

Tasmanian Gas Bulk Customer Transfer Code

Version 1

First Issued: 12 August 2013 (Version 1)

GAS BULK CUSTOMER TRANSFER CODE

1 This Code

1.1 Purpose of this Code

The purpose of this **Code** is to set out the **bulk customer transfer process**, which may apply in certain circumstances to facilitate a change in **retailer**.

1.2 Date of effect

This **Code** takes effect on 21 August 2013.

1.3 Core principles

The following principles underpin this **Code**, as they are essential to ensure efficient **customer** transfer and information exchange in the context of the **bulk customer transfer process**:

- (a) transaction costs are to be kept to a minimum;
- (b) commercially sensitive information is to be kept confidential;
- (c) a streamlined **bulk customer transfer process** is essential to achieve low cost and efficiency; and
- (d) all persons involved in the **bulk customer transfer process** must co-operate to ensure that information is processed in a complete, accurate and timely manner.

1.4 Application of this Code

This **Code** applies to and binds:

- (a) the **Regulator**;
- (b) **distributors**;
- (c) **retailers**;
- (d) **metering providers**;
- (e) **metering data providers**; and
- (f) **allocation agents**,

insofar as they are involved, whether directly or indirectly, in the **gas** supply industry in Tasmania.

1.5 Interpretation

- (a) This **Code** does not displace the operation of the **Gas Customer Transfer and Reconciliation Code**, except where the terms of this **Code** are inconsistent with the terms of the **Gas Customer Transfer and Reconciliation Code**, in which case the terms of this **Code** take priority.
- (b) In this **Code**, words and phrases in bold and italics that are not defined in clause 6.1 are to be given the meaning they have in the **Gas Customer Transfer and Reconciliation Code**.

- (c) This **Code** must be interpreted according to the principles of interpretation set out in clause 6.2.

1.6 Amendments to this Code

- (a) At any time after 1 January 2014, the terms and conditions of this **Code** may be amended by the **Regulator** if the **Regulator** reasonably determines that the proposed amendment will better achieve the objects of the **Gas Act** or give effect to the **core principles**. In making such a determination, the **Regulator** must consider any proposal received from a **distributor, retailer, metering provider, metering data provider, allocation agent** or **interested party**.
- (b) Unless the proposed amendment is of a purely administrative nature, the **Regulator** must, prior to making a determination in relation to the proposal, consult **distributors, retailers, metering providers, metering data providers, allocation agents** and **interested parties**. The **Regulator** must allow a reasonable time for the making of representations in relation to a proposal and must consider any representations made.
- (c) The **Regulator** must, within 20 **business days** after making a determination to amend or not to amend this **Code**, notify all **distributors, retailers, metering providers, metering data providers, allocation agents** and **interested parties** of its determination.

1.7 Review of the operation of this Code

- (a) At any time after 1 January 2014, a **distributor, retailer, metering provider, metering data provider, allocation agent** or **interested party** may request, in writing, that the **Regulator** review the operation of this **Code**, or any part of it.
- (b) Upon receipt of a request under clause 1.7(a), the **Regulator** must conduct, in a manner and to the extent the **Regulator** considers appropriate, a review of the operation of this **Code** or the part of it specified in the request.
- (c) Upon completion of the review referred to in clause 1.7(b), the **Regulator** must, within 20 **business days**, notify all **distributors, retailers, metering providers, metering data providers, allocation agents** and **interested parties** of the outcome of the review and of any amendments to the **Code** flowing from the review.

2 Authorisation to use the bulk customer transfer process

2.1 Conditions for the use of the bulk customer transfer process

The following conditions must be satisfied for the **bulk customer transfer process** to be used for the transfer of a **customer**:

- (a) the **transferring retailer** and the new **retailer** each consent to the use of the **bulk customer transfer process**; and
- (b) the new **retailer**.

- (i) is party to an agreement to use the **distribution system** with the relevant **distributor** or will be party to such an agreement as at the **bulk customer transfer date**; or
- (ii) undertakes to enter into an agreement to use the **distribution system** with the relevant **distributor** prior to the **bulk customer transfer date**.

2.2 Authorisation to use the bulk customer transfer process

- (a) If the **Regulator** is satisfied that the conditions under clause 2.1 are satisfied, the **Regulator** may authorise the use of the **bulk customer transfer process** in accordance with this clause 2.2.
- (b) The **Regulator** may authorise the use of the **bulk customer transfer process**:
 - (i) if the **Regulator** receives a request to use the **bulk customer transfer process** from a **retailer** who is a party to a transaction involving the divestment of all or substantially all of its gas retail business in mainland Tasmania; or
 - (ii) in any other circumstance, where a **retailer** requests the use of the **bulk customer transfer process** and the **Regulator** determines that it would be consistent with the **core principles** to permit the use of the **bulk customer transfer process**,

and, in either case, the **Regulator** is satisfied that there are good reasons for not requiring the **transferring retailer** to obtain the consent, to their transfer, of the **customers** proposed to be transferred using the **bulk customer transfer process**, taking into account that (where reasonably practicable) it is generally desirable that **customers** not be transferred to a new **retailer** without their consent

