

ESSENTIAL SERVICES COMMISSION
WRONGFUL DISCONNECTION DECISION
UNDER SECTION 40B OF THE *ELECTRICITY INDUSTRY ACT 2000*
MR N & AGL SALES
DECISION AND REASONS

Key Issue

Mr N submits that AGL's disconnection of electricity supply at the supply address was wrongful.

Based on the information provided by AGL, EWOV submits that wrongful disconnection compensation is not payable because a contract did not exist between Mr N and AGL for the supply or sale of electricity at the times of the disconnection of supply between 18 July 2012 and 27 August 2012.

Further, AGL states that despite its requests Mr N did not provide sufficient documentation to prove that Mr ACN (Mr N's father and the original account-holder) was deceased. Hence AGL submits that Mr N was not the customer in respect of the supply of electricity at the supply address at the time of disconnection.

The Commission is asked to consider whether Mr N's electricity supply was wrongfully disconnected by AGL in accordance with s 40B of the *Electricity Industry Act 2000*.

Background

<i>Date</i>	<i>Event</i>
6 October 2007	Contract established between AGL and Mr ACN for 13 Shaw Street, Dromana, Victoria (the premises). The mailing address for the account was PO Box 13332, Research, Victoria, 3095.
26 November 2009	Collections activity for the account due to non-payment had commenced, the debt having reached \$820.56. Mr N informed AGL that Mr ACN, his father, had passed away. As per standard procedure, AGL requested Customer N to provide AGL with a copy of the death certificate to substantiate that Mr ACN had died and to arrange for the account to be transferred into Mr N's name. Mr N made a payment of \$820.56, clearing overdue debt on the account.
12 March 2010 - 14 December 2010	Several calls received by AGL. Some from person(s) identifying themselves as Mr ACN, some from Mrs CN (Mr N's wife), enquiring about the account and attempting to have the mailing address changed.
21 September 2011	Following receipt of a disconnection warning notice, the account was paid in full. The account had remained unpaid from December 2010. AGL had made a number of collections calls and issued six reminder/disconnection warning notices.
May 2012	Debt had reached \$584.22. AGL made attempts to contact the account-holder, Mr ACN, based on last contact details provided by him.
18 July 2012	Supply to the premises was disconnected. AGL then closed its account with Mr ACN due to no contact from the customer after the disconnection. AGL issued a final bill for the \$845.42 still owing on the account.

<i>Date</i>	<i>Event</i>
27 August 2012	Mr N contacted AGL to advise that the premises had been disconnected. Mr N made a part payment. Supply was reconnected.

Decision

Having considered the advice and information provided by Mr N, AGL and EWOV, the Commission finds:

1. AGL took all necessary steps required of it under the Energy Retail Code in disconnecting supply to the premises.
2. No wrongful disconnection compensation is payable as Mr N was not the customer in respect of electricity supplied to the premises.

Reasons

The reasons for the Commission's decision are as follows:

1. AGL's process for deceased estates incorporated safeguards to protect the rights of customers under their contract with AGL. AGL followed a reasonable process in requiring evidence of death when it was claimed that the account holder was deceased.
2. Mr N did not provide AGL with documentary evidence of the death of Mr ACN despite AGL's request. AGL did not have the documentation it required to make Customer N either an account holder or an authorised contact person for the account.
3. AGL was justified in continuing to act under the assumption that the customer was still Mr ACN, and using the most recent contact details it had received from the customer.

Dr Ron Ben-David

Chairperson

Date: 11 August 2014