

NATIONAL ENERGY RETAIL LAW

SECTION 308

INFRINGEMENT NOTICE ISSUED TO

**ICON DISTRIBUTION INVESTMENTS LIMITED AND JEMENA NETWORKS
(ACT) PTY LTD TRADING AS ACTEWAGL DISTRIBUTION**

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

Infringement Notice No.: AER08-2017

1. The Australian Energy Regulator (**AER**):
 - (a) has reason to believe that Icon Distribution Investments Limited (ABN: 83 073 025 224) and Jemena Networks (ACT) Pty Ltd (ABN: 24 008 552 663) trading as ActewAGL Distribution (ABN: 76 670 568 688) (**ActewAGL Distribution**), 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 breach**); and
 - (b) has decided to serve this Infringement Notice on ActewAGL Distribution under section 277 of the *National Gas (ACT) Law* 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 ACTEWAGL DISTRIBUTION DO IN RESPONSE TO THIS
INFRINGEMENT NOTICE?**

4. ActewAGL Distribution can choose whether or not to comply with this Infringement Notice. If ActewAGL Distribution chooses not to comply with this Infringement Notice, the AER may commence proceedings against it in relation to the alleged breach. ActewAGL Distribution is entitled to disregard this Infringement Notice and to defend any proceedings in respect of the alleged breach.
5. If ActewAGL Distribution chooses to comply with this Infringement Notice, it must pay the infringement penalty by **31 August 2017**, 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 **31 August 2017**.
7. If ActewAGL Distribution 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period, the AER will not institute proceedings in respect of the alleged breach unless the Infringement Notice is withdrawn before the end of the compliance period in accordance with section 282 of the National Gas Law as applied by section 308 of the Retail Law.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 TO PAY AN INFRINGEMENT NOTICE

8. ActewAGL Distribution 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:*

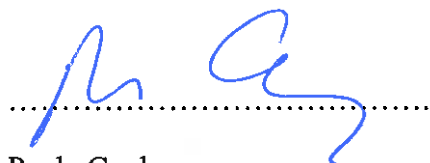
Account name: ACCC Official Administered Account
BSB: 032-730
Account: 146550
Description: AER08-2017

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. ActewAGL Distribution will be issued with a Tax Invoice following payment of the \$20,000 infringement penalty.

DATE OF ISSUE: 25 July 2017



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. ActewAGL Distribution 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 premises at [REDACTED] was registered as having life support equipment (the premises).
3. By reason of rule 125(1) and Schedule 3 (Part 4, section 2) of the Retail Rules, ActewAGL Distribution 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, ActewAGL Distribution was required to give the customer at the premises at least 4 business days' written notice of any planned interruptions to supply at the premises.
5. At or about 9.06am on 28 February 2017, ActewAGL Distribution conducted a planned interruption which interrupted the supply of electricity at the premises.
6. ActewAGL Distribution did not give the customer at the premises at least 4 business days' written notice of a planned interruption to supply at the premises.