

## **Energie-Control Austria Executive Board Ordinance on Standards for System Operators Relating to the Safety, Reliability and Quality of Services Rendered to System Users (Ordinance on Gas System Service Quality)**

In exercise of section 30 *Gaswirtschaftsgesetz* (Natural Gas Act) 2011, *BGBl.* (Federal Law Gazette [FLG]) I no 107/2011, in conjunction with section 7 para. 1 *Energie-Control-Gesetz* (E-Control Act), FLG I no 110/2010, as published in FLG I no 107/2011, the following Ordinance is issued:

### **Chapter 1**

#### **Principles**

##### **Regulatory matter**

**Section 1.** This Ordinance lays down standards for system operators regarding the safety, reliability and quality of the services rendered to system users, and defines indicators for monitoring compliance of such standards.

#### **Definitions**

**Section 2.** (1) For the purpose of this Ordinance, the term

1. “disabling” means discontinuing a consumer's supply with natural gas following that consumer's breach of his/her duties arising from the contract with the distribution system operator;
2. “request” means a system user's request for information addressed to the system operator either by telephone or in writing;
3. “complaint” means an expression of the system user's dissatisfaction with the system operator's services addressed to the latter;
4. “planned interruption” means an interruption that is planned and necessary for operational reasons;
5. “system services” means the entirety of services rendered to the system user under the system admission and system access contracts;
6. “failure” means an incident related to a gas pipeline system which can jeopardise the life and health of persons or damage property or another unintended interference with the proper functioning of a natural gas pipeline system;
7. “interruption” means an interruption of a consumer's supply with natural gas or a restriction of injection capacity due to insufficient pipeline capacity or other technical reasons relating to the transmission or distribution system.

(2) In addition to the above, the definitions in section 7 para. 1 *Gaswirtschaftsgesetz* (Natural Gas Act) 2011 apply.

(3) Any references to “natural gas” or “gas” in this Ordinance shall be taken to also refer to biogenic gas that has been processed to meet natural gas quality standards.

(4) Where reference is made to particular persons, the applicable grammatical gender is to be used; general references to natural persons are intended to refer to all sexes and neutral wording shall be chosen.

### **Chapter 2**

#### **Standards**

##### **Compliance criterion**

**Section 3.** System operators are deemed compliant with the standards defined in sections 4 through 7 and 9 through 11 if they comply with each individual standard in at least 95% of the cases.

##### **System admission**

**Section 4.** (1) Within 14 days of receiving a system user's request, the distribution system operator shall send the system user a written cost estimate pursuant to section 5 *Konsumentenschutzgesetz* (Consumer Protection Act), FLG no 140/1979, for the system admission charge payable by the system user for the services defined; such charge shall be based on unit prices. Except in cases of uniform rates pursuant to section 75(2) Natural Gas Act 2011, the cost estimate shall itemise the main components of the system admission charge payable. Should comprehensive information collection exercises be necessary in situations where there is not currently a distribution line, the distribution system operator shall react to the request within 14 days by providing a contact person's details and a concrete proposal for how to proceed.

(2) Distribution system operators shall react to complete system admission applications within an appropriate period not exceeding 14 days from the day of receipt; such reaction shall contain a concrete proposal

on the way forward, in particular as regards a contact person and the expected duration of the process of establishing or changing the connection. An application shall be deemed complete if it contains the minimum information listed in annex 1 to the *Gas-Marktmmodell-Verordnung* (Gas Market Model Ordinance) 2012, FLG II no 171/2012.

(3) Should the information provided by the applicant be insufficient for the distribution system operator to reply, the latter shall immediately ask the system user to submit the missing information.

(4) The distribution system operator shall agree with the system user in writing on an appropriate and binding deadline for the system admission process and shall honour such deadline.

#### **System access**

**Section 5.** (1) Distribution system operators shall react to complete system access applications within an appropriate period not exceeding 14 days from the day of receipt; such reaction shall contain a concrete proposal on the way forward, in particular as regards a contact person and the expected duration of the process of establishing system access. An application shall be deemed complete if it contains the minimum information listed in annex 1 to the *Gas-Marktmmodell-Verordnung* (Gas Market Model Ordinance) 2012.

(2) Should the information provided by the party entitled to system access be insufficient for the distribution system operator to reply, the latter shall immediately ask the party entitled to system access to submit the missing information.

(3) Once the distribution system operator has accepted a system access application, it shall send the party entitled to system access the system access contract without delay.

