

NATIONAL ENERGY RETAIL LAW

DIVISION 5 OF PART 6

ROLR NOTICE

The Australian Energy Regulator (**AER**) issues this Notice under section 136 of the National Energy Retail Law (**NERL**).

RoLR Event

A Retailer of Last Resort (**RoLR**) event has occurred in relation to Elysian Energy Pty Ltd (ACN 617 526 333) with the registered participant identification (ELYSIANE) in the National Electricity Market. Prior to the issue of this notice, Elysian Energy Pty Ltd was an authorised electricity retailer for the purposes of Part 5 of the NERL with the authorisation identification E19003.

On 30 August 2022, Elysian Energy Pty Ltd appointed an external administrator. The appointment of an administrator constitutes a RoLR event in accordance with paragraph (d) of the definition of **RoLR event** in section 122 of the NERL.

Affected Fuels and Markets

This Notice affects electricity customers in New South Wales, Australian Capital Territory, Tasmania, Queensland and South Australia who purchased electricity from Elysian Energy Pty Ltd.

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 are taken to be appointed as the designated RoLRs for this RoLR event.

The particular customers or classes of customers of Elysian Energy Pty Ltd are allocated to each designated RoLR in accordance with Schedule 1.

Transfer date

Customers of Elysian Energy Pty Ltd are to be transferred to the designated RoLR(s) set out in Schedule 1 with effect from 0:00 Australian Eastern Standard Time on Friday 2 September 2022 (the *transfer date*).

Revocation of Elysian Energy Pty Ltd's electricity retailer authorisation

In accordance with section 142 of the NERL, the AER revokes Elysian Energy Pty Ltd's electricity retailer authorisation (AER reference E19003) with effect from the transfer date. This means that, for the purposes of section 88 of the NERL, Elysian Energy Pty Ltd must not engage in the activity of selling electricity to a person for premises in New South Wales, Queensland, the Australian Capital Territory, South Australia and Tasmania.

Requirements on Elysian Energy Pty Ltd re provision of customer data to RoLRs

Pursuant to section 136(3) of the NERL, the AER requires Elysian Energy Pty Ltd to provide each designated RoLRs the personal contact details (namely email addresses and mobile phone numbers) of all customers allocated to that designated RoLR in accordance with Schedule 1.

Elysian Energy Pty Ltd 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 Elysian Energy Pty Ltd re provision of customer data to AER

Pursuant to section 136(3) of the NERL, the AER requires Elysian Energy Pty Ltd 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 Elysian Energy Pty Ltd 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.

Compliance with Notice

Failure by Elysian Energy Pty Ltd or any insolvency official of Elysian Energy Pty Ltd 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)(a) 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: 1 September 2022



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Clare Savage
Chair
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: POWERCOR	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).
	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).
Aurora Energy Pty Ltd (ACN 082 464 622) Retailer authorisation: TE12008 Participant ID: AURORA	TAS	Customers connected to the electricity distribution network of Tasmanian Networks Pty Ltd (ACN 167 357 299).
Icon Retail Investments Limited and AGL ACT Retail Investments Pty Ltd (trading as	ACT	Customers connected to the Evoenergy (partnership of Icon Distribution Investments Limited (ACN 073 025 224) and Jemena Networks (ACT) Pty Ltd (ACN 008 552 663)) electricity distribution network.

ActewAGL Retail)
(ABN 46 221 314 841)

Retailer authorisation:
TE12001

Participant ID:
ACTEWNGY