- (c) The **Regulator** must authorise the use of the **bulk customer transfer process** in circumstances where it is directed by the Minister to do so.
- (d) Where the **Regulator** has authorised the use of the **bulk customer transfer process**, the **transferring retailer** must give notice of that authorisation to each affected:
 - (i) **distributor**,
 - (ii) **retailer**,
 - (iii) **metering provider**,
 - (iv) **metering data provider**; and
 - (v) **allocation agent**.

3 Bulk Customer Transfer Process

3.1 Principles

The principles underlying this clause 3 are as follows:

- (a) All parties must co-operate with each other to ensure that the **bulk customer transfer process** is handled efficiently and in particular to agree the most

efficient approach to notification and provision of information which accommodates the transfer of multiple **customers** at the same time.

- (b) All parties must use **best endeavours** to meet the timelines outlined in this **Code**. If any party is unable to meet the timelines following receipt of a **bulk customer transfer notice**, it must advise the affected parties accordingly, giving the reason for the same and providing an estimate of the date when it expects to undertake the required action(s), and then use **best endeavours** to undertake the required action(s) by the estimated date.
- (c) Once a **bulk customer transfer notice** is received all affected parties must ensure that the interests of each affected **customer**, including the need to maintain a continuous supply, remain paramount.
- (d) It is the responsibility of the **transferring retailer** to manage the transfer process.
- (e) Each party must nominate a person to be the main point of contact for transfers. It is the responsibility of that person to manage the work to be done within their organisation, and in doing so that person must ensure all confidentiality in the information provided is maintained.

3.2 No requirement to obtain explicit informed consent

If the **Regulator** has authorised the use of the **bulk customer transfer process** under clause 2, there is no requirement for a **transferring retailer** to obtain the **explicit informed consent** of a **customer** that is to be transferred using the **bulk customer transfer process**.

3.3 Bulk customer transfer notice

- (a) If the Regulator has approved the use of the **bulk customer transfer process**, the **transferring retailer** must provide a **bulk customer transfer notice** to the relevant **distributor**, current **metering provider**, current **metering data provider** and relevant **allocation agent** for each **MIRN** that is the subject of that **bulk customer transfer notice**.
- (b) The **bulk customer transfer notice** must include the following information:
 - (i) the date of the notice and details of the **transferring retailer**, new **retailer** and **bulk customer transfer date**; and
 - (ii) in respect of each **MIRN** to which the **bulk customer transfer notice** relates:
 - (A) **MIRN** and **MIRN checksum**;
 - (B) **customer** name;
 - (C) the address of the premises (street number, street name, street identifier, suburb and city/town or their equivalents) to which **gas** is supplied;
 - (D) new **metering provider** (if any);
 - (E) current **metering provider**;
 - (F) new **metering data provider** (if any);

- (G) current **metering data provider**,
 - (H) **receipt point**, and
 - (I) **allocation group** number.
- (c) Before issuing the **bulk customer transfer notice**, the **transferring retailer**, new **retailer** and the relevant **distributor** must meet to agree upon the form of the notice to be provided.
 - (d) Subject to clause 4.2(c), the relevant **distributor** must update its **MIRN** database with the details contained in the **bulk customer transfer notice** with effect from the **bulk customer transfer date**.

3.4 Estimated meter read on the bulk customer transfer date

- (a) On or before the **bulk customer transfer date**, and if requested to do so by the **transferring retailer**, the relevant **metering data provider** must provide to the **transferring retailer** an **estimated read** for each **customer** that is to be transferred to the new **retailer** under the **bulk customer transfer notice**.
- (b) Neither the **transferring retailer** nor the new **retailer** may request a **meter** reading under clause 6.3 of the **Gas Customer Transfer and Reconciliation Code** in respect of a **customer** that is to be transferred to the new **retailer** under the **bulk customer transfer process**.

3.5 Bulk customer transfer date

A **bulk customer transfer notice** may specify as the **bulk customer transfer date** any date which is:

- (a) no later than 90 **business days** after the date of the **bulk customer transfer notice**; and
- (b) no earlier than 30 **business days** after the date of the **bulk customer transfer notice**.

