



Commission for Energy Regulation

An Coimisiún um Rialáil Fuinnimh

Customer Protection in the Deregulated Electricity Market

DOCUMENT TYPE:	Decision Paper
REFERENCE:	CER/11/057
DATE PUBLISHED:	21 st April 2011
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Commission for Energy Regulation

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Abstract: The CER has decided to implement a number of additional measures to promote customer protection in the deregulated market. The measures are designed to provide customers with the information they require to actively engage with the market and benefit from competition.

Target Audience:

This paper is for the attention of members of the public, the energy industry, customers and all interested parties.

Related Documents:

- CER 10/241: Customer Protection in the Deregulated Electricity Market – Consultation Paper

For further information on this decision paper, please contact **Seán mac an Bhaire** (smacanbhaird@cer.ie) at the CER.

Executive Summary

Price control regulation has worked to protect consumers from excessive prices but also to foster competition and new entry to the market. This has been to the benefit of consumers who, in seeking better deals, have conducted over a million switches. Although price regulation has been beneficial, it is recognised that its timely removal can further effective competition. With this in mind and given the significant levels of competition that have developed in the Irish Electricity Retail Markets, the CER conducted a review of the regulatory framework for the retail electricity market. Under that review, the CER set out and decided on a Roadmap for deregulation (CER/10/058). The Roadmap identified the key competitive milestones that would mark the way to full deregulation in all sectors of the business and domestic markets.

Having met the criteria for deregulation, as detailed in the Roadmap, the business markets were deregulated on 1st October 2010. On 4th March 2011, the CER confirmed that the domestic market had also met the criteria for deregulation - this included the launch of the new ESB supply brand, Electric Ireland. As such, the remaining restrictions on price regulation were lifted on 4th April 2011.

The transition to the deregulated market does not signal the end of retail market regulation but will see a change in the regulatory framework from one of ex-ante to ex-post regulation. This new ex post regime will see a much stronger role for market monitoring and this is underpinned by European legislation in the 3rd Package. SI No. 450 of 2010, sets out explicit requirements on the CER to monitor the retail market across a range of indicators and to take action where necessary to prevent distortion or restriction of competition in the supply of electricity to final customers, or to ensure that final customers are benefiting from competition in the supply of electricity. Ultimately the CER has recourse to reinstate price regulation on ESB ('the Board') where that is deemed to be necessary. The CER will be reviewing and consulting on an enhanced market monitoring framework in May 2011. The review will be based on ERGEG Guidelines of Good Practice on retail market monitoring and will monitor the behaviour of all suppliers' in the market, looking at a broad range of indicators which consider market structures, retail market outcomes and customer satisfaction. Where market monitoring indicates that customers are not benefiting from competition or that a supplier is engaging in either predatory behaviour or excessive pricing, the CER will identify and implement appropriate remedies.

Notwithstanding an enhanced monitoring framework, the CER notes that an open competitive market also requires more active engagement on behalf of the customer to benefit from competition. While deregulation can deliver real benefits for consumers, driving further price and service innovation in the market, consumers must be empowered to effectively engage with the market to enjoy these benefits. Mindful of potential changes in an increasingly competitive

market, which could cause customer confusion with increased tariff and product complexity, the CER reviewed and consulted on a number of proposals to ensure that appropriate consumer information, market tools and protection mechanisms were available (CER/10/241). The review was guided by the ERGEG best practice propositions, experience from other jurisdictions as well as relevant legislation. With regards to legislation, particular focus was placed on the provisions of the 3rd Package, which significantly expands the roles and responsibilities of national regulatory authorities with regards to customer protection.

The CER has now considered the responses received through the consultation process and has decided upon the additional customer protection measures to be implemented in the deregulated market. In reaching its decisions, the CER has also taken account of a recent consumer survey undertaken on behalf of the CER. The survey showed that while competition is strong, and customers have had a positive experience of switching to date, knowledge of electricity pricing is still low amongst consumers and a small but growing number of consumers have not realised the savings that they expected in switching. Against this backdrop and to assist the consumer to engage effectively with the deregulated market, the CER has decided to implement the following additional customer protection measures:

- The CER will increase its customer education activities to further inform domestic customers of deregulation and the competitive market and to promote active switching. The education campaign will be delivered through the CER's website, press releases, targeted letters and leaflets, as appropriate. This will be an ongoing activity.
- The CER will implement a framework for the accreditation of price comparison services. The CER will consult on the details of the framework in May 2011.
- The CER will establish a working group to review the industry switching process documentation in May 2011 and identify if there is a need for further clarity in any areas.
- Under Suppliers' Codes of Practice, sales personnel calling to homes will be required to provide a doorstep checklist to customers. The doorstep checklist will be clear and concise and include at a minimum:
 - a prompt that customers seek identification from the salesperson
 - an explanation of the cooling off period
 - a description of the conduct customers can expect from the salesperson under the Marketing Code of Practice

- a requirement that customers actively confirm that they have read and understood each element of the checklist
- a requirement that customers actively confirm that they have understood they are switching to a specified product with a specified payment method.

The exact format and content of the doorstep checklist will be consulted on in the consultation on the Supplier Handbook in May 2011.

- Suppliers will be required to provide twelve month rolling consumption figures on the back of customers' bills. The exact methodology for its calculation, as well as the format in which it will be presented on the bill, will be developed in consultation with industry. This will be done in May 2011 through industry working groups.
- Suppliers will be required to adopt Universal Design in all customer communications and front line services. It should be adopted as soon as possible and no later than 1st January 2012. The CER will facilitate workshops with suppliers in May 2011.
- Once a definition of Vulnerable Customers has been adopted in national legislation, the CER will publish guidance notes for suppliers to determine a customer's eligibility under the definition.
- Suppliers will be required to ensure that Vulnerable Customers are on their most economic tariff rate for the customer's chosen payment method. This requirement will be included in the Vulnerable Customers Code of Practice.

The CER considers that the above measures will support customers to encourage their active and informed engagement with the market. While making these decisions the CER notes the recent market review conducted by Ofgem, which highlighted consumer confusion and a growing reluctance to engage with the energy (gas and electricity) retail markets in Great Britain. Ofgem is currently proposing measures ranging from easing tariff comparison to providing further advice to consumers on switching to tackle these issues. The CER is considering the merit of Ofgem's latest proposals in relation to tariff complexity and diversity in the context of the Irish retail markets. In particular, the CER is considering a requirement on all suppliers to publish all existing prices available to customers in a manner that allows customers make price comparisons in a straight forward manner (including the treatment of fixed and variable tariff components). The CER is also considering measures proposed by Ofgem to promote engagement with the market and their recent decision to require suppliers to provide customers with 30 days notice in advance of any increase in tariffs. This would be an extension of the Billing Code of Practice that currently requires suppliers to

inform their customers in advance of any change to tariffs but does not specify a specific timeframe.

The measures detailed in this decision paper build on CER's existing customer protection requirements under the customer Codes of Practice. In January 2010, the CER proposed to consolidate the guidelines for Codes of Practice into a single Supplier Handbook. While compiling the Supplier Handbook, the CER took the opportunity to review all the Codes and revise them where necessary. This saw the proposal of numerous additional steps for customer protection, which were consulted upon. A further consultation will be published in May on the revised handbook that will incorporate the requirements emanating from this customer protection decision paper. The CER will publish reports on supplier's compliance with the codes.

The CER will publish a review of electricity supply licences in June that will propose amendments to all supply licences to formally incorporate adherence to the Codes of Practice as a condition of the licence. In addition, it will incorporate the decisions, detailed in this paper and also consider any requirements of the 3rd Package. It should be noted that the principles in this paper apply to both the natural gas and electricity markets. Gas specific measures will be subject to further consultation.

The CER is committed to the above work programme in the interests of implementing the additional customer protection measures in a timely manner. The CER will keep industry participants and stakeholders informed of this process throughout.

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1 Introduction

1.1 *The Commission for Energy Regulation*

The Commission for Energy Regulation ('the CER') is the independent body responsible for overseeing the regulation of Ireland's electricity and gas sectors. The CER was initially established and granted regulatory powers over the electricity market under the *Electricity Regulation Act, 1999*. The enactment of the *Gas (Interim) (Regulation) Act, 2002* expanded the CER's jurisdiction to include regulation of the natural gas market, while the *Energy (Miscellaneous Provisions) Act 2006* granted the CER powers to regulate electrical contractors with respect to safety, to regulate to natural gas undertakings involved in the transmission, distribution, storage, supply and shipping of gas and to regulate natural gas installers with respect to safety. The *Electricity Regulation Amendment (SEM) Act 2007* outlined the CER's functions in relation to the Single Electricity Market (SEM) for the island of Ireland. This market is regulated by the CER and the Northern Ireland Authority for Utility Regulation (NIAUR). The CER is working to ensure that consumers benefit from regulation and the introduction of competition in the energy sector.

1.2 *Purpose of this paper*

On December 22nd, 2010, the CER published a consultation paper on proposals for new customer protection measures for the deregulated market. The consultation sought respondents' views on the information, market tools and protection mechanisms that customers require to actively engage in the deregulated electricity market and benefit from competition.

The CER carried out a public consultation between 22nd December 2010 and 4th January 2011 on that topic. The CER also held a workshop on the proposals within the consultation paper, which was attended by representatives from industry, consumer groups and advocacy agencies. The CER has considered fully the comments and submissions received. The purpose of this paper is to outline the CER's decisions with regard to the customer protection measures to be implemented. The paper summarises the responses, any additional points discussed at the workshop and sets out the CER's decisions, and the next steps for the implementation of the new customer protection measures in the deregulated market.

