



Independent Pricing and Regulatory Tribunal

Electricity Standard Supplier

Energy — Reporting Manual
January 2013

Amendment Record

Issue No	Date Issued	Reason/s for Amendment
RMESS/1	15/12/03	First release
RMESS/2	23/2/05	<ul style="list-style-type: none"> ▼ Minor amendments following 2003-04 reporting ▼ Change to Type 1 reporting of Market Code of Conduct section 6.1.1 ▼ Amendments to operating statistics
RMESS/4	26/9/05	<ul style="list-style-type: none"> ▼ Amendment to Note 9 to operating statistics
RMESS/4	22/11/06	<ul style="list-style-type: none"> ▼ Amendment to 6 monthly reporting arrangements ▼ Amendment to immediate reporting arrangements for Marketing Code of Conduct section 6.1.1 ▼ Amendment to definition of 'direct marketing' in operating statistics ▼ Amendments to operating statistics on supply discontinuance (to take effect from 1 July 2007).
RMESS/5	5/12/07	<ul style="list-style-type: none"> ▼ Minor amendment to explanatory notes for operating statistics C.4.
RMESS/6	22/11/07	<ul style="list-style-type: none"> ▼ Inclusion of obligations imposed by <i>Electricity Supply (General) Amendment Regulation 2007</i>.
RMESS/7	8/3/10	<ul style="list-style-type: none"> ▼ Amendments to explanatory notes for operating statistics B.2, B.3, C.1, E.1 and G.1
RMESS/8	16/1/13	<ul style="list-style-type: none"> ▼ Amendment of licence obligations arising from the end of the Electricity Tariff Equalisation Fund ▼ Amendment of licence obligations arising from the Electricity Supply (General) Amendment (Retail Supply) Regulation 2012 (effective 1 July 2012) ▼ Inclusion of requirement to provide results of annual audit of compliance with Marketing Code of Conduct for suppliers who have marketed to small retail customers.

Inquiries about the Reporting Manual and electricity licensing in general should be addressed to:

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 Independent Pricing and Regulatory Tribunal of New South Wales
 PO Box Q290, QVB Post Office NSW 1230
 T (02) 9113 7732

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1 Introduction

Businesses must ensure compliance with all licence conditions and other applicable obligations under the Act and regulations. The nature and extent of compliance measures a licence holder will need to establish and maintain will vary depending on the nature, scale and complexity of its business.

The obligations imposed on licence holders are across a range of policy-specific statutory instruments or other documents. To locate all obligations it is necessary to refer to a large number of source documents.¹

To facilitate the common administration of the electricity and gas regimes, IPART has produced a series of reporting manuals, one for each licence and authorisation type. IPART will provide an annual report to the Minister for Energy on compliance by electricity and gas licence and authorisation holders.

6-monthly and immediate compliance reporting has also been introduced in respect of key obligations. All compliance reporting under the reporting manuals is exception-based.

This Reporting Manual explains IPART's approach to compliance monitoring and clarifies reporting requirements for holders of NSW electricity standard supplier endorsements. In particular, the Manual describes:

- ▼ detailed compliance reporting requirements including format and the reporting timetable (section 2)
- ▼ an explanation of licensing obligations not covered in the manual (section 3) and
- ▼ the process for revision (section 4).

¹ For example, it is a condition of licence/authorisation to comply with aspects of the *Electricity Supply Act 1995* and the *Gas Supply Act 1996*, aspects of regulations under those Acts, the Marketing Code of Conduct and the Market Operations Rules.

2 Compliance reporting requirements

2.1 Classification of conditions

IPART has prioritised compliance reporting by classifying all licence obligations as Type 1, 2, or 3 based on an assessment of the potential impact of a breach on the Government's policy objectives.

Type 1 licence obligations are limited to those licence obligation where a breach would have a critical impact on the Government's policy objective(s) and where the impact of that breach increases over time if it is not rectified quickly.

Type 2 licence obligations are listed in this category if:

- ▼ a breach would seriously impact the Government's policy objective, and/or
- ▼ the obligation is 'new' or has not been complied with in previous years, and/or
- ▼ there is a need to raise businesses' awareness of the obligation.

Type 3 licence obligations are all other obligations not listed in the above categories. Please note that certain licence obligations that would otherwise seem likely to be classified as Type 1 or Type 2 may be classified as Type 3 where another agency monitors compliance on a more frequent basis.²

The category allocated determines the frequency of compliance reporting as follows:

Type 1 - Immediate Notification

Type 2 - 6-monthly³

Type 3 - Annual

² For example, the NSW Department of Trade and Investment, Regional Infrastructure and Services (DTIRIS) actively monitors and requires independent audits of DNSPs' and reticulators' compliance with safety requirements and network management requirements. These obligations are supported by licence/authorisation conditions, but frequent reporting to IPART would duplicate reporting to DTIRIS and send a confusing signal as to which agency regulates safety.

³ IPART amended the 6-monthly reporting arrangements from 2006/07. These arrangements are outlined at section 2.3.

Appendix F sets out the category allocated to each electricity standard supplier licence obligation.

Compliance reporting is *exception based*. Only breaches of licence obligations that are identified during a reporting period are reported.

2.2 Immediate notification (Type 1 obligations)

Immediate notification takes the form of a telephone call to *Program Manager* ((02) 9113 7732) or the *Director* ((02) 9290 8420) and follow-up written confirmation to IPART's Chief Executive Officer from the Chief Executive Officer (or equivalent)⁴ of the business concerned within 5 business days. Notification must occur as soon as the event occurs, or as soon as a licensee becomes aware that the event has occurred or is likely to occur. The notification must include:

- ▼ extent and nature of the non-compliance (including whether and how many customers and/or other licence holders have been affected)
- ▼ reasons for non-compliance
- ▼ actions taken to rectify the breach and to prevent it reoccurring
- ▼ actual/anticipated date of full compliance.

For completeness, any breach that is subject to immediate notification should also be briefly summarised in the 6-monthly and annual compliance reports, including an update of any further actions taken by the licence holder in respect of the breach and an indication of whether any further breaches of the same obligation have occurred.

2.2.1 Marketing Code of Conduct section 6.1.1

Section 6.1.1 of the Marketing Code of Conduct provides:

A Marketer must not, when carrying out Marketing, engage in misleading, deceptive or unconscionable conduct whether by act or omission.

This obligation has been classified as a Type 1, however with respect to breaches and possible breaches of this obligation, the following compliance reporting procedure applies.

⁴ Some licensees may not have CEOs. In these circumstances, an alternative officer who has day-to-day management control of the business may send written confirmation. If there is any doubt about who should sign the confirmation, businesses are requested to contact the Program Manager, Compliance.

Possible breach of Marketing Code of Conduct section 6.1.1

A licensee must notify IPART immediately by telephone when it becomes aware of a possible breach of this obligation in the following situations:

- ▼ where there has been a significant increase in the marketing complaints received by the retailer, or
- ▼ where a retailer is aware that the matter has been reported by the media.

Notification must be directed to the *Program Manager* ((02) 9113 7732) or the *Director* ((02) 9290 8420).

The licensee must advise IPART of:

- ▼ the extent and nature of the possible breach
- ▼ the investigations it will perform to ascertain whether or not a breach has occurred
- ▼ the timing of such investigations
- ▼ any other relevant information.

The licensee must keep IPART informed of the progress of the investigation and must advise the Tribunal of the outcome of its investigation by telephone or email.

