

## Penalty Notice

### *Essential Services Commission Act 2001 (Vic), section 54S*

To: Blue NRG Pty Ltd (ACN 151 014 658)  
Suite 3, 109 Union Road  
SURREY HILLS, VIC, 3127

#### Penalty Notice number PN(E)9-2024:

1. This notice is dated 2 February 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Blue NRG Pty Ltd (ACN 151 014 658) (**Blue NRG**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 31 January 2024, the commission formed a reason to believe in accordance with section 54S(1) of the Act that Blue NRG is a regulated entity that had engaged in conduct which constitutes a contravention of a civil penalty requirement.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,348 penalty is payable by **8 March 2024**.
7. Blue NRG may pay the penalty by electronic funds transfer to the following account:

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

Reference: PN(E)9-2024

8. Please notify the commission via email to: [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

## What can Blue NRG do in response to this penalty notice?

9. Blue NRG can choose whether or not to pay this penalty notice.
10. If Blue NRG pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Blue NRG for a contravention order in relation to the alleged contravention or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If Blue NRG does not pay the penalty within this time, the commission may take such action.
11. Blue NRG is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons

Chairperson

Essential Services Commission

# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80 of the Energy Retail Code of Practice (Version 1) (ERCOP) was a civil penalty requirement from 1 March 2022, pursuant to Schedule 1 of the ERCOP.

2. Clause 80(1) of the ERCOP provided that:

Where a distributor makes a payment required to be made by clause 6 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

(a) Blue NRG holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and is a regulated entity operating in a regulated industry.

(b) On 9 June 2022, a distributor made a payment required to be made by clause 6 of the Electricity Distribution Code via Blue NRG, however Blue NRG failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Blue NRG contravened clause 80(1) of the ERCOP. Blue NRG's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),<sup>1</sup> as provided by section 54T(2) of the Act.

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<sup>1</sup> As at the date of the alleged contravention (1 July 2021 to 30 June 2022) the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233 dated 20 May 2021).



## Penalty Notice

### *Essential Services Commission Act 2001 (Vic), section 54S*

To: Blue NRG Pty Ltd (ACN 151 014 658)  
Suite 3, 109 Union Road  
SURREY HILLS, VIC, 3127

#### Penalty Notice number PN(E)10-2024:

1. This notice is dated 2 February 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Blue NRG Pty Ltd (ACN 151 014 658) (**Blue NRG**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 31 January 2024, the commission formed a reason to believe in accordance with section 54S(1) of the Act that Blue NRG is a regulated entity that had engaged in conduct which constitutes a contravention of a civil penalty requirement.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,348 penalty is payable by **8 March 2024**.
7. Blue NRG may pay the penalty by electronic funds transfer to the following account:

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

Reference: PN(E)10-2024

8. Please notify the commission via email to: [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

## What can Blue NRG do in response to this penalty notice?

9. Blue NRG can choose whether or not to pay this penalty notice.
10. If Blue NRG pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Blue NRG for a contravention order in relation to the alleged contravention or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If Blue NRG does not pay the penalty within this time, the commission may take such action.
11. Blue NRG is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons

Chairperson

Essential Services Commission



# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80 of the Energy Retail Code of Practice (Version 1) (ERCOP) was a civil penalty requirement from 1 March 2022, pursuant to Schedule 1 of the ERCOP.

2. Clause 80(1) of the ERCOP provided that:

Where a distributor makes a payment required to be made by clause 6 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

(a) Blue NRG holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and is a regulated entity operating in a regulated industry.

(b) On 10 March 2022, a distributor made a payment required to be made by clause 6 of the Electricity Distribution Code via Blue NRG, however Blue NRG failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Blue NRG contravened clause 80(1) of the ERCOP. Blue NRG's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),<sup>2</sup> as provided by section 54T(2) of the Act.

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<sup>2</sup> As at the date of the alleged contravention (1 July 2021 to 30 June 2022) the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233 dated 20 May 2021).



