

8 December 2021

Mr David Swift
Chairperson
Essential Services Commission
GPO Box 2605
Adelaide SA 5001

Via email to escosa@escosa.sa.gov.au

Dear Mr Swift,

Re: Retailer Energy Productivity Scheme (REPS) Code Review 2021 – Draft Decision

Simply Energy welcomes the opportunity to provide feedback on the draft decision for the review of the Retailer Energy Productivity Scheme (REPS) Code.

Simply Energy is a leading energy retailer with approximately 730,000 customer accounts across Victoria, New South Wales, South Australia, Queensland and Western Australia. As a leading retailer focused on continual growth and development, Simply Energy supports the development of effective regulation to facilitate competition and positive consumer outcomes in the market.

While Simply Energy considers that a certificate-based scheme would be more transparent and efficient than the REPS, we are supportive of changes that improve the operation of the REPS. In this submission, Simply Energy provides feedback on the consultation questions listed in the Essential Services Commission of South Australia's (ESCOSA) draft decision.

Line of sight between obliged retailers and customers

Consultation question 1: Do stakeholders support amending the existing requirement to provide an information statement to include the requirement to provide the name of the obliged retailer on whose behalf the activity is undertaken prior to commencement of the REPS activity (refer clause 6.1.2(b) of the draft REPS Code at Appendix 2)? Please provide evidence in support of, or a preferred alternative to, that proposal.

Simply Energy is comfortable with ESCOSA's proposal that the name of the obliged retailer be provided to the consumer at the time the activity is delivered.

However, it is not clear that ESCOSA's proposal will lead to better outcomes. Simply Energy considers that the dispute resolution processes of our activity providers have been working effectively to-date. While we understand the intent behind ESCOSA's proposal, in almost all cases it would be more efficient for a customer to resolve a matter directly with the activity provider.

Clarifying fit and proper person obligations

Consultation question 2: Do stakeholders support the introduction of minimum standards which must be applied by obliged retailers when conducting fit and proper person assessments (refer

clause 6.6.2 of the draft REPS Code at Appendix 2)? Please provide evidence in support of, or a preferred alternative to, that proposal.

Simply Energy supports the additional clarity on the standards applicable to 'fit and proper' person assessments. We consider that ESCOSA's proposed amendments to the REPS Code are reasonable and will achieve the intent.

Record keeping obligations

Consultation question 3: Do stakeholders support the clarification of record keeping requirements, such that obliged retailers must retain actual possession of all activity records for a period of five years following the completion of the activity (refer clause 4.3 of the draft REPS Code at Appendix 2)? Please provide evidence in support of, or a preferred alternative to, that proposal.

Simply Energy supports ESCOSA's proposal to reduce the length of time that activity records must be kept. This is a positive change that will reduce the costs associated with complying with the REPS and would not negatively impact on consumer outcomes.

While Simply Energy understands ESCOSA's reasoning for proposing that retailers maintain actual possession of the records, we have not experienced any issues with the current requirements. This proposal will increase retailers' costs of complying with the REPS and will provide benefits only in limited circumstances. In most cases where activity records would be required to be sent to ESCOSA, we expect that we would still consult with our activity provider to ensure that the correct records are being provided.

Provision of information to customers

Consultation question 4: Do stakeholders support the proposal to require the provision of information to customers at the commencement of the REPS activity (rather than at the time it is performed)? Please provide evidence in support of, or a preferred alternative to, that proposal.

Simply Energy supports this proposed amendment to the REPS Code. The change is sensible, and we agree that the requirements for information provision in the Code should be relevant for activities that are not one-off.

REPS customer co-payment

Consultation question 5: Do stakeholders support the proposal that:

- the existence and amount of any co-payment must be clearly communicated to the customer at the time of booking a REPS activity, and
- the existence and amount of any co-payment must be clearly set out on the information statement?

Please provide evidence in support of, or a preferred alternative to, that proposal.

Simply Energy is comfortable with ESCOSA's proposal to require that customers are informed of any co-payment at the time of booking a REPS activity. Our understanding is that customers are already being informed of any required co-payment prior to any work going ahead.

Simply Energy also supports the amount of any co-payment being set out in the information statement. This is a reasonable proposal that will have minimal implementation costs.

Other administrative variations

Consultation question 6: Do stakeholders support the administrative amendments proposed to the Code? Please provide evidence in support of, or a preferred alternative to, that proposal.

Simply Energy supports the administrative amendments proposed to the REPS Code.

Concluding remarks

In closing, Simply Energy is largely supportive of ESCOSA's proposed amendments to the REPS Code and urges ESCOSA to release its final decision as early as possible in 2022 to allow sufficient time for implementation.

Simply Energy welcomes further discussion in relation to this submission. To arrange a discussion or if you have any questions please contact Matthew Giampiccolo, Senior Regulatory Adviser, at matthew.giampiccolo@simplyenergy.com.au.

Yours sincerely

A handwritten signature in black ink that reads "James Barton". The signature is written in a cursive, slightly slanted style.

James Barton
General Manager, Regulation
Simply Energy