1.3 *Comments Received*

The CER received ten submissions to the consultation. Submissions were received from the following organisations or individuals:

Respondents	Reference
Airtricity	Airtricity
Bonkers Money Limited	Bonkers.ie
Bord Gáis Energy	BGE
Disability Stakeholders Group	DSG
National Consumer Agency	NCA
Money Advice and Budgeting Service	MABS
National Council for the Blind of Ireland	NCBI
Electric Ireland	Electric Ireland
Society of St Vincent de Paul	SVP
Viridian Power & Energy	Viridian

1.4 Structure of this paper

This paper is structured in the following manner:

- **Section 2.0** summarises respondents' comments about the proposals to promote active consumers through customer information and sets out the CER's response and decisions
- **Section 3.0** summarises respondents' comments about the proposals in relation to Vulnerable Customers and sets out the CER's response and decisions
- **Section 4.0** outlines the next steps
- **Annex A** gives a list of the decisions contained in this paper.

1.5 Other Relevant Information

If you have any questions or queries about this decision paper, please contact:

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2 Promoting Consumer Empowerments through Customer Information

2.1 Introduction

Competition has the potential to deliver real benefits to consumers by driving further price and service innovation. However, to benefit from such, consumers must effectively engage with the competitive market. This requires an empowered consumer, one that is armed with all the knowledge and information they need to shop around for a better deal and be confident in the level of protection they are assured of as an energy consumer. The consultation proposed measures to assist energy consumers in this regard. The principles put forth in the consultation paper apply both to the natural gas and electricity markets and build on the existing customer protection framework which is implemented through the customer Codes of Practice.

The proposals in the consultation were guided by the European Regulators' Group for Electricity and Gas (ERGEG) best practice propositions¹, experience from other jurisdictions as well as relevant legislation. Furthermore, the provisions of the 3rd Package² significantly expand the roles and responsibilities of national regulatory authorities with regards to customer protection.

The provision of information that is useful, accurate and easy to understand is seen as key in empowering consumers to engage effectively with the market. The following sections detail the additional measures to be taken to ensure that consumers are duly informed of the benefits of engaging in the market and guided as to how to obtain a better deal. These measures span consumer switching and suppliers' sales and marketing activities, billing and general communications. The decisions are also informed by the findings of the CER's consumer survey of domestic electricity customers, which will be published shortly. The principles in this paper apply to both the natural gas and electricity markets. How they will be implemented in the gas market will be subject to further consultation.

2.2 Customer Information – Switching

High levels of consumer switching are evident in the Irish retail electricity market³. In exercising their right of choice, through switching from one supplier to

¹ European Regulators Group for Electricity and Gas, 21st July 2006, Customer Protection Best practice Proposition, Ref: E05-CFG-03-06; European Regulators Group for Electricity and Gas, 6th December 2006, Customer Information Handbook, A review of Good Practices, Ref: E06-CPR-04-03; European Regulators Group for Electricity and Gas, 12th October 2010

² Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC

³ CER, 25th March 2011, Change of Supplier Update for Week Ending 20th March

another, consumers place an effective discipline on the market. This is seen as an integral part of a well-functioning market, driving competition and innovation. In the consultation paper, the CER proposed measures that would promote awareness of the benefits of engaging with the market while providing further information to assist consumers in obtaining the best deal. The following sections look at the three key areas where customer information is vital; switching, sales and marketing and billing.

2.2.1 Customer Education Campaign

The CER considers it essential that domestic consumers are made aware of the developments in the electricity market and the opportunities that they offer. Consumers should also be provided with impartial advice how to interact with the market to avail of these opportunities. To this end the CER proposed to undertake a dedicated customer education campaign.

Proposal 1. Customer Education Campaign

The development of dedicated customer education campaigns to inform domestic customers of deregulation and the competitive market, and to promote active switching. This could use multiple communications channels, targeting specific groups where necessary, and interacting with representative bodies where appropriate.

Q1. Respondents are invited to comment on the proposal to promote active customer switching in the deregulated market? Are you in favour of the proposal? Are there alternative options, communications channels that should be considered, or specific groups which should be targeted? Outline reasons for agreement or disagreement.

All respondents acknowledged the potential worth of a communications campaign. BGE stated that a CER-led education campaign would underpin those currently run by suppliers (which have been proven successful in promoting switching). BGE considered that the most gain would be attained by targeting those customers that are hesitant to move. For example, they suggested that the Department of Social Protection could assist in targeting such a campaign towards those in receipt of the Free Electricity Allowance⁴ (FEA). BGE purported that switching amongst FEA customers is low. They proposed that this is linked to the current structure of the scheme; in particular that customers who switch from Electric Ireland cannot transfer unused credits to a new supplier. BGE

⁴ The Free Electricity (or Gas) Allowance is part of the Household Benefits Package, administered by the Department of Social Protection and provides assistance to those aged 66 and over and/or are those in receipt of certain allowances or pensions in meeting their electricity (or gas) bills. Eligibility for the scheme is determined by the Department of Social Protection. The support scheme currently provides for the payment of standing charges, the Public Service Obligation Levy and 2,400 units of electricity per annum. A corresponding credit is provided for Gas customers.

stressed that a priority should be placed on removing these structural barriers to switching, to assist recipients of the FEA in benefiting from competition.

Rather than targeting specific customer groups, Airtricity suggested that an education campaign should address those factors that inhibit customers from switching. The main inhibiting factor highlighted is that of brand identity of both ESB and Bord Gáis. In this regard, Airtricity stated that customers associate these household names with safety. Airtricity asserted that customers are largely unaware of the separation of these incumbents into their respective functional businesses, e.g. supply and distribution network operator, and are as such confused in relation to the equality of treatment they are entitled to from the network operators. Airtricity suggested that this has deterred customers from switching (as customers believe the safety of their supply would be affected by switching from the incumbent supplier). Airtricity called for both these supply companies to be re-branded. In addition to re-branding, Airtricity also recommended that the education campaign should inform customers, step by step, how to switch and include qualitative evaluation measures rather than just focusing on prices offered by supplier. Airtricity also suggested that the CER should work with consumer bodies/agencies and suppliers in designing the education campaign.

Bonkers.ie agreed that qualitative information should be provided to aid customers in choosing a supplier. They suggested that customers should be furnished with information, from the regulator, as to a supplier's performance in relation to complaint handling and resolution. In promoting switching, Bonkers.ie highlighted that customer confidence to switch is affected by a lack of awareness of the ease of switching and clarity on tariff offerings and their structures. They also pointed to calculations not been available to customers when assessing suppliers' offers. Bonkers.ie considered customer awareness and access to reliable information at the heart of an education campaign promoting switching. With regards to tariffs, they considered ease of access to independent and impartial pricing information will place a discipline on suppliers. Bonkers.ie stated that effective switching can drive product innovation and that the CER should play a key role in ensuring customers are adequately informed.

The recommendation that the education campaign also provide qualitative evaluation parameters was also raised by Electric Ireland. Electric Ireland also stated that customers should be obliged to provide more extensive information, than currently is the case, when switching. This information relates to the customer her/himself, arrears with former suppliers and the provision of actual meter readings. They proposed that this is necessary to help customers avoid re-registration deposits and mounting debt problems.

The NCA suggested that the education campaign should be tailored to customer groups based on their level of market engagement to mitigate against suppliers cherry picking certain customers. The NCA recommended that an education

campaign be tailored as to those who are active, reactive and inactive in terms of market engagement (consumer categorises used in the UK). They deem that an education campaign should be supported by market monitoring to evaluate how customers are being treated (particularly those who do not switch) and the performance and ease of the switching process.

MABS suggested that an education campaign should target those on low incomes. To effectively target these customers, they recommended working with the Department of Social Protection. MABS suggested that mis-selling has harmed customers' confidence in switching. They highlighted the doorstep checklist as utilised in Italy as useful in deterring such practices.

In conducting an education campaign, the DSG and the NCBI stressed that accessibility to customers should be a key consideration. In this regard, both the DSG and the NCBI are of the opinion that customers should be entitled to receive information in a format best suited to their needs. They considered it undesirable that customers receive information in a format that is not accessible to them and suggest that suppliers should be obliged to proactively determine a customer's needs. Both the DSG and the NCBI highlighted that communications needs will vary within disability groups – e.g. Braille is not suitable and should not be adopted for all customers who are visually impaired. As such, they asserted that the disability a customer may have should not be relied upon to determine a customer's needs. Instead, both parties suggested a functional assessment. The NCBI provided an example of such where customers are given samples of various leaflets and asked which best suits their needs. The NCBI recommended that the customer should be able to choose the format in which they receive information and in doing such not be required to prove or declare a disability. The DSG and the NCBI recommended that disability training be provided to customer service staff as well as other frontline staff and managerial staff. The NCBI pointed to tailored training that takes into account the role in question.

The DSG and the NCBI also recommended formats and designs for the presentation of information through printed media or online. With regards to printed media both parties recommended the adoption of clear print and large print, while also providing the information through Braille and through audio sources. For online information, it is recommended that websites be compatible with screen readers and magnification tools. The DSG suggested that explanatory DVDs in sign language be provided. They recommended that audio visual material would incorporate audio description. With regards to design, the NCBI suggested the adoption of the Online Web Content Accessibility Guidelines (WCAG 2.0). The DSG highlighted that log in and on line registration features must also be included when considering accessibility. In addition to such communications channels, the NCBI also highlighted the value to visually impaired customers of being able to access information via the telephone. As such, they recommended a dedicated customer service unit contactable by

phone. They suggested that customers should be made aware of the availability of this service and indeed all services and information being made accessible.