## Penalty Notice

### *Essential Services Commission Act 2001 (Vic), section 54S*

To: Blue NRG Pty Ltd (ACN 151 014 658)  
Suite 3, 109 Union Road  
SURREY HILLS, VIC, 3127

#### Penalty Notice number PN(E)11-2024:

1. This notice is dated 2 February 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Blue NRG Pty Ltd (ACN 151 014 658) (**Blue NRG**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 31 January 2024, the commission formed a reason to believe in accordance with section 54S(1) of the Act that Blue NRG is a regulated entity that had engaged in conduct which constitutes a contravention of a civil penalty requirement.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,348 penalty is payable by **8 March 2024**.
7. Blue NRG may pay the penalty by electronic funds transfer to the following account:

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

Reference: PN(E)11-2024

8. Please notify the commission via email to: [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

## What can Blue NRG do in response to this penalty notice?

9. Blue NRG can choose whether or not to pay this penalty notice.
10. If Blue NRG pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Blue NRG for a contravention order in relation to the alleged contravention or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If Blue NRG does not pay the penalty within this time, the commission may take such action.
11. Blue NRG is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons

Chairperson

Essential Services Commission



# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80 of the Energy Retail Code of Practice (Version 1) (ERCOP) was a civil penalty requirement from 1 March 2022, pursuant to Schedule 1 of the ERCOP.

2. Clause 80(1) of the ERCOP provided that:

Where a distributor makes a payment required to be made by clause 6 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

(a) Blue NRG holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and is a regulated entity operating in a regulated industry.

(b) On 10 March 2022, a distributor made a payment required to be made by clause 6 of the Electricity Distribution Code via Blue NRG, however Blue NRG failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Blue NRG contravened clause 80(1) of the ERCOP. Blue NRG's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),<sup>3</sup> as provided by section 54T(2) of the Act.

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<sup>3</sup> As at the date of the alleged contravention (1 July 2021 to 30 June 2022) the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233 dated 20 May 2021).



## Penalty Notice

### *Essential Services Commission Act 2001 (Vic), section 54S*

To: Blue NRG Pty Ltd (ACN 151 014 658)  
Suite 3, 109 Union Road  
SURREY HILLS, VIC, 3127

#### Penalty Notice number PN(E)12-2024:

1. This notice is dated 2 February 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Blue NRG Pty Ltd (ACN 151 014 658) (**Blue NRG**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 31 January 2024, the commission formed a reason to believe in accordance with section 54S(1) of the Act that Blue NRG is a regulated entity that had engaged in conduct which constitutes a contravention of a civil penalty requirement.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,348 penalty is payable by **8 March 2024**.
7. Blue NRG may pay the penalty by electronic funds transfer to the following account:

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

Reference: PN(E)12-2024

8. Please notify the commission via email to: [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

## What can Blue NRG do in response to this penalty notice?

9. Blue NRG can choose whether or not to pay this penalty notice.
10. If Blue NRG pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Blue NRG for a contravention order in relation to the alleged contravention or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If Blue NRG does not pay the penalty within this time, the commission may take such action.
11. Blue NRG is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons

Chairperson

Essential Services Commission

# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80 of the Energy Retail Code of Practice (Version 1) (ERCOP) was a civil penalty requirement from 1 March 2022, pursuant to Schedule 1 of the ERCOP.

2. Clause 80(1) of the ERCOP provided that:

Where a distributor makes a payment required to be made by clause 6 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

(a) Blue NRG holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and is a regulated entity operating in a regulated industry.

(b) On 9 June 2022, a distributor made a payment required to be made by clause 6 of the Electricity Distribution Code via Blue NRG, however Blue NRG failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Blue NRG contravened clause 80(1) of the ERCOP. Blue NRG's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),<sup>4</sup> as provided by section 54T(2) of the Act.

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<sup>4</sup> As at the date of the alleged contravention (1 July 2021 to 30 June 2022) the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233 dated 20 May 2021).