Breach of Marketing Code of Conduct section 6.1.1

A licensee must notify IPART immediately by telephone or email when it determines it has breached this obligation in the following situations:

- ▼ where there has been a significant increase in the marketing complaints received by the retailer, or
- ▼ where a retailer is aware that the matter has been reported by the media, or

Notification must be directed to the *Program Manager* ((02) 9113 7732) or the *Director* ((02) 9290 8420).

The licensee must advise IPART of:

- ▼ the extent and nature of the non-compliance (including whether and how many customers and/or other licensees have been affected)
- ▼ reasons for non-compliance
- ▼ actions taken to rectify the breach and to prevent it reoccurring
- ▼ actual/anticipated date of full compliance.

In addition, written confirmation of the above must be provided to IPART's Chief Executive Officer from the licensee's Chief Executive Officer (or equivalent) within 5 business days of the licensee's determination that a breach of this section has occurred in the situations outlined above.

2.3 6-monthly Reports (Type 2 obligations)

IPART amended the 6-monthly reporting arrangements from 2006/07. 6-monthly compliance reports are now only required from licensees in the following circumstances:

- ▼ New entrant retailers for a minimum period of 12 months from the commencement of supply and until a new entrant audit has been satisfactorily completed.
- ▼ Licensees whose compliance has been unsatisfactory, as determined by IPART on a case-by-case basis. These licensees will be notified by IPART of the 6-monthly reporting requirement.

Businesses subject to a 6-monthly reporting requirement must submit a statement signed by the Chief Executive Officer (or equivalent) that the business has complied with all obligations classified as Type 1 or Type 2 other than those identified in the report. Businesses should report only non-compliances that were identified during the reporting period.

If a business subject to a 6-monthly reporting requirement has breached a Type 1 or Type 2 licence obligation, it is also required to provide an exception report which details the:

- ▼ extent and nature of the non-compliance (including whether and how many customers and/or other licence holders have been affected)
- ▼ reasons for non-compliance
- ▼ actions taken to rectify the breach and to prevent it reoccurring
- ▼ actual/anticipated date of full compliance.

For completeness, any breach reported in the 6-monthly compliance reports should be summarised in the annual compliance report, including an update of any further action taken by the licence holder with respect to the breach and an indication of whether any further breaches of the same obligation have occurred.

The format of the 6-monthly compliance report forms Appendix B.

2.4 Annual Reports (Type 3 obligations)

Businesses are required to submit an annual statement certifying that the business has complied with its licence obligations other than those identified in the report. The annual compliance statement must be signed by:

- ▼ the Chief Executive Officer (or equivalent) and
- ▼ the Chairman of the Board or a duly authorised Board member other than the CEO.

Businesses that have breached a licence obligation are required to provide an exception report which details the:

- ▼ extent and nature of the non-compliance (including whether and how many customers and/or other licence holders have been affected)
- ▼ reasons for non-compliance
- ▼ actions taken to rectify the breach and to prevent it reoccurring
- ▼ actual/anticipated date of full compliance.

Annual operating statistics must also be provided as part of the annual compliance report.⁵

Retail suppliers that have marketed energy to small retail customers must also submit the results of their audits of compliance with the Marketing Code of Conduct as part of their Annual Compliance Report to IPART.

The format of the annual compliance report form Appendix C.

2.5 6-monthly and Annual Reporting Cycle

A 6-monthly compliance report, covering the period July to December, must be submitted to IPART by businesses subject to a 6-monthly reporting requirement by not later than **10 February** in each year. The annual compliance report, covering the previous financial year, must be submitted to IPART by not later than **31 August** in each year.

A checklist for 6-monthly and annual reporting forms Appendix A.

⁵ See section 2.7.

2.6 How to lodge 6-monthly and annual reports

Annual and 6-monthly compliance reports should be lodged electronically with a follow-up hard copy sent by mail. Name and contact details (phone, fax, email) of the primary contact IPART can liaise with when assessing compliance should also be provided. An alternative contact for those times when the primary contact is unavailable should also be nominated.

Email addressed to: compliance@ipart.nsw.gov.au

Hard copy addressed to:

The Chief Executive Officer
Independent Pricing and Regulatory Tribunal of NSW
PO Box Q290
QVB Post Office NSW 1230

2.7 Annual Operating Statistics

As in previous years, electricity retail suppliers are required to submit operating statistics as part of their annual compliance report. New statistics on supply discontinuance were included in 2007/08.

The current operating statistics are listed in Appendix E.

2.8 Compliance Audits

IPART will conduct periodic compliance audits. The scope and timing of these audits will depend on the results of previous compliance audits and each business' compliance history. Compliance audits will generally be combined systems⁶ and performance audits.⁷

Due to the changing nature of the scope and timing of audits from year to year, obligations to be audited will not be outlined in the Reporting Manuals. The scope of an audit will be provided separately to all businesses concerned closer to time of an actual audit.

2.9 Rewarding strong compliance

In 2003, quarterly reporting was scaled back to 6-monthly reporting in recognition of licensees' good compliance history from the commencement of full

⁶ An audit of a business's compliance systems involves an examination of the systems and processes that the business has adopted in order to ensure that they comply with their obligations.

⁷ An audit of a business's compliance performance involves an examination of the extent to which the business complies with its licence or authorisation conditions.

retail competition. In 2006, IPART determined that the high level of compliance demonstrated by most licensees warranted amendments to the 6-monthly reporting arrangements to reward these licensees. 6-monthly reporting arrangements remain in place for some licensees and are outlined at section 2.3.

In coming years, individual businesses' compliance performance may warrant requiring them to report more or less frequently than the broad classification of reporting priority in the Reporting Manuals. IPART may scale back the frequency and/or extent of compliance reporting and auditing if a business has implemented a strong compliance system, receives an adequate compliance audit report, and demonstrates a good compliance history.

However, where businesses fail to comply with key conditions or do not implement an appropriate compliance system IPART may progressively increase the extent and frequency of compliance reporting and auditing. Where a business receives a marginal or inadequate compliance audit report, it will be subject to further investigations which may include an external audit.

Where non-compliance indicates significant problems with a business' compliance systems, the business may be required to undergo an external audit prior to or in conjunction with submitting their next annual compliance report to IPART. The purpose of the follow-up audit would be to obtain independent assurance that the information contained in the business's annual compliance report accurately represents its true position. The auditor may also be asked to comment on how the business' compliance system or performance might be improved.

3 Processes for review

Appropriate reporting and auditing requirements for each obligation may vary over time to reflect businesses' previous compliance performance and evolving regulatory and government policy objectives.

Changes to the Reporting Manuals, including amendments to the classification of licence obligations may be necessary to:

- ▼ include new licence obligations
- ▼ delete redundant licence obligations
- ▼ reflect new government initiatives
- ▼ rectify problems identified through compliance monitoring and reporting.

Before making any significant revisions to the reporting requirements or operating statistics, IPART will undertake appropriate consultation with relevant licensees/authorisation holders and other interested stakeholders as appropriate. In determining the commencement date for new reporting arrangements, the Tribunal will have regard to licensees' need for a reasonable period to implement new arrangements.



