



26 August 2025

Electricity Consumer Data Right Team
Ministry of Business, Innovation and Employment
By email: energyuse@mbie.govt.nz

Consultation on proposals for an electricity sector consumer data right

Meridian welcomes the opportunity to comment on MBIE's consultation on proposals for an electricity sector consumer data right (CDR). As we have noted in our previous submissions on the consumer data right, in July 2023¹ and October 2024,² Meridian supports outcomes that promote the interests of consumers and therefore is broadly supportive of the proposals.

While the focus of Meridian's submission will be on the detail of the eight groups of proposals, we would also like to make the following high-level comments:

- MBIE should give serious consideration to designating the Electricity Authority as the main data holder, and for accredited requestors to access consumer information directly from the Authority rather than from retailers. Given that the Authority will soon hold vast amounts of information about domestic and small business consumers,³ it seems much more efficient for accredited requestors to access this directly from the Authority. This would save requestors having to develop specific technology solutions to seek information from each individual retailer as a data holder, and would save every retailer as data holder needing to develop technology solutions to provide information

¹ [Meridian: Submission on the Customer and Product Data Bill](#)

² [Meridian submission on exploring a consumer data right for the electricity sector](#)

³ See: [Retail market monitoring notice v3](#)

to each requestor. It will be far more efficient to build these solutions in respect of one source of information.

- Regardless of the eventual form of the data sharing arrangements, the CDR will require substantial work from retailers to build new systems and processes. We suggest that regulators ensure a reasonable lead time between finalizing detailed policy design and implementation, for example, 12 months.
- It is essential that any differences between the policy work that MBIE is doing and the similar work that the Authority is undertaking are worked through and made consistent. For example, it appears that there are differences in the application of the CDR to small businesses (which is proposed to be businesses who consume less than 100MWh per year), as compared with the Authority's regulated definition of a small-medium business consumer, which is set at consumption of less than 40MWh per year. It is challenging for participants to work with two conflicting sets of rules, and would also likely lead to frustration among consumers. The end state should be a single coherent regime for consumers that want to enable third parties to access their electricity data.
- The proposals should be developed to be as enabling and low-cost as possible. Officials should be mindful of balancing the compliance burden and barriers to entry for firms looking to provide these services, against the potential for benefits to consumers.
- We think it is important that a post-implementation review is built into the policy process. We note that the uptake of the consumer data right in Australia by consumers has been low. While we support the policy, we think it is important that costs and benefits are kept under review following implementation.

Table 1: proposal for designated customer data

General comments

Customer data could also include terms and conditions relating to the customer's plan. Contracts may have certain conditions that might impact a consumer's decision to switch retailers, for example, the provision of a free EV charger as part of signing up for a plan might also require the consumer to return the EV charger if they were to cancel the contract before a certain time. For a consumer to be able to make good decisions about the best plan for them, they need to have a good understanding of their current obligations.

We also recommend that data sharing arrangements specify whether any goods are included in a customer's contractual arrangement. It was not clear whether this was contemplated as

part of the proposal relating to bundling. We note that tangible incentives are covered in proposal 3, relating to plan information. However, details of any tangible incentives that a consumer has already received may be relevant to their switching decisions.

We also recommend that officials consider whether certain information relating to customers in financial hardship should be included in the data sharing arrangements. Some customers may be receiving low user credits as part of the phase out of the scheme, or may be using options such as level-pay to smooth their bill payments, which may not be available with another retailer.

Proposal to designate customer data	Meridian comment
Export	We suggest that MBIE is mindful of the Authority's moves to enable more multiple trading relationships (MTRs) at individual ICPs. At a practical level, this means that consumers may have both import and export data available, and may also be engaging with different retailers or service providers. The customer data form should be built in a way that allows for this information to be included. In addition, officials should take into account the fact that in an MTR situation, customers may want to share some of their data and not all of it, for example, a customer may consent to a third party collecting data relating to their solar export and not their import.
Bill history	The proposal notes that bill history for a period of up to two years should be made available under the data sharing arrangements. We recommend that officials clarify whether this applies to current customers of a given retailer, or if former customers are also able to instruct a third party to access their historic bill history, provided that the history is within the two-year window. Customers may also have changed addresses, or have a different set up (for example, having switched from a legacy meter to a smart meter). There is potential for consumers to switch retailers very frequently and so clarity on these points will be useful.

