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Introduction

This is our first update on the Victorian energy market for 2018-19. It provides important information about the market largely covering the first two quarters of 2018-19.

This update provides a summary on:

- newly licensed energy companies and their innovative business models and approaches
- our draft advice on the Victorian Default Offer
- new energy rules we have developed and are implementing
- an update on feed-in tariff rates offered by retailers
- latest information about customers in debt and facing disconnection
- how energy companies are complying and performing against their regulatory obligations.

This update meets our reporting obligations under Sections 54V and 54W of the Essential Services Commission Act 2001, Section 39A of the Electricity Industry Act 2000 and Section 47 of the Gas Industry Act 2001.



1. Newly licensed energy companies

Anyone generating, transmitting, supplying or selling electricity, supplying gas or selling gas to retail customers in Victoria must hold a licence granted by us, or be exempt from this requirement.

Since 1 July 2018 to 28 February 2019, we have issued nine electricity generation licences, three electricity retail licences, three electricity wholesale licences and two gas retail licences.

New electricity generators

We issued licences to the following companies to generate electricity in Victoria:

- LMS Energy Pty Ltd
- Pacific Hydro Crowlands Wind Farm Pty Ltd
- Iraak Sun Farm Pty Ltd
- GESS ProjectCo Pty Ltd
- Wemen Asset Co Pty Ltd
- Murra Warra Project Co Pty Ltd
- Bulgana Wind Farm Pty Ltd
- Nurmurkah Solar Farm Pty Ltd
- Lal Lal Wind Farms Noms Pty Ltd

These companies intend to generate electricity from facilities in Northern Victoria from renewable sources such as wind and solar.

It is also the first time that large scale battery systems will be licensed to generate electricity in Victoria. The GESS ProjectCo includes a 25MW/50MWh battery storage system that is co-located with the Gannawarra Solar Farm just west of Kerang. The Bulgana Green Power Hub involves a wind farm connected with a battery energy storage system and will supply renewable energy to the Nectar Farm business.

The largest of the recently licensed generators are Murra Warra Project Co (61 wind turbines with a total capacity of 226MW) and Lal Lal Wind Farms (total capacity of 228MW).

The Nurmurkah Solar Farm will partially power Melbourne's tram network.

New energy retailers and electricity wholesalers

We issued licences to the following companies to retail electricity to Victorian customers:

- Energy Locals Pty Ltd
- Elysian Energy Pty Ltd
- SIMEC Zen Energy Retail Pty Ltd

We also issued licences to the following companies to retail gas to Victorian customers:

- 1st Energy Pty Ltd
- Agora Retail Pty Ltd

Electricity wholesalers typically sell electricity through the wholesale market on behalf of another party. We issued licences to the following companies in Victoria:

- EnergyAustralia Pty Ltd (for electricity generated by the Gannawarra Battery Energy Storage System)
- EnergyAustralia Pty Ltd (for electricity generated by the Ballarat Battery Energy Storage System)
- Telstra Energy (Generation) Pty Ltd

Find out more information about your energy retailer's performance in individual retailer profiles within our 2017-18 Victorian Energy Market Report.



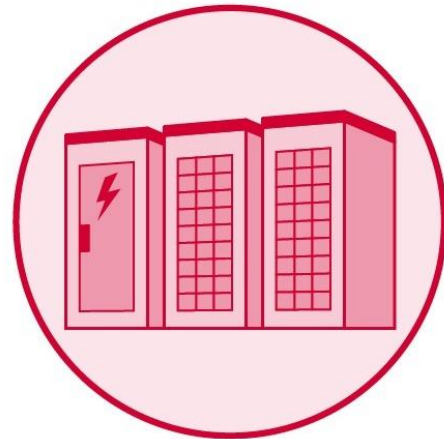
Figure 1.1 Different types of electricity generation facilities licensed since July 2018

Types of electricity generators we have licensed since July 2018



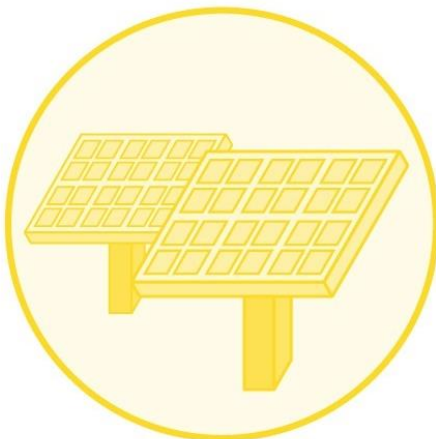
Wind power

We issued four generation licences, including one with battery storage, with a total capacity of 748 MW.



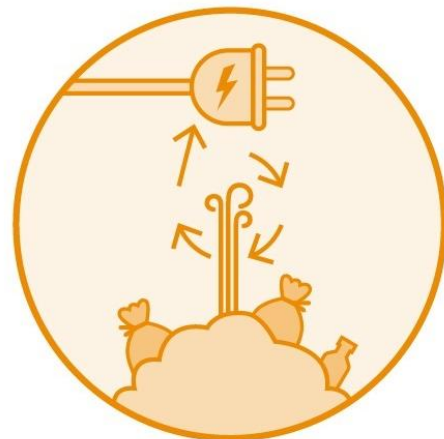
Battery storage

We issued one generation licence, with a total capacity of 25 MW.