Appendices

A Checklists for 6-monthly and annual reporting

A.1 6-monthly reporting

By no later than **10 February** in each year, all licensees subject to a 6-monthly reporting requirement must lodge:

- ▼ 6-monthly Compliance Report Certification.
 - ▼ Non-Compliance schedule.
 - ▼ Name and contact details (phone, fax, email) of the main person IPART can liaise with during February when assessing compliance. Please also nominate an alternative person for those times when the main contact is unavailable.
- } See templates at Appendix B

A.2 Annual reporting

By no later than 31 August in each year, all licensees must lodge:

- ▼ Annual Compliance Report Certification.
 - ▼ Non-Compliance schedule.
 - ▼ Operating Statistics.
 - ▼ Name and contact details (phone, fax, email) of the main person the Tribunal can liaise with during September when assessing compliance. Please also nominate an alternative person for those times when the main contact is unavailable.
- } See templates at Appendix C & E

Retail suppliers that have marketed energy to small retail customers must also submit the results of their audits of compliance with the Marketing Code of Conduct as part of their Annual Compliance Report to IPART.

B 6-monthly compliance report format

6-monthly Compliance Report

For the period July to December 201_

Submitted by [name]

ACN:

To: The Chief Executive Officer
Independent Pricing and Regulatory Tribunal of NSW
PO Box Q290
QVB Post Office NSW 1230

[Name] reports as follows:

1. This report documents compliance during [6-monthly period] with all obligations classified as Type 1 or Type 2 obligations in IPART's current Electricity Standard Supplier Reporting Manual.
2. This report has been prepared by [name] with all due care and skill in full knowledge of conditions to which it is subject and in compliance with IPART's current Electricity Standard Supplier Reporting Manual.
3. Schedule A provides information on all obligations with which [name] did not fully comply during [6-monthly period].
4. Other than the information provided in Schedule A, [name] has complied with all Type 1 and 2 obligations to which it is subject.
5. This compliance report has been approved and signed by the Chief Executive Officer (or equivalent)⁸ of [name].

DATE:

Signed

Name:

Designation:

⁸ Some licensees may not have CEOs. In these circumstances, an alternative officer who has day-to-day management control of the business may verify the report. If there is any doubt about who should sign the report, businesses are requested to contact the Program Manager, Compliance.

Schedule A Non Compliances⁹

Table # ¹⁰	List obligations breached, including a brief description of each obligation ¹¹	Describe:
		<ul style="list-style-type: none"> <li data-bbox="826 389 1369 501">i Nature and extent of non-compliance (including whether and how many customers and/or other licence holders have been affected) <li data-bbox="826 501 1214 528">ii Reasons for non-compliance <li data-bbox="826 528 1134 555">iii Remedial action taken <li data-bbox="826 555 1369 589">iv Actual anticipated date of full compliance

⁹ Licensees should report only non-compliances that were identified during the reporting period.

¹⁰ See Appendix F. Licensees should indicate, for example, Electricity Standard Supplier table #28.

¹¹ Licensees should include, for example: ES (General) Reg cl 31(1) – A bill issued by supplier under standard form customer supply contract must include certain information.

C Annual Compliance report format

Annual Compliance Report

For 201_/1_

Submitted by [name]

ACN:

To: The Chief Executive Officer
Independent Pricing and Regulatory Tribunal of NSW
PO Box Q290
QVB Post Office NSW 1230

[Name] reports as follows:

1. This report documents compliance during [financial year] with all obligations to which [name] is subject by virtue of its Electricity Standard Supplier Endorsement.
2. This report has been prepared by [name] with all due care and skill in full knowledge of conditions to which it is subject and in compliance with IPART's current Electricity Standard Supplier Reporting Manual.
3. Schedule A provides information on all obligations with which [name] did not fully comply during [financial year].
4. Other than the information provided in Schedule A, [name] has complied with all conditions to which it is subject.
5. Statistical information about [name's] operations is provided in Schedule B.
6. The results of [name's] audit of compliance with the Marketing Code of Conduct [if applicable] is attached to this report.
7. This compliance report has been approved by the Chief Executive Officer (or equivalent)¹² and the Board of Directors of [name] at its meeting on [date].

¹² Some licensees may not have CEOs. In these circumstances, an alternative officer who has day-to-day management control of the business may verify the report. If there is any doubt about who should sign the report, businesses are requested to contact the Program Manager, Compliance.

DATE: DATE:
 Signed Signed
 Name: Name:
 Designation: Designation:

Schedule A Non Compliances¹³

Table # ¹⁴	Reporting period in which the breach occurred	List obligations breached, including a brief description of each obligation ¹⁵	Describe: i Nature and extent of non-compliance (including whether and how many customers and/or other licence holders have been affected) ii Reasons for non-compliance iii Remedial action taken iv Actual anticipated date of full compliance
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¹³ Licensees should report only non-compliances that were identified during the reporting period.
¹⁴ See Appendix F. Licensees should indicate, for example, Electricity Standard Supplier table #28.
¹⁵ Licensees should include, for example: ES (General) Reg cl 31(1) - A bill issued by supplier under standard form customer supply contract must include certain information.

D Electricity operating statistics

Schedule B Operating Statistics – Retail Suppliers

A	Customers (See explanatory Note 1 at the end of this Schedule	Response
1	How many customers did the Licence Holder have as at 30 June?	#
2	How many residential small retail customers did the Licence Holder have as at 30 June?	#
3	How many non-residential small retail customers did the Licence Holder have as at 30 June?	#
4	How many small retail customers did the Licence Holder have as at 30 June?	#
B. Telephone service for faults and difficulties (See Note 2)		
1	How many calls were made to the Licence Holder's account inquiries telephone service during the period?	#
2	How many calls dropped out or were abandoned?	#
3	How many calls to this service were answered by a human operator within 30 seconds?	#
C. Supply discontinuance (See Note 3)		
1	How many residential small retail customers had their supply discontinued during the period for failing to pay an amount due to the Licence Holder?	#
2	How many non-residential small retail customers had their supply discontinued during the period for failing to pay an amount due to the Licence Holder?	#
3	Of those small retail customers in C.1 and C.2, how many had their supply discontinued on a Friday, Saturday, Sunday, public holiday, a day preceding a public holiday, or after 3.00pm on a day other than the days just mentioned?	#
4	Of those residential small retail customers in C.1, how many were on a payment plan prior to having supply discontinued?	#
5	Of those residential small retail customers in C.1, how many were pensioners?	#
6	Of those residential small retail customers in C.1, how many had supply discontinued at the same address for non-payment of an account on one or more other occasions within the period?	#
D. Supply recontinuance (See Note 4)		
1	Of those residential small retail customers in C.1, how many subsequently had supply recontinued by the Licence Holder in that customer's same name?	#
2	Of those non-residential small retail customers in C.2, how many subsequently had supply recontinued by the Licence Holder in that customer's same name?	#