Bundling	Similar to our point above regarding MTRs, we note that the consultation says that the data holder would need to indicate if the consumer's electricity is bundled with other services. MBIE should be aware that other services may soon include multiple trading relationships. We also suggest that the data sharing arrangements include any specific contractual terms or conditions relating to bundling.
Fees	<p>We suggest clarifying whether this relates to fees that have been applied, or fees that may apply under a consumer's existing contractual arrangements. If officials include fees that could be applied (as part of sharing information about terms and conditions), then that will cover a wide range of situations and give consumers helpful information when making decisions. It is unclear whether previously applied fees (such as disconnection or reconnection fees) would be relevant to a customer's switching decisions after the fact, and so we suggest leaving these out of the data sharing arrangements.</p> <p>We also suggest that officials clarify whether elements such as regulatory levies, goods and services tax, and credit card fees are included.</p>

Table 2: scope of customers proposed to be covered by an electricity CDR regime

Eligibility for an electricity sector CDR	Meridian comment
Businesses with smart meters who consume less than 100MWh per year	<p>We recommend that businesses are excluded from the electricity consumer data right. Electricity supply arrangements for businesses are generally more complicated than those for domestic consumers. The focus should be on setting up the CDR for domestic consumers as they have less scope to negotiate bespoke terms compared with commercial consumers.</p> <p>However, if this were to go ahead for businesses, we recommend that MBIE should align their definition of</p>

	<p>small/medium business consumers with that which is set out in the Electricity Industry Participation Code, where the cutoff is less than 40MWh/year. In general, it is essential that differences between MBIE and the Authority's approach to data sharing are worked through so that participants are not required to align with two sets of rules.</p> <p>In addition, we recommend considering how this definition might work when retailers do not have a full year's worth of electricity data available. Some small business customers (such as irrigators) may have a very seasonal electricity usage profile, and a given six-month period (for example) may not give an adequate reflection of whether or not they are under the usage threshold to qualify for the service.</p>
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Table 3: proposal for designated product data

Proposal for product data	Meridian comment
Generally available tariffs	<p>We support the proposed description of "generally available tariffs". We note that the Authority has consulted on the question of what plans or tariffs should be excluded (if any) from data sharing arrangements.⁴ We think that MBIE's approach to exclude bespoke or negotiated plans offered through direct marketing or special arrangements is practical and workable.</p> <p>We also suggest that the form allows for some flexibility to request more limited data sets. For example, if a switching site wanted to set up specifically for time-of use plans, they may prefer to only request the plans that meet their business criteria.</p>
Product name and ID	We recommend using unique identifiers to help identify and locate individual plans.

⁴ Para 4.11 [Enabling consumer mobility by improving access to electricity product data](#)

Tariff structure and ID	For ease of implementation, we recommend that the CDR approach to tariff structure and ID aligns with the Authority's approach.
Fees and discounts	<p>We recommend that MBIE carefully defines fees and discounts, and how they differ from credits. It should be clear to participants how these elements differ so that data is captured in the right place.</p> <p>We also recommend that any fees relating to bundling, and in particular in the context of MTRs, are also captured within this definition.</p>
Bundling	As per our earlier comments on bundling, we recommend that MBIE consider the impact that MTRs may have on data sharing for bundled offerings.
Credits or other tangible incentives	Credits and discounts are another reason why it is also important to include terms and conditions in the data sharing arrangements. For example, some credits or discounts may be offered over a series of months (perhaps \$100 monthly over three months as distinct from a \$300 credit offered for the first month that a consumer signs up to a plan). There may also be claw-back arrangements if a consumer was to exit a plan within a particular timeframe. All such information is likely to be relevant to consumers when making decisions about switching.

Table 4: proposal for designated data holders

Proposal for data holders	Meridian comment
All mass-market retailers be designated product data holders	As per our general comments at the start of this submission, we note that a simple and efficient arrangement would be for the Authority to become the designated data holder, and accredited requestors access electricity information directly from the Authority.
All for-profit retailers with more than 1,000 consumers be	In our 2023 submission ⁵ we noted that competition impacts should be considered as part of deciding which

⁵ [Meridian: Submission on the Customer and Product Data Bill](#)

designated customer data holders	<p>participants should be included in the CDR. Our view is that all competitors, regardless of size or structure (i.e. including not-for-profit), should be on a level playing field, and should be included as data holders. Decisions based on scale can create artificial incentives to stay below thresholds or change business structures to avoid the compliance costs of being a data holder. We also think that it is important that all consumers, regardless of the size of their retailer, are able to take advantage of the benefits of the CDR. Customers would also not understand why some retailers were willing to provide information and others not. Customers will not know how many ICPs a retailer holds and may not be concerned around whether the retailer is a not-for-profit (however that is defined). In all likelihood consumers will want to use a comparison service or other service and will expect that to be open to all consumers regardless of their retailer.</p>
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Table 5: proposals for requirements to identify and verify consumers

General comments

MBIE should clarify whether one or both account holders are required to consent to data sharing, in the context of joint account holders. Officials should also consider situations such as where an enduring power of attorney has been activated.

