

**NATIONAL ENERGY RETAIL LAW**

**SECTION 308**

**INFRINGEMENT NOTICE ISSUED TO**

**ERGON ENERGY CORPORATION LIMITED**

**TO:** Ergon Energy Corporation Limited (ACN 087 646 062)  
825 Ann Street  
Fortitude Valley QLD 4006

**Infringement Notice No.: AER22-2016**

1. The Australian Energy Regulator (**AER**):
  - (a) has reason to believe that Ergon Energy Corporation Limited (ACN 087 646 062) (**Ergon Energy**), which is a *distributor* within the meaning of the *National Energy Retail Law* (**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 conduct**); and
  - (b) has decided to serve this Infringement Notice on Ergon Energy under section 277 of the National Gas Law (QLD) being the Schedule to the *National Gas (South Australia) Law 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 **6 December 2016**, 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 **6 December 2016**.
7. If Ergon Energy 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Notice is withdrawn before the end of the compliance period in accordance with section 282 of the National Gas Law as applied by section 308 of the Retail Law.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 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:\*

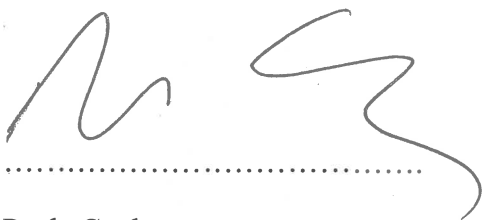
Account name: ACCC Official Administered Account  
BSB: 032-730  
Account: 146550  
Description: AER10-2016

you should allow at least 2 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. Ergon Energy will be issued with a Tax Invoice following payment of the \$20,000 infringement penalty.

DATE OF ISSUE: 4 November 2016



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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 is a 'distributor' within the meaning of section 2 of the Retail Law.
2. Prior to 1 July 2015, the following premises were registered as having life support equipment (collectively **the premises**):
  - a. [REDACTED]
  - b. [REDACTED]
3. By the reason of rule 125(1) and Schedule 3 (Part 4, section 2) of the Retail Rules, Ergon Energy was required to comply with rule 125(2) of the Retail Rules in relation to the premises.
4. Pursuant to rule 125(2)(d) of the Retail Rules, Ergon Energy was required to give customers at the premises at least 4 business days written notice of any planned interruptions to supply at the premises.
5. At or about 10:15am on 14 June 2016, Ergon Energy conducted a planned interruption which interrupted the supply of electricity at the premises.
6. Ergon Energy did not give customers at the premises at least 4 business days' written notice of a planned interruption to supply at the premises.