E. Complaints (See Note 5)		
1	How many complaints did the Licence Holder receive during the period from small retail customers in relation to retail supply matters?	#
2	Of the complaints reported under F.1, how many were from:	#
	a. residential small retail customers?	
	b. non-residential small retail customers?	
3	Of the complaints reported under F.1, how many were primarily about:	#
	a. Billing?	
	b. Marketing?	
	c. Other matters?	
F. Marketing (see Note 6)		
1	How many direct marketing contacts to small retail customers did the Licence Holder make during the period?	#
G. Transfers (See Note 7)		
1	How many customers did the Licence Holder transfer to itself during the period?	#
H. Security deposits (See Note 8)		
1	How many residential small retail customers had lodged security deposits with the Licence Holder as at 30 June?	#
2	Of the security deposits from residential small retail customers that the Licence Holder held during the period, how many had the Licence Holder held for longer than 12 months?	#
3	How many non-residential small retail customers had lodged security deposits with the Licence Holder as at 30 June?	#
4	Of the security deposits from non-residential small retail customers that the Licence Holder held during the period, how many had the Licence Holder held for longer than 24 months?	#
I. Payment methods (See Note 9)		
1	How many of the Licence Holder's residential small retail customers were paying their bills under a direct debit arrangement from the customer's bank account as at 30 June?	#
2	How many of the Licence Holder's residential small retail customers were paying off billing arrears under any instalment payment plan operated by the Licence Holder as at 30 June?	#
3	How many of the Licence Holder's residential small retail customers were using Centrelink's Centrepay facility to pay their bills with the Licence Holder as at 30 June?	#
J. Electricity Sales Volumes (See Note 10)		
1	What were the Licence Holder's NSW electricity sales in (GWh) in the financial year?	GWh

Explanatory notes

1. Customers

“Customer” means the person in whose name an electricity account is held under one supply contract.

“Small retail customer” means a customer whose electricity consumption in NSW is no more than 160 megawatt hours per annum.

“Residential small retail customer” means a small retail customer who uses their premises primarily for residential purposes.

“Non-residential small retail customer” means a small retail customer who uses their premises primarily for non-residential purposes.

The customer statistics collected here will be used in conjunction with the other statistics in this schedule to derive operating measures (eg, percentages or numbers per 1,000). The customer numbers themselves will not be published without the Licence Holder’s permission.

2. Telephone service for account inquiries

Only retailers who supplied small retail customers during the period are asked to report on their telephone service for account inquiries. Retailers who did not supply small retail customers should enter “N/A” (not applicable) in the column.

The resulting measures that may be used in the Tribunal’s compliance report are:

- ▼ Percentage of calls answered within 30 seconds.
- ▼ Percentage of calls that dropped out or were abandoned by the caller.

These measures are based upon a guaranteed customer service standard established under clause 40 and Schedule 2, Part 2, clause 10(2) of the *Electricity Supply (General) Regulation 2001*. A supply contract between a retail supplier and a small retail customer must require a supplier to provide a telephone service that operates during business hours on which a person can be connected for not less than the price of a local telephone call and that can receive notice of, and give information concerning, customers’ bills and customer connection services arranged by the supplier. An automated answering service satisfies this requirement only if it makes provision for the transfer of calls to a human operator.

Where an automated answering system is used, the 30 second time limit may be counted from the time that the system directs a caller to an operator or where a caller indicates a preference to be connected to an operator.

Where possible, licensees should not include calls that were satisfied by an automated answering system in its 'dropped out or abandoned call' data. Where licensees' phone systems cannot differentiate the reason for a caller discontinuing a call, the licensee should indicate this in its report to IPART.

3. Supply discontinuance

Only retailers who supplied small retail customers during the period are asked to report on supply discontinuances. Retailers who did not supply small retail customers should enter "N/A" (not applicable) in the column.

Each instance that a customer's supply is discontinued must be reported including when the premises become vacant subsequent to the commencement of disconnection action.

For clarification, supply discontinued under 'new occupant supply arrangements' should not be included. However, disconnection provisions outlined in clause 11 and clause 72 of the *Electricity Supply (General) Regulation 2001* still apply in these situations.

If a customer's supply has been discontinued twice in the reporting year, two supply discontinuances must be reported.

'Payment plan' is an arrangement between a retailer and a customer for the customer to pay arrears and continued usage on their account according to an agreed payment schedule and capacity to pay. It does not include customers using a payment plan as a matter of convenience or for flexible budgeting purposes. Payment plans involve at least **3 instalments**. The plans enable customers to make payments in instalments, by arrears or advance, taking into account their capacity to pay. The key point about payment plans is that they enable a customer to continue to receive supply and avoid disconnection.

In relation to operating statistic C. 4 ("Of those residential small retail customers in C.1, how many were on a payment plan prior to having supply discontinued?") all small retail customers who were on a payment plan during the 12 months prior to disconnection should be included.

The resulting measures that may be used in IPART's compliance report are:

- ▼ Proportion of residential small retail customers whose supply was discontinued during the year for failing to pay an amount due.
- ▼ Proportion of non-residential small retail customers whose supply was discontinued during the year for failing to pay an amount due.
- ▼ Number and proportion of small retail customers whose supply was discontinued during the year at a prohibited time or on a prohibited day for failing to pay an amount due.

- ▼ Number and proportion of residential small retail customers who were on a payment plan prior to having supply discontinued.
- ▼ Number of pensioners whose supply was discontinued.
- ▼ Number and proportion of residential small retail customers whose supply was discontinued during the year on more than one occasion for failing to pay an amount due.

4. Supply recontinuance

Only retailers who supplied small retail customers during the period are asked to report on supply recontinuances. Retailers who did not supply small retail customers should enter “N/A” (not applicable) in the column.

The resulting measures that may be used in IPART’s compliance report are:

- ▼ Proportion of residential small retail customers whose supply was recontinued in the same name after being discontinued during the year for failing to pay an amount due.
- ▼ Proportion of non-residential small retail customers whose supply was recontinued in the same name after being discontinued during the year for failing to pay an amount due.

5. Complaints

Only retailers who supplied small retail customers during the period are asked to report on customer complaints. Retailers who did not supply small retail customers should enter “N/A” (not applicable) in the column.

“Complaint” means a written or verbal expression of dissatisfaction about an action, a proposed action, or a failure to act by a Licence Holder, its employees, agents or contractors. This includes failure by a Licence Holder to observe its published or agreed practices or procedures.

To avoid doubt complaints data is to include:

- ▼ complaints that have been resolved at the first point of contact, for example by a licensee’s call centre
- ▼ complaints forwarded by the Energy & Water Ombudsman NSW (EWON) to the licensee for resolution.

Complaints data should be aggregated and reported using the EWON’s methodology for allocating complaints into issues (ie, “billing”, “marketing” and “other matters”).

The following measures may be published by IPART:

- ▼ Proportion of residential small retail customers that complained about retail supply matters.
- ▼ Proportion of non-residential small retail customers that complained about retail supply matters.
- ▼ Percentage of complaints from residential small retail customers that were related to billing, marketing and other matters.
- ▼ Percentage of complaints from non-residential small retail customers that were related to billing, marketing and other matters.

6. Marketing

Data on the total number of marketing contacts made to small retail customers in the compliance year is required to compare with the number of marketing complaints and breaches. Direct marketing includes door-to-door marketing and telemarketing.

Licensees should report the number of direct marketing contacts to small retail customers, not the number of small retail customers contacted for marketing purposes.

Licensee marketing rates will not be published without the Licensee's permission. Measures that may be published include marketing complaints/breaches as a percentage of the total number of direct marketing contacts to small retail customers during the compliance period.

7. Transfers

Data on the total number of customers transferred during the compliance year is required to provide some context for breaches involving customer transfers without consent. Standard retailers reporting on this statistic should include both in and out of area transfers.

It is important to monitor customer transfer statistics in a competitive retail market as systemic problems associated with customer transfers may impact market confidence.

Licensee transfer rates will not be published without the licensee's permission. Measures that may be published include customer transfers without consent expressed as a percentage of the total number of customers transferred during the compliance period.