As to the communication channels to be adopted, Airtricity agreed with the adoption of multiple channels such as print and visual media as well as online platforms. Electric Ireland also agreed with this and recommends that social network options should be considered. With regards to communication channels MABS suggested that radio and TV campaigns would be the most effective at reaching the most consumers. In targeting specific consumer groups they recommended cooperation with not for profit organisations.

CER's Response

The CER welcomes the positive response and constructive feedback and suggestions to the proposed customer education campaign. Respondents highlighted particular groups that an education campaign should be targeted towards including those in receipt of the FEA, those on low incomes and those hesitant to switch. The CER agrees that targeting specific groups should have benefits in providing customers with information to meet their specific needs. The CER also agrees with respondents that the further engagements with consumer groups and other relevant agencies will be required to identify and communicate with targeted groups in a meaningful way.

As to the contents of the education campaign, it is suggested that the focus should not be on price alone and that it should address those matters hindering switching, for example by highlighting the ease of the switching process. Clarity on tariffs and provision of qualitative data as to the performance of suppliers was also suggested. The CER acknowledges the importance of consumers being aware and able to understand the tariffs available in the market. The CER has proposed specific measures on price comparison tools and information on consumption. These are discussed further in the following sections. As to the provision of qualitative data, the CER agrees that an education campaign should not focus exclusively on price. In relation to the provision of data as to a supplier's performance in complaints handling (as suggested by Bonkers.ie) the CER currently publishes data on the number of complaints received by the CER per supplier in the customer cares team's annual report.

Respondents also suggest that multiple communications channels should be adopted in disseminating information under an education campaign. In this regard, the CER notes that one communication channel will not be suitable for all consumers. The aim of an education campaign is to firstly inform customers about market deregulation and the opportunities that increased competition can provide. The second is to inform consumers of the information they need to engage with the market to benefit from that competition. The CER notes that this will be an ongoing process that will be informed by detailed market monitoring. The CER also notes OFGEM's recent proposals to remedy customer confusion

and reduced market engagement in Great Britain, which included the provision of further switching advice and information to consumers⁵.

In relation to barriers to switching, Airtricity call for the re-branding of the supply incumbent in both the electricity and gas markets. As per the decision on the Roadmap for Deregulation of the electricity markets (CER/10/058), an additional criterion for deregulation of the domestic market is the provision of a satisfactory commitment by ESB to re-brand its supply businesses. This was to tackle confusion amongst customers as to the distinct and separate roles of ESB Networks and ESB's supply businesses. The CER did not consider it appropriate that the protection of customers associated with regulated tariffs should be removed until such time as this confusion was addressed, as it may act to limit certain customers' confidence in alternate suppliers. In adherence to the re-branding criterion, ESB Customer Supply and ESB Independent Energy have now commenced their re-branding process with the launch of a new brand name, Electric Ireland.

The issue of re-branding in the gas markets was dealt with in CER/10/212 "Proposals on a Roadmap for Deregulation in the Non-Daily Metered Retail Gas Market" published 26th November 2010. The paper discussed branding in relation to deregulation and asked questions regarding branding and whether BG Energy should change its brand. A decision on branding will be published as part of the roadmap decision paper, expected in early May 2011.

CER's Decision

Noting the overall positive response to the proposed broadened education campaign, the CER has decided to increase its customer education activities to inform domestic customers of deregulation and the competitive market, and to promote active switching.

The CER intends to commence this campaign in May targeting domestic customers to inform them about market deregulation and advising them as how to switch supplier. The CER will use its website to communicate key market developments and customer protection issues. This will be in conjunction with press releases as and when appropriate. The CER will also produce specific leaflets for customers on key issues such as switching. In order to ensure that the education campaign reaches as many people as possible, the CER will continue to engage with consumer representative groups and bodies, such as those that have responded to the consultation. The CER will implement Universal Design in all its communications with customers by 1st January 2012.

⁵ OFGEM, 21st March 2011, The retail market Review – Findings and Initial Proposals

Decision 1 – The CER will increase its customer education activities to further inform domestic customers of deregulation and the competitive market, and to promote active switching. The education campaign will be delivered through the CER’s website, press releases, targeted letters and leaflets, as appropriate.

2.2.2 Price Comparison Tools

Deregulation while delivering real benefits to consumers, will introduce more complexity to the market through tariff and product innovation. The CER proposed that a price comparison tool could be effective in guiding consumers through this increased complexity.

Proposal 2. Price Comparison Tools

The development of price comparison tools in the Irish market.

Q2. Respondents are invited to comment on the proposal to facilitate the development of tariff comparison tools. Are you in favour of the proposal? What is the preferred model for delivery? Are there alternative options which should be considered? Outline reasons for agreement or disagreement.

All respondents agreed with the CER’s proposal to facilitate the development of tariff comparison services. Broad agreement was also evident as to the benefit of providing accredited tariff comparison services. In contrast to Electric Ireland, four respondents (Airticity, BGE, MABS and the NCA) saw merit in an accredited price comparison service provided by an independent body (i.e. a party with no vested interests in the electricity supply business). They pointed to the provision of this service by the CER. BGE suggested that an approach similar to the ComReg model⁶ in the telecoms sector should be adopted. They stated that due to the comparatively small size of the market, such a centralised approach may be most apt. BGE highlighted that the provision of a price comparison tool by the CER, would facilitate unbiased comparison, the use of up to date information and clear, concise comparisons.

Airticity stated that, in the interest of customer confidence, price comparison services should be independent in nature. They suggested that the simplest delivery method may be that the service be provided by the CER. Viridan also highlighted a central accredited site as being most effective in terms of minimising customer confusion. Viridian did, however, state that the consultation did not provide specific details as to who would develop the service and as to how it would be administered. Viridian highlighted that the competitive market will drive product innovation that may see the frequent launch of new products and tariffs in the market. Viridian asserted that the method in which a price comparison service accommodates these dynamics will have to be given careful

⁶ www.callcosts.ie

consideration. This is to ensure that the services provide the customer with accurate and reliable information as to current market conditions. Viridian stated that a price comparison tool is particularly important for domestic customers.

The NCA also pointed to the price comparison service operated by ComReg and indicated that price comparison services provided by regulators can strengthen customer confidence by ensuring comprehensive, unbiased and clear comparisons. They did, however, note that the provision of such a service can entail significant costs and resources. MABS stated that it is of key importance that a price comparison service be provided by an independent body such as the CER. This is in order to guarantee unbiased comparison. Bonkers.ie also highlighted the importance of price comparison service providing reliable, understandable and useful information. In this regard they highlighted the success, across Europe, of accrediting services provided by third parties. Bonkers.ie therefore recommended that the CER would adopt such an accreditation framework. The provision of price comparison services by commercial parties is seen by Bonkers.ie to drive innovation, to the benefit of the customer, while regulatory oversight will guarantee their accuracy and in turn customer confidence. A further benefit of commercial services, highlighted by Bonkers.ie, is their potential to deliver switching through their services. Bonkers.ie suggested that the accreditation service should be underpinned by at least annual auditing and vetting. Price comparison sites meeting the requirements set by the Regulator would be allowed show a so called kite-mark, a mark of approval. In relation to commercially delivered price comparison services, the NCA stated that the relatively small size of the market may limit their number.

SVP highlighted that the worth of price comparison services can be improved when delivered in tandem with access to consumption data. SVP stated that sight of price and consumption will allow customers to gain a better understanding of their energy demand versus costs. For example, it could provide those in receipt of the Households Benefits Package with a better sense as to the level of demand and costs covered by the scheme. Airtricity suggested that price comparison services should be structured around standardised consumption data, which are updated quarterly.

The NCBI and the DSG both stressed the need for delivering a price comparison that is accessible and that this should be considered from the outset of the design. They pointed to the accessibility considerations highlighted as to the education campaign (see responses to question 1). To afford access to price comparison information to customers unable to access web based services, the NCA suggested that documents outlining the benefits of switching in terms of price should be published. MABS recommended that price comparison services be provided over the internet and telephone and that language used should be clear and should avoid industry jargon. They recommended that the existence of

the service should be promoted. Viridian stated that it should be ensured that all customers have access to price comparison services.

However, in contrast to others, Electric Ireland considered that it would be premature to introduce accreditation at this time. They pointed to the infancy of the tariff comparison services in Ireland and they recommend that the market should be allowed to develop these tools prior to the introduction of a system of accreditation. Electric Ireland also stated that a single accredited site could hinder innovation in tariff comparison services and compromise the CER's independence.

CER's Response

The CER notes the preference by the majority of respondents for some form for independent price comparison service. There were essentially two models discussed;

1. Independent comparison website – provided by CER or a 3rd party
2. Accreditation framework for commercial sites

Respondents' argued that an independent service would deliver a service providing unbiased, comprehensive, clear and accurate comparison, which in turn would spur consumer confidence. The CER is of the opinion that an appropriate framework of accreditation, while allowing for competition between service providers, can also deliver the same benefits (in terms of unbiased, comprehensive, clear and accurate comparison) as a price comparison service provided by an independent party. Such an accreditation framework would allow third parties to develop price comparison services and seek accreditation from the CER. As such, and in contrast to a model where there is only one approved independent site, this system provides for multiple accredited sites competing amongst each other for customers. This should drive competition to the benefit of the customer (in terms of innovation and customer services). The CER notes that such an accreditation model is adopted in the UK.

