

14 November 2008



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Essential Services Commission

Energy Regulatory Review

By email

Review of Regulatory Instruments Stage 1 – Final Decision

Thank you for providing Dodo Power & Gas (DPG) with the opportunity to comment on the proposed regulatory changes following the Review of Regulatory Instruments. We welcome the approach that the Commission has taken in seeking to align regulatory instruments to the proposed national approach to energy regulation and in removing regulations where they are redundant or unnecessary.

DPG provides the following comments on the Review of Regulatory Instruments (Stage 1) Final Decision:

Proposed changes to the Retail Code

DPG would like to comment on the requirements outlined by the Commission with regard to the amendment of Retailer bills so as to include an additional statement about calling the Local Distributor. DPG supports the concerns originally expressed by the Distributors and acknowledges that Customers often did not realise they were calling another company to report a fault. We are concerned however that the Commission has taken a prescriptive approach to the suggested solution and this was not our intention.

We believe that there are alternative approaches Retailers could implement to ensure that the requirement of identifying that a Distributor has answered a Faults and Emergencies number is met. For example, a Retailer with limited space on their bill header, could convey this information with "Faults and Emergencies – Call your Distributor on XXX XXX"

DPG suggests that the Commission could instruct Retailers to clearly identify to their Customers that a call to the Faults/Leaks numbers are made to the Distributor. The Commission could provide suggested wording for the content of the statement, rather than a proscriptive statement. The Commission could also agree with Retailers prior to implementation, a preferred statement in keeping with billing constraints and bill style.

Proposed changes to the Code of Conduct for Energy Marketing

Telephone Contact

DPG welcomes the Commission's decision to repeal clause 5.1 of the Marketing Code of Conduct. We are concerned about the Commission's stated intention to retain section 5.3 to preserve the 30 day calling prohibition following a Do Not Call request, when this very requirement is deleted due to its duplication in the Victorian Fair Trading Act 1999 (FTA)

We believe that section 5.3 is clearly duplicated in the Victorian FTA and also in the National Telecommunications (Do Not Call Register) (Telemarketing and Research Calls) Industry Standard. The legislative requirements outlined in both of these documents provide the protection that the Commission seeks and hence our reasoning to suggest that the telephone contact information requirements be repealed.

DPG does however recommend that section 2.2 "Telephone Contact" be retained. This should also refer the reader to the National Telecommunications Industry Standard and the Victorian FTA for further information.

"No Contact" lists.

DPG understands the Commission's reasoning for maintaining separate "No Contact or Do Not" registers for marketing purposes. However we are concerned about some of the consequences with meeting this requirement as it is currently drafted.

The individual content of each of "No Contact" list should be structured to enable easy matching of a Customer's contact details against any contact list. Extraneous data should not be required to be provided in order to be added to a No Contact list.

For instance, Do Not Call Registers need only contain the telephone number that should be prohibited from being called and the date it was added. DPG sees no need to capture the name or address of the Customer. Similarly, Do Not Visit lists should contain only the physical address, and Do Not Mail lists, a specific mailing address.

We are concerned that attempting to obtain this additional information from Customers will lead to potential Customer confusion and conflict.

Furthermore, DPG believes that a Customer's "address change" is an event that a 2nd tier Retailer cannot easily track in the current market. As such this will not serve as a suitable process for keeping lists up to date.

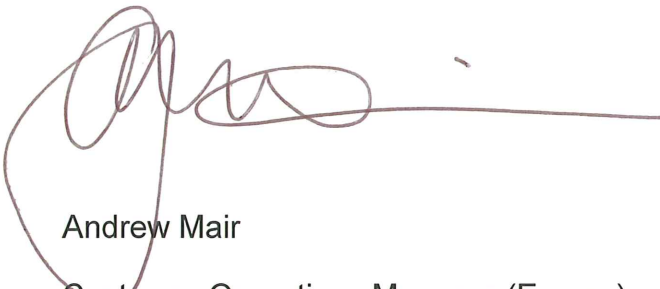
DPG suggests that a simple time based expiry process be established for the removal of No Contact entries (similar to the National Do Not Call Register's 3 year expiry period). We propose that where there is an electronic or physical address for a No Contact entry the Retailer could send a letter advising that the address has been removed from a specific No Contact list. No Contact phone numbers that are due to expire would still be subjected to the National Do Not Call Register after the expiry date from the Retailer's No Contact list and therefore a Customer contact is not required.

Changes to other Regulatory Instruments

DPG considers the proposed consolidation of the Credit Assessment guidelines; Confidentiality and Informed Consent Guidelines, Metering Reversion and Contract Terminations Guideline, Operating Procedure for Wrongful Disconnection and Bulk Hot Water Charging Guideline to be appropriate. We have no comments to provide on the proposed changes to the Electricity Customer Metering Code.

We look forward to further discussions with the Commission as part of Stage 2 of this Review of Regulatory Instruments.

Yours faithfully

A handwritten signature in dark ink, consisting of a large, stylized initial 'A' followed by a series of loops and a long horizontal stroke extending to the right.

Andrew Mair

Customer Operations Manager (Energy)

Dodo Power & Gas