Solar power

We issued three generation licences, with a total capacity of 300 MW.



Landfill gas power generation

We issued one generation licence, with a total capacity of 24 MW.

Since July 2018, we have licensed around 1100MW of generation capacity. This is enough to meet the electricity demands of around 226,000 households.



2. The Victorian Default Offer

Late in 2018, the Victorian government asked us to provide advice on a methodology to calculate a Victorian Default Offer (VDO) for residential and small business electricity customers.

The government has stated that it intends for the VDO to be a “*simple, trusted and reasonably priced electricity option*” for customers.

Under new legislation, the VDO will limit the prices charged to residential and small business customers on standing offer contracts. It will replace current electricity standing offers and apply from 1 July 2019, but is not being implemented for gas at this time.

The VDO will be available to all residential and small business customers on request.

How was the draft Victorian Default Offer price calculated?

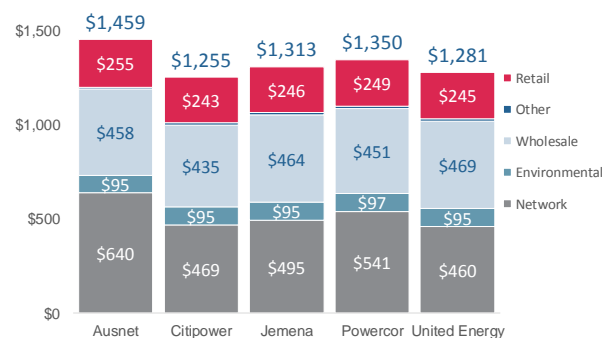
Our terms of reference require us to base the VDO on the efficient costs of operating an electricity retail business while also considered feedback from stakeholders.

While the VDO will also be available to all customers, electricity retailers will continue to have flexibility to offer customers different prices to the VDO, through market offers.

Figure 2.1 shows how different parts of the cost stack contribute to the total VDO bill for a typical residential customer for each distribution zone. Network and wholesale costs are the largest factors in the cost stack, while the retail component (including retail profit margin) contributes between 17-19 per cent to the typical residential cost stack.

Figure 2.1 Cost components of the VDO, typical residential customer (GST inclusive)

\$2,000 VDO components, residential (4 000 kWh annual consumption)



How does the draft Victorian Default Offer compare with other offers?

Under new legislation, the VDO price will replace current electricity standing offers and apply from 1 July 2019 to customers on electricity standing offers at that time.

If the minister accepts our draft advice it will mean annual electricity bills for customers on standing offers will fall. The commission has calculated indicative bill amounts based on typical consumption profiles for residential and small business customers, as shown in figures 2.2 and 2.3.¹

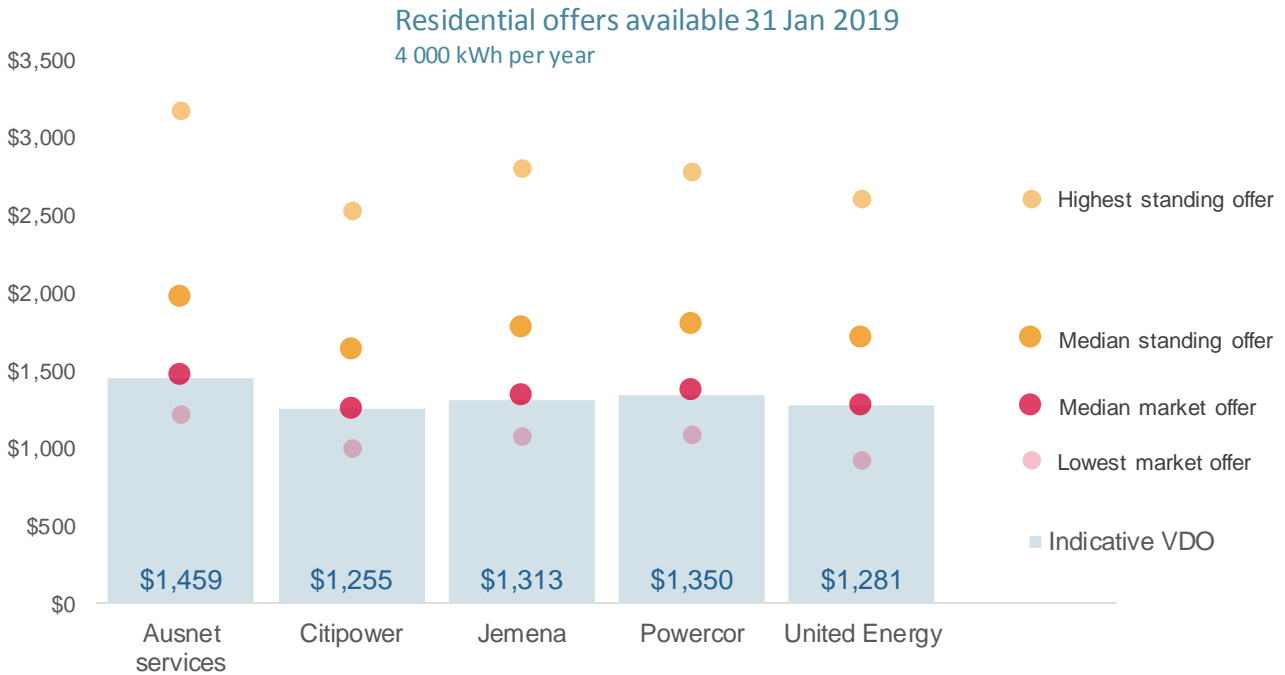
Residential customers on standing offers and using 4,000 kWh may see their annual electricity bills reduce by between \$390 and \$520, when compared with the median standing offer in their distribution zone.