8. Security deposits

Only retailers who supplied small retail customers during the period are asked to report on security deposits. Retailers who did not supply small retail customers should enter “N/A” (not applicable) in the column.

The resulting measures that may be used in IPART’s compliance report are:

- ▼ Percentage of residential small retail customers that lodged security deposits.
- ▼ Percentage of non-residential small retail customers that lodged security deposits.
- ▼ Average dollar value of security deposits held from residential small retail customers.
- ▼ Average dollar value of security deposits held from non-residential small retail customers.
- ▼ Number and percentage of security deposits held from residential and non-residential small retail customer that have been held for longer than 12 months and 24 months respectively.

9. Payment methods

Only retailers who supplied small retail customers during the period are asked to report on payment methods. Retailers who did not supply small retail customers should enter “N/A” (not applicable) in the column.

Direct debits from a customer’s bank account are to include direct debits from any financial institution, including a customer’s credit card.

The resulting measures that may be used in IPART’s compliance report are:

- ▼ Percentage of residential small retail customers using direct debit arrangements to pay their bills.
- ▼ Percentage of residential small retail customers paying off billing arrears under an instalment payment plan.
- ▼ Percentage of residential small retail customers using Centrelink’s Centrepay bill payment facility.

10. Electricity Sales Volumes

The statistic collected here will be used to calculate electricity retailers’ variable licence fee. This fee is based on retailers’ market share for the financial year. The market share calculation is based on retailers’ sales volume for the year.

Retailers’ individual sales volumes will not be published without the licensee’s permission.

E Electricity standard retail supplier and retailer of last resort licence and endorsement conditions and obligations under conditions

#	Condition	Obligations under Condition	Brief Description of Obligation	Type	Reporting	Verification	Equivalent Gas Obligation
1	ESA section 34(7)	ESA section 34(4)	A standard retail supplier must supply electricity to certain persons either under a negotiated customer supply contract or a standard form customer supply contract.	3	Annual	CEO and Board	GSA section 33C(3)
2	ESA section 34(7)	ESA section 34(5)	A standard retail supplier must arrange connection services for certain small retail customers, if an application to do so is made.	3	Annual	CEO and Board	-
3	ESA section 36	ESA section 36	A standard retail supplier must impose tariffs and charges for or in relation to supplying electricity under standard form customer supply contracts in accordance with the relevant Tribunal determination.	3	Annual	CEO and Board	GSA section 27A(4)
4	ESA section 39(1)	ESA section 39(1)	A standard retail supplier must prepare a standard form customer supply contract to establish the conditions on which it will supply electricity to the premises of small retail customers who elect to be supplier under such contracts.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 45(1)
5	ESA section 39(2)	ESA section 39(2)	A standard retail supplier must notify any relevant customer consultative group and have due regard to its comments before completing preparation of its standard form customer supply contract.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 45(2)
6	ESA section 43EF(3)	ESA section 43EF(3)	A standard retail supplier must comply with a requirement made by the Tribunal to provide information and documents or attend a meeting or Tribunal for the purposes of an investigation and report.	3	Annual	CEO and Board	-
7	Obligation ceased	Obligation ceased	A standard retail supplier must make payments to the Fund in accordance with the ETEF rules.				
8	Obligation ceased	Obligation ceased	A standard retail supplier must provide information or access to information in accordance with the ETEF rules.				
9	Obligation ceased	Obligation ceased	A standard retail supplier must provide such information as is requested by the Ministerial corporation for the purposes of the administration of the Fund and the rules applying to payments to and from that Fund.				
10	ESA section 87D	ESA section 87C(1)(a)	A standard retail supplier must comply with a notice served under section 87B, in relation to the provision of information, documents and evidence to the Tribunal.	3	Annual	CEO and Board	-

E Electricity standard retail supplier and retailer of last resort licence and endorsement conditions and obligations under conditions

#	Condition	Obligations under Condition	Brief Description of Obligation	Type	Reporting	Verification	Equivalent Gas Obligation
11	ESA section 87D	ESA section 87C(1)(b)	A standard retail supplier must answer a question that the Chairperson requires answered at any meeting of the Tribunal under section 87B.	3	Annual	CEO and Board	-
12	ESA section 87D	ESA section 87C(3)(a)	A standard retail supplier must not give the Tribunal information that it knows to be false or misleading in a material particular.	3	Annual	CEO and Board	-
13	ESA section 87D	ESA section 87C(3)(b)	A standard retail supplier must not give evidence that it knows to be false or misleading in a material particular.	3	Annual	CEO and Board	-
14	ESA section 87D	ESA section 87C(4)	A standard retail supplier must not hinder, obstruct or interfere with members of the Tribunal in the exercise of its functions.	3	Annual	CEO and Board	-
15	ESA section 87D	ESA section 87C(5)	A standard retail supplier must not take any action that detrimentally affects the employment of another person, or threaten to do so, because that other person has assisted the Tribunal in any investigation.	3	Annual	CEO and Board	-
16	ESA Schedule 6, Part 4, cl 28(1)(a)	ESA Schedule 6, Part 4, cl 28(1)(a)	Supply of electricity to transitional retail customers.	inactive	inactive	inactive	-
17	ES (General) Reg cl 5(a) This is an endorsement condition	ES (General) Reg cl 5(a)	A standard retail supplier must give the Tribunal at least 30 days notice of any new regulated retail tariff or regulated retail charges before they take effect	3	Annual	CEO and Board	-
18	ES (General) Reg cl 5(b) This is an endorsement condition	ES (General) Reg cl 5(b)	A standard retail supplier must provide to the Tribunal certain information to demonstrate that new tariffs and charges are in accordance with the relevant determination of the Tribunal.	3	Annual	CEO and Board	-
19	ES (General) Reg cl 5(c) This is an endorsement condition	ES (General) Reg cl 5(c)	A standard retail supplier must only accept elections from small retail customers to be supplied under standard form customer supply contracts if they are in a certain form and have certain content.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 5

E Electricity standard retail supplier and retailer of last resort licence and endorsement conditions and obligations under conditions

#	Condition	Obligations under Condition	Brief Description of Obligation	Type	Reporting	Verification	Equivalent Gas Obligation
20	ES (General) Reg cl 6(1)(a) This is an endorsement condition	ES (General) Reg cl 6(1)(a)	A standard retail supplier must operate a payment plan applying to small retail customers who own or occupy residential premises and who are experiencing financial difficulties. This subclause was removed by the <i>Electricity Supply (General) Amendment Regulation 2007</i> which imposed payment plan obligations on all retail suppliers. These obligations are included in the Retail Supplier Reporting Manual.	-	-	-	Gas Supply (NGRC) Reg cl 6(1)(a)
21	ES (General) Reg cl 6(1)(b) This is an endorsement condition	ES (General) Reg cl 6(1)(b)	A standard retail supplier must operate a payment plan that does certain things and provides for certain things. It must have its payment plan approved by the Minister. This subclause was removed by the <i>Electricity Supply (General) Amendment Regulation 2007</i> which imposed payment plan obligations on all retail suppliers. These obligations are included in the Retail Supplier Reporting Manual.	-	-	-	Gas Supply (NGRC) Reg cl 6(1)(b)
22	ES (General) Reg cl 13(2)	ES (General) Reg cl 13(1)	As soon practicable after an election is made by any person who is or may be a small retail customer for supply of electricity under a standard form customer contract, a standard supplier must furnish the customer with a document setting out certain information.	2	6-monthly	CEO	Gas Supply (NGRC) Reg cl 13(1)
23	ES (General) Reg cl 13(2)	ES (General) Reg cl 13(1A)	The above document is to contain, in certain community languages, information about the availability of interpreter services.	2	6-monthly	CEO	Gas Supply (NGRC) Reg cl 13(2)
24	ES (General) Reg cl 17(3)(a)	ES (General) Reg cl 17(3)(a)	A standard retail supplier must prepare a charter governing the constitution and procedure of its customer consultative group.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 16(4)(a)
25	ES (General) Reg cl 17(3)(b)	ES (General) Reg cl 17(3)(b)	A standard retail supplier must submit its customer council charter for approval by the Minister.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 16(4)(b)
26	ES (General) Reg cl 19	ES (General) Reg cl 21(1)	A variation in the rates of charges for connection services provided or electricity supplied under a standard form customer contract may not be imposed unless a notice setting out particulars is first published in a newspaper circulating throughout NSW or in the area in which the variation is to take effect and on the supplier's internet site or is served on the affected customer or group of customers.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 21(1)

