

## Energy industry penalty notice

### Section 54G of the Essential Services Commission Act 2001 (Vic)

To: Powercor Australia Limited  
40 Market Street  
Melbourne VIC 3000

#### Energy industry penalty notice number: EIPN(E) 34-2019

1. This notice is dated 15 May 2019.
2. The Essential Services Commission (Commission) has reason to believe that Powercor Australia Limited (ABN 89 064 651 109) (Powercor) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act) as detailed in schedule 1 to this energy industry penalty notice.
3. The Commission formed the belief on 15 May 2019 that Powercor had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The energy industry penalty is \$10,000 as provided by section 54I of the ESC Act and regulation 9 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

#### How to pay the energy industry penalty

5. Powercor may pay the \$10,000 energy industry penalty by **19 June 2019**.
6. Payment of the energy industry penalty can be made by electronic funds transfer to the following account:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

7. Please state the energy industry penalty notice number in the transaction details to assist us in matching the payment received.

8. If Powercor pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.

#### **What can Powercor do in response to this energy industry penalty notice?**

9. Powercor can choose whether or not to pay the energy industry penalty. If Powercor chooses not to pay the energy industry penalty, the Commission may commence proceedings against Powercor in the Supreme Court of Victoria in relation to the alleged contravention.
10. Powercor is entitled to disregard this energy industry penalty notice and to defend any proceedings in respect of the alleged contravention in the Supreme Court of Victoria.

Date of notice: 15 May 2019



Dr Ron Ben-David  
Chairperson  
Essential Services Commission

## Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Powercor holds an electricity distribution licence issued by the Commission.
2. The requirements imposed by clause 22.1 of its electricity distribution licence, obliged Powercor to comply with the requirements of the Electricity Distribution Code (the Code).
3. Clause 5.5.1 of the Code provides that:

"In the case of a planned interruption, the distributor must provide each affected customer with at least 4 business days written notice of the interruption."
4. On 15 October 2018 at 10:25 am, Powercor interrupted the electricity supply to the following customer's premises without providing a notice of the interruption to the customer as required by clause 5.5.1 of the Code:
  - Customer name: [REDACTED]
  - Supply address: [REDACTED] Iraak VIC 3496
  - NMI: [REDACTED]
5. Powercor reported the breach to the Commission on 28 February 2019.
6. A failure to comply with the requirements of clause 5.5.1 of the Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 8, Item 1.



## Energy industry penalty notice

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To: Powercor Australia Limited  
40 Market Street  
Melbourne VIC 3000

#### Energy industry penalty notice number: EIPN(E) 35-2019

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3. The Commission formed the belief on 15 May 2019 that Powercor had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The energy industry penalty is \$10,000 as provided by section 54I of the ESC Act and regulation 9 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

#### How to pay the energy industry penalty

5. Powercor may pay the \$10,000 energy industry penalty by **19 June 2019**.
6. Payment of the energy industry penalty can be made by electronic funds transfer to the following account:

[REDACTED]  
[REDACTED]  
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7. Please state the energy industry penalty notice number in the transaction details to assist us in matching the payment received.

8. If Powercor pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the Commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.

### **What can Powercor do in response to this energy industry penalty notice?**

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#### Energy industry penalty notice number: EIPN(E) 36-2019

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