(4) If, in the case of an inactive connection, a system access contract and evidence of the proper installation and maintenance of the facility are provided, the following deadlines apply for installing a metering device and assigning a standardised load profile:

1. five working days for diaphragm meters G 2.5 – G 6;
2. ten working days for other diaphragm meters;
3. 20 working days for load profile meters and volume correctors.

Where a smart meter is installed instead of one of the metering devices listed in items 1 through 3 above, the corresponding deadlines apply.

#### **Billing for system services**

**Section 6.** (1) Following meter reading at the end of a billing period, the distribution system operator shall issue an invoice 15 working days after the end of such billing period and send such invoice directly to the system user if separate billing applies.

(2) If a distribution system operator is asked to correct an invoice and if it disposes of all information necessary therefor, it shall register such correction in its accounting system within two days of receiving the relating information and immediately send the system user a corrected invoice.

(3) Should the information provided be insufficient for the distribution system operator to proceed, it shall immediately ask the system user to submit the missing information.

(4) Distribution system operators shall issue a final invoice and immediately send such invoice to the system user within six weeks of contract termination and of receiving the billing information to be submitted by the system user.

#### **Disabling and re-enabling system access**

**Section 7.** (1) If system access has been disabled due to payment delay, the distribution system operator shall offer the system user that system access be re-enabled no later than the working day following payment of the open debt and any collateral or prepayment requested in line with the stipulations of the *Gaswirtschaftsgesetz* (Natural Gas Act) 2011, as evidenced by the system user, provided that there is a valid gas supply contract; if this is the case, the distribution system operator shall re-enable system access.

(2) The system user shall have the option to pay open debt and any collateral or prepayment to the distribution system operator in cash at least during normal office hours. Payment in cash shall not entail any additional costs for the system user.

(3) If system access is to be disabled due to payment delay, this shall not be done on the last working day before a weekend or a statutory holiday.

#### **Failures and interruptions**

**Section 8.** (1) Planned interruptions and restrictions of injection capacity shall be announced to system users and their suppliers in a suitable manner at least five days in advance, and such announcement shall include information about the planned duration of the interruption or restriction. Shorter lead times are permitted subject to the agreement of system users in each individual case.

(2) In cases of failures that interfere with supply or injection, system operators shall immediately start repair works, conclude the absolutely necessary repair works as quickly as possible and inform the affected system users of the planned or actual duration of the failure in a suitable manner.

(3) With a view to mending failures in their systems and averting dangers in gas-fuelled facilities as part of their legal duties, system operators shall ensure 24-hour availability of an emergency service which triggers measures to avert danger or re-instate supply.

#### **Meter reading**

**Section 9.** (1) Distribution system operators shall announce that meter reading will take place in writing duly, i.e. at least 14 days, in advance if it is necessary for the system user to be present at the reading.

(2) If unannounced meter readings take place in absence of the system user, the latter shall be notified thereof in an adequate manner and without delay after the reading.

(3) Distribution system operators shall provide for a possibility for system users to submit meter data anytime online through the distribution system operator's website if they have read their meter themselves.

#### **Appointments**

**Section 10.** For activities that require the system user to be present, such as in particular repair and maintenance works or meter readings, the distribution system operator shall agree with the system user on a two-hour time window; when making such appointment, the customer's wishes shall be respected.

#### **Customer information and complaint handling**

**Section 11.** (1) By default, distribution system operators shall prominently print the all-Austrian call number for natural gas emergencies 128 on all written communications addressed to system users and place it on the home page of their websites.

(2) Distribution system operators shall regularly inform system users about actions to be taken if there is smell of gas and about the emergency call number; such information shall also be easily available from the distribution system operators' websites, where it is to be clearly and logically presented.

(3) Distribution system operators shall create possibilities for system users to contact the former and file requests and complaints. This shall as a minimum include a customer call number that is active during normal business hours. System users shall be informed of all options for contacting their distribution system operator.

(4) Distribution system operators shall reply to customer requests and complaints within five working days of receipt. Should this be impossible for reasons beyond the distribution system operator's control, the latter shall inform the system user within this deadline about the way forward and the expected processing duration, and include the details of a contact person.

(5) If a system user has filed a complaint, the distribution system operator shall inform the system user about the possibility and the modalities of starting a dispute settlement procedure pursuant to section 26 *Energie-Control-Gesetz* (E-Control Act).

(6) Distribution system operators shall either make the billing information listed below available to system users in a clear and logical format online or provide for a contact form on their website by way of which system users can ask to be sent such information, in which case the distribution system operator shall submit such information to the system user within five working days either electronically or, if the system user so desires, by mail. System users shall also have the option to request such data in writing or by telephone.

