

NATIONAL ENERGY RETAIL LAW

SECTION 308

INFRINGEMENT NOTICE ISSUED TO

AUSGRID

TO: Ausgrid (ABN 67 505 337 385)
570 George Street
Sydney NSW 2000

Infringement Notice No.: AER09 -2016

1. The Australian Energy Regulator (**AER**):
 - (a) has reason to believe that Ausgrid (ABN 67 505 337 385)(**Ausgrid**), 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; and
 - (b) has decided to serve this Infringement Notice on Ausgrid under section 277 of the National Gas (NSW) 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. Section 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 AUSGRID DO IN RESPONSE TO THIS INFRINGEMENT NOTICE?

4. Ausgrid can choose whether or not to comply with this Infringement Notice. If Ausgrid chooses not to comply with this Infringement Notice, the AER may commence proceedings against it in relation to the alleged breach. Ausgrid is entitled to disregard this Infringement Notice and to defend any proceedings in respect of the alleged breach.
5. If Ausgrid chooses to comply with this Infringement Notice, it must pay the infringement penalty by **11 July 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 **11 July 2016**.
7. If Ausgrid 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withdrawn before the end of the compliance period in accordance with section 282 of the National Gas Law as applied by section 308 of the Retail Law.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 AUSGRID PAY THE INFRINGEMENT PENALTY?

8. AUSGRID 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: AER09-2016

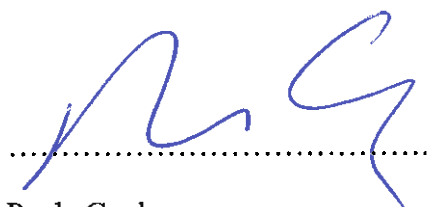
you should allow at least 2 business days for payment to be received.

- * 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. Ausgrid will be issued with a Tax Invoice following payment of the \$20,000 infringement penalty.

DATE OF ISSUE: 8 June 2016



Paula Conboy
Chair
Australian Energy Regulator

SCHEDULE 1

MATTERS CONSTITUTING AN ALLEGED BREACH OF A CIVIL PENALTY PROVISION: SECTION 125(2)(d) OF THE NATIONAL ENERGY RETAIL RULES

1. Ausgrid is a 'distributor' within the meaning of section 2 of the National Energy Retail Law (**Retail Law**).
2. On 6 January 2015, on advice from the customer's retailer the premises at [REDACTED] [REDACTED] New South Wales, [REDACTED] were registered as having life support equipment (the premises).
3. By the reason of rule 125(1) and Schedule 3 (Part 4, section 2) of the Retail Rules, Ausgrid 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, Ausgrid 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 7:40am on 29 October 2015, Ausgrid conducted a planned interruption which interrupted the supply of electricity at the premises.
6. Ausgrid did not give the customer at the premises at least 4 business days' written notice of a planned interruption to supply at the premises.