#	Condition	Obligations under Condition	Brief Description of Obligation	Type	Reporting	Verification	Equivalent Gas Obligation
27	ES (General) Reg cl 19	ES (General) Reg cl 21(2)	Certain particulars must be set out in such a notice.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 21(2)
28	ES (General) Reg cl 19	ES (General) Reg cl 31(1)	A bill issued by supplier under standard form customer supply contract must include certain information.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 31(1)
29	ES (General) Reg cl 43(1)(a)	ES (General) Reg cl 43(1)(a)	A standard retail supplier must make its standard form customer supply contracts and the document referred to in cl 13 (guaranteed customer service standards, rebates & relief etc.) available for inspection, free of charge, at its offices during office hours.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 51(1)(a)
30	ES (General) Reg cl 43(1)(d)	ES (General) Reg cl 43(1)(d)	A standard supplier must make a copy of any document incorporated by reference in its standard form customer supply contracts available for inspection, free of charge, at its offices during office hours.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 51(1)(b)
31	ES (General) Reg cl 43(2)	ES (General) Reg cl 43(2)	A standard supplier must make certain documents available through the internet.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 51(2)
32	Ministerially-imposed licence condition 4.1	ESA section 39(4)	Notice of the terms of a standard form customer supply contract must be published in a newspaper circulating throughout NSW or in a newspaper circulating throughout the relevant supply district.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 45(4) – but not AC
33	Ministerially-imposed licence condition 4.1	ESA section 39(5)	The notice of the terms of a standard form customer supply contract must set out certain particulars.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 45(5) – but not AC
34	Ministerially-imposed licence condition 4.1	ESA section 40(1)	Standard form customer supply contracts must make provision for certain matters.	3	Annual	CEO and Board	-
35	Ministerially-imposed licence condition 4.1	ESA section 40(2)	Standard form contracts must indicate that the Act and the Reg confer powers, duties, rights and obligations on the supplier and the customer and briefly describe them.	3	Annual	CEO and Board	-

E Electricity standard retail supplier and retailer of last resort licence and endorsement conditions and obligations under conditions

#	Condition	Obligations under Condition	Brief Description of Obligation	Type	Reporting	Verification	Equivalent Gas Obligation
36	Ministerially-imposed licence condition 4.1	ESA section 40(3)	Standard form contracts must comply with any licence conditions and relevant determinations of the Tribunal.	3	Annual	CEO and Board	-
37	Ministerially-imposed licence condition 4.1	ES (General) Reg cl 41(1)	The guaranteed customer service standards are to be set out in a particular way in the standard form contract and are to include a statement to the effect that they comply with the requirements imposed under the Act with respect to customer service.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 49(1)
37 A	Ministerially-imposed licence condition 4.1	ES (General) Reg cl 44(2)	If a guaranteed customer service standard is varied, the customer contracts concerned must be varied so as to accord with the variation.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 52(2)
38	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 1, cl 1(1)	Supplier must use best endeavours to ensure that customer contract expressed unambiguously and in plain English.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg Schedule 1, cl 1(1)
39	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 1, cl 1(2)	Words in customer contract must be printed in a style and size that is easy to read.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg Schedule 1, cl 1(2)
40	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 1, cl 1(3)	A supplier's customer supply contracts must contain certain matters.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg Schedule 1, cl 1(3)
41	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 1, cl 2(1)	A supplier's contracts must contain certain matters related to charges.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg Schedule 1, cl 3(1)
42	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 1, cl 2(2)	A supplier's contracts must provide that customer not liable to pay any charge unless the amount of, or basis for the calculation of the amount of, the charge is set out in the contract.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg Schedule 1, cl 3(2)

#	Condition	Obligations under Condition	Brief Description of Obligation	Type	Reporting	Verification	Equivalent Gas Obligation
43	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 1, cl 2(3)	The rate at which interest may be charged on an unpaid account under a customer contract must not exceed a certain rate.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg Schedule 1 cl 3(3)
44	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 1, cl 4	A supplier's contracts must separately provide for certain matters relating to security deposits.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg Schedule 1 cl 5
45	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 1, cl 5(1)	A supplier's contracts must contain provisions establishing minimum standards of service.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg Schedule 1 cl 6(1)
46	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 1, cl 5(2)	The minimum standards of service must separately provide for or deal with certain matters (such as the quality and reliability of services).	3	Annual	CEO and Board	Gas Supply (NGRC) Reg Schedule 1 cl 6(2)
47	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 1, cl 7	A supplier's contract must prohibit the supplier from disconnecting the customer's premises, or requesting disconnection from the distribution system on certain grounds (e.g. life support system in use).	1	Within 5 days	CEO	Gas Supply (NGRC) Reg Schedule 1 cl 8(1)
48	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 1	A supplier's contract must contain the different rates for different categories of electricity supplied, if each category is measured separately.	3	Annual	CEO and Board	-
49	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 2(1)	A supplier's contract must provide that charges are to be based on the customer's measured or estimated consumption during a billing period.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg Schedule 1 cl 2(1)
50	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 2(2)	A supplier's contract must require that metered consumption is to be measured at intervals of not less than 6 months.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg Schedule 1 cl 2(2)

E Electricity standard retail supplier and retailer of last resort licence and endorsement conditions and obligations under conditions

#	Condition	Obligations under Condition	Brief Description of Obligation	Type	Reporting	Verification	Equivalent Gas Obligation
51	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 2(3)	A supplier's contract must require that the supplier reconcile any charges paid by the customer with the consumption measured.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg Schedule 1 cl 2(3)
52	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 3(1)	A supplier's contract must provide for the supply of electricity to commence on the day specified by the supplier, being a day not less than 10 days after the commencement of the contract. This obligation does not apply to standard supply form supply contracts and was included in error.	-	-	-	Gas Supply (NGRC) Reg Schedule 1 cl 9(1)
53	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 3(3)	A supplier's contract must provide that a customer who has been supplied by a supplier immediately before the commencement of the supply under this contract is liable to the supplier under this contract in certain circumstances. The contract may not make the customer liable for payment for supply in respect of any earlier period.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg Schedule 1 cl 9(3)
54	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 4(1)	A supplier's contract must enable the supplier to arrange, on behalf of the customer, for connection services to be provided to the premises.	3	Annual	CEO and Board	-
55	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 4(2)	A supplier's contract must not prevent the customer from making arrangements directly with the service provider for the provision of connection services.	3	Annual	CEO and Board	-
56	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 4(3)	A supplier's contract must require the customer to pay to the supplier the charges for connection services provided by the services provided and arranged by the supplier.	3	Annual	CEO and Board	-
57	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 4(4)	A supplier's contract must apply to charges for connection services arranged by the supplier in the same way as it applies to charges payable under the contract.	3	Annual	CEO and Board	-