Small business customers on standing offers and using 20,000 kWh of electricity per year will see their annual electricity bills fall by around \$1,830 to \$2,300, when compared with the median standing offer in their distribution zone.

¹ We have not calculated the indicative bill for a controlled load customer because it is highly dependent on individual circumstances.

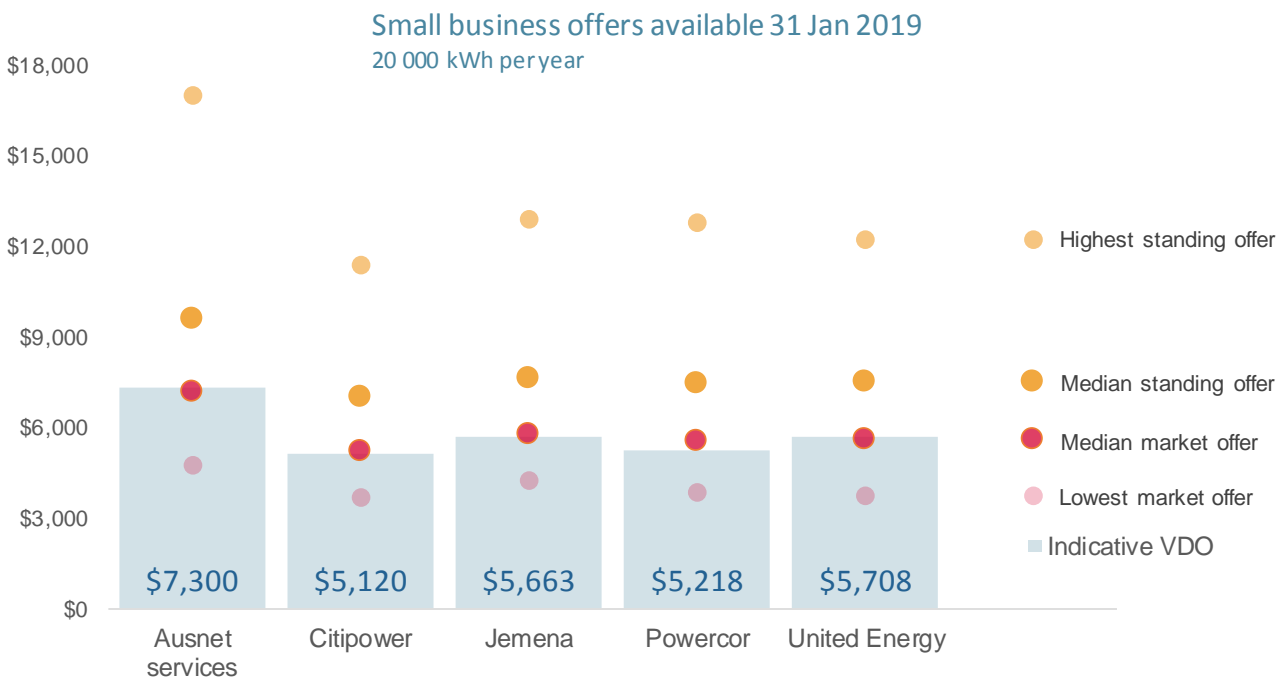


Figure 2.2 Comparison of the draft VDO with other available residential electricity offers in the market



Typical residential customer consumption profiles are based on our 2017-18 Victorian Energy Market Report, assumed to consume 4,000kWh of electricity per year.

Figure 2.3 Comparison of the draft VDO with other available small business electricity offers in the market



Typical small business consumption profiles are based on analysis from Energy Consumers Australia, assumed to consumer 20,000kWh per year.



3. New entitlements for energy customers

Since July 2018, we have been developing new energy rules that will improve the way energy companies serve their customers.

Customers are now able to self-read their gas meters

In early 2018, we received reports that some customers received high estimated bills, leading to 'bill shock' for these customers.

Your retailer and distributor can estimate your energy use for billing, instead of measuring the actual usage from your meter. Energy companies can only estimate energy use for special reasons, for example, when they cannot physically access the meter, or they are not able to receive reliable data from the meter.

In March 2019, we changed the energy rules to allow retailers to receive customers' own reads of their energy meters.²

Our recent final decision allows Victorian customers under certain circumstances to be able to read their own meter and provide the information to retailers. This information can help to readjust a retailer's estimate of a customers' energy usage more quickly.

