

Australian Energy Regulator
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By email: AERExemptions@aer.gov.au

ACAT Submission - EA Connect Application for Electricity Retailer and Gas Retailer Authorisations

I refer to your request dated 8 February 2021 for submissions in relation to the application by EA Connect Pty Ltd (EA Connect) to hold an Electricity Retailer Authorisation and a Gas Retailer Authorisation under the National Energy Retail Law (NERL). Submissions are due by Tuesday 9 March 2021.

The ACT Civil and Administrative Tribunal (ACAT) is the jurisdictional energy ombudsman for the Australian Capital Territory. In that capacity, the ACAT has considered the EA Connect application and wishes to express some concerns about the possibility of confusion in the market place with the existing retailer EnergyAustralia, which commonly uses the acronym “EA” as a self-description.

The ACAT understands from the EA Connect Applications that:

- EA Connect is a fully-owned subsidiary of Ellis Air Conditioning Pty Ltd ABN 13 004 601 790 (EA Vic) and Ellis Air Conditioning (QLD) Pty Ltd ABN 36 603 148 170 (EA QLD).
- The ACN for EA Connect is 640 563 248 and it initially will have business premises in Melbourne and Brisbane.
- EA Connect intends to operate in Queensland, New South Wales and Victoria.
- The Applications state that EA VIC & QLD have a long history of successfully completing mechanical services projects and preventative maintenance programs for a wide range of clients since 1964. They operate in the building and construction industry providing commercial property developers and building owners with innovative mechanical services and preventative maintenance programs ranging from design, construction and commissioning through to service, maintenance, technical advice and support. These include multi-story apartments, offices, sporting facilities, education facilities, hospitals and clean room facilities.
- The companies hope that, in conjunction with EA VIC & QLD, EA Connect and its energy retail and associated services will provide a more extensive and rounded service offering and value proposition to their clients and their customers.

The ACAT does not oppose the grant of retailer authorisations to EA Connect. The Tribunal has no reason to believe that the company would not be suitable for authorisations.

However, the ACAT does have concerns that the name “EA Connect” may cause confusion in the energy market place, particularly in relation to the existing trading activities of the authorised retailer EnergyAustralia.

The ACAT has already encountered several examples of confusion in the market place which have been caused by companies, including EnergyAustralia, not being specific about the entity involved in particular customer transactions. In particular, this has arisen in rooftop solar installation documentation which has no apparent connection with the authorised retailer but includes incorrect ABNs or names of the participating entities. Similar problems have also arisen in respect of gas common hot water boiler systems in the ACT.

A brief examination of the EnergyAustralia Web Site shows use of "EA" as an abbreviation:

EXAMPLES OF USE OF "EA" IN ENERGYAUSTRALIA WEB SITE

<https://www.energyaustralia.com.au/creditstatement>

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<https://www.energyaustralia.com.au/meterdatausagerequest#/usageRequest>

To request meter data on behalf of an EA customer, or look up our process to request data for multiple customers at once, find out more [here](#).

If the AER decides to approve the Application for Authorisation, we recommend that clarity be required of both EA Connect and EnergyAustralia in all of their corporate and customer documentation and marketing material.

Please contact me if you would like any further information.

Yours sincerely



Graeme Neate AM

President

18 February 2021

ENERGY & WATER

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