

NATIONAL ENERGY RETAIL LAW

SECTION 308

INFRINGEMENT NOTICE ISSUED TO

Endeavour Energy

TO: Endeavour Energy (ABN 59 253 130 878)
51 Huntingwood Drive
HUNTINGWOOD NSW 2148

Infringement Notice No.: AER06-2014

1. The Australian Energy Regulator (**AER**):
 - (a) has reason to believe that Endeavour Energy (ABN 59 253 130 878) (**Endeavour**), 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 first alleged breach**); and
 - (b) has decided to serve this Infringement Notice on Endeavour under section 277 of the National Gas Law Schedule to the *National Gas (South Australia) Act 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 ENDEAVOUR DO IN RESPONSE TO THIS
INFRINGEMENT NOTICE?**

4. Endeavour can choose whether or not to comply with this Infringement Notice. If Endeavour chooses not to comply with this Infringement Notice, the AER may commence proceedings against it in relation to the first alleged breach. Endeavour is entitled to disregard this Infringement Notice and to defend any proceedings in respect of the first alleged breach.
5. If Endeavour chooses to comply with this Infringement Notice, it must pay the infringement penalty by 23 January 2015, 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 **23 January 2015**.

7. If Endeavour pays the infringement penalty within the compliance period, the AER will not institute proceedings in respect of the first alleged breach unless the Infringement Notice is withdrawn before the end of the compliance period in accordance with section 282 of the National Gas Law as applied by section 308 of the Retail Law.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 ENDEAVOUR PAY THE INFRINGEMENT PENALTY?

8. Endeavour 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:*

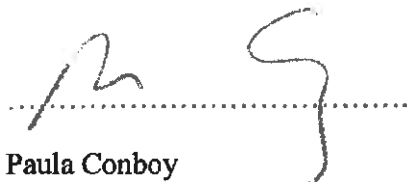
Account name: ACCC Official Administered Account
BSB: 032-730
Account: 146550
Description: AER06-2014

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

- * Please note that the AER is a constituent part of the Australian Competition and Consumer Commission (ACCC). The ACCC handles the receipt of infringement penalty payments for the AER.

9. Please allow sufficient time for your payment to be received within the compliance period.
10. Endeavour will be issued with a Tax Invoice following payment of the \$20,000 infringement penalty.

DATE OF ISSUE: 10 December 2014



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. Endeavour Energy (**Endeavour**) is a 'distributor' within the meaning of section 2 of the National Energy Retail Law.
2. Prior to 1 July 2013 the premises at [REDACTED] New South Wales [REDACTED] were registered as having life support equipment (**the two premises**).
3. By reason of rule 2 of Part 4 of Schedule 3, and rule 125(1) of the National Energy Retail Rules (**Retail Rules**), Endeavour was required to comply with rule 125(2) of the Retail Rules in relation to the two premises.
4. Pursuant to rule 125(2)(d) of the Retail Rules, Endeavour was required to give the customers at each of the two premises at least 4 business days written notice of any planned interruptions to supply at those premises.
5. At or about 8.30am on 19 March 2014, Endeavour conducted a planned interruption which interrupted the supply of electricity at each of the two premises.
6. Endeavour did not give the customers at the two premises at least 4 business days' written notice of a planned interruption to supply at the two premises.