The new rules on customer self-reads of their meters will come into effect on 1 July 2019.

Your retailer's best offer to appear on energy bills

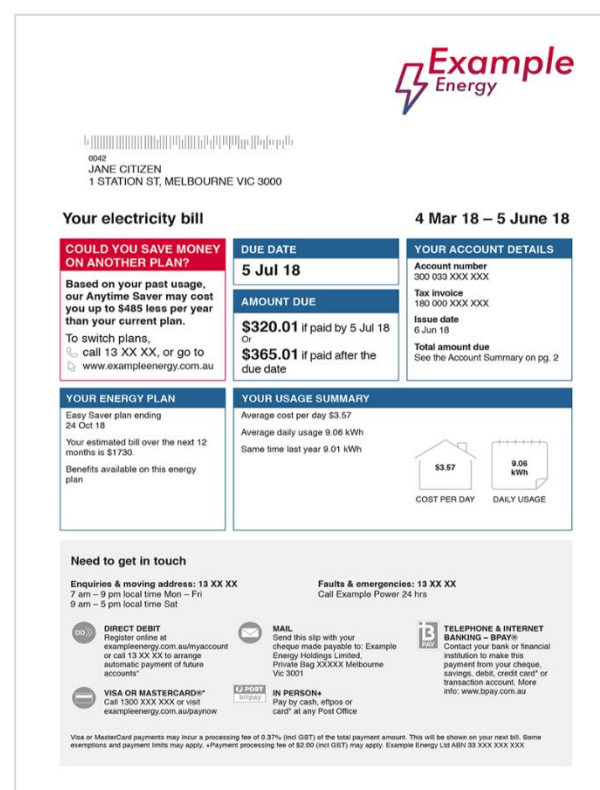
In 2017, an independent review of the Victorian energy market found that it was not working for consumers. The Victorian Government supported the recommendations and issued us terms of reference to deliver many of the reforms.

We have recently focused on changing the energy rules to unlock the complexity that customers experience when participating in the retail energy

market. We will be introducing the following new rules from 1 July 2019:

- Retailers will need to notify customers about their best offer and what information retailers should put on their energy bills. As shown in figure 3.1, a key feature of new energy bills you might receive is information that tells customers about their retailers' best offer and the potential savings a customer might save if they switch.
- Prior warnings of bill changes. Retailers will be required to notify customers at least five days prior to price or benefit changes that will affect the customer's bill.
- Clear advice before you sign a new energy deal. Retailers will help customers navigate to a product that best suits their circumstances.
- Retailers will be required to provide GST inclusive pricing on bills and marketing material.

Figure 3.1 Example of an energy bill with the 'best offer' message



² Excluding electricity smart meters.



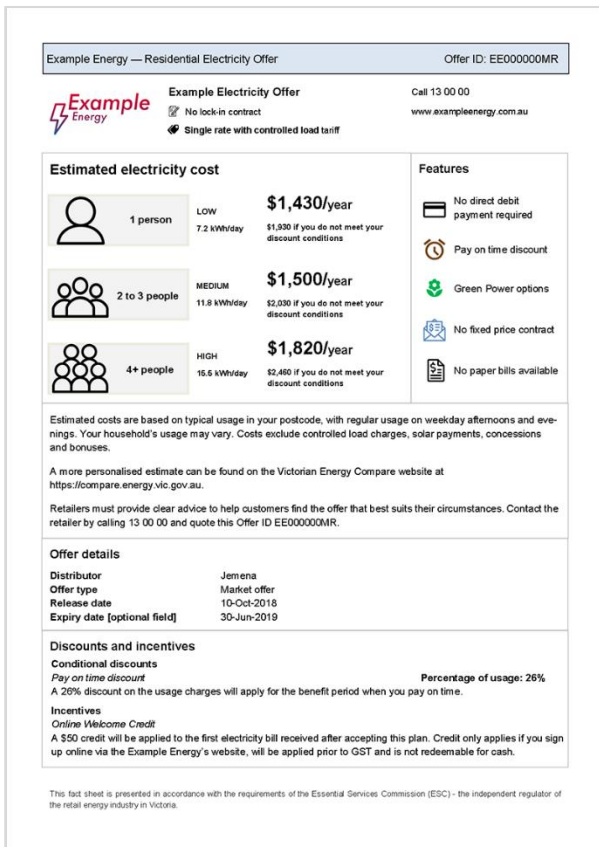
A simple and accessible Victorian energy fact sheet (currently under consultation)

The Victorian energy fact sheet is a tool that can help customers confidently assess and compare energy offers.

The new Victorian energy fact sheet will display key information about available energy offers in a consistent format across retailers. It will include a price comparison table that will help customers to easily compare plans based on an average yearly cost for a range of typical customers (as shown in figure 3.2).

The new rules about energy fact sheets are to come into effect on 1 July 2019.