The CER acknowledges the merit, as highlighted by MABS, in promoting awareness as to the availability of price comparison services. The CER considers that its role in promoting these services should be limited to informing customers of the accreditation framework and the accredited services provided. As to accessibility, the CER considers that this will be, in the first instance, naturally driven by competition between the developers of the services. The CER is, however, minded to include a minimum set of accessibility standards within the accreditation framework.

The CER agrees that price comparison services can play a role in assisting consumers in identifying the best deals in the market. In the recent consumer survey, nearly half of the consumers surveyed shared this opinion by agreeing

that web based price comparison services would be beneficial when making a switching decision. This is to a backdrop of relatively straightforward pricing by suppliers – a percentage reduction on regulated Electric Ireland tariffs. With product diversification expected in a deregulated market, where greater competition amongst suppliers will drive further tariff and product innovation, the value of price comparison services to consumers can only become greater.

The CER does note the situation in Great Britain where, even with price comparison services, consumers are finding it difficult to compare tariffs and ascertain the best deals. This is, however, in an energy retail market (gas and electricity) where the number of tariffs available is, at just over 300, vastly higher than the number currently available in Ireland⁷ The findings of the report showed that the diversity and complexity of tariff offerings was contributing to consumer confusion, leading to difficulties in identifying the best deals and contributing to a decrease in the number of customers actively engaging with what is a mature market. To counter this, OFGEM is proposing to introduce measures ranging from easing tariff comparison to providing further advice to consumers on switching.

CER's Decision

With the recent consumer survey confirming price remains the main driver for switching, it is of key importance that the information provided by price comparison services is up to date and accurate. The CER has considered the range of options put forward by respondents and decided to implement an accreditation framework. The CER considers that an accreditation framework, akin to that in the UK, can provide consumers with price comparison services that they can be confident in while driving competition between service providers (which should deliver better service to the customer). The CER will consult on the specifics of the accreditation framework in May.

Decision 2 – The CER has decided to implement a framework for the accreditation of energy price comparison services. The CER will consult on the details of the framework in May 2011.

2.2.3 Switching Processes

Consumer switching is at the key of an effective market. The retail market systems have supported high levels of switching in Ireland and provided a switching process that consumers find easy, as shown in the recent consumer survey. However, with the deregulation of the market, the CER sought comments as to whether the process could be improved for the consumer.

⁷ OFGEM, 21st March 2011, The retail market Review – Findings and Initial Proposals

Q3. Respondents are invited to comment on any additional measures which could be introduced to enhance the switching process, making it easier for consumers. Are there alternative options which should be considered? Outline reasons for agreement or disagreement.

The current ease of the switching process for customers was highlighted by suppliers (Airtricity, BGE and Electric Ireland). Improvements were, however, suggested. BGE suggested the implementation of an objection process for suppliers to stop a switch at the behest of their customer. This was to tackle the current situation where no provision is given to suppliers to block a customer switch away from them (including where the customer has informed them that they do not want to switch). BGE also recommended that Vulnerable Customers be urged to inform their new supplier of their vulnerability. They also asserted that the FEA scheme should be amended so that it treats all suppliers in the same way⁸.

Electric Ireland recommended that additional obligations should be placed on customers when switching. These are in relation to the provision of information regarding their circumstances, including any arrears they may have, and the provision of an actual meter read. Viridian stated that delays in meter readings, by ESB Networks, have challenged suppliers' abilities in affecting a switch within three weeks.

To ensure that customers continue to experience a smooth switching process, the NCA stated that the regulator should monitor switching complaints and intervene where issues arise. SVP raised concerns over the customers changing suppliers and not addressing debt accumulated with their old suppliers. They suggested that some restrictions should be placed on customer switching so as to reduce the problems that this causes for both the customer and supplier alike. In this regard, they suggested some degree of debt blocking where customers with a debt in excess of a certain level are blocked from switching. SVP also pointed to customers switching supplier and, in doing such, changing to a payment methods that does not suit their needs. For example, when switching, a customer may change to direct debt to afford of more attractive rates. If this payment type is not suitable for the customer SVP highlighted that this may result in debt issues. MABS also referred to debt blocking. Though they acknowledged that it is out of the scope of the consultation paper, MABS argued that it must be considered in any decision reached in relation switching. MABS also highlighted their concerns that customers switching may not be fully informed. They emphasised the need for the provision of unbiased information to the customer.

⁸ Currently under the FEA scheme, credits are applied to the bills of FEA customers supplied by Electric Ireland. If an FEA customer switches from Electric Ireland, they lose any unused credits. FEA customers switching amongst independent suppliers do not face such a barrier as they receive cash payments rather than having credits applied to their bills.

CER's Response

The CER notes that the switching process has proved to be easy and straightforward for customers. This is supported by the findings of the CER's consumer surveys in 2010 and 2011, and the European CER's 2010 retail market survey. However, respondents have identified some points in the process that could benefit from further definition at the supplier / customer interface in terms of the information required to process a switch e.g. the objections process in the case of an erroneous transfer. To this end, a working group is to be established via the Industry Governance Group (IGG) to develop additional industry process documentation for the objection process. The CER is now minded to expand the remit of that working group to identify if there is a need for further clarification in other areas of the switching process.

In relation to the mechanics of the FEA scheme, the CER is anxious to address the current imbalance in the switching process and has been working with the Department of Social Protection in this regard. The consumer survey showed that the level of switching had increased from 4 to 14 % since the 2010 research, but remains low compared to the 29% for the general population. While the reasons stated by FEA customers for not switching roughly align with those for the general population, and 88% of FEA customers were satisfied to receive payment into their post office / bank account the survey also showed that FEA customers have a higher tendency to switch back to their old supplier.

On the issue of arrears, the CER is currently consulting on a number of proposals to address customer bad debt⁹.

CER's Decision

Respondents suggested additional rules to be applied to the switching process in relation to consumer data. The CER will establish a working group to identify if there is a need for further clarification in other areas of the industry switching process documentation e.g. the objections process.

Decision 3 – The CER will establish a working group to identify if there is a need for further clarification in other areas of the industry switching process documentation.

2.3 Customer Information - Sales & Marketing

The previous section discussed methods by which the CER would raise general consumer awareness as to market developments, switching and the information

⁹ CER/11/044, "Customer Bad Debt in Electricity and Gas Markets".

required to obtain a better deal. This information should provide consumers with the confidence to engage with the market and seek better deals. In engaging with the market, suppliers will remain (through their sales and marketing activities) a consumer's primary source for direct information. It is important that the information provided is accurate and can be easily understood.

Proposal 3. Doorstep Checklist

The development of a standard checklist that doorstep sellers would provide to customers, which would facilitate CER in monitoring good practice.

Q4. Respondents are invited to comment on the proposal to develop a standard checklist that doorstep sellers would provide to customers, which would facilitate CER in monitoring good practice? Are you in favour of the proposal? What information should be included? Are there alternative options which should be considered? Outline reasons for agreement or disagreement.

There was broad acceptance of the proposal to develop a standardised checklist for doorstep sellers. Though supportive of a standardised checklist, Airtricity cautioned against additional paperwork acting as a barrier to switching. They therefore suggested that if a checklist was to be introduced that it should be designed to be incorporated into suppliers' internal quality assurance schemes. BGE stated that there should be flexibility as to how the checklist is presented to the customer – for example by providing a hard copy that the customer could read or via digital means where the salesperson reads it to the customer before the customer provides an electronic signature. BGE stressed that for the checklist to be effective it must provide clear concise information that is easy for the customer to understand. They suggested that the checklist should:

- Prompt the customer to seek identification from the salesperson
- Indicate the customer's entitlement to a seven day cooling off period
- Seek confirmation that the customer understands they are switching supplier
- Seek confirmation from the customer that they are responsible for paying the electricity bill and that they understand the contents of the checklist.

SVP also recommended specific items for inclusion on the checklist. These focused on the ability of the customer to manage the monetary implications of any switch. They touched on the customer's ability to pay, their awareness of the costs involved and the budgeting options offered by the supplier. SVP also suggested that the new supplier be required to inform the customer as to how their last bill (including arrears) with their old supplier will be handled. SVP also recommended that the checklist include a requirement to provide the supplier sight of their last bill.

In relation to the items to be included in the checklist, the NCA referred to the doorstep selling Regulations and indicates that the Regulations should form the basis for the checklist. Specific items suggested by the NCA for inclusion were:

- Identification of the salesperson and supplier (name, contact details)
- Information as to the product being sold, including cost and a offer reference number
- Information as to the basis of any comparisons made, which demonstrates that they are on a like for like basis
- Notification that the customer is entitled to a cooling off period in which they can cancel the contract

The SVP also stressed that the checklist should be formatted in such a way that promotes its explanation by the salesperson. For example they recommended that the checklist should require the customer to confirm that they have been through the entire checklist and understood it. The SVP also recommended that the salesperson and customer must sign the checklist and that both parties retain a copy of it.

At the consultation workshop it was proposed that it may be beneficial to send the checklist to all households, to afford customer time to digest its contents at their leisure rather than under a pressurised sales environment. In addition, it was suggested that placing a requirement on suppliers to leave behind identification cards with customers may spur an environment of accountability.

The cooling off period, the determination of a customer's satisfaction that the checklist has been adhered to as well as how complaints would be investigated are questions raised by Viridian. Viridian pointed to the Energy Retail Association as an example of good practice to how suppliers in GB are trying to improve customer experience.

