

# 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 Urth Energy Pty Ltd (ABN 52 601 693 109) with the registered participant identification "URTH" in the National Electricity Market. Prior to the issue of this notice, Urth Energy Pty Ltd was an authorised electricity retailer for the purposes of Part 5 of the NERL with the authorisation identification E15003.

On 1 February 2017, Urth Energy Pty Ltd appointed an external administrator. The appointment of an administrator constitutes a RoLR event under section 122 of the NERL.

On 1 February 2017, the Australian Energy Market Operator (AEMO) suspended Urth Energy Pty Ltd from the National Electricity Market with effect from 24:00 hours Australian Eastern Standard Time on 1 February 2017. 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 Queensland, New South Wales and South Australia who purchased electricity from Urth Energy Pty Ltd. 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 Urth Energy Pty Ltd will be deemed to have been transferred to the designated RoLR(s) set out in schedule 1 with effect from 24:00 Australian Eastern Standard Time on 1 February 2017.

### **Revocation of Urth Energy Pty Ltd's electricity retailer authorisation**

Under section 142 of the NERL, the AER revokes Urth Energy Pty Ltd electricity retailer authorisation (AER reference E15003) with effect from the transfer date specified above. This means that, for the purposes of section 88 of the NERL, Urth Energy Pty Ltd 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 Urth Energy Pty Ltd re provision of customer data to RoLRs**

Pursuant to section 136(3) of the NERL, the AER requires Urth Energy Pty Ltd 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 Urth Energy Pty Ltd immediately prior to the transfer date.


Urth Energy Pty Ltd 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 Urth Energy Pty Ltd re provision of customer data to AER**

Pursuant to section 136(3) of the NERL, the AER requires Urth Energy Pty Ltd 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 Urth Energy Pty Ltd 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 Urth Energy Pty Ltd or any insolvency official of Urth Energy Pty Ltd 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 \$20 000, and \$2 000 for every day during which the breach continues. For a corporation, the penalties are \$100 000, and \$10 000 for every day during which the breach continues.

DATED: 2 February 2017

  
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Cristina Cifuentes  
Acting Chair  
Australian Energy Regulator

**SCHEDULE 1 – Designated RoLRs and allocation of customers**

Electricity Default RoLRs		
Default 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: POWERCOR	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 system of Endeavour Energy (ABN 59 253 130 878; established under the Energy Services Corporation Act 1995 (NSW)).
	QLD	Customers connected to the electricity distribution system of Energex Ltd (ACN 078 849 055)
AGL South Australia Pty Limited (091 105 092)  Retailer authorisation: TE12007  Participant ID: AGLE	SA	Customers connected to the electricity distribution network of SA Power Networks (ABN 13 332 330 749).
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).