Figure 3.2 Example of the new Victorian energy fact sheet (draft version only)



A new approach to improving electricity connections times

The Victorian government was concerned about reports of lengthy delays to connect new property developments to the electricity network. The government responded by asking us to provide advice to consider whether changing the energy rules could help improve connection times. After an extensive stakeholder consultation process, we found the main cause of delays was not about the energy rules, but the practices of distribution businesses and the development industry.

We recommended several practical solutions that could be implemented quickly to improve connection times. We introduced a Service Improvement Commitment that includes a range of initiatives to improve distributor response times, clarify expectations around the connections process and improve communication between distributors and developers. Each electricity distribution business has agreed to deliver on these initiatives.

We have also established a governance committee to oversee the delivery of the commitment. The committee is chaired by our CEO with a membership including distributors, developers and the Victorian Planning Authority. The committee has met three times and distributors have made early progress toward delivering on several initiatives, such as:

- Expanding support teams related to connection processes.
- Beginning work to establish a committee to explore how technical standards can be made consistent across distributors.

More information can be found at www.esc.vic.gov.au/connections- review.

4. New feed-in tariff rates offered by retailers

Each year we set the minimum feed-in tariffs that retailers can credit customers for the electricity they export to the grid from sources like rooftop solar.

The feed-in tariffs change annually to reflect the latest information on the wholesale price of electricity and avoided losses through the network.

What feed-in tariff rates are currently being offered by energy retailers?

We surveyed the feed-in tariffs that were available in the market in February 2019. We noted that some retailers reduced their feed-in tariffs to the 2018-19 minimum feed-in tariff of 9.9 c/kWh rate. Other retailers did not change their feed-in tariff and continued offer a tariff rate of 11.3 c/kWh which was the minimum feed-in tariff in the previous year.

Our search found that AGL, amaysim, Click Energy, Origin Energy and Momentum Energy offered higher feed-in tariffs. They ranged between 12 and 20 c/kWh on some energy plans.

We also found higher feed-in tariffs that are only available under special terms and conditions. For example, Origin Energy offers a 25 c/kWh feed-in tariff if a customer also buys their solar panels from Origin Energy.

EnergyAustralia, currently offers the time-varying feed-in tariff as part of some of its electricity plans.

It is important not to just focus on the feed-in tariffs when deciding on an electricity plan. You should think of your whole energy bill which includes what you will pay for the electricity you use as well as export.

What will the minimum feed-in tariff rates are for 2019-20?

From 1 July this year until 30 June 2020, the minimum single rate feed-in tariff will be 12.0 cents per kilowatt hour.

We have also set a time-varying feed-in tariff which varies between 9.9 and 14.6 cents per kilowatt hour depending on when the power is exported to the grid. This is shown in figure 4.1.

Figure 4.1 Time-varying tariff minimum rates

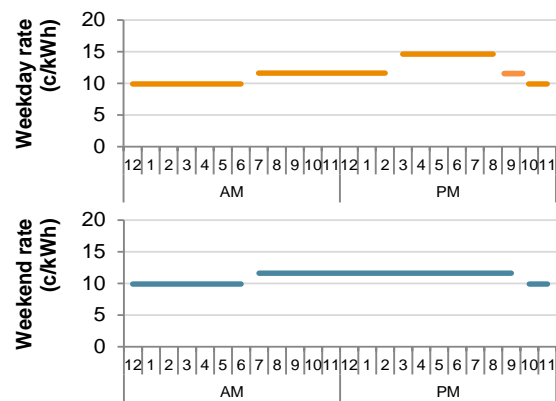
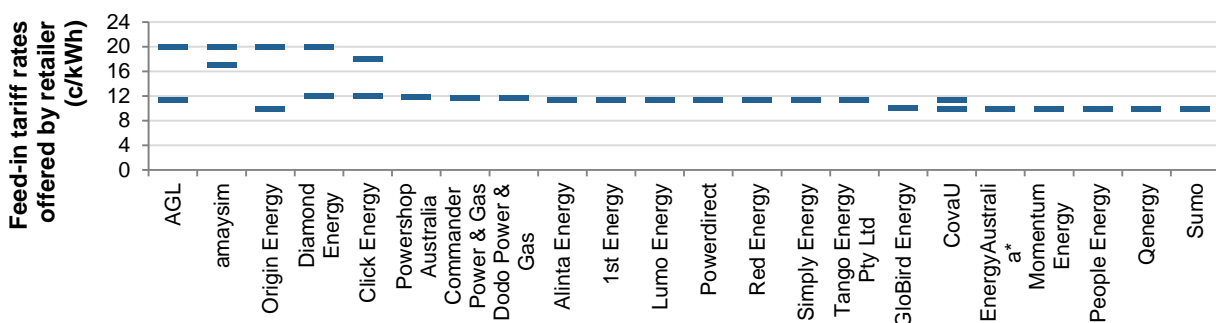


Figure 4.2 Retailer feed-in-tariff rates available as at February 2019



*EnergyAustralia also offers the time-varying feed-in tariff with some electricity plans.



The minimum feed-in-tariff – commonly asked questions

Is rooftop solar the only renewable energy source that is eligible for the feed-in tariff?