The DSG stressed the importance of a step by step guide and also recommended the provision of factsheets to customers outlining what they should and should not do when approached by a salesperson. The DSG stated that these documents should be available in Braille, audio, large print while also being made available online. They also stated that those with sight loss should be made aware of the availability of this information in varying formats and also suggested that suppliers could use their register of Vulnerable Customers to tailor their information to customers' specific needs. The DSG emphasised that salespersons are bound by the customer protection Act of 2007 and, in line with government policy, salespersons are required to provide all customers with the same level of information. The DSG stated that in some instances it may be useful to call (with the customer's permission) on a family member, friend or advocate to assist the customer during the doorstep sales.

MABS asserted that doorstep selling was driven by commissions and as such does not hold the best interest of the customer at heart. MABS recommended that the required cooling off period be included in any doorstep checklist. They stated that the checklist should be in plain English. They recommended advertisements to increase awareness as to appropriate / in appropriate doorstep selling. They suggested that doorstep salespersons should be bound by, for example, a Code of Practice to provide the customer with their contact details and also to ensure that the customer has understood the checklist before commencing the sales pitch.

The DSG and the NCBI stated salespersons should be required to carry ID, which incorporates Braille. DSG also stated that the IDs should adhere to their clear print principles. The DSG and the NCBI recommended that all salespersons should receive suitable training as to how to interact with customers, including those who are disabled.

Electric Ireland was not in favour of the proposal to introduce a checklist, proposing that the Marketing Code of Practice for electricity suppliers already provides effective regulation of suppliers' sales activities. Electric Ireland suggested that rather than introducing a checklist that the CER should monitor the market and intervene where any issues arise.

CER's Response

The recent consumer survey found that over a third of consumers now obtain their information about suppliers from direct contact with them. This ranks direct contacts just behind TV, radio and newspaper advertising and sees it surpassing reliance on paper or magazine articles (ranked second in the 2010 consumer survey). The recent survey also asked consumers about their general experience of direct sales. Though the majority of consumers found the sales experience generally acceptable, issues were raised by a proportion of the consumers surveyed. In particular 8 to 12 % of those asked highlighted issues in relation to aspects of the sales process including, unreasonable pressure being applied, difficulty in understanding the Terms and Conditions of the offers presented, too frequent contacts and the general approach of sales representatives.

Further to respondents' comments, the CER considers that at a minimum the checklist should include the following;

- clear and concise language
- a prompt that customers seek identification from the salesperson
- an explanation of the cooling off period
- a description of the conduct customers can expect from the salesperson under the Marketing Code of Practice,
- a requirement that customers actively confirm that they have read and understood each element of the checklist

- a requirement that customers actively confirm that they have understood they are switching to a specified product with a specified payment method

The CER notes the shift to digital sales solutions by suppliers. The CER does not, however, consider it appropriate that a checklist would be solely presented to consumers in a digital format, presented on a device held by the salesperson. This takes a degree of control away from the consumer and does not fit naturally with the aim of the doorstep checklist – that is to empower the consumer in terms of the information provided and the conduct of the salesperson, and in doing so assist the consumer in making the best decision. Therefore, the CER considers it appropriate that the doorstep checklist be handed, in hard copy, to the consumer. This should be done at the outset of the sales pitch.

The CER will specify the content and format of the checklist in a consultation on the Code of Practice Supplier Handbook Guidelines in May.

CER's Decision

The CER has decided that all salespersons will be required to provide a checklist to any customers they call to. These requirements will be placed on suppliers through the Codes of Practice and will be incorporated in to the May consultation on the Code of Practice Supplier Handbook Guidelines. The specific format and content of the doorstep checklist will be considered in that consultation.

Decision 4 – The CER has decided that sales personnel calling to homes will be required to provide a doorstep checklist to customers. The doorstep checklist will be clear and concise and include at a minimum:

- a prompt that customers seek identification from the salesperson
- an explanation of the cooling off period
- a description of the conduct customers can expect from the salesperson under the Marketing Code of Practice,
- a requirement that customers actively confirm that they have read and understood each element of the checklist
- a requirement that customers actively confirm that they have understood they are switching to a specified product with a specified payment method

2.4 Customer Information – Billing

Bills are suppliers' primary method of communication with their customers. The bill provides a useful communications platform and is the customers' primary information source in relation to consumption and cost. The cost and consumption information provided is however limited to the billing period in question. With such data playing a particularly important role not only in relation to household budgeting and effective management of consumption but also tariff

comparison, the CER proposed an annual statement providing historic cost and consumption data.

Proposal 4. Annual statement of price comparison and consumption

The development of an industry standard format for an annual statement to be provided to customers that would include consumption and cost data averaged over the last 12 months (or as long as the consumer has been with the supplier, whichever is shortest). This data should be presented on a kWh and €/kWh, respectively. The cost data should include all standing charges, with a breakdown and explanation of the various elements of the cost. The statement should also include advice to consumers as to how to switch.

Q5. Respondents are invited to comment on the proposal to develop an industry standard annual statement to price and consumption data? Are you in favour of the proposal? Are there alternative options which could facilitate customers to manage their consumption and assess competing offers? Outline reasons for agreement or disagreement.

All suppliers raised the issue of costs associated with the proposal. Of the suppliers, only Viridian was broadly in support of the proposal. Viridian did, however, state that detail was lacking as to how the proposal would operate in practice. They also highlighted that it would not be appropriate to require suppliers to provide forecasted prices and notify customers of the benefits of switching.

Electric Ireland, Airtricity and BGE challenged the usefulness of an annual statement. They pointed to the information already provided to customers through regular billing (6 to 12 bills a year). Airtricity highlighted that all their customers have access to their cost and consumption data via their online account, which can be accessed either via the internet or the telephone. Electric Ireland also considered that such an approach (online billing combined with enhanced services from suppliers) would be effective in informing customers. They, as did Viridian, also noted that smart metering will ultimately increase customer awareness of their consumption and costs.

In addition to the above, Airtricity stated that the proposal, by requiring a physical statement to be provided to the customer, would have a significant impact on the environment. They recommended that any form of annual statement should be compatible with the general shift to IT based billing solutions and digital account management. Airtricity also highlighted a concern that customers could become confused by mistakenly identifying the annual statement as a bill. This point was also raised by MABS, while the DSG stressed that it must be made clear to customers that the statement is not a bill. At the workshop, consensus was reached amongst attendees that that additional consumption data should be incorporated into the bill rather than be presented in a standalone annual statement.

BGE also recommended two options for the provision of data via the customer's bill and online. One where average yearly consumption for different dwelling types was provided on the back of bills and online or alternatively where a running consumption total was provided on bills. In relation to the first option, BGE saw advantages to adopting an average figure rather than customer specific figures. They pointed to ease of recollection of a rounded average figure and the fact that an average not linked to a specific customer would be less affected by aspects that may be temporary or permanent in nature – such as climatic changes, changes to the customer's personal circumstances as well as whether an actual read has been obtained. BGE also noted that where a customer has switched to the supplier within the last year, such an average would provide a useful benchmark for the customer. Both MABS and Bonkers.ie suggested the adoption of such average consumption figures but not in isolation, rather in tandem with further cost and consumption information such as that proposed. In this regard, Bonkers.ie was in agreement with the proposed annual statement, while MABS was in favour of rolling totals of costs and consumption presented on bills. As to the average data, MABS suggested that this should be in relation to dwelling type, while Bonkers.ie referred to “*national average*” consumption figures.

Such practical difficulties associated with providing customer specific data, as indicated by BGE, were also highlighted by Electric Ireland. Specifically, Electric Ireland noted instances where customers change their MIC, where no start or final meter read is available and where customers are being billed based on estimated reads. They stated that these issues needed to be resolved with input and agreement from all suppliers. Airtricity highlighted that suppliers do not have access to a customer's consumption data with a previous supplier. They stated that, if a customer had switched supplier in the last year, this could prevent the supplier calculating an annual average for the customer in question. Airtricity highlighted that in contrast to suppliers, the Network Operator holds full consumption history, which they could provide to the customer.

Bonkers.ie stated that consumption and cost information (as provided on the annual statement) has been proven in practice to be extremely beneficial to customers. Consumer groups welcomed the proposal to provide additional consumption and cost information. SVP highlighted the worth of such in conjunction with BER certificates. The NCA, though in agreement with the proposal and indicating it as best practice, stated that the provision of the information only once a year is not sufficient and it should be provided on a more frequent basis.

The NCBI stated that customers with sight loss may already be missing out on information as to the benefits of switching and welcome the proposed annual statement. In this light the NCBI stressed the importance that an annual statement must be accessible. The DSG also stressed this point. With regards to

accessibility the NCBI recommended that the annual statement be made available in Braille, audio and large print formats as well as online. Where the statement is available online this must also be made accessible, being as easy to use for those with vision as those with sight loss. The NCBI recommended that guidelines or a template be specified setting the format of the annual statement.

CER's Response

The CER considers that consumption and cost data can be beneficial to consumers in comparing offers in the market and in managing their own electricity consumption. The CER does recognise that electricity consumers are provided such data on their bills that are issued on a monthly or bimonthly basis. However, the data is limited to the billing period in question. At the same time the CER notes the shift to online billing and services affording customers further access to more detailed consumption and cost data. The CER finds it encouraging that there is evidence suppliers are also providing access to these online services via the telephone.

The 3rd Package requires that customers should have access to consumption data frequently enough to enable them to manage their consumption and also to historical consumption data. Smart metering will ultimately deliver more accurate consumption information for consumers. In the interim, the CER considers it appropriate that consumers should be provided additional consumption data on their bills. This takes into account consumers' preference to additional cost or usage information being placed on the bill. This was highlighted in the consumer survey. It showed that approximately 60 % of consumers expressed that the provision of additional information on the bill in relation to consumption or costs would be beneficial.