## Penalty Notice

### *Essential Services Commission Act 2001 (Vic), section 54S*

To: Blue NRG Pty Ltd (ACN 151 014 658)  
Suite 3, 109 Union Road  
SURREY HILLS, VIC, 3127

#### Penalty Notice number PN(E)13-2024:

1. This notice is dated 2 February 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Blue NRG Pty Ltd (ACN 151 014 658) (**Blue NRG**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 31 January 2024, the commission formed a reason to believe in accordance with section 54S(1) of the Act that Blue NRG is a regulated entity that had engaged in conduct which constitutes a contravention of a civil penalty requirement.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,348 penalty is payable by **8 March 2024**.
7. Blue NRG may pay the penalty by electronic funds transfer to the following account:

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

Reference: PN(E)13-2024

8. Please notify the commission via email to: [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.



## What can Blue NRG do in response to this penalty notice?

9. Blue NRG can choose whether or not to pay this penalty notice.
10. If Blue NRG pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Blue NRG for a contravention order in relation to the alleged contravention or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If Blue NRG does not pay the penalty within this time, the commission may take such action.
11. Blue NRG is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons

Chairperson

Essential Services Commission

# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80 of the Energy Retail Code of Practice (Version 1) (ERCOP) was a civil penalty requirement from 1 March 2022, pursuant to Schedule 1 of the ERCOP.

2. Clause 80(1) of the ERCOP provided that:

Where a distributor makes a payment required to be made by clause 6 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

(a) Blue NRG holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and is a regulated entity operating in a regulated industry.

(b) On 10 March 2022, a distributor made a payment required to be made by clause 6 of the Electricity Distribution Code via Blue NRG, however Blue NRG failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Blue NRG contravened clause 80(1) of the ERCOP. Blue NRG's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),<sup>5</sup> as provided by section 54T(2) of the Act.

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<sup>5</sup> As at the date of the alleged contravention (1 July 2021 to 30 June 2022) the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233 dated 20 May 2021).



## Penalty Notice

### *Essential Services Commission Act 2001 (Vic), section 54S*

To: Blue NRG Pty Ltd (ACN 151 014 658)  
Suite 3, 109 Union Road  
SURREY HILLS, VIC, 3127

#### Penalty Notice number PN(E)14-2024:

1. This notice is dated 2 February 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Blue NRG Pty Ltd (ACN 151 014 658) (**Blue NRG**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 31 January 2024, the commission formed a reason to believe in accordance with section 54S(1) of the Act that Blue NRG is a regulated entity that had engaged in conduct which constitutes a contravention of a civil penalty requirement.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,348 penalty is payable by **8 March 2024**.
7. Blue NRG may pay the penalty by electronic funds transfer to the following account:

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

Reference: PN(E)14-2024

8. Please notify the commission via email to: [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

## What can Blue NRG do in response to this penalty notice?

9. Blue NRG can choose whether or not to pay this penalty notice.
10. If Blue NRG pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Blue NRG for a contravention order in relation to the alleged contravention or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If Blue NRG does not pay the penalty within this time, the commission may take such action.
11. Blue NRG is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons

Chairperson

Essential Services Commission

# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80 of the Energy Retail Code of Practice (Version 1) (ERCOP) was a civil penalty requirement from 1 March 2022, pursuant to Schedule 1 of the ERCOP.

2. Clause 80(1) of the ERCOP provided that:

Where a distributor makes a payment required to be made by clause 6 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

(a) Blue NRG holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and is a regulated entity operating in a regulated industry.

(b) On 9 June 2022, a distributor made a payment required to be made by clause 6 of the Electricity Distribution Code via Blue NRG, however Blue NRG failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Blue NRG contravened clause 80(1) of the ERCOP. Blue NRG's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),<sup>6</sup> as provided by section 54T(2) of the Act.

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<sup>6</sup> As at the date of the alleged contravention (1 July 2021 to 30 June 2022) the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233 dated 20 May 2021).





