

ENFORCEABLE UNDERTAKING

ESSENTIAL SERVICES COMMISSION ACT 2001

Undertaking to the Essential Services Commission given for the purposes of section 54B of the Essential Services Commission Act 2001 (Vic)

by

Momentum Energy Pty Ltd (ACN 100 569 159)

Person giving the undertaking

Momentum Energy Pty Ltd (ACN 100 569 159) (**Momentum Energy**) gives the Essential Services Commission (the **Commission**) this enforceable undertaking in accordance with section 54B of the Essential Services Commission Act 2001 (Vic).

Background

In March 2018, Momentum Energy became aware that customer concession records had not been synchronising between the Momentum Energy customer relationship management system (“**CRMS**”) and the Momentum Energy billing system since the implementation of a new CRMS in July of 2017.

The result of the customer concession records not synchronising with the Momentum Energy CRMS was that customer concessions were not applied.

This led to 392 customers being overcharged by more than the overcharging threshold of \$50 and not being notified of the overcharging within 10 business days of Momentum Energy becoming aware, as required under clause 31 of the Energy Retail Code.

340 customers (**Relevant Customers**) had ceased receiving retail services from Momentum Energy before Momentum Energy became aware of the overcharging. Momentum Energy has credited the closed accounts of each of these Relevant Customers and has attempted to contact them but has not managed to do so. These Relevant Customers are yet to receive a refund.

If these Relevant Customers cannot be successfully refunded by 1 March 2020, the unclaimed moneys must be dealt with in accordance with the Unclaimed Money Act 2008 (Vic).

Momentum Energy’s commitments

This undertaking relates to the actions Momentum Energy will take in relation to 340 Relevant Customers who were overcharged, ceased receiving services from Momentum Energy prior to Momentum Energy applying a credit for the overcharge to their account and are yet to receive a refund. Momentum Energy will take the following actions to inform each Relevant Customer they are

entitled to a refund commencing from the date on which this undertaking is accepted by the Commission (**Commencement Date**).

1. Momentum Energy will submit the letters, emails, short message services (SMS), call scripts and voicemail scripts described in sub-paragraph 2(d) and sub-paragraph 2(e) to the Commission for approval by staff of the Commission prior to Momentum Energy sending these letters and emails to Relevant Customers.
2. Momentum Energy will use best endeavours to attempt to contact the Relevant Customers, including taking the following minimum actions:
 - a. Momentum Energy will attempt to contact each Relevant Customer using the primary method of communication described in sub-paragraph (d) within 4 weeks of the Commencement Date.
 - b. If the Relevant Customer has not contacted Momentum Energy within 4 weeks after the first contact attempt described in sub-paragraph (a), Momentum Energy will attempt to contact the customer again using the primary method of communication described in sub-paragraph (d).
 - c. If the customer has not contacted Momentum Energy within 4 weeks after the second contact attempt described in sub-paragraph (b), Momentum Energy will attempt to contact the customer a further time using the supplementary method of communication described in sub-paragraph (e).
 - d. The primary method of communication is both posting a letter to the last postal address associated with the customer's account and, if an email address is associated with the customer's account, sending an email to any email address associated with the account. The letter and email will inform the customer that they are entitled to a refund from Momentum Energy because they were overcharged as a result of Momentum Energy not applying their concession entitlement, and invite the customer to contact Momentum Energy as soon as possible regarding this refund.
 - e. If a phone number is associated with the customer's account, the supplementary method of communication is:
 - i. Where a mobile phone number is associated with the customer's account, sending a message by SMS to the primary mobile phone number associated with the customer's account and calling the customer once only to inform them that they are entitled to a refund from Momentum Energy. If the customer does not answer the telephone call, Momentum Energy will leave a message where possible. The SMS will inform the customer that they are entitled to a refund from Momentum Energy, and invite the customer to contact Momentum Energy as soon as possible regarding this refund.

- ii. Where a land line phone number is associated with the customer's account, calling the customer once only to inform them that they are entitled to a refund from Momentum Energy. If the customer does not answer the telephone call, Momentum Energy will leave a message where possible.
3. For any Relevant Customer who contacts Momentum Energy in response to the actions in paragraph 2, Momentum Energy will pay the refund directly to the customer within 14 days of the customer contact by electronic funds transfer or, where the customer agrees, by applying it as a rebate to another electricity or gas account that the customer has with Momentum Energy, or such other method as the customer reasonably requests.
4. Momentum Energy will publish this undertaking on its website with an associated webpage that provides customers with information about this undertaking and that they may be entitled to an overcharge refund. The undertaking and the associated webpage will be located on the Momentum Energy 'News' page of the Momentum Energy website and will remain on the Momentum Energy website for a period of 4 months from the Commencement Date.
5. Momentum Energy will create records of each step set out in paragraphs 2 to 3 above. Those records will be kept in accordance with Momentum Energy's normal record keeping practices.
6. Momentum Energy will provide the Commission with monthly progress reports, starting 1 month after the Commencement Date and concluding 6 months from the Commencement Date. These progress reports will include: the actions taken by Momentum Energy in relation to paragraphs 2 to 3 above, the results of those actions, the status of each action and the proposed timing for any outstanding actions. The final report will include particulars as to the Relevant Customers that could not be successfully refunded by 1 March 2020, and whose unclaimed moneys must be dealt with in accordance with the Unclaimed Money Act 2008 (Vic).

Acknowledgments

7. Momentum Energy acknowledges that:
 - a. The Commission will make this undertaking publicly available including by publishing it on the Commission's website.
 - b. The Commission may, from time to time, make public reference to this undertaking including in media statements and in the Commission's publications.
 - c. This undertaking in no way derogates from the rights and remedies available to any other person arising from this overcharge matter.
8. Momentum Energy may withdraw or vary this undertaking with the consent of the Commission.

Executed by

Momentum Energy Pty Ltd (ACN 100 569 159) by its authorised officers pursuant to section 127(1) of the Corporations Act 2001 (Cth).



KATHRYN LOUISE M'KENZIE

Secretary/Director

Print name



Amy Louise Childs

Director

Print name

This 15 day of OCT 2019.

Accepted by the Essential Services Commission pursuant to section 54B of the Essential Services Commission Act 2001 (Vic).



Kate Symons

Acting Chairperson

Print name

This 22nd day of October 2019.

(Commencement Date)