

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 Power Club Limited (ACN 603 346 836) with the registered participant identification “POWRCLUB” in the National Electricity Market. Prior to the issue of this notice, Power Club Limited was an authorised electricity retailer for the purposes of Part 5 of the NERL with the authorisation identification E17005.

On 11 July 2022, the Australian Energy Market Operator (AEMO) suspended Power Club Limited from the National Electricity Market with effect from 0:00 hours Australian Eastern Standard Time on 12 July 2022 (see attached suspension notice). The suspension of a retailer’s right to acquire electricity from the wholesale market constitutes a RoLR event under section 122 of the NERL.

Affected Fuels and Markets

This Notice affects electricity customers in New South Wales, Queensland, Australian Capital Territory and South Australia who purchased electricity from Power Club Limited.

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 Power Club 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 12 July 2022.

Revocation of Power Club Limited’s electricity retailer authorisations

Under section 142 of the NERL, the AER revokes Power Club Limited’s electricity retailer authorisation (AER reference E17005) with effect from the transfer date specified above. This means that, for the purposes of section 88 of the NERL, Power Club 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 Power Club Limited re provision of customer data to RoLRs

Pursuant to section 136(3) of the NERL, the AER requires Power Club 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 Power Club Limited immediately prior to the transfer date.

Power Club 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.

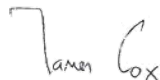
Requirements on Power Club Limited re provision of customer data to AER

Pursuant to section 136(3) of the NERL, the AER requires Power Club 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 Power Club 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 Power Club Limited or any insolvency official of Power Club 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) 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: 12 July 2022



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Jim Cox
Acting 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 (ACN 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 11 247 365 823); established under the Energy Services Corporation Act 1995 (NSW)).
	SA	Customers connected to the South Australia Power Networks (ABN 13 332 330 749) distribution system
	QLD	Customers connected to the electricity distribution system of Energex Ltd (ACN 078 849 055).
EnergyAustralia Pty Ltd (ACN 086 014 968) Retailer authorisation: TE12040 Participant ID: ENGYAUST	NSW	Customers connected to the electricity distribution system of Ausgrid (ABN 78 508 211 731).
Icon Retail Investments Limited (ACN 074 371 207) and AGL ACT Retail Investments Pty Ltd (ACN 093 631 586) trading as ActewAGL Retail	ACT	Customers connected to the Evoenergy (partnership of Icon Distribution Investments Limited (ACN 073 025 224) and Jemena Networks (ACT) Pty Ltd (ACN 008 552 663)) electricity distribution network.

Retailer authorisation: TE12001		
Participant ID: ACTEWNGY		