Customers who generate electricity from rooftop solar, wind, biomass or hydro are eligible for the minimum feed-in tariff, and if their generation capacity is less than 100 kilowatts.

How do we calculate the feed-in tariffs?

We use a four-step process to determine the feed-in tariff rates:

1. First, we develop a forecast of wholesale electricity prices for the relevant year, in this case 2019-20.
2. We add market fees and ancillary services charges that retailers avoid paying when they purchase electricity from small scale generators.
3. We calculate a value to represent the cost of distribution and transmission losses retailers avoid when they purchase electricity from a small-scale generator rather than large generators that are typically located a long way from consumers
4. Finally, we have included the value associated with the avoided social cost of carbon, which is set by the Victorian Government.

Watch our video on how we set the feed-in-tariff at www.esc.vic.gov.au/feed-in-tariff.

Why isn't the time-varying feed-in tariff mandatory?

We have allowed retailers the flexibility to offer one or both forms of the tariff (either single rate or time varying). This helps the transition towards time-varying feed-in tariffs to continue, allowing retailers to still offer different types of feed-in tariffs that meet their customer's demands.

Why is the single rate higher for 2019-20?

Last year the single (all day) feed-in tariff was 9.9 c/kWh, from 1 July 2019 the single rate will increase to 12.0 c/kWh. This increase is largely due to the increase in wholesale electricity prices during the times of the day that small scale solar systems are expected to export to the grid. We base our information on the latest available data on electricity exports and expected prices in the wholesale electricity market.

Why has the peak time-varying rate decreased in 2019-20?

Last year the peak rate in the time-varying tariff was 29 c/kWh, from 1 July 2019 the peak rate will become 14.6 c/kWh. This is because wholesale electricity prices during peak times are expected to be lower this year.



5. Customers in debt

Customers can find it difficult to pay their energy bills. This can result in customers being in debt to their retailer.

If a customer is having difficulty paying their bills they may be able to participate in their retailer's hardship program. When a customer has not paid their bill and is not in a hardship program, they may be disconnected by their retailer – provided the retailer carefully follows the energy rules.

Customer disconnections

The number of residential customer disconnections between July and September and October and December were lower than the numbers in each of the corresponding quarters of last year.

In the second half of 2018, 22,542 residential customers were disconnected for non-payment of their energy bills.

This is a 14 per cent reduction compared to the same period in 2017-18, but is still 14 per cent higher than 2016-17 levels (figure 5.1).

Figure 5.1 Quarterly residential customer disconnections for non-payment

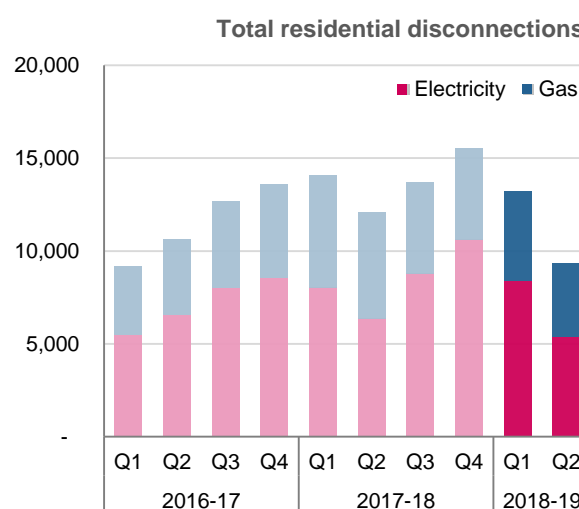
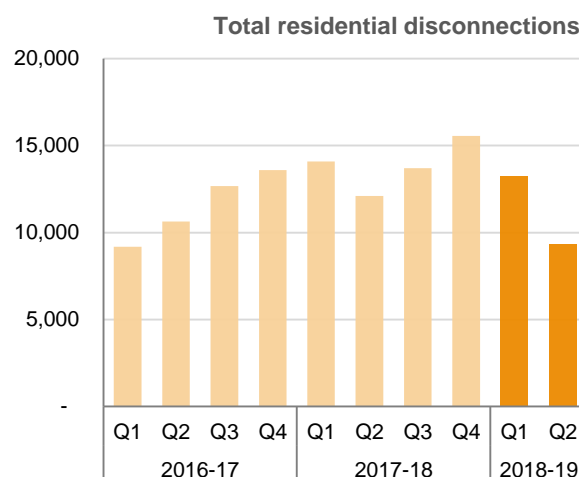


Table 5.1 Quarterly residential customer disconnections for non-payment

Total disconnections for non-payment										
	2016-17				2017-18				2018-19	
Residential	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
Electricity	5,476	6,543	8,010	8,560	8,036	6,372	8,796	10,620	8,399	5,363
Gas	3,706	4,092	4,669	5,027	6,058	5,740	4,911	4,941	4,821	3,959
Total	9,182	10,635	12,679	13,587	14,094	12,122	13,707	15,561	13,220	9,322



More customers are participating in retailer hardship programs

By the end of December 2018, 47,385 customers were participating in retailer hardship programs (figure 5.2). This is an eight per cent increase compared to the same time last year.

