

NATIONAL ENERGY RETAIL LAW

SECTION 308

INFRINGEMENT NOTICE ISSUED TO

TASMANIAN NETWORKS PTY LTD (ABN: 24 167 357 299)

TO: Tasmanian Networks Pty Ltd (ABN: 24 167 357 299)
1-7 Maria Street
Lenah Valley TAS 7008

Infringement Notice No.: AER02-2020

1. The Australian Energy Regulator (**AER**):
 - a. has reason to believe that Tasmanian Networks Pty Ltd (ABN: 24 167 357 299) (**TasNetworks**), a *distributor* within the meaning of the *National Energy Retail Law* (**Retail Law**), has breached rule 125(2)(f) 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 TasNetworks under section 277 of the *National Gas (Tasmania) 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)(f) 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 TASNETWORKS DO IN RESPONSE TO THIS INFRINGEMENT NOTICE?

4. TasNetworks can choose whether or not to comply with this Infringement Notice. If TasNetworks chooses not to comply with this Infringement Notice, the AER may commence proceedings against it in relation to the alleged breach. TasNetworks is entitled to disregard this Infringement Notice and to defend any proceedings in respect of the alleged breach.
5. If TasNetworks chooses to comply with this Infringement Notice, it must pay the infringement penalty to the AER, on behalf of the Commonwealth, by **14 February 2020**, 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 **14 February 2020**.
7. If TasNetworks pays the infringement penalty within the compliance period, the AER will not institute proceedings in respect of the alleged breach unless the Infringement Notice is withdrawn before the end of the compliance period in accordance with section 282 of the National Gas Law as applied by section 308 of the Retail Law.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 TO PAY AN INFRINGEMENT NOTICE

8. TasNetworks may pay the \$20,000 infringement penalty in three 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 five business days for payment to be received

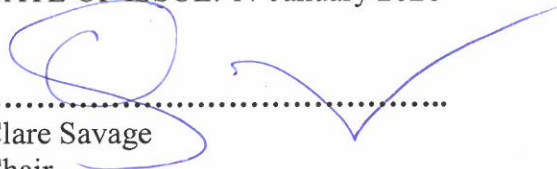
or
 - b. by electronic funds transfer to the following account:*
- Account name: ACCC Official Administered Account
BSB: 032-730
Account: 146550
Description: AER02-2020
- you should allow at least two business days for payment to be received
- or
- c. by credit card via the ACCC online payment system at www.accc.gov.au/payments.*

Please ensure that you include "AER02-2020" in the Payment Description field of your online payment to identify payment.

You should allow at least two business days for payment to be received.

- * The Australian Competition and Consumer Commission handles the receipt of infringement penalty payments for the AER on behalf of the Commonwealth of Australia. 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. TasNetworks will be issued with a Tax Invoice following payment of the infringement penalty.

DATE OF ISSUE: 17 January 2020



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Clare Savage
Chair
Australian Energy Regulator

SCHEDULE 1

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

1. TasNetworks is a 'distributor' within the meaning of section 2 of the Schedule to the Retail Law.
2. On 13 May 2013, on advice from the customer's retailer, the premises at [REDACTED] [REDACTED] was registered as requiring life support equipment.
3. By reason of clause 125(1) and Schedule 3 (Part 4, section 2) of the Retail Rules, TasNetworks was required to comply with clause 125(2)(f) in relation to the premises.
4. Pursuant to clause 125(2)(f) of the Retail Rules, TasNetworks was required to give the customer at the premises at least four business days written notice of any planned interruption to supply at their premises.
5. On 11 September 2018, TasNetworks conducted a planned interruption which interrupted the supply of electricity at the premises stated at paragraph 2 above between approximately 08:07am and 08:58am.
6. TasNetworks did not give the customer at the premises at least four business days' written notice of a planned interruption to supply at the premises.