4 Incomplete bulk customer transfer notice, updates to bulk customer transfer notice and withdrawal of bulk customer transfer notice

4.1 Incomplete bulk customer transfer notice

- (a) If a recipient of a **bulk customer transfer notice** identifies that the **bulk customer transfer notice** is incomplete or contains incorrect information, the recipient may give the **transferring retailer** notice of the deficiency, providing sufficient details of the issue with the **bulk customer transfer notice** to enable the **transferring retailer** to identify the missing or incorrect information and complete the **bulk customer transfer notice**. Upon receipt of notice under this clause 4.1, the **transferring retailer** must use reasonable endeavours to complete and reissue the **bulk customer transfer notice** as soon as possible and, in any event, prior to the **bulk customer transfer date**. For the avoidance of doubt, clause 3.5 does not apply to such a reissued **bulk customer transfer notice**.

- (b) Each recipient of a **bulk customer transfer notice** must continue to process the **bulk customer transfer notice** despite any notice regarding the **bulk customer transfer notice** having been given by a recipient under clause 4.1(a).

4.2 Updating of bulk customer transfer notice

- (a) The **transferring retailer** may, at any time prior to the **bulk customer transfer date**, make such amendments to the **bulk customer transfer notice** as are required to include or exclude **MIRNs** (and the information associated with such **MIRNs**) in or from the **bulk customer transfer notice**.
- (b) The amendments referred to in clause 4.2(a) must be included in one or more revised **bulk customer transfer notices** that are issued by the **transferring retailer** prior to the **bulk customer transfer date** and that clearly identify those amendments. For the avoidance of doubt, clause 3.5 does not apply to such a revised **bulk customer transfer notice**.
- (c) If the amendments contained in a revised **bulk customer transfer notice** are so extensive that, or a revised **bulk customer transfer notice** is issued so close to the **bulk customer transfer date** that, the relevant distributor cannot reasonably comply with its obligation under clause 3.3(d), then the **bulk customer transfer date** will be such date as is agreed between the **transferring retailer** and that **distributor**, being a date by which the **distributor** can reasonably update its **MIRN** database with the details contained in the relevant revised **bulk customer transfer notices**.
- (d) The **transferring retailer** must promptly notify the new **retailer** and each relevant current **distributor**, **metering provider**, **metering data provider** and **allocation agent** of the new **bulk customer transfer date**.

4.3 Withdrawal of bulk customer transfer notice

- (a) A **transferring retailer** may deliver a notice withdrawing a **bulk customer transfer notice** (a **transfer withdrawal notice**) to the new **retailer** and the relevant current **distributors**, **metering providers**, **metering data providers** and **allocation agents** at any time before the **bulk customer transfer date**.
- (b) If a **transferring retailer** delivers a **transfer withdrawal notice**, the relevant current **distributors**, **metering providers**, **metering data providers** and **allocation agents** must cease to process the transfer of **customers** under the **bulk customer transfer notice**.

5 Customer Transfer Response

5.1 Provision of information by affected parties

By midnight on the twentieth **business day** after the **bulk customer transfer notice** is delivered, or such later date as the new **retailer** agrees:

- (a) the **distributor** for each **MIRN** to which the **bulk customer transfer notice** relates must deliver to the new **retailer** a **distributor customer transfer response**;

- (b) the **metering provider** for each **MIRN** to which the **bulk customer transfer notice** relates must deliver to the new **retailer** a **metering provider customer transfer response**; and
- (c) the **metering data provider** for each **MIRN** to which the **bulk customer transfer notice** relates must deliver to the new **retailer** a **metering data provider customer transfer response**.

5.2 Distributor customer transfer response

- (a) Within 10 **business days** after the issue of a **bulk customer transfer notice**, the new **retailer** and each relevant **distributor** must meet to discuss the information that is required to be included in the **distributor customer transfer response** to facilitate the **customer** transfer process.
- (b) Upon being requested by the new **retailer** to do so, the **distributor** must include in a **distributor customer transfer response** the following information which relates to each **MIRN** to which the **bulk customer transfer notice** relates:
 - (i) details of any non standard issues with regard to the transfer;
 - (ii) **distribution system** pressure regime applicable to the **delivery point**;
 - (iii) network charge or charge category;
 - (iv) existing nominated annual quantity (if known – specify units);
 - (v) existing maximum hourly quantity (if known – in scmh); and
 - (vi) existing Load Shedding Category (A-G).
- (c) The **distributor customer transfer response** must be given and stored electronically.
- (d) For the avoidance of doubt, the **distributor** must comply with its obligations under clause 3.3(d) despite any delay in providing, or any failure to provide, a **distributor customer transfer response**.