1. Full name or company name and address of the system user;
2. Metering point address;
3. Uniform and unique metering point reference number;
4. Balance group ID;
5. Supplier ID;
6. Metering device, volume corrector, load profile meter, smart meter (incl. serial number);
7. Assigned load profile type (if applicable);
8. Consumption and load/capacity invoiced during the last three billing years;
9. Meter readings used by the distribution system operator to calculate consumption values during the last three billing years;
10. Values used for converting cubic metres (gas volume in operating state) into kWh (normal volume), such as elevation, meter installation site, invoiced calorific value and conversion factor;
11. Consumer category (if applicable) pursuant to annex 1 to the *Gas-Marktmodell-Verordnung* (Gas Market Model Ordinance) 2012;
12. Network level.

(7) Distribution system operators shall provide system users online and, if so desired by the system user, once a year by mail with general explanations about their network bill; such explanations shall include direct mention of the contact form to be used if a system user wishes to receive the billing information pursuant to para. 6 above.

(8) Distribution system operators shall adequately inform system users of the fact that any meter readings provided by the latter will be used to determine consumption and that consumption information will be based on such readings, i.e. this is more precise than calculated consumption values.

(9) Distribution system operators shall provide system users with information about the standards pursuant to sections 4 through 13 in an adequate format once a year.

#### **System user satisfaction**

**Section 12.** (1) Distribution system operators shall conduct regular representative polls, standardised for all distribution system operators, to assess the system users' satisfaction with the reliability, security and quality of the system services rendered.

(2) The results of such polling exercises shall be reported annually to the regulatory authority.

#### **Security and reliability of system operation**

**Section 13.** System operators shall comply with the technical rules for ensuring secure and reliable operation of gas systems in the meaning of section 133 in conjunction with section 7 item 53 *Gaswirtschaftsgesetz* (Natural Gas Act) 2011. Compliance with the technical rules shall be evidenced to the regulatory authority by way of a certificate issued by an auditing, control or certification body accredited pursuant to the *Akkreditierungsgesetz* (Accreditation Act), FLG no 468/1992, or by way of equivalent proof.

### **Chapter 3**

#### **Indicators**

##### **Compliance monitoring**

**Section 14.** For the purpose of monitoring compliance with the standards defined in chapter 2, distribution system operators and, if applicable, transmission system operators shall produce the following indicators, send them to the regulatory authority each year by 31 March for the preceding calendar year and individually publish them in a suitable format, which shall at least include publication by each system operator on its website.

1. Degree (in %) of non-compliance with the standards defined in sections 4 through 13, including a statement as to the grounds for such non-compliance;
2. Number of complete system admission applications received and their processing time, separately for each network level and, if applicable, consumer category pursuant to annex 1 of the *Gas-Marktmodell-Verordnung* (Gas Market Model Ordinance) 2012;
3. Number of system access applications received and their processing time, separately for each network level and, if applicable, consumer category pursuant to annex 1 of the Gas Market Model Ordinance 2012, as well as the original connection situation (active, inactive, new);
4. Number of requests for cost estimates pursuant to section 4 para. 1 and their processing time, separately for each network level and, if applicable, consumer category pursuant to annex 1 of the Gas Market Model Ordinance 2012, as well as type of cost estimate (uniform rate, cost-oriented);
5. Number of network bill corrections and their processing time, separately for each correction cause;
6. Share (in %) of corrected bills in the total number of bills issued;
7. For each interruption and restriction of injection capacity, the duration in minutes, the affected system users as an absolute number and as a percentage of total system users, separately for each network level, for planned/unplanned interruptions and causes;
8. Number and overall duration of interruptions and restrictions of injection capacity, separately for planned and unplanned interruptions and network levels.

### **Chapter 4**

#### **Entry into force and transitional provisions**

##### **Entry into force**

**Section 15.** This Ordinance shall enter into force on 1 January 2013, unless otherwise stated in section 16.

##### **Transitional provisions**

**Section 16.** (1) System operators shall submit the information pursuant to section 14 to the regulatory authority and publish it for the first time on 31 March 2014, based on the 2013 indicators.

(2) The obligation to provide data relating to the past three billing years pursuant to section 11 para. 6 items 8 and 9 applies to its full extent from 1 January 2015. In 2013, such obligation covers data from 2012; in 2014, data from 2012 and 2013.

**Boltz Graf**