In contrast more frequent billing was not strongly received – 29% favoured this but 34% said it would not be at all useful. The provision of information on the bill rather than through an annual statement, also avoids respondents' concerns regarding additional paperwork and potential confusion with bills, while also increasing the frequency at which customers are provided the added consumption data.

The CER agrees with MABS and Bonkers.ie that there may be merit in providing average domestic consumption figures. Such figures could assist consumers in benchmarking their consumption and determining whether they could undertake any energy savings steps. However, the proposal could potentially cause confusion as few customers would relate to the statistical consumption average as there are many variables that will determine an individual customer's consumption. To this end, the CER will give further consideration as to how generic industry consumption data could be provided in a meaningful way for consumers.

In parallel, the CER will also develop a formal process for consumers to access their historic consumption data from the Meter Registration System Operator (MRSO). This will provide consumers access to information that a new supplier of theirs would not have.

CER's Decision

The CER has decided that rolling twelve month consumption data is to be provided on the back of customers' bills. This is in place of the annual statement suggested in the consultation. The methodology for calculating the rolling consumption figure as well as the format in which it will be presented on bills will be developed with industry. This will be done through industry working groups in May 2011. The requirement to provide rolling consumption data on bills will be introduced under the Billing Codes of Practice. This will be consulted upon in the consultation on the Supplier Handbook in May.

Decision 5 – The CER has decided that twelve month rolling consumption figures are to be provided on the back of customers' bills.

2.5 Communications with Customers

Information to be useful must be presented in a manner that is accessible to the consumer, i.e. in a format that they can understand. In this regard, it is of particular importance that the requirements of those with special communications needs are met. This may not be limited to those with visual and hearing impairments who are provided with tailored communications methods when registered under the Vulnerable Customer registration process. To capture these consumers, the CER proposed that Universal Design be adopted in designing front line services and communications for Customers.

Proposal 5. Communications with Customers

The CER is proposing that all licensed suppliers should apply the principles of Universal Design in designing front line services and communications for Customers.

Q6. Respondents are invited to comment on the proposal to require all licensed suppliers to adopt the principles of Universal Design in all communications with customers? Are you in favour of the proposal? Are there alternative options which should be considered? Outline reasons for agreement or disagreement.

Electric Ireland stated that they already adopt the concept of Universal Design in their website based services and that they are in favour of expanding its adoption to other areas. They indicated that they would be open to an industry forum on

this topic as well as cooperation with the NDA. Airtricity agreed with the adoption of Universal Design but suggested that it may not be appropriate in all instances.

MABS stressed the importance of adopting Universal Design in customer communications – stating that it is an “*important foundation*”. The NCA considered that it is duty of the CER to ensure that customers understand communications from suppliers. In the interests of accessibility, SVP advocated the use of plain English (including clear explanations of any unavoidable terms used). SVP also noted its previous suggestions on customer billing which proposed: standardised formats, annual meter reads, no additional charges for any payment option, indication of meter location and how to open it, the issuing of revised bills as quickly as possible, the ability of customers to easily and at no charge revert back to paper billing and the provision of credit control contact details.

The DSG and the NCBI stressed the importance of promoting the awareness as to the availability of accessible information. The DSG stated that in promoting awareness all media channels must be embraced as there is no one platform that suits the communications needs of all customers. They highlighted that all media should meet the highest standards of accessibility and point to W3C WCAG guidelines for websites and the inclusion of subtitles, audio description and sign language in TV advertisements.

The NCBI highlighted that in terms of accessibility newspaper advertisements and posters are not accessible to most people with sight lost. They suggested that the availability of accessible formats could be promoted amongst people with sight loss by customer service staff, by indicating the availability and the method for obtaining accessible information on printed documentation and through the radio, television and accessible websites. The NCBI also offered to assist in promoting the availability of accessible formats to customers with sight loss.

CER's Response

The CER welcomes respondents' willingness to embrace Universal Design. The CER is of the opinion that the adoption of Universal Design is of key importance to ensure that information and services are accessible to the widest possible audience. This will support the alternative communication methods already provided for those with visual and hearing impairments and registered under the Vulnerable Customers registration process. Currently, under CER/05/248 a requirement is placed on suppliers and network operators to develop at least one additional method of communicating with visual and hearing impaired customers. A specific list of communications to be provided in non standard format for visually impaired customers is also specified. However, the consumer survey shows a low level of awareness amongst the general population as to the availability to register and obtain such additional services. Specifically only 24% of those surveyed indicated that they were aware of the registration process for

Vulnerable Customers. In this regard, the CER will continue, through the customer care team, to promote awareness as to the availability of these alternative forms of communications and will further engage with stakeholders on this point.

CER's Decision

Suppliers will be required to adopt Universal Design in all their customer communications and their front line services. Though Universal Design should be adopted by suppliers as soon as possible, the CER recognises that it may take sometime to transition to Universal Design. As such, the CER is providing until 1st January 2012 for the full implementation of Universal Design in all customer communications and front line services. In the interim period, a clear commitment to this transition should be evident, through the progressive adoption of elements of Universal Design. To assist in this transition, the CER will organise workshops for suppliers on Universal Design. While Universal Design should make material accessible to the vast majority of customers, the CER is to continue to promote the awareness of alternative methods of communications to those customers registered as having visual or hearing impairments under the Vulnerable Customer registration process.

Decision 6 – Suppliers will be required to adopt Universal Design in all customer communications and front line services. It should be adopted as soon as possible and no later than 1st January 2012.

2.6 Summary

The supplier switching process in Ireland has been shown to conform with best practice. This is reflected in the high numbers of switching and positive customer feedback. However, to empower all consumers to fully participate in the market the CER is proposing to strengthen its customer protections in this area through a number of measures. While these provisions apply to all customers, the followings section considers additional protections that may be required for customers that are more vulnerable to an interruption in the supply of energy.

3 Vulnerable Customers

3.1 Introduction

The CER recognises that in any market there will be customers that require more protection and support than others. In this light it is a duty of the CER to ensure “adequate safeguards to protect vulnerable customers (including the elderly and disabled)”. In the consultation paper the CER considered the sufficiency of the current legal definition of ‘vulnerable’ as it applies to energy customers and the need to protect those customers from excessive tariffs, where price regulation no longer applies.

3.2 Definition of Vulnerable Customers

The 3rd Package requires Member States to provide a definition in law of ‘Vulnerable Customers’. The DCENR has been engaged with the CER to develop an appropriate definition. The consultation paper sought comment on an expanded definition to input into the DCENR’s work on determining a definition.

Proposal 6. Expanded Definition of Vulnerable Customers

The CER is proposing the definition of vulnerable customers be extended along the following lines:

“Vulnerable Customers” means people who are:

- (a) critically dependent on electrically powered equipment which shall include but is not limited to life protecting devices, assistive technologies to support independent living and medical equipment, and
- (b) likely to be particularly vulnerable to disconnection during winter months for reasons of advanced age or physical, sensory, intellectual or mental health disability.

The definition should recognise that for some customers this may be on a temporary (episodic or periodic) or permanent basis. This may include, but is not limited to elderly and disabled customers.

Q7. Respondents are invited to comment on the proposal to expand the definition of Vulnerable Customers? Are you in favour of the proposal? Are there alternative options which should be considered? Outline reasons for agreement or disagreement.

Definition

All respondents agreed to the expansion of the definition of Vulnerable Customers. However, views differed as to the extent to which this should be done. BGE stated that the proposed definition is too broad and adds ambiguity as to who should qualify. BGE indicated that the broadness of the definition could lead to consumers, who are perfectly able to manage their energy supply, being included under the definition and feeling slighted. BGE stated that the proposed definition is not reasonably or practicably implementable. BGE requested clarity as to how suppliers would be able to ensure, given the temporary nature of some of the included vulnerabilities, that the register of Vulnerable Customers was accurate and maintained up to date. In place of the proposed definition, BGE suggested that the definition should be aligned with that in the latest draft of the Natural Gas Supply Licence, which was recently consulted upon ([CER/10/180](#)).

Airtricity shared BGE's position that the proposed definition is too broad and ambiguous. They stated that the definition could be interpreted by different suppliers in different ways. They also noted that customers not needing assistance may find their inclusion under the definition as disagreeable. They pointed to Northern Ireland where an adverse reaction from people over 60 and from affluent households with multiple children being defined as vulnerable has been evident.

Electric Ireland highlighted that the proposed definition is rather broad and stated that it is not as clear as the current definition under [CER/05/248](#). Electric Ireland indicated that these factors could lead suppliers to interpret the definition in different ways. This was seen by Electric Ireland to impact on the ability to implement the definition in a fair manner. In this regard, Electric Ireland requested clarity as to the meaning of "critical" and "independent living". Electric Ireland also pointed to the proposed definition potentially necessitating their implementation of more wide spread checks as to a person's entitlement to be registered as vulnerable. Viridian stated that the proposed definition is too vague, while also highlighting that no reasoning has been provided as to why the definition is being extended as proposed. They also stated that the definition as per the Disability Act (2005) is too broad and could not be practically implemented.

SVP considered that vulnerability should be considered, not only in relation to those that may become vulnerable due to a loss/interruption of supply but also in terms of vulnerabilities that could lead to a loss of supply. SVP suggested that research identifying those customers in arrears and those that have been disconnected could provide useful guidance in determining what specific customers should be deemed Vulnerable Customers. SVP suggested that the definition of Vulnerable Customers should take into account extenuating circumstances that could trigger vulnerability, such as prolonged cold periods and

certain financial circumstances. They also suggested a dedicated Code of Practice for financially Vulnerable Customers. The Code would stipulate certain measures to be taken once a customer has been identified as financially vulnerable. As examples of financial vulnerability they pointed to customers on certain income thresholds and those experiencing long term arrears.