In the first half of 2018, 36,185 customers entered a hardship program, which was a similar amount to the first of half of 2017 (at 36,592 customers).

Under new energy rules which came into effect on 1 January 2019, customers who owe at least \$55 (including GST) are now entitled to tailored assistance from their retailer to help them manage their bills.

Total energy debt of customers in hardship programs remains high

Many customers in hardship programs have unpaid energy bills and are in debt to their retailer.

In December 2018, total debts of customers in hardship programs amounted to \$75.2 million. This is \$12.5 million more than at June 2018.

The average debt of a customer in a hardship program in December 2018 was \$1,456, similar to the average debt in December 2017 (\$1,468).

The average debt of new customers entering hardship programs during the first half of 2018-19 was broadly consistent with average debt on entry during 2017-18 (\$1,377).

A retailer cannot take action to recover debt owed by a customer if that customer is meeting the terms of their payment plan.

Figure 5.2 Customers in hardship programs in each quarter since 2016-17

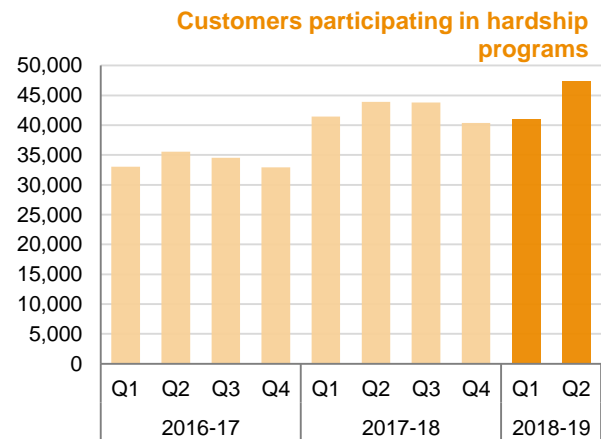


Figure 5.3 Average debt of energy customers in hardship programs since 2016-17

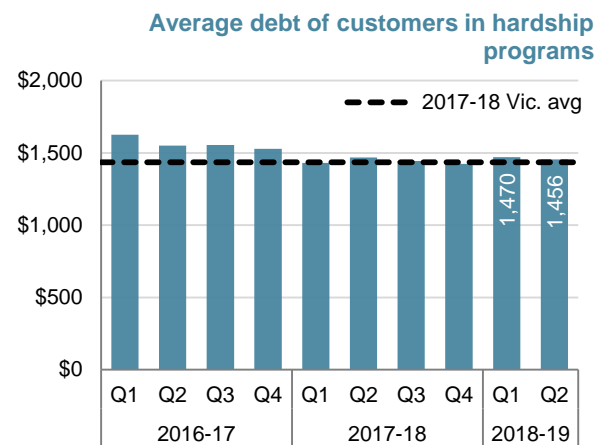
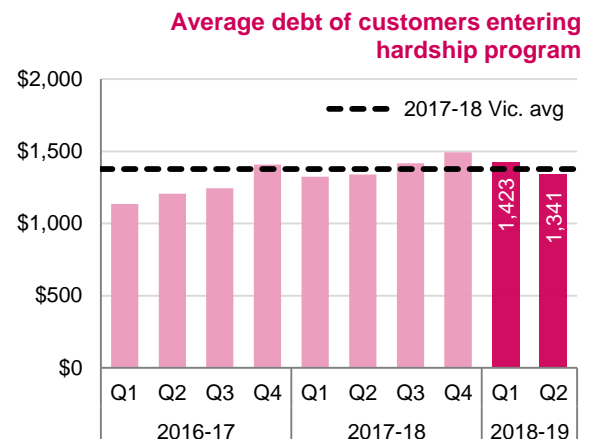


Figure 5.4 Average debt of energy customers entering a hardship programs since 2016-17





6. Compliance with the energy rules

We are responsible for regulating the retail energy market in Victoria.

Our audit program monitors retailers' compliance with their regulatory obligations and identify areas for improvement. We also require retailers to report breaches of their regulatory obligations to us. If we find serious breaches we investigate further and have the power to issue penalty notices.

Our audit program

Between July and December 2018, we audited several retailers and distributors. These audits focused on testing whether the businesses had rectified the issues found in earlier audits.

We also audited the electricity distributors to see whether they had made heat relief payments to those customers who lost power during the heat wave conditions on Australia Day 2018. We are currently working through the audit findings and the results will be published on our website.

Simply Energy fined \$20,000 for transferring a customer with an acquired brain injury

In November 2018, Simply Energy paid a penalty of \$20,000 after a telemarketer allegedly arranged to switch a customer with an acquired brain injury to the company without his consent. We issued a penalty notice after finding sales agents ignored requests to 'call back later' even after the man showed signs of being confused.

Explicit informed consent is a core principle of customer rights and energy retailers are responsible for ensuring they, or any sales agent working on their behalf, can meet the standard required before arranging a transfer. The Victorian energy rules requires energy retailers to provide accurate, clear, full and understandable information on all matters relevant to consent. This includes providing contract information in

plain English and being able to demonstrate through appropriate record keeping that the customer is capable of, and has given, consent.

