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Consumer Data Right Project Team
Ministry of Business, Innovation & Employment
PO Box 1473
Wellington 6140

By email: consumerdataright@mbie.govt.nz

Powerco submission on options for establishing a consumer data right

Powerco appreciates the opportunity to comment on the Ministry of Business, Innovation and Employment (the Ministry) discussion paper *Options for establishing a consumer data right in New Zealand*.

Powerco is an electricity and gas distributor. We are interested in a consumer data right (CDR) and data portability because distributor use of consumer data, especially consumption data, can generate significant benefits eg improving distribution pricing and cost optimisation, and enabling the benefits of emerging technologies as the country decarbonises. Enabling this efficient planning and operation of our networks means lower costs for consumers and businesses.

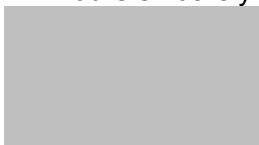
Powerco welcomes the Ministry's efforts to explore a CDR. We think the Ministry's examination is comprehensive and that the discussion document is a useful starting point for a conversation about whether to develop a CDR in New Zealand.

Our high-level view on a CDR in New Zealand is:

- **There is a case for government intervention.** Limited consumer data portability in New Zealand suggests that a market driven approach is coming up short
- **Positive net benefit.** We think the benefits to consumers outweigh the costs / risks
- **We support a sectoral-designation approach.** It allows a CDR to be tailored to the particular industry and to take into account the relevant regulatory environment and sector-led initiatives that promote data portability

Attachment 1 contains Powerco's response to a few of the Ministry's questions. If you have any questions about our submission, please contact Nathan Hill (Nathan.Hill@powerco.co.nz).

Yours sincerely



Andrew Kerr
Acting GM Customer Group

Attachment 1: Powerco's response to discussion document questions

Question	Powerco response
<p>Question 5. Do you have any comments on the types of data that we propose be included or excluded from a consumer data right (i.e. 'consumer data' and 'product data')?</p>	<p>We agree that 'consumer data' and 'product data' should be included in a CDR.</p> <p>We support 'derived' data being excluded because;</p> <ul style="list-style-type: none"> • This carve-out recognises that 'derived' data can be commercially sensitive; and • It is important that data-holders continue to have incentives to find value through innovative data collection and analysis techniques
<p>Question 15. Do you agree or disagree with our assessment that Option two is most likely to achieve the best outcome using the assessment criteria?</p>	<p>We agree that a sectorial-designation approach, like that adopted in Australia, is preferable to the other options put forward.</p> <p>The major advantage of this option is that it allows a CDR to be tailored to the particular industry and to take into account the relevant regulatory environment and sector-led initiatives that promote data portability.</p>
<p>Question 24. Do you have any comments on the arrangements for establishing any new bodies to oversee parts of a consumer data right?</p>	<p>We think a CDR can be overseen by existing regulators. The electricity industry (and others) already have multiple regulators with relevant knowledge and expertise.</p> <p>If a sectorial-designation approach is adopted, the regulator could differ for each industry. For example: the Commerce Commission and Electricity Authority could oversee the New Zealand electricity industry's CDR; the Commerce Commission and the Reserve Bank could oversee the New Zealand banking industry's CDR.</p>