MABS stated that the proposed definition was not as broad as those in other countries. They judged the definition as insufficient and not meeting the CER's duty of care towards disadvantaged consumers. MABS highlighted, with reference to a publication by the European Commission, the importance of energy in the context of social and economic inclusion. They stated that the definition should be as comprehensive as possible and should be linked to the household rather than limited to the person who entered into the electricity supply contract. MABS also contended that the removal of energy from a household, where a child resides, may constitute neglect under the terms set out in the Children First Guidelines. For a suitable definition of Vulnerable Customers MABS pointed to the definition proposed by the Central Bank of Ireland in their review of the [Consumer Protection Code](#).

The NCA recognised that the definition of Vulnerable Customers should be limited to those that are vulnerable in terms of their electricity supply. This should avoid unnecessary costs that must be paid for by other customers and that could distort the market. In this light, the NCA considered that the proposed definition was likely to be the broadest that could be reasonably and practically implemented. The NCA did, however, point favourably to the broader definition in Northern Ireland which is structured around safeguarding the welfare of the consumer. The NCA stated that the definition that is ultimately adopted must be clear and unambiguous.

The DSG stated that a definition should be forward looking and take account of potential new technologies but should not be limited to those with specific disabilities or reliance on certain technologies. The DSG contended that the definition should include those who would unduly suffer in the absence of an electricity supply. They suggested a definition that considers the impact in terms of health and wellbeing. The definition also considered those who are genuinely finding it difficult to meet their bills due to "*financial insecurity, whether temporary or permanent*" as Vulnerable Customers. The DSG stated that further consultation would be required on the definition. The NCBI agreed that the definition should include those customers with sensory disabilities and those aged 66 and over.

Terminology

The NCBI stated that the term "Vulnerable Customers" was out of date and recommends that it should be changed to "customers with particular requirements". They also suggested alternative terms for the disabled, special services register and the elderly. With regards to terminology, both BGE and

Electric Ireland highlighted a stigma attached with being classified as a Vulnerable Customer. BGE associated this stigma with a Vulnerable Customer definition that is qualified as regards age, a person's physical and sensory capabilities or whether a person has a mental health disability. Electric Ireland noted that, in agreement with the CER, they changed the title of their Code of Practice for Vulnerable Customers to that for Special Services. As regards a definition, Electric Ireland did, however, acknowledge that any change in terminology at a national level may be difficult as the term Vulnerable Customer originates from EU legislation.

Other Comments

In terms of Vulnerable Customers interacting with suppliers, the DSG stated that a supplier should be made aware as to whether a new customer switching to them is registered vulnerable. The DSG suggested that this could be facilitated through the initial registration process. The DSG stated that suppliers should take reasonable steps to identify whether a member of a household is vulnerable. They also noted that suppliers should have the right to seek proof of eligibility where they are approached by a customer to be added to the Vulnerable Customer register.

CER's Response

Though respondents generally agreed with the widening of the definition, there were mixed opinions as to the suitability of the proposed definition. Some respondents deemed it too narrow while others deemed it too broad. Only one respondent considered the proposed definition as a suitable definition for practical implementation. The CER notes that financial vulnerability was outside the scope of the proposed definition and agrees with the NCAs assessment that the proposed definition is intended to reach the broadest group that could be reasonably and practically included.

The CER notes respondents' concerns that uncertainty as to who falls under a definition may lead to suppliers treating customers in different ways. To ensure that the definition is applied in a fair and consistent fashion by all suppliers, the CER will publish guidance (in the form of interpretative guidelines) as to what customers will be captured under the final definition.

As to terminology, the CER acknowledges the sensitivities and concerns that respondents have raised. However the 3rd Package requires Member States to provide a definition in law for 'Vulnerable Customers'. Therefore there is no discretion as to the terminology to be adopted.

CER's Decision

Respondents have aired concern that the proposed definition may be interpreted by different suppliers. To ensure that the definition to be adopted in national legislation is applied by suppliers in a clear and consistent fashion, the CER will publish guidance (in the form of interpretative guidelines) as to its application. The CER will consult with industry on the interpretive guidance notes.

Decision 7 – Once a definition of Vulnerable Customers has been adopted in national legislation, the CER will publish guidance notes for suppliers to determine a customer's eligibility under the definition.

3.3 Tariffs for Vulnerable Customers

The CER is conscious that other markets have experienced issues where Vulnerable Customers, through lack of information or market inertia, have not switched to benefit from a more competitive offering. Research¹⁰ indicates that the more vulnerable customers in society are often the least likely to engage in a competitive market, and experience in other jurisdictions has shown that frequently Vulnerable Customers are indirectly penalised for not switching, and can be on a higher tariffs as a result. To ensure that the apparent reluctance of Vulnerable Customers to engage with the market does not result in inflated tariff offerings for them, the CER proposed that suppliers would be required to offer Vulnerable Customers a market reflective tariff.

Proposal 7. Additional Protections for Vulnerable Customers

The CER is proposing to require all licensed to offer registered Vulnerable Customers a tariff which is no higher than the standard tariff available from that supplier for that domestic customer category.

Q8. Respondents are invited to comment on the proposal to require all licensed to offer registered Vulnerable Customers a tariff which is no higher than the standard tariff available from that supplier for that domestic customer category. Are you in favour of the proposal? Are there alternative options that might be appropriate? Outline reasons for agreement or disagreement.

BGE agreed with the CER's proposal that suppliers be required to offer registered Vulnerable Customers a tariff no higher than their standard tariff (for the domestic customer category in question). Airtricity suggested that the tariff to be offered should take into account the payment method and product being availed of. This reflected the dependency of their tariff offerings on these parameters. For example, cheaper tariffs are available from Airtricity if you pay by

¹⁰ Ofgem, Energy Supply Probe – Initial Findings Report

direct debit and avail of online billing (This aligns with the general practice in the market). As such, Airtricity suggested that Vulnerable Customers be offered the *“supplier’s most economic domestic tariff suited to their bill type and payment method”*. MABS stated that in the absence of a social tariff, Vulnerable Customers (including those vulnerable due to financial issues) should be offered the *“lowest tariff available”*.

In comparison to the other respondents, Electric Ireland did not agree with the proposal to offer a particular tariff to Vulnerable Customers. Electric Ireland stated that the CER should allow the market to develop and mature and not require suppliers to offer a specific tariff. This is due to perceived difficulties in defining a standard tariff and the regular changes to tariffs in a competitive market. To protect Vulnerable Customers from unruly behaviour, Electric Ireland recommended that the CER monitor the market and intervene where necessary. The NCA considered that market behaviour towards Vulnerable Customers should be monitored.

SVP suggested that in the absence of social tariffs for customers on low incomes, that focus should be placed on the payment methods provided by suppliers. They recommended that the Household Budget Scheme be extended to all suppliers and not just available for customers of Electric Ireland. They suggested that all customers in arrears should be offered, free of charge, prepayment meter. SVP also suggested that for bond value approval suppliers should be required to obtain approval from the CER (working in conjunction with the Dept. of Social Protection).

CER’s Response

The CER notes that the intention of the proposal is not to distort the market with below-cost tariffs but to ensure that Vulnerable Customers are not penalised where they do not switch. The proposal does not, and is not intended to address, the more general issue of fuel poverty. In Ireland, unlike many other member states, broader social supports are available to those in fuel poverty. These social support schemes are also bolstered by obligations placed on electricity suppliers by the CER to assist customers in managing their debt and avoiding disconnection. Given the difficult economic backdrop, the CER reviewed these obligations in 2010. Following that review, the obligations have been expanded to include provisions such as a requirement on suppliers to offer a budget controller to those experiencing genuine financial hardship. The cost of installing and operating these meters (as well as two site visits in a twelve month period) are socialised for these customers.

As to the level of tariff to be offered to Vulnerable Customers, the CER notes Airtricity’s proposal that the tariff offered should be aligned with the payment method that the customer is to avail of. Consideration of the payment method would ensure that the tariff offered will be reflective of the tariffs available in the market. This is consistent with the intent of the proposal to offer Vulnerable

Customer tariffs that do not to distort the market with below cost tariffs while ensuring that Vulnerable Customers are not penalised, through higher tariffs, where they do not actively engage with the market.

Though Electric Ireland did not agree with a requirement being placed on suppliers to offer a specific tariff to Vulnerable Customers, their response highlighted the importance of monitoring suppliers' behaviour towards these customers. The CER agrees that monitoring is of key importance to ensure the effective functioning of any customer protection Framework.

CER's Decision

The CER has decided that suppliers must ensure that registered Vulnerable Customers are on the supplier's most economic tariff for the payment method the Vulnerable Customer has chosen. If a Vulnerable Customer indicates that they would like to switch to a different tariff, the supplier will be required to emphasise that it is a more expensive option and state the magnitude of the price differential in terms of both standing charges and unit rates. They will also be required to explain what the product would deliver for the customer above and beyond the supplier's most economic tariff. Suppliers will be required to maintain a record of these interactions. The CER will monitor suppliers' adherence with the above obligations, the methods for which will be included in the forthcoming market monitoring consultation paper in May.

Decision 8 – The CER has decided that suppliers will be required to ensure that Vulnerable Customers are on their most economic tariff rate for the customer's chosen payment method. This requirement will be included in the Vulnerable Customers Code of Practice.