## Penalty Notice

### *Essential Services Commission Act 2001 (Vic), section 54S*

To: Blue NRG Pty Ltd (ACN 151 014 658)  
Suite 3, 109 Union Road  
SURREY HILLS, VIC, 3127

#### Penalty Notice number PN(E)15-2024:

1. This notice is dated 2 February 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Blue NRG Pty Ltd (ACN 151 014 658) (**Blue NRG**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 31 January 2024, the commission formed a reason to believe in accordance with section 54S(1) of the Act that Blue NRG is a regulated entity that had engaged in conduct which constitutes a contravention of a civil penalty requirement.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,348 penalty is payable by **8 March 2024**.
7. Blue NRG may pay the penalty by electronic funds transfer to the following account:

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

Reference: PN(E)15-2024

8. Please notify the commission via email to: [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

## What can Blue NRG do in response to this penalty notice?

9. Blue NRG can choose whether or not to pay this penalty notice.
10. If Blue NRG pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Blue NRG for a contravention order in relation to the alleged contravention or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If Blue NRG does not pay the penalty within this time, the commission may take such action.
11. Blue NRG is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons

Chairperson

Essential Services Commission

# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80 of the Energy Retail Code of Practice (Version 1) (ERCOP) was a civil penalty requirement from 1 March 2022, pursuant to Schedule 1 of the ERCOP.

2. Clause 80(1) of the ERCOP provided that:

Where a distributor makes a payment required to be made by clause 6 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

(a) Blue NRG holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and is a regulated entity operating in a regulated industry.

(b) On 9 June 2022, a distributor made a payment required to be made by clause 6 of the Electricity Distribution Code via Blue NRG, however Blue NRG failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Blue NRG contravened clause 80(1) of the ERCOP. Blue NRG's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),<sup>7</sup> as provided by section 54T(2) of the Act.

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<sup>7</sup> As at the date of the alleged contravention (1 July 2021 to 30 June 2022) the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233 dated 20 May 2021).



## Penalty Notice

### *Essential Services Commission Act 2001 (Vic), section 54S*

To: Blue NRG Pty Ltd (ACN 151 014 658)  
Suite 3, 109 Union Road  
SURREY HILLS, VIC, 3127

#### Penalty Notice number PN(E)16-2024:

1. This notice is dated 2 February 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Blue NRG Pty Ltd (ACN 151 014 658) (**Blue NRG**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 31 January 2024, the commission formed a reason to believe in accordance with section 54S(1) of the Act that Blue NRG is a regulated entity that had engaged in conduct which constitutes a contravention of a civil penalty requirement.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,348 penalty is payable by **8 March 2024**.
7. Blue NRG may pay the penalty by electronic funds transfer to the following account:

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

Reference: PN(E)16-2024

8. Please notify the commission via email to: [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

## What can Blue NRG do in response to this penalty notice?

9. Blue NRG can choose whether or not to pay this penalty notice.
10. If Blue NRG pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Blue NRG for a contravention order in relation to the alleged contravention or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If Blue NRG does not pay the penalty within this time, the commission may take such action.
11. Blue NRG is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons

Chairperson

Essential Services Commission



# Schedule 1

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2. Clause 80(1) of the ERCOP provided that:

Where a distributor makes a payment required to be made by clause 6 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

(a) Blue NRG holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and is a regulated entity operating in a regulated industry.

(b) On 10 March 2022, a distributor made a payment required to be made by clause 6 of the Electricity Distribution Code via Blue NRG, however Blue NRG failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Blue NRG contravened clause 80(1) of the ERCOP. Blue NRG's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),<sup>8</sup> as provided by section 54T(2) of the Act.

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<sup>8</sup> As at the date of the alleged contravention (1 July 2021 to 30 June 2022) the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233 dated 20 May 2021).



