

NATIONAL ENERGY RETAIL LAW

DIVISION 5 OF PART 6

ROLR NOTICE

The Australian Energy Regulator (AER) has issued this Notice under section 136 of the National Energy Retail Law (NERL).

RoLR Event

A Retailer of Last Resort (RoLR) event has occurred in relation to Pooled Energy Pty Limited (ACN 163 873 078) with the registered participant identification “PLDENRGY” in the National Electricity Market. Prior to the issue of this notice, Pooled Energy Pty Limited was an authorised electricity retailer for the purposes of Part 5 of the NERL with the authorisation identification E13052.

On 20 May 2022, Pooled Energy Pty Limited appointed an external administrator. The appointment of an administrator constitutes a RoLR event under section 122 of the NERL.

On 24 May 2022, the Australian Energy Market Operator (AEMO) suspended Pooled Energy Pty Limited from the National Electricity Market with effect from 0:00 hours Australian Eastern Standard Time on 25 May 2022 (see attached suspension notice). The suspension of a retailer’s right to acquire electricity from the wholesale market also constitutes a RoLR event under section 122 of the NERL.

Affected Fuels and Markets

This Notice affects electricity customers in New South Wales who purchased electricity from Pooled Energy Pty Limited. Customers in other jurisdictions are not affected.

Registered RoLRs Appointed as Designated RoLRs by operation of section 132(1) of the NERL

Pursuant to section 132(1) of the NERL, the default RoLRs specified in Schedule 1 were taken to be appointed as the designated RoLRs for this RoLR event.

Transfer date

In accordance with section 140 of the NERL, customers of Pooled Energy Pty Limited will be deemed to have been transferred to the designated RoLR(s) set out in schedule 1 with effect from 0:00 hours Australian Eastern Standard Time on 25 May 2022.

Revocation of Pooled Energy Pty Limited’s electricity retailer authorisation

Under section 142 of the NERL, the AER revokes Pooled Energy Pty Limited’s electricity retailer authorisation (AER reference E13052) with effect from the transfer date specified above. This means that, for the purposes of section 88 of the NERL, Pooled Energy Pty

Limited must not engage in the activity of selling electricity to a person for premises in New South Wales, Queensland, the Australian Capital Territory, South Australia and Tasmania.

Requirements on Pooled Energy Pty Limited re provision of customer data to RoLRs

Pursuant to section 136(3) of the NERL, the AER requires Pooled Energy Pty Limited to provide the designated RoLRs specified in schedule 1 with the personal contact details (namely email addresses and mobile phone numbers) for all customers held by Pooled Energy Pty Limited immediately prior to the transfer date.

Pooled Energy Pty Limited must provide this information electronically to the designated RoLRs in the same format and at the same time it provides them with customer and site details as required by clause 102.3 of the NEM RoLR processes. This requirement to provide email addresses and mobile phone numbers is additional to the information required under the NEM RoLR processes.

Requirements on Pooled Energy Pty Limited re provision of customer data to AER

Pursuant to section 136(3) of the NERL, the AER requires Pooled Energy Pty Limited to provide the AER with a copy of all customer information provided to each of the designated RoLRs in accordance with clause 102.3 of the NEM RoLR processes and this RoLR Notice. The AER requires Pooled Energy Pty Limited to provide the AER with this data at the same time or within one business day of providing it to the designated RoLRs. The AER requires this information to assist customers contacting its call centre.

Failure by Pooled Energy Pty Limited or any insolvency official of Pooled Energy Pty Limited to comply with this RoLR Notice, the requirements of Part 6 of the NERL or the requirements of the RoLR Procedures made by AEMO pursuant to the National Electricity Law is a breach of section 143(2)(a) of the NERL and may attract civil penalties. The maximum civil penalty for a natural person is an amount not exceeding \$500,000. For a corporation, the penalty is an amount not exceeding the greater of:

- \$10,000,000;
- if requested by the AER in a particular case in applying for an order:
 - if the Court can determine the value of any benefit reasonably attributable to the breach that the body corporate, and any body corporate related to the body corporate, has obtained, directly or indirectly – 3 times the value of that benefit; or
 - if the Court cannot determine the value of the benefit, 10% of the annual turnover of the body corporate during the 12-month period ending at the end of the month in which the body corporate breached, or began breaching, the civil penalty provision.

DATED: 24 May 2022



.....
James Cox
Deputy Chair
Australian Energy Regulator

SCHEDULE 1 – Designated RoLRs and allocation of customers

Electricity Designated RoLRs		
Designated RoLR (ACN)	Responsible Area	
	Jurisdiction where customers are located	Description of responsible connection points
Origin Energy Electricity Limited (071 052 287) Retailer authorisation: TE12028 Participant ID: INTLENGY	NSW	Customers connected to the electricity distribution network of Essential Energy (ABN 37 428 185 226; established under the Energy Services Corporation Act 1995 (NSW)).
	NSW	Customers connected to the electricity distribution network of Endeavour Energy (ABN 59 253 130 878; established under the Energy Services Corporation Act 1995 (NSW)).
EnergyAustralia Pty Ltd (086 014 968) Retailer authorisation: TE12040 Participant ID: ENGYAUST	NSW	Customers connected to the electricity distribution system of Ausgrid (ABN 78 508 211 731).