3.4 Summary

The 3rd Package requires Member States to provide a definition in law of 'Vulnerable Customers'. The DCENR has engaged with the CER on this issue. The consultation paper sought comment on an expanded definition to feed into the DCENR's work on determining a definition. The CER has briefed the DCENR on the responses received. Once a definition has been incorporated into national legislation, the CER will publish guidance notes as to who will fall under the definition. This is to ensure that the definition is applied by suppliers in a clear and consistent fashion. The CER will consult on these guidelines.

In addition to reviewing the definition, the CER also considered whether the dynamics of a deregulated market place warrant further additional protections for Vulnerable Customers. In recognition that Vulnerable Customers may be seen by suppliers as providing a reliable revenue stream and the possibility that this could facilitate pricing, which is not favourable for them, the CER is placing a

requirement on suppliers to ensure that Vulnerable Customers are on their most economic tariff rate for the customer's chosen payment method. This meets the aims of protecting Vulnerable Customers from unruly behaviour while avoiding any distortion in the market by adopting below cost tariffs.

4 Next Steps

4.1 Introduction

This decision paper sets out a number of key decisions that will see additional customer protection measures being implemented in the deregulated electricity market. The measures, and dates for implementation or further consultation are set out below along with other related workstreams.

4.2 New Customer Protection Measures

- 4.2.1 The CER will increase its customer education activities to further inform domestic customers of deregulation and the competitive market, and to promote active switching. The education campaign will be delivered through the CER's website, press releases, targeted letters and leaflets, as appropriate. This will be an ongoing activity.
- 4.2.2 The CER has decided to implement a framework for the accreditation of energy price comparison services. The CER will consult on the details of the framework in May 2011.
- 4.2.3 The CER will establish a working group to identify if there is a need for further clarification in other areas of the industry switching process documentation in May 2011.
- 4.2.4 The CER has decided that sales personnel calling to homes will be required to provide a doorstep checklist to customers. The doorstep checklist will be clear and concise and include at a minimum:
- a prompt that customers seek identification from the salesperson
 - an explanation of the cooling off period
 - a description of the conduct customers can expect from the salesperson under the Marketing Code of Practice,
 - a requirement that customers actively confirm that they have read and understood each element of the checklist
 - a requirement that customers actively confirm that they have understood they are switching to a specified product with a specified payment method

The exact format and content will be consulted on in the consultation on the Supplier Handbook in May 2011.

- 4.2.5 The CER has decided that annual rolling consumption figures are to be provided on the back of customers' bills. The exact methodology will be developed in consultation with industry. This will be done through industry working groups in May 2011.
- 4.26 Suppliers will be required to adopt Universal Design in all customer communications and front line services. It should be adopted as soon as possible and no later than 1st January 2012. The CER will facilitate workshops with suppliers in May 2011.
- 4.2.7 The CER has decided that suppliers will be required to ensure that Vulnerable Customers are on their most economic tariff rate for the customer's chosen payment method. This requirement will be included in the Vulnerable Customers Code of Practice.

4.3 Code of Practice Guidelines

The measures detailed in this decision build on CER's existing customer protection requirements under the customer Codes of Practice. In January 2010, the CER proposed¹ to consolidate the guidelines for Codes of Practice into a single Supplier Handbook. While compiling the Supplier Handbook, the CER took the opportunity to review all the Codes and revise them where necessary. This saw the proposal of numerous additional steps for customer protection, which were consulted upon. A further consultation will be published in May on the revised handbook that will incorporate the requirements emanating from this customer protection decision paper. The CER will publish reports on supplier's compliance with the codes.

4.4 Licence Review

The CER will publish a review of supply licences in June. That review will propose amendments to all supply licences to formally incorporate adherence to the Codes of Practice as a condition of the licence. In addition, it will incorporate the decisions, detailed in this paper and also consider any requirements of the 3rd Package and the CER's review of its market monitoring framework that will be consulted upon in June.

4.5 Market Monitoring

The CER considers monitoring a key part of any customer protection Framework. The 3rd Package, as transposed by SI 450 of 2010, sets out explicit requirements on the CER to monitor the retail market across a range of indicators and to take actions where it determines it to be necessary to;

- (i) prevent a distortion or restriction of competition in the supply of electricity to final customers, or*
- (ii) ensure that final customers are benefiting from competition in the supply of electricity,*

The CER also has recourse to reinstate price regulation on ESB ('the Board') where that is deemed to be necessary. The CER must also report annually to the Minister on its monitoring programme and any actions taken as a result of that monitoring. The full text of the requirements for market monitoring is set out in Annex I.

The CER will be reviewing its current market monitoring framework, which is centred on key market indicators (such as numbers of suppliers in the market, market share, switching rates, complaints and disconnections) and suppliers' compliance with Codes of Practices and supply licences. The CER will continue to monitor the behaviour of all suppliers' in the market, looking at a broader range of indicators which consider market structures, retail market outcomes and customer satisfaction. European legislation provides for the regulator to take action where it finds that customers are not benefiting from competition. Where market monitoring indicates that customers are not benefiting from competition or that any supplier is engaging in predatory behaviour, the CER will identify and implement appropriate remedies as required by legislation. The review will be based on ERGEG's Guidelines of Good Practice on Retail Market Monitoring. The CER will be consulting on this topic in May 2011.

4.6 Additional Considerations

Ofgem is particularly active in the area of customer protection and has gained very useful experience in market mechanisms for customer protection from the GB retail markets. Although the GB markets have been deregulated for a considerable period of time and are different in scale and structure, Ofgem's experience can provide many useful lessons for the Irish market. In this light, GB has been looked to, as with other jurisdictions, when reaching the decisions outlined in this paper. Particular focus was placed on Ofgem's Retail Market Supply Probe in 2008, which was undertaken in response to public concern about whether the market was working effectively. Ofgem also, more recently, undertook a review of the markets to ascertain the effectiveness of the corrective measures emanating from the Supply Probe and the functioning of the retail markets in general. The results from that review were published on 25th March 2011.

The results highlighted consumer confusion and a growing reluctance to engage with the energy retail markets. The findings of the report showed that the diversity and complexity of tariff offerings was contributing to consumer confusion, leading to difficulties in identifying the best deals and contributing to a decrease in the

number of customers actively engaging with what is a mature market. To counter this, Ofgem is proposing to introduce measures ranging from easing tariff comparison to providing further advice to consumers on switching. In relation to tariff comparison they are proposing such steps as applying standardised tariff formats and limiting the number of non fixed term contracts that suppliers offer to one per payment type. Though these measures are designed to address issues in relation to customer confusion that have arisen in an energy retail market (gas and electricity) with a far greater number of tariffs than currently available in Ireland, they may arise with time. The CER is considering the merit of Ofgem's latest proposal as to tariff complexity and diversity in the context of the Irish retail markets. In particular the CER is considering a requirement on all suppliers to publish all existing prices available to customers in a manner that allows customer make price comparisons in a straight forward manner (including the treatment of fixed and variable tariff components). The CER is also considering measures proposed by Ofgem to promote engagement with the market and their recent decision to require suppliers to provide customers with 30 days notice in advance of any increase in tariffs. This would be an extension of the Billing Code of Practice that currently requires suppliers to inform their customers in advance of any change to tariffs but does not specify a specific timeframe.

4.7 Summary

The CER is committed to the above work programme in the interests of implementing the customer protection measures of this decision in a timely fashion. The CER will keep industry participants informed of this process throughout.

5 Annex I – Legislative Context

S.I. No. 450 of 2010 EUROPEAN COMMUNITIES (INTERNAL MARKET IN ELECTRICITY) REGULATIONS 2010

3. The Electricity Regulation Act 1999 (No. 23 of 1999) is amended in section 9(1), by substituting for paragraphs (da) to (di) (inserted by Regulation 3 of the Regulations of 2005) the following:

“(da) to monitor the level and effectiveness of market opening and the development of competition in the supply of electricity to final customers, which shall include but is not limited to monitoring—

- (i) final tariffs charged to domestic customers including those on prepayment systems,
- (ii) rates of customer switching between licensed electricity suppliers,
- (iii) disconnection and de-energisation rates,
- (iv) charges for and the execution of maintenance services,
- (v) complaints by domestic customers,
- (vi) any distortion or restriction of competition in the supply of electricity to final customers, and
- (vii) whether the development and operation of competition in the supply of electricity is benefiting final customers,

(db) to take any actions which the Commission, on foot of the monitoring in paragraph (da), has determined to be necessary in order to—

- (i) prevent a distortion or restriction of competition in the supply of electricity to final customers, or
- (ii) ensure that final customers are benefiting from competition in the supply of electricity,

(dc) where the Commission determines it to be necessary under paragraph (db), to—

- (i) examine the charges and the costs underlying such charges for electricity which has been supplied by the Board,
- (ii) examine any proposal by the Board to alter charges for the supply of electricity,
- (iii) issue directions or approvals to the Board in relation to either or both the nature or the amount of any charge or proposed charge for the supply of electricity to such class or classes of final customers as the Commission may specify, and
- (iv) publish a notice on the Commission’s website of any directions or approvals issued under subparagraph (iii) stating the nature of the direction and the reasons for it,

(*dd*) to advise the Minister or other relevant persons on and publish at least annually—

- (i) any relevant information arising from the monitoring in paragraph (da),
- (ii) any determination made by the Commission under paragraph (db), and
- (iii) any action which the Commission has taken or intends to take under paragraphs (db) and (dc) and on the outcomes or intended outcomes of such actions,