## Penalty Notice

### *Essential Services Commission Act 2001 (Vic), section 54S*

To: Blue NRG Pty Ltd (ACN 151 014 658)  
Suite 3, 109 Union Road  
SURREY HILLS, VIC, 3127

#### Penalty Notice number PN(E)17-2024:

1. This notice is dated 2 February 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Blue NRG Pty Ltd (ACN 151 014 658) (**Blue NRG**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 31 January 2024, the commission formed a reason to believe in accordance with section 54S(1) of the Act that Blue NRG is a regulated entity that had engaged in conduct which constitutes a contravention of a civil penalty requirement.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,348 penalty is payable by **8 March 2024**.
7. Blue NRG may pay the penalty by electronic funds transfer to the following account:

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

Reference: PN(E)17-2024

8. Please notify the commission via email to: [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

## What can Blue NRG do in response to this penalty notice?

9. Blue NRG can choose whether or not to pay this penalty notice.
10. If Blue NRG pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Blue NRG for a contravention order in relation to the alleged contravention or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If Blue NRG does not pay the penalty within this time, the commission may take such action.
11. Blue NRG is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons

Chairperson

Essential Services Commission

# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80 of the Energy Retail Code of Practice (Version 1) (ERCOP) was a civil penalty requirement from 1 March 2022, pursuant to Schedule 1 of the ERCOP.

2. Clause 80(1) of the ERCOP provided that:

Where a distributor makes a payment required to be made by clause 6 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

(a) Blue NRG holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and is a regulated entity operating in a regulated industry.

(b) On 9 June 2022, a distributor made a payment required to be made by clause 6 of the Electricity Distribution Code via Blue NRG, however Blue NRG failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Blue NRG contravened clause 80(1) of the ERCOP. Blue NRG's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),<sup>9</sup> as provided by section 54T(2) of the Act.

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<sup>9</sup> As at the date of the alleged contravention (1 July 2021 to 30 June 2022) the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233 dated 20 May 2021).



## Penalty Notice

### *Essential Services Commission Act 2001 (Vic), section 54S*

To: Blue NRG Pty Ltd (ACN 151 014 658)  
Suite 3, 109 Union Road  
SURREY HILLS, VIC, 3127

#### Penalty Notice number PN(E)18-2024:

1. This notice is dated 2 February 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Blue NRG Pty Ltd (ACN 151 014 658) (**Blue NRG**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 31 January 2024, the commission formed a reason to believe in accordance with section 54S(1) of the Act that Blue NRG is a regulated entity that had engaged in conduct which constitutes a contravention of a civil penalty requirement.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,348 penalty is payable by **8 March 2024**.
7. Blue NRG may pay the penalty by electronic funds transfer to the following account:

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

Reference: PN(E)18-2024

8. Please notify the commission via email to: [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.



## What can Blue NRG do in response to this penalty notice?

9. Blue NRG can choose whether or not to pay this penalty notice.
10. If Blue NRG pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Blue NRG for a contravention order in relation to the alleged contravention or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If Blue NRG does not pay the penalty within this time, the commission may take such action.
11. Blue NRG is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons

Chairperson

Essential Services Commission

# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80 of the Energy Retail Code of Practice (Version 1) (ERCOP) was a civil penalty requirement from 1 March 2022, pursuant to Schedule 1 of the ERCOP.

2. Clause 80(1) of the ERCOP provided that:

Where a distributor makes a payment required to be made by clause 6 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

(a) Blue NRG holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and is a regulated entity operating in a regulated industry.

(b) On 9 June 2022, a distributor made a payment required to be made by clause 6 of the Electricity Distribution Code via Blue NRG, however Blue NRG failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Blue NRG contravened clause 80(1) of the ERCOP. Blue NRG's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),<sup>10</sup> as provided by section 54T(2) of the Act.

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<sup>10</sup> As at the date of the alleged contravention (1 July 2021 to 30 June 2022) the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233 dated 20 May 2021).