5.3 Metering provider customer transfer response

- (a) Within 10 **business days** after the issue of a **bulk customer transfer notice**, the new **retailer** and each relevant **metering provider** must meet to discuss the information that is required to be included in the **metering provider customer transfer response** to facilitate the **customer** transfer process.
- (b) Upon being requested by the new **retailer** to do so, the **metering provider** must include in a **metering provider customer transfer response** the following information which relates to each **MIRN** to which the **bulk customer transfer notice** relates:
 - (i) details of any non standard issues with regard to the transfer;
 - (ii) **metering provider** charge or charge category;
 - (iii) **correction factor** (instead of **meter** and **corrector** details where previously agreed);
 - (iv) **meter** number;

- (v) **meter** make/model;
 - (vi) number of digits to be read;
 - (vii) read multiplier to m³ (ie 0.1, 1, 10, 100, 1000 etc);
 - (viii) whether or not the **meter** is temperature compensated;
 - (ix) **meter** pressure (kPa – also specify if other than gauge pressure, ie absolute);
 - (x) **meter** location details (to assist the **metering data provider**); and
 - (xi) **corrector** and/or **data logger** details where either or both of the devices are installed.
- (c) The **metering provider customer transfer response** must be given and stored electronically.
- (d) For the avoidance of doubt, a **distributor** must comply with its obligations under clause 3.3(d) despite any delay in providing, or any failure to provide, a **metering provider customer transfer response**.

5.4 Metering data provider customer transfer response

- (a) Within 10 **business days** after the issue of a **bulk customer transfer notice**, the new **retailer** and each relevant **metering data provider** must meet to discuss the information that is required to be included in the **metering data provider customer transfer response** to facilitate the **customer** transfer process.
- (b) Upon being requested by the new **retailer** to do so, the **metering data provider** must include in a **metering data provider customer transfer response** the following information which relates to each **MIRN** to which the **bulk customer transfer notice** relates:
- (i) details of any non standard issues with regard to the transfer; and
 - (ii) last 12 months' total energy consumption (GJ); or
 - (iii) where requested, last 12 months' **meter** reading dates and associated energy consumption details (this is to include **interval metering data** where historical **interval metering data** exists).
- (c) The **metering data provider customer transfer response** must be given and stored electronically.
- (d) For the avoidance of doubt, a **distributor** must comply with its obligations under clause 3.3(d) despite any delay in providing, or any failure to provide, a **metering data provider customer transfer response**.

6 Definitions and Interpretation

6.1 Definitions

"**bulk customer transfer date**" means the date for the transfer of **customers** proposed under a **bulk customer transfer notice** or notified under clause 4.2(d) (as the case may be).

"**bulk customer transfer notice**" means a notice described in clause 3.3 as reissued or revised under clause 4.1 or 4.2 (as applicable).

"**bulk customer transfer process**" means the process for the transfer of **customers** in accordance with a **bulk customer transfer notice**.

"**Code**" means this Gas Bulk Customer Transfer Code.

"**core principles**" means the principles described in clause 1.3.

"**distributor customer transfer response**" means the response to the **bulk customer transfer notice** required to be given by a **distributor** described in clause 5.2.

"**Gas Customer Transfer and Reconciliation Code** means the code of that name issued by the **Regulator** under section 38A of the **Gas Act**."

"**metering data provider customer transfer response**" means the response to the **bulk customer transfer notice** required to be given by a **metering data provider** described in clause 5.4.

"**metering provider customer transfer response**" means the response to the **bulk customer transfer notice** required to be given by a **metering provider** described in clause 5.3.

"**transfer withdrawal notice**" means a notice described in clause 4.3.

"**transferring retailer**" means a **retailer** who is proposing to transfer all or some of its **customers** to a new **retailer** under a **bulk customer transfer notice**.

6.2 Interpretation

In this **Code** unless the context requires otherwise:

- (a) headings are for convenience only and do not affect the interpretation of this **Code**;
- (b) words importing the singular include the plural and vice versa;
- (c) words importing a gender include any gender;
- (d) an expression importing a natural person includes any company, partnership, trust, joint venture, association, corporation or other body corporate and any governmental agency;
- (e) a reference to a condition, clause, schedule or part is to a condition, clause, schedule or part of this **Code**;
- (f) a reference to terms of an agreement is to all terms, conditions and provisions of the agreement;

- (g) a reference to any statute, regulation, proclamation, order in council, ordinance or by-law includes all statutes, regulations, proclamations, orders in council, ordinances or by-laws varying, consolidating, re-enacting, extending or replacing them and a reference to a statute includes all regulations, proclamations, orders in council, ordinances, by-laws and determinations issued under that statute;
- (h) a reference to a document or a provision of a document includes an amendment or supplement to, or replacement or novation of, that document or that provision of that document;
- (i) a reference to a person includes that person's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and permitted assigns;
- (j) when italicised, other parts of speech and grammatical forms of a word or phrase defined in this **Code** have a corresponding meaning;
- (k) a period of time:
 - (i) which dates from a given day or the day of an act or event is to be calculated exclusive of that day; or
 - (ii) which commences on a given day or the day of an act or event is to be calculated inclusive of that day;
- (l) an event which is required under this **Code** to occur on or by a stipulated day which is not a **business day** may occur on or by the next **business day**; and
- (m) times are in local Tasmanian time.