#	Condition	Obligations under Condition	Brief Description of Obligation	Type	Reporting	Verification	Equivalent Gas Obligation
58	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 5(1)	A supplier's contract must require the customer to give the supplier not less than 72 hours' notice of the customer's desire for supply to be discontinued.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg Schedule 1 cl 10(1)
59	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 6(1)	A supplier's contract must enable the customer to transfer, or be transferred, to another supplier if last resort supply arrangements are implemented.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg Schedule 1 cl 11(1)
60 a	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 6(2)	A supplier's contract must provide that the supplier is not entitled to be paid any compensation or other payment by the customer in respect of any such transfer.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg Schedule 1 cl 11(2)
60 b	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 9A(1)	A supplier's standard form contract must provide for termination of the contract in certain circumstances (e.g. if the customer commences to be supplied electricity at the same premises under a different supply contract).	3	Annual	CEO and Board	
60c	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 9A(2)	A supplier's standard form contract must provide for termination of the contract on a date advised to the customer in certain circumstances (e.g. customer ceases to be classified as a SRC).	3	Annual	CEO and Board	
60 d	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 9A(3)	A supplier's standard form contract must provide: <ul style="list-style-type: none"> ▼ that the date advised under subclause (2) must be at least 5 but not more than 20 days after the customer ceases to be classified as a SRC or the notice is given by the customer. ▼ that, if the customer does not give safe access to the premises for a final meter reading (where relevant), the contract is not terminated until the date when the supplier issues a final bill and the customer pays any outstanding balance. 	3	Annual	CEO and Board	
60 e	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 9(4)	A supplier's standard form contract must not impose a termination charge in respect of the termination of the contract.	3	Annual	CEO and Board	

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Electricity standard retail supplier and retailer of last resort licence and endorsement conditions and obligations under conditions

#	Condition	Obligations under Condition	Brief Description of Obligation	Type	Reporting	Verification	Equivalent Gas Obligation
61	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 10(1)	A supplier's contract must require the supplier to inform the customer about any relevant telephone service that operates 7 days a week and 24 hours a day, being a service with certain features.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg Schedule 1 cl 14(1)
62	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 10(2)	A supplier's contract must require the supplier to provide a telephone service that operates during business hours and has certain features.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg Schedule 1 cl 14(2)
63	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 11	A supplier's contract must provide that if the supplier is more than 15 minutes late for an appointment, the supplier must pay the customer not less than \$25.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg Schedule 1 cl 19
64	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 12(2)	A supplier's contract must require that supplier not to take action to discontinue supply unless it has done certain things (e.g. give 2 notices and attempt to deal with in person).	1	Within 5 days	CEO	Gas Supply (NGRC) Reg Schedule 1 cl 15(2)
65	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 12(3)	A supplier's contract must require that any notice of the supplier's intention to discontinue supply must contain certain information (eg, grounds authorising discontinuance & customer's rights).	1	Within 5 days	CEO	Gas Supply (NGRC) Reg Schedule 1 cl 15(3)
66	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 12(4)	A supplier's contract must require supplier to attempt contact with customer outside business hours if previous attempts were unsuccessful (relating to discontinuance).	1	Within 5 days	CEO	Gas Supply (NGRC) Reg Schedule 1 cl 15(4)
67	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 12(5)	A supplier's contract must require supplier to document all action taken to contact customer (relating to discontinuance).	1	Within 5 days	CEO	Gas Supply (NGRC) Reg Schedule 1 cl 15(5)
68	Ministerially-imposed licence condition 4.1	ES (General) Reg Schedule 2, cl 12(6)	A supplier's contract must require supplier not to take action to discontinue supply until after certain events.	1	Within 5 days	CEO	Gas Supply (NGRC) Reg Schedule 1 cl 15(6)

#	Condition	Obligations under Condition	Brief Description of Obligation	Type	Reporting	Verification	Equivalent Gas Obligation
69	Obligation deleted	Obligation deleted	A supplier's contract must require supplier to give customer notice when premises have been disconnected from a distribution system on the request of the supplier.				
70	Obligation deleted	Obligation deleted	A supplier's contract must require that a disconnection notice contain certain information (e.g. grounds for disconnection, how to reconnect).				
71	Obligation deleted	Obligation deleted	A supplier's contract must require supplier to promptly notify service provider of a customer's request for reconnection.				
72	Ministerial Determination (RoLR) para 3.1.1	Ministerial Determination (RoLR) para 3.1.1	A licence holder is a RoLR for all customers supplied by retail suppliers within the licence holder's district including all persons supplier under new occupant supply arrangements but not including customers who have entered into an alternative arrangement with a retailer of their choice for last resort supply.	3	Annual	CEO and Board	Ministerial Determination (RoLR) para 3.1.1
73	Ministerial Determination (RoLR) para 3.1.2	ES (General) Reg cl 58(1)	A RoLR must prepare and maintain a plan setting out the arrangements to be implemented by it in the event that it is required to supply electricity in its capacity as a RoLR.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg, cl 68(1)
74	Ministerial Determination (RoLR) para 3.1.2	ES (General) Reg cl 58(2)	A RoLR must include certain matters in its plan.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 68(2)
75	Ministerial Determination (RoLR) para 3.1.2	Ministerial Determination (RoLR) para 4	A RoLR must include certain additional matters in its plan.	3	Annual	CEO and Board	Ministerial Determination (RoLR) para 4
76	Ministerial Determination (RoLR) para 3.1.2	ES (General) Reg cl 58(3)	A RoLR must have its plan approved by the Minister. The plan must also comply with the Reg and the market operations rule.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 68(3)

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Electricity standard retail supplier and retailer of last resort licence and endorsement conditions and obligations under conditions

#	Condition	Obligations under Condition	Brief Description of Obligation	Type	Reporting	Verification	Equivalent Gas Obligation
77	Ministerial Determination (RoLR) para 3.1.2	ES (General) Reg cl 59(3)	A RoLR must ensure that, on a last resort supply event occurring, the customers for whom it is a RoLR are transferred as customers of the retailer, if the transfer does not occur by any other means. A transfer must also comply with the RoLR's supply arrangements, the Act, the Reg and any applicable market operations rule.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 69(4)
78	Ministerial Determination (RoLR) para 3.1.2	ES (General) Reg cl 59(4)	A RoLR must, on a last resort supply event occurring, implement the last resort supply arrangements applicable to the customers subject to the arrangements.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 69(6)
79	Ministerial Determination (RoLR) para 3.1.2	ES (General) Reg cl 61(1)	A RoLR must, as soon as practicable after the commencement of its obligation to provide last resort supply arrangements, give written notice to each customer who is subject to those arrangements of certain matters.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 71(1)
80	Ministerial Determination (RoLR) para 3.1.2	ES (General) Reg cl 61(1A)	The notice is to contain, in certain community languages, information about the availability of interpreter services for the languages concerned and telephone numbers for the services.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 71(2)
81	Ministerial Determination (RoLR) para 3.1.2	ES (General) Reg cl 61(2)	A RoLR must, as soon as practicable after the commencement of its obligation to provide last resort supply arrangements, cause a notice containing certain information to be published in a newspaper circulating generally in NSW.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 71(3)
82	Ministerial Determination (RoLR) para 3.1.2	ES (General) Reg cl 62(1)	A RoLR who is also a standard retail supplier must supply a transferred customer who is a small retail customer whose premises are located in the supplier's supply district with electricity under the standard form customer supply contract.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 72(1)
83	Ministerial Determination (RoLR) para 3.1.2	ES (General) Reg cl 62(2)	A RoLR who is also a standard retail supplier must supply a transferred customer who is a small retail customer whose premises are not located in the supplier's supply district with electricity under the standard form supply contract that is applicable to the supply district in which the premises are located.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 72(2)