## Penalty Notice

### *Essential Services Commission Act 2001 (Vic), section 54S*

To: Blue NRG Pty Ltd (ACN 151 014 658)  
Suite 3, 109 Union Road  
SURREY HILLS, VIC, 3127

#### Penalty Notice number PN(E)19-2024:

1. This notice is dated 2 February 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Blue NRG Pty Ltd (ACN 151 014 658) (**Blue NRG**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 31 January 2024, the commission formed a reason to believe in accordance with section 54S(1) of the Act that Blue NRG is a regulated entity that had engaged in conduct which constitutes a contravention of a civil penalty requirement.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,348 penalty is payable by **8 March 2024**.
7. Blue NRG may pay the penalty by electronic funds transfer to the following account:

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

Reference: PN(E)19-2024

8. Please notify the commission via email to: [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

## What can Blue NRG do in response to this penalty notice?

9. Blue NRG can choose whether or not to pay this penalty notice.
10. If Blue NRG pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Blue NRG for a contravention order in relation to the alleged contravention or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If Blue NRG does not pay the penalty within this time, the commission may take such action.
11. Blue NRG is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons

Chairperson

Essential Services Commission

# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80 of the Energy Retail Code of Practice (Version 1) (ERCOP) was a civil penalty requirement from 1 March 2022, pursuant to Schedule 1 of the ERCOP.

2. Clause 80(1) of the ERCOP provided that:

Where a distributor makes a payment required to be made by clause 6 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

(a) Blue NRG holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and is a regulated entity operating in a regulated industry.

(b) On 10 March 2022, a distributor made a payment required to be made by clause 6 of the Electricity Distribution Code via Blue NRG, however Blue NRG failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Blue NRG contravened clause 80(1) of the ERCOP. Blue NRG's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),<sup>11</sup> as provided by section 54T(2) of the Act.

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<sup>11</sup> As at the date of the alleged contravention (1 July 2021 to 30 June 2022) the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233 dated 20 May 2021).





## Penalty Notice

### *Essential Services Commission Act 2001 (Vic), section 54S*

To: Blue NRG Pty Ltd (ACN 151 014 658)  
Suite 3, 109 Union Road  
SURREY HILLS, VIC, 3127

#### Penalty Notice number PN(E)20-2024:

1. This notice is dated 2 February 2024.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity, Blue NRG Pty Ltd (ACN 151 014 658) (**Blue NRG**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 31 January 2024, the commission formed a reason to believe in accordance with section 54S(1) of the Act that Blue NRG is a regulated entity that had engaged in conduct which constitutes a contravention of a civil penalty requirement.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

#### How to pay the penalty

6. The \$36,348 penalty is payable by **8 March 2024**.
7. Blue NRG may pay the penalty by electronic funds transfer to the following account:

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

Reference: PN(E)20-2024

8. Please notify the commission via email to: [enforcement@esc.vic.gov.au](mailto:enforcement@esc.vic.gov.au) once payment has been made.

## What can Blue NRG do in response to this penalty notice?

9. Blue NRG can choose whether or not to pay this penalty notice.
10. If Blue NRG pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Blue NRG for a contravention order in relation to the alleged contravention or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If Blue NRG does not pay the penalty within this time, the commission may take such action.
11. Blue NRG is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons

Chairperson

Essential Services Commission

# Schedule 1

## Details of the conduct and alleged contravention

1. Clause 80 of the Energy Retail Code of Practice (Version 1) (ERCOP) was a civil penalty requirement from 1 March 2022, pursuant to Schedule 1 of the ERCOP.

2. Clause 80(1) of the ERCOP provided that:

Where a distributor makes a payment required to be made by clause 6 of the Electricity Distribution Code via the retailer, the retailer must apply the payment to the small customer's account within 10 business days.

3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:

(a) Blue NRG holds (and held at all material times) an electricity retail licence issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and is a regulated entity operating in a regulated industry.

(b) On 9 June 2022, a distributor made a payment required to be made by clause 6 of the Electricity Distribution Code via Blue NRG, however Blue NRG failed to apply the payment to the below small customer's account within 10 business days:

[REDACTED]

[REDACTED]

4. As a result, the commission alleges that Blue NRG contravened clause 80(1) of the ERCOP. Blue NRG's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.

5. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),<sup>12</sup> as provided by section 54T(2) of the Act.

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<sup>12</sup> As at the date of the alleged contravention (1 July 2021 to 30 June 2022) the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233 dated 20 May 2021).