

Practice statement



How Utilities Disputes handles complaints about smart meters, including installation

*This practice statement tells you how Utilities Disputes approaches complaints about electricity retailers (retailers) installing **advanced metering infrastructure (AMI)**, often referred to as **smart meters** or **advanced meters**¹. Please see our website: www.utilitiesdisputes.co.nz for information on smart and advanced meters².*

A smart meter records and sends information

A *smart meter* is an electronic device that records information such as electricity consumption and power quality. Smart meters communicate the information to the retailer at regular intervals and this information can be provided to the customer to help them understand the ways they use electricity. Smart meter information is most commonly communicated via the cellular network or by a radio mesh communication system. The information allows retailers to ensure accurate billing without relying on estimation processes and, in most cases, without the need for meter readers to visit.

Contracts between retailers and metering equipment providers (MEPs) differ. The type of information available depends on the agreement between the retailer and the MEP, and how the meter communicates. If there is no contract for smart metering services or there are problems with how the meter communicates, the retailer may manually read the meter.

Providers must comply with the Electricity Industry Participation Code (the Code)

Providers must comply with part 10 of the Code when installing, maintaining, and testing metering equipment to ensure it complies. This certification checks the meter works accurately. The Electricity Authority³, as the industry regulator, is responsible for auditing and ensuring compliance.

Some of the part 10 requirements fall on MEPs not on retailers. However, for most complaints we treat MEP obligations as if they are the retailer's obligations because a retailer generally chooses the MEP and the retailer has the relationship with the customer.

Meters are required to be certified

Most retailers have decided to install smart meters instead of recertifying older analogue meters. The Code does not require the meter owner to replace analogue meters with smart meters. Meter owners must ensure whatever meter is installed is certified. We are usually satisfied a meter is working properly if it was installed properly, certified and, if relevant to the complaint, tested by a certified testing agent. We will consider clear and compelling information that shows otherwise.

¹ AMI or *smart* meters are meters that have the characteristics in Table 1 of Schedule 10.1 of the Participation Code: <https://www.ea.govt.nz/code-and-compliance/the-code/part-10-metering/schedule-10-1/>

² <http://media.utilitiesdisputes.org.nz/media/Brochures%20and%20Fact%20sheets/Energy/Energy%20fact%20sheet%20-%20Smart%20meters.pdf>

³ <https://www.ea.govt.nz/>

We look into each complaint on its merits

This practice statement does not set out our complaints process. We look into each complaint on its merits, so the approach and result depend on the facts in each case.

Complaints about type of meter supplied

Some retailers offer recertified analogue meters (often referred to as legacy meters) to customers. There is no general requirement to provide legacy meters to customers so we would most likely not accept a complaint about a retailer's refusal to supply, or get an MEP to supply, a legacy meter. We would need the complainant to provide some evidence a retailer or meter owner has committed to offer a legacy meter.

Contract between customer and retailer

To ensure retailers meet both their requirements under the Code, and under the guidelines on minimum terms and conditions, many retailers have clauses in their terms and conditions allowing them to replace the meter. Where there is such a term and, if a customer has received reasonable notice, the work is done to a reasonable standard, and at a reasonable time, we would be unlikely to uphold a complaint about the provider's decision to install a smart meter.

Complaints about meters

We can accept complaints about a retailer's actions when proposing or carrying out a meter removal or installation. Retailers should ensure they provide adequate customer service, follow their own terms and conditions, and follow relevant guidelines, for example those relating to *medically dependent and vulnerable customers*⁴ where appropriate.

Many customers are not aware they, or if they rent the property, the landowner, owns the metering enclosure and are generally responsible for its maintenance. We would expect retailers to give accurate information about ownership and maintenance, if asked, but would be unlikely to uphold a complaint about a retailer's refusal to contribute to maintenance costs related to the metering enclosure.

Customers may complain about the impact a smart meter installation has had on their property. When looking into this complaint, we may consider New Zealand Standard *NZS 2772.1:1999 Radiofrequency fields – Maximum exposure levels*. This includes independent and objective information that relates to the potential health impacts of smart meters. The limits it contains are based on a careful review of the research into the health effects of exposure to radiofrequency radiation and include wide margins for safety.

Other complaints we may accept include:

- a retailer's failure to follow its own terms and conditions, in a way that may adversely impact a customer
- alleged poor customer service from a retailer in carrying out the work, including lack of notice, wrong information, or inadequate response to a complaint
- attempts to install a non-compliant meter (a meter that fails to meet the relevant standards issued by the Electricity Authority)
- a retailer's failure, without good reason, to follow manufacturer's safety installation (distance) requirements
- the impact on a customer of a retailer's failure to follow the Electricity Authority's guideline on minimum terms and conditions in domestic consumer contracts.

⁴ <https://www.ea.govt.nz/operations/retail/retailers/retailer-obligations/medically-dependant-and-vulnerable-customers/>

We may refer complainants to their provider

If a complainant contacts Utilities Disputes and their complaint does not meet the criteria for us to consider it at that time, we may refer the complaint to their provider. We take this approach regardless of what the complaint is about or whether it is something we could look into at a later stage. We let complainants know when we may not be able to accept their complaint or certain parts of it.

The Commissioner may accept any complaint if the provider agrees.