#	Condition	Obligations under Condition	Brief Description of Obligation	Type	Reporting	Verification	Equivalent Gas Obligation
84	Ministerial Determination (RoLR) para 3.1.2	ES (General) Reg cl 62(3)	A RoLR who is not a standard retail supplier must supply a transferred customer who is a small retail customer with electricity on the same terms and conditions as apply to small retail customers under the standard form supply contract that is applicable to the supply district in which the customer's premises are located.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 72(3)
85	Ministerial Determination (RoLR) para 3.1.2	ES (General) Reg cl 63(2)	If a RoLR and a transferred customer who is not a small retail customer have not agreed as to the terms and conditions of the supply of electricity under the last resort supply arrangements, the RoLR must supply electricity to the customer's premises at a price that does not exceed a certain amount.	3	Annual	CEO and Board	-
86	Ministerial Determination (RoLR) para 3.1.2	ES (General) Reg cl 64(1)	A RoLR is authorised to discontinue the supply of electricity under an exempt last resort arrangement only if a period of 3 months has elapsed since the commencement of the last resort supply arrangements or if the person who owns or occupies the premises has done certain things.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 73(1)
87	Ministerial Determination (RoLR) para 3.1.2	ES (General) Reg cl 64(2)	A RoLR must not discontinue the supply of electricity to premises on a certain grounds unless the retailer has done certain things.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 73(2)
88	Ministerial Determination (RoLR) para 3.1.2	ES (General) Reg cl 64(3)	A RoLR must not discontinue the supply of electricity to premises on the ground that a period of 3 months has elapsed since the commencement of the last resort supply arrangements unless the retailer has given the customer reasonable notice of its intention to discontinue supply to allow the customer a reasonable opportunity to enter into a customer supply contract.	3	Annual	CEO and Board	Gas Supply (NGRC) Reg cl 73(3)
89	Ministerial Determination (RoLR) para 3.1.2	MOR (RoLR) para 3	Where a customer has entered into a contract for supply with a new retail supplier and a transfer of the customer to the new retail supplier has been entered into MSATS but has not been completed before a last resort supply event occurs, a RoLR must do certain things.	3	Annual	CEO and Board	-
90	Ministerial Determination (RoLR) para 3.1.2	MOR (RoLR) para 9	Any disputes arising under the MOR (RoLR) are to be dealt with under a dispute management system established in accordance with the Code.	3	Annual	CEO and Board	-

E
Electricity standard retail supplier and retailer of last resort licence and endorsement conditions and obligations under conditions

#	Condition	Obligations under Condition	Brief Description of Obligation	Type	Reporting	Verification	Equivalent Gas Obligation
91	Ministerial Determination (RoLR) para 3.1.4	Ministerial Determination (RoLR) para 3.1.4	The last resort fee charged to small retail customers must be calculated in accordance with any recommendations made by the IPART and agreed to by the Minister.	3	Annual	CEO and Board	Ministerial Determination (RoLR) para 3.1.4
92	Ministerial Determination (RoLR) para 3.1.5	Ministerial Determination (RoLR) para 3.1.5	Where a RoLR publishes charges for the supply of electricity to non-small retail customers under clause 63(2)(b) of the Reg, such charges must be published at least annually.	3	Annual	CEO and Board	-
93	Ministerial Determination (RoLR) para 3.2.1	Ministerial Determination (RoLR) para 3.2.1	A RoLR must not charge a customer a last resort supply fee if that customer was, at the time of the last resort supply event, supplied with electricity under a standard form customer supply contract.	3	Annual	CEO and Board	Ministerial Determination (RoLR) para 3.2.1
94	Ministerial Determination (RoLR) para 3.2.2	Ministerial Determination (RoLR) para 3.2.2	A RoLR must, during the period of endorsement, have the capacity to procure sufficient financial resources to enable it to carry out its obligations as RoLR and must, where required by the Minister, provide evidence to satisfy the Minister that it has such capacity.	2	6-monthly	CEO	Ministerial Determination (RoLR) para 3.2.2
95	Ministerial Determination (RoLR) para 3.2.3	Ministerial Determination (RoLR) para 3.2.3	A RoLR must have the necessary technical systems and processes in place to enable it to carry out its obligations and must participate in any testing of its systems as required by the Minister or NEMMCO.	2	6-monthly	CEO	Ministerial Determination (RoLR) para 3.2.3
96	Ministerial Determination (RoLR) para 3.2.4	Ministerial Determination (RoLR) para 3.2.4	A RoLR must furnish to the Minister such information as the Minister may require to determine the ability of the RoLR to carry out its obligations under its endorsement.	3	Annual	CEO and Board	Ministerial Determination (RoLR) para 3.2.4
97	Ministerial Determination (RoLR) para 3.2.5	Ministerial Determination (RoLR) para 3.2.5	The RoLR must immediately inform the Minister of any matter or event that may affect the RoLR's ability to fulfil its obligations under its endorsement.	1	Within 5 days	CEO	Ministerial Determination (RoLR) para 3.2.5
98	Ministerial Determination (RoLR) para 3.2.7	Ministerial Determination (RoLR) para 3.2.7	The RoLR must comply with any directions given by the Minister to make changes to its RoLR supply plan.	3	Annual	CEO and Board	Ministerial Determination (RoLR) para 3.2.8

Glossary

ESA	Electricity Supply Act 1995
ES (General) Reg	Electricity Supply (General) Regulation 2001
GSA	Gas Supply Act 1996
Gas Supply (NGRC) Reg	Gas Supply (Natural Gas Retail Competition) Regulation 2001
Guidelines and Requirements Policy	Minister for Energy and Utilities Guidelines and Requirements Policy for Electricity Distribution Network Service Providers' and Retail Suppliers' Licences
Ministerial Determination (RoLR)	Ministerial Determination in relation to Retailer of Last Resort
MOR (ACS)	Market Operations (Arranged Connection Services) Rule No. 1 of 2001
MOR (B2B)	Market Operations Rule (NSW Electricity Business to Business Procedures) No.6 of 2004
MOR (Metering)	Market Operations Rule (NSW Rules for Electricity Metering) No. 3 of 2001
MOR (NUOS)	Market Operations Rule (Network Use of System Agreements) No. 2 of 2001
MOR (RoLR)	Market Operations Rule (Retailer of Last Resort) No. 5 of 2001
MOR (TRRES)	Market Operations (NSW Transfer Rules for Retail Electricity Supply) Rules No. 4 of 2001

