

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

Summary

Customer S (S) contacted AGL on 29 May 2012 to advise that he was going overseas for four months and requested that his gas and electricity accounts be suspended for the time he was overseas. AGL advised that this was not an option, but that he could close the account before going overseas (which would entail disconnecting supply to his premises) and reopen it upon his return. S instructed AGL to close his account as of 4 June 2012. AGL issued disconnection service orders (for the supply of both gas and electricity) for that date. On 4 June 2012, S called AGL to cancel the disconnections, as he had changed his mind, and AGL complied with his request.

AGL states that, on 16 October 2012, a person who identified himself as S called to advise that he had already requested to close his account – but it was still active. AGL advised in correspondence with EWOV that the caller provided three points of identification and referenced previous interactions with AGL. AGL arranged the disconnection of the electricity supply on 19 October 2012.

S states that he was overseas from August 2012 to Friday 16 November 2012. S states that he did not contact AGL to arrange disconnection in October, and only discovered that the electricity supply to his premises had been disconnected upon his return. S called AGL and arranged a reconnection of supply on 19 November 2012.

EWOV states that there is no documentary evidence demonstrating that AGL verified the caller's identity. EWOV also states that the contact notes do not support AGL's position that S requested the disconnection of his electricity account as it only refers to cancellation of his gas account.

According to EWOV's submission, S states that AGL disconnected the electricity supply to his premises on 19 October 2012 without his authority. AGL argues that he authorised the disconnection. Based on the information provided by S and AGL, EWOV has not been able to determine whether the disconnection of S's electricity supply on 19 October 2012 was compliant with clause 13.5 of the Energy Retail Code (the Code) version 10.

EWOV has asked the Commission to determine whether S's electricity supply was wrongfully disconnected by AGL in accordance with s 40B of the *Electricity Industry Act 2000* (the Act).

Background

Date	Event / Comment
29 May 2012	S contacted AGL to say that he was going overseas for four months and to discuss options for managing his gas and electricity accounts while he was away. He requested a temporary closure of his accounts on 4 June 2012. Move out disconnection service orders for the gas and electricity supply were issued for that date.
4 June 2012	S called AGL to cancel the disconnections. The distribution company accepted AGL's request and the site remained connected.
16 October 2012	AGL's contact notes show that a person who identified himself as S called to have his gas account closed. The notes do not show that a request was made to disconnect electricity. However, the notes discuss fees and the implications of disconnection in relation to both fuels with the customer.
19 October 2012	AGL raised a service order to disconnect the electricity supply at the supply address.

<i>Date</i>	<i>Event / Comment</i>
19 November 2012	S contacted AGL to arrange reconnection of his electricity supply.

Decision

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

1. That in disconnecting the electricity supply to S's premises, AGL complied with the terms and conditions of the contract specifying the circumstances in which the supply of electricity to those premises may be disconnected. Hence AGL is not required to pay S wrongful disconnection compensation under s 40B of the Act.

Reasons

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

In disconnecting S's electricity supply AGL complied with clause 13.5 of the Code version 10. Even though AGL's records are of poor quality, they demonstrate that on 16 October 2012 AGL received a call from a person who identified himself as S and it is more likely than not that during that telephone call:

1. AGL undertook a process to verify that the caller was indeed S as AGL's policy is to comply with the National Privacy Principles by training its customer service representatives to confirm an account-holder's identity before carrying out a request to disconnect a customer's gas or electricity supply;
2. As a result of the caller passing AGL's verification process, AGL was reasonably entitled to assume the caller was S; and
3. The caller, who had identified himself as S, instructed AGL to disconnect the supply of electricity to S's premises as AGL's contact notes for 16 October 2012 show that AGL discussed with the caller matters relating to the disconnection of both gas and electricity.

Dr Ron Ben-David

Chairperson

Date:

2014