

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). This notice amends the notice in relation to Mojo Power East Pty Limited Authorisation Identification E13051 (ABN 20 159 727 401) dated 20 July 2022, and should be read as replacing that notice.

RoLR Event

A Retailer of Last Resort (RoLR) event has occurred in relation to Mojo Power East Pty Limited (ABN 20 159 727 401) with the registered participant identification “ENGYTIME” in the National Electricity Market. Mojo Power East Pty Limited is an authorised electricity retailer for the purposes of Part 5 of the NERL with the authorisation identification E13051.

On Friday 15 July 2022, Mojo Power East Pty Limited notified customers of a cessation of supply to take effect within 72 hours from the giving of that notice. Subsequently, on 18 July 2022, Mojo Power East Pty Limited requested that Ausgrid disconnect those customers as soon as practicable after 4:15pm on Monday 18 July 2022. The cessation of selling energy by a retailer to customers constitutes a RoLR event, in accordance with paragraph (f) of the definition of ***RoLR event*** in section 122 of the NERL, where not in accordance with subparagraphs (i) to (iv) of that definition.

The Failed Retailer

Pursuant to section 136(2) of the NERL, Mojo Power East Pty Limited is specified to be the failed retailer in respect whom this RoLR event has occurred.

Affected Fuels and Markets

This Notice affects electricity customers in New South Wales, Queensland and South Australia who purchased electricity from Mojo Power East Pty 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 Mojo Power East 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 Tuesday 19 July 2022 (i.e. midnight at the start of that day).

Mojo Power East Pty Limited's electricity retailer authorisation

The AER may revoke a retailer's authorisation at the same time it issues a RoLR notice through an 'endorsement' in the RoLR notice. Under section 142 of the NERL, the AER revokes Mojo Power East's retailer authorisation (Authorisation Identification E13051) with effect from the transfer date specified above.

Requirements on Mojo Power East Pty Limited re provision of customer data to RoLRs

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

Mojo Power East 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 Mojo Power East Pty Limited re provision of customer data to AER

Pursuant to section 136(3) of the NERL, the AER requires Mojo Power East 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 Mojo Power East 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 Mojo Power East Pty Limited or any insolvency official of Mojo Power East 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) 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: 27 July 2022

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

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Justin Oliver
Board Member
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)).
	QLD	Customers connected to the electricity distribution system of Energex Ltd (ACN 078 849 055).
Origin Energy Electricity Limited (ACN 071 052 287) Retailer authorisation: TE12028 Participant ID: POWERCOR	SA	Customers connected to the electricity distribution system of SA Power Networks (ABN 13 332 330 749).
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).