

NATIONAL ENERGY RETAIL LAW

SECTION 308

INFRINGEMENT NOTICE ISSUED TO

ERGON ENERGY CORPORATION LIMITED

TO: Ergon Energy Corporation Limited (ABN 50 087 646 062)
62 Ann Street
Fortitude Valley QLD 4006

Infringement Notice No.: AER 18/2015

1. The Australian Energy Regulator (AER):
 - (a) has reason to believe that Ergon Energy Corporation Limited (ABN 50 087 646 062) (**Ergon Energy**), which is a *distributor* within the meaning of the National Energy Retail Law (Queensland) (**Retail Law**), has breached rule 125(2)(d) of the National Energy Retail Rules (**Retail Rules**), in the manner set out in Schedule 1 to this Infringement Notice (**the alleged breach**); and
 - (b) has decided to serve this Infringement Notice on Ergon Energy under section 277 of the National Gas (Queensland) Law being the Schedule to the National Gas (South Australia) Act 2008 (**National Gas Law**) as applied by section 308 of the Retail Law.
2. Rule 125(2) of the Retail Rules is a civil penalty provision within the meaning of the Retail Law.
3. The infringement penalty is \$20,000.

**WHAT CAN ERGON ENERGY DO IN RESPONSE TO THIS
INFRINGEMENT NOTICE?**

4. Ergon Energy can choose whether or not to comply with this Infringement Notice. If Ergon Energy chooses not to comply with this Infringement Notice, the AER may commence proceedings against it in relation to the alleged breach. Ergon Energy is entitled to disregard this Infringement Notice and to defend any proceedings in respect of the alleged breach.
5. If Ergon Energy chooses to comply with this Infringement Notice, it must pay the infringement penalty by Tuesday 24 November 2015, being not less than 28 days from the date of service of this Infringement Notice, beginning on the day after the day on which this Infringement Notice is served (**the compliance period**).
6. To ensure payment is made in accordance with this Infringement Notice, payment must be received on or before **Tuesday 24 November 2015**.
7. If Ergon Energy pays the infringement penalty within the compliance period, the AER will not institute proceedings in respect of the first alleged breach unless the Infringement

Notice is withdrawn before the end of the compliance period in accordance with section 282 of the National Gas Law as applied by section 308 of the Retail Law.

HOW DOES ERGON ENERGY PAY THE INFRINGEMENT PENALTY?

8. Ergon Energy may pay the \$20,000 infringement penalty in two ways:
- (a) by cheque made out to the "ACCC Official Administered Account",* enclosing a copy of this Infringement Notice to:

Australian Energy Regulator
GPO Box 520
MELBOURNE VIC 3001

you should allow at least 5 business days for payment to be received

or

- (b) by electronic funds transfer to the following account:*

Account name: ACCC Official Administered Account
BSB: 032-730
Account: 146550
Description: AER06-2015

you should allow at least 2 business days for payment to be received.

* The Australian Competition and Consumer Commission (ACCC) handles the receipt of infringement penalty payments for the AER. All payments received are paid into the Consolidated Revenue Fund.

9. Please allow sufficient time for your payment to be received within the compliance period.
10. Ergon Energy will be issued with a Tax Invoice following payment of the \$20,000 infringement penalty.

DATE OF ISSUE: 23 October 2015



Paula Conboy
Chair
Australian Energy Regulator

SCHEDULE 1

MATTERS CONSTITUTING AN ALLEGED BREACH OF A CIVIL PENALTY PROVISION: RULE 125(2)(d) OF THE NATIONAL ENERGY RETAIL RULES

1. Ergon Energy Corporation Limited (**Ergon Energy**) is a 'distributor' within the meaning of section 2 of the National Energy Retail Law.
2. Prior to 1 July 2015, the premises at [REDACTED] in the State of Queensland, was registered as having life support equipment.
3. By reason of rule 125(1) and Schedule 3, Part 4, rule 2 of the National Energy Retail Rules (**Retail Rules**), Ergon Energy was required to comply with rule 125(2) of the Retail Rules in relation to the premises listed in paragraph 2.
4. Pursuant to rule 125(2)(d) of the Retail Rules, Ergon Energy was required to give the customer referred to in paragraph 2 at least 4 business days' written notice of any planned interruptions to supply at that premises.
5. On 6 August 2015, Ergon Energy conducted a planned interruption which interrupted the supply of electricity at the premises.
6. Ergon Energy did not give the customer at the premises at least 4 business days' written notice of a planned interruption to supply at the premises.

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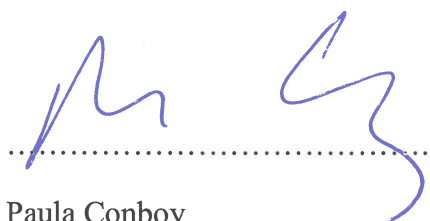
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4. Pursuant to rule 125(2)(d) of the Retail Rules, Ergon Energy was required to give the customer referred to in paragraph 2 at least 4 business days' written notice of any planned interruptions to supply at that premises.
5. On 9 July 2015, Ergon Energy conducted a planned interruption which interrupted the supply of electricity at the premises.
6. Ergon Energy did not give the customer at the premises at least 4 business days' written notice of a planned interruption to supply at the premises.