

NATIONAL ENERGY RETAIL LAW

SECTION 308

INFRINGEMENT NOTICE ISSUED TO

ICON DISTRIBUTION INVESTMENTS LIMITED AND JEMENA NETWORKS
(ACT) PTY LTD TRADING AS EVOENERGY (ABN: 76 670 568 688)

**TO: Icon Distribution Investments and Jemena Networks (ACT) Pty Ltd trading as
"Evoenergy" (ABN: 76 670 568 688)
14 Oakden Street
Greenway ACT 2905**

Infringement Notice No.: AER01-2018

1. The Australian Energy Regulator (AER):
 - (a) has reason to believe that Icon Distribution Investments (ACN: 073 025 224) and Jemena Networks (ACT) Pty Ltd (ACN: 008 552 663) trading as Evoenergy (ABN: 76 670 568 688) (**Evoenergy**), a *distributor* within the meaning of the *National Energy Retail Law (ACT) (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 breaches**); and
 - (b) has decided to serve this Infringement Notice on Evoenergy under section 277 of the *National Gas (ACT) Law (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 EVOENERGY DO IN RESPONSE TO THIS
INFRINGEMENT NOTICE?**

4. Evoenergy can choose whether or not to comply with this Infringement Notice. If Evoenergy chooses not to comply with this Infringement Notice, the AER may commence proceedings against it in relation to the alleged breaches. Evoenergy is entitled to disregard this Infringement Notice and to defend any proceedings in respect of the alleged breaches.
5. If Evoenergy chooses to comply with this Infringement Notice, it must pay the infringement penalty by **11 April 2018**, 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 **11 April 2018**.

7. If Evoenergy pays the infringement penalty within the compliance period, the AER will not institute proceedings in respect of the alleged breaches unless the Infringement Notice is withdrawn before the end of the compliance period in accordance with section 282 of the National Gas Law as applied by section 308 of the Retail Law.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 TO PAY AN INFRINGEMENT NOTICE

8. Evoenergy 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: AER01-2018

you should allow at least 2 business days for payment to be received.

- * The Australian Competition and Consumer Commission handle 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. Evoenergy will be issued with a Tax Invoice following payment of the \$20,000 infringement penalty.

DATE OF ISSUE: 27 February 2018



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Paula Conboy
Chair
Australian Energy Regulator

SCHEDULE 1

MATTERS CONSTITUTING ALLEGED BREACHES OF A CIVIL PENALTY PROVISION: RULE 125(2)(d) OF THE NATIONAL ENERGY RETAIL RULES

1. Evoenergy is a 'distributor' within the meaning of section 2 of the Retail Law.
2. After 1 July 2012, on advice from the customer's retailer, the following premises were registered as requiring life support equipment:
 - (a) [REDACTED]
 - (b) [REDACTED]
 - (c) [REDACTED]
3. The three premises described at paragraph 2 are collectively **the premises**.
4. By reason of rule 125(1) of the Retail Rules, Evoenergy was required to comply with rule 125(2) of the Retail Rules in relation to the premises.
5. Pursuant to rule 125(2)(d) of the Retail Rules, Evoenergy was required to give the customers at the premises at least 4 business days' written notice of any planned interruptions to supply at the premises.
6. At approximately 8:21am on 14 September 2017, Evoenergy conducted a planned interruption which interrupted the supply of electricity at the premises stated at 2(a) above.
7. At approximately 9:08am on 14 June 2017 Evoenergy conducted a planned interruption which interrupted the supply of electricity at the premises stated at 2(b) and 2(c) above.
8. Evoenergy did not give the customers at the premises at least 4 business days' written notice of a planned interruption to supply at the premises.