—1</li> <li>delay in responding—1</li> </ul>
<ul style="list-style-type: none"> <li>What was the total value of the rebates paid? (\$)</li> </ul>	\$330	

## Sewerage services

### Utilities Act

Obligation	Response	ACTEW Corporation comments
<i>Obligation to connect or vary connection (ss. 83, 85)</i>		
How many requests to install a connection to the licensee's network were refused in 2005–06?	0	
How many requests to vary a connection were refused in 2005–06?	0	
How many requests to allow an accredited third party to install or vary a water or sewerage connection (pipe) were refused in 2005–06?	0	
<i>Obligation to provide sewerage service (s. 86)</i>		
How many requests to provide a sewerage service for a premises were refused in 2005–06?	0	
<i>Performance of network operations (Division 7.3)</i>		
How many times in 2005–06 did the licensee enter landholders' properties to undertake network operations?		Data not captured
<i>Damage etc to landholders' property (s. 108)</i>		
What strategies does the licensee have in place to minimise inconvenience, detriment and damage to landholders' property resulting from network operations?		<ul style="list-style-type: none"> <li>• on site risk and job assessment;</li> <li>• quality systems procedures and work instructions describing the nature and process of work;</li> <li>• supervision of work crews by an experienced supervisor;</li> <li>• a discrete 'rectification' manager to coordinate post-incident site restorations.</li> </ul>

Obligation	Response	ACTEW Corporation comments
In 2005–06, how many complaints did the licensee receive about any inconvenience, detriment or damage to landholder’s property resulting from network operations?	27	
<i>Provision of notice to landholders to undertake network operations (ss. 109, 110)</i>		
In 2005–06, how many complaints did the licensee receive for failing to give 7 days notice to landholders before performing network operations, or vegetation clearing/trimming on their land?	23	
<i>Provision of notice to other utilities to undertake network operations (s. 111)</i>		
In 2005–06, how many complaints did the licensee receive for failing to give 7 days notice to other utilities before performing network operations on their land that potentially affected network facilities under the care and management of those utilities?	0	
<i>Restoring landholders’ property after undertaking network operations (ss. 112, 113)</i>		
In 2005–06, how many complaints did the licensee receive about the removal of its property and waste, or the restoration of affected land, after the completion of any network operations?	16	

## Licence conditions

Obligation	Response	ACTEW Corporation comments
<i>Licence compliance (cl. 7)</i>		
Was the ICRC notified of all material breaches of the licensee’s licence or any applicable law, code of practice, directions and guidelines in 2005–06?	Yes	[Licensee advised that it was not aware of any material breaches.]

## Consumer Protection Code

Obligation	Response	ACTEW Corporation comments
<i>Customer connection times (schedule: performance standard 1)</i>		
In 2005–06, how many customer connections failed to meet the performance standard specified in the Consumer Protection Code?	0	
<i>Responding to customer complaints (schedule: performance standard 3)</i>		
1. How many consumer/customer complaints did the licensee receive in 2005–06?	74	
2. How many were acknowledged within 10 business days?	69	
3. How many were responded to within 20 business days?	74	
<i>Responding to notifications about network problems or concerns (schedule: performance standard 4)</i>		
1. How many notifications of network problems or concerns about the licensee's network did the licensee receive in 2005–06?	4,959	
2. How many of these notifications related to damage or harm to, or fault with, the licensee's network that was likely to affect public health, or caused or potentially caused substantial damage or harm to a person or property?	33	
<ul style="list-style-type: none"> <li>Of the notifications referred to in 2, how many responses were not made within 6 hours?</li> </ul>	0	
3. How many notifications related to other problems or concerns that were not likely to affect public health, or cause or potentially cause substantial damage or harm to a person or property?	4,926	

Obligation	Response	ACTEW Corporation comments
<ul style="list-style-type: none"> <li>Of the notifications referred to in 3, how many of responses were not made within 48 hours?</li> </ul>	15	
<ul style="list-style-type: none"> <li>Of the notifications referred to in 3, how many problems or concerns were not resolved in the time specified in the response?</li> </ul>	83	
<b><i>Planned interruptions (schedule: performance standard 5)</i></b>		
How many planned interruptions to services were there in 2005–06?	0	
How many instances were there where the licensee did not provide at least 2 days notice of a planned interruption to each premises affected?	N/A	
How many instances were there where supply was not restored within 12 hours of the initial interruption?	N/A	
<b><i>Unplanned interruptions (schedule: performance standard 6)</i></b>		
How many unplanned interruptions to services were there in 2005–06?	1,847	
In how many instances was supply not restored within 12 hours of the initial interruption?	3	<p>1 instance: blockage reported at 18:55. Attempted to clear with no success. Customer happy to wait until next morning for dig-up;</p> <p>2 instances: broken sewer tie requiring dig-up and repair.</p>

## Rebates

Obligation	Response	ACTEW Corporation comments
<i>Obligation to pay rebate for non-compliance (cl. 11.2)</i>		
How many claims for a rebate for failing to meet the performance standards specified in the schedule to the Consumer Protection Code did the licensee receive during 2005–06?	0	
How many rebates did the licensee pay customers in 2005–06?	1	
<ul style="list-style-type: none"> <li>• What was the nature of the incidents?</li> </ul>		Failure to resolve the problem
<ul style="list-style-type: none"> <li>• What was the total value of the rebates paid? (\$)</li> </ul>	\$40	

## Glossary and abbreviations

ACT	Australian Capital Territory
Commission, the	Independent Competition and Regulatory Commission
EAPL	East Australian Pipeline Limited
ESCC	Essential Services Consumer Council
NEMMCO	National Electricity Market Management Company
NUoS Code	Network Use of System Code
Ring Fencing Guidelines	<i>Ring fencing guidelines for gas and electricity network operators in the ACT</i>
Utilities Act	<i>Utilities Act 2000</i>