Wrongful disconnections

The Victorian energy rules sets out provisions about when a customer can be disconnected from their energy supply. When a retailer does not follow these provisions and wrongfully disconnects a customer they must report the breach to us. In most cases the retailer is also required to make a payment to the customer to compensate them for being wrongfully disconnected.

Between July and December 2018, retailers reported to us that they had wrongfully disconnected 291 customers (see table 6.1).³ This is very similar to the number of customers wrongfully disconnected between January and June 2018, which was 294 customers. In total between July and December 2018, retailers paid \$432,225 to affected customers, which was 30 per cent higher than the same period in 2017. A breakdown of these payments is shown in table 6.1.

Wrongful disconnection disputes referred to us

In some cases, where the customer and retailer cannot resolve a disconnection dispute, the case is referred to Energy and Water Ombudsman (Victoria). If the ombudsman and retailer are unable to agree on whether a disconnection was wrongful, the matter may be referred to us for a decision.

³ Excludes wrongful disconnections disputes that were referred to us.



The commission resolved 16 referred disconnection disputes between July and December while 13 disputes referred were withdrawn and conceded by the retailer:

- AGL was required to make total payments of \$260,623 to twelve customers. Four of these disconnections were decided wrongful, totalling \$69,074. The remaining eight disconnections, totalling \$191,549, were withdrawn and conceded by AGL. Of these customers, one received \$92,513 for having their supply of electricity wrongfully disconnected for a period of 185 days.
- Alinta was required to make a payment of \$2,599 to one customer after withdrawing and conceding this disconnection.
- Lumo Energy was required to make total payments of \$1,007, to two customers after the commission decided these disconnections as wrongful.
- Origin Energy was required to make total payments of \$5,745, to three customers after withdrawing and conceding these disconnections.
- Red Energy was required to make total payments of \$8,296, to two customers after the commission decided these disconnections as wrongful.
- Simply Energy was required to make a payment of \$615 to one customer after the commission decided this disconnection was wrongful and were required to pay \$505 to another customer after withdrawing and conceding this disconnection

Seven of the disconnection disputes referred to us were found not to have involved a wrongful disconnection. These comprised four cases involving Lumo Energy, and one case involving each of Origin Energy, Red Energy and Powershop. A breakdown of these cases is shown in table 6.2.

Wrongful disconnection referral case study



We recently resolved a dispute with Simply Energy, referred to us by the Energy and Water Ombudsman (Victoria).

We found that Simply Energy was in breach of its contract with the customer as it did not make two valid offers of payment plans to the customer, who was experiencing payment difficulties, prior to disconnecting the customer's gas supply in a manner that was compliant with the energy rules.

The customer went without energy supply for over 1 day. Simply Energy was required to pay the customer \$615 in compensation.



Table 6.1 Reported wrongful disconnection payments between July 2018 and December 2018

Retailer	Total amount paid during the quarter		Total customers affected	
	Jul – Sep 2018	Oct – Dec 2018	Jul – Sep 2018	Oct – Dec 2018
1st Energy	\$2,168	\$1,024	1	1
AGL	\$70,218	\$85,756	35	45
Alinta Energy	\$18,960	\$24,237	14	14
Click Energy	\$2,316	\$10,700	3	6
CovaU	\$488	-	1	-
Energy Australia	\$13,371	\$88,911	22	16
Lumo Energy	\$14,599	\$8,958	7	4
Momentum	\$20,434	\$638	49	2
Origin Energy	\$2,220	\$22,144	8	19
Powerdirect	\$3,039	-	1	-
Powershop Australia	\$1,235	\$4,634	6	4
QEnergy	\$205	-	1	0
Red Energy	\$1,189	\$4,062	8	5
Simply Energy	\$4,601	\$25,382	5	12
Sumo Power	-	\$613	-	1
Tango (Pacific Hydro)	-	\$132	-	1
TOTAL	\$155,038	\$277,187	161	130

Figures may not add up precisely due to rounding. Excludes wrongful disconnections disputes that were referred to us.

Table 6.2 Wrongful disconnection payment cases referred to the commission between July 2018 and December 2018

Retailer	Outcome	Number of referrals	Total compensation amount
AGL	Disconnection wrongful	4	\$69,074
	Disconnection wrongful (withdrawn and conceded by retailer)	8	\$191,549
Alinta Energy	Disconnection wrongful (withdrawn and conceded by retailer)	1	\$2,599
Lumo Energy	Disconnection wrongful	2	\$1,007
	Disconnection not wrongful	4	-
Origin Energy	Disconnection wrongful (withdrawn and conceded by retailer)	3	\$5,745
	Disconnection not wrongful	1	-
Powershop	Disconnection not wrongful	1	-
Red Energy	Disconnection wrongful	2	\$8,296
	Disconnection not wrongful	1	-
Simply Energy	Disconnection wrongful	1	\$615
	Disconnection wrongful (withdrawn and conceded by retailer)	1	\$505

Figures are based on wrongful disconnection payment cases referred by the Energy and Water Ombudsman (Victoria)