Proposal for requirements to identify and verify consumers	Meridian comment
Customer authorisation	<p>We agree that identification, verification and consent systems should meet a set of standards, without being prescriptive as to the technical option.</p> <p>Regarding enduring consents, we disagree that consents should be enduring if no period is specified.</p> <p>We think that it is important that consumers opt into these consciously, rather than this being something that accredited requestors could set as defaults.</p>

	<p>Although there are benefits to making systems streamlined and light touch for consumers, this needs to be balanced against protections.</p> <p>We also recommend that the opt-in process relates to the customer, rather than data relating to a specific ICP.</p>
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Table 6: proposals for accredited requestors

General comments

Meridian supports the proposals to have a level of minimum requirements for accredited requestors.

Table 7: proposal for fees

Proposal for fees	Meridian comment
12 free requests a year for consumption data	<p>We note that this proposal is different to the current provision under the Code. A recent Code change allows consumers 12 free data requests a year, however, on 1 June 2026 consumers will be able to make unlimited data requests at no charge.⁶ We recommend that the Code and CDR regime align and would support 12 free requests per year. To the extent the CDR regime is aligned with the broader ability in the Code to make unlimited requests, a “reasonableness” test should be included to enable retailers to reduce the costs of vexatious requests.</p>

Table 8: proposal for designated disputes resolution provider

Proposal for designated dispute resolution provider	Meridian comment
Designate Utilities Disputes Limited (UDL) as the disputes resolution provider	<p>We support this proposal. However we recommend that consideration is given to the issue of whether accredited requestors contribute to the costs of UDL.</p>

⁶ Clause 11.32B(3) of the Electricity Industry Participation Code.

Concluding remarks

This submission is not confidential and can be released in full. I can be contacted to discuss any of the points made.

Nāku noa, nā

A handwritten signature in blue ink, reading "Evealyn Whittington". The signature is written in a cursive, flowing style. Below the signature is a thin horizontal line.

Evealyn Whittington

Senior Regulatory Specialist

Appendix A: Responses to consultation questions

#	Question	Response
1	Do you agree with the proposed scope of customer data? Are there any classes of data missing or that should be excluded? Explain.	Yes, with some additions. Customer data should include terms and conditions of the customer's plan, especially where tangible incentives (e.g. EV chargers) are involved. It should also specify whether any goods are included in the contractual arrangement. Clarification is needed on whether "fees" refers to those fees that have been applied or may apply.
2	In your view, does the proposed scope align sufficiently with the EA's requirements on retailers for data? If not, please explain.	Note that the Authority collects all of this data, and significantly more, making the EA well placed to be a designated data holder sharing this information directly with accredited requestors.
3	Does the 100MWh/calendar year eligibility boundary accurately reflect industry practice in relation to businesses' access to their consumption data? If not, what threshold should be used?	Meridian recommends excluding businesses from the CDR due to the complexity of their arrangements. If included, the threshold should align with the EA's definition of small/medium business consumers (less than 40MWh/year) to avoid regulatory inconsistency.
4	Do you agree with the proposed scope for designated product data? Why or why not?	Yes. Meridian supports the exclusion of bespoke or negotiated plans and agrees with the proposed definition of "generally available tariffs."
5	Should any product data be excluded or included? Explain.	Product data should include terms and conditions, especially where they relate to credits, discounts, or bundling arrangements. This information can be important for consumers making switching decisions.
6	Does this proposed designation align sufficiently with requirements from the EA? If not, please explain.	Meridian recommends alignment with the EA's approach to tariff structure and ID for ease of implementation.
7	Do you agree with the decision to exclude data on the full terms of bundling in the initial designation?	No. Meridian recommends including bundling-related terms, especially in the context of multiple trading relationships (MTRs), as these are increasingly relevant to consumer decisions.

8	Do you agree with the proposed approach to designate data holders? Why or why not?	Meridian recommends that the EA be considered as the designated data holder to streamline access. Additionally, all retailers should be included as data holders to ensure a level playing field and avoid incentives to stay below compliance thresholds.
9	Are there significant issues in excluding social retailers from providing customer data? Should social retailers have a higher threshold before they are required to provide customer data?	Meridian recommends that all electricity retailers, regardless of size or business model, are included in the CDR regime.
10	Do you have a preferred approach to verify customers' identity and consent in the standards?	Meridian supports setting standards without prescribing specific technical methods for identification and verification. However, we do not support enduring consents by default and recommend that consumers must consciously opt in.
12	Are the current methods of verification used by retailers sufficient for a CDR regime?	Yes.
13	Do you agree with MBIE's proposed additional requirements for accredited requestors? Why or why not?	Yes. Meridian supports having minimum requirements for accredited requestors.
17	Is the proposed fee structure reasonable to both consumers and data holders? Why or why not?	No. We note that there has been a recent Code change which means that from 1 June 2026 consumers will be able to request consumption data an unlimited number of times at no charge. We recommend that the Code is brought into line with the approach set out in the consultation.
19	Do you agree with MBIE's proposal for designating Utilities Disputes Limited as the designated disputes provider? Why or why not?	Yes. Meridian supports this proposal but recommends considering whether accredited requestors should contribute to UDL's funding.