

**ESSENTIAL SERVICES COMMISSION**  
**WRONGFUL DISCONNECTION DECISION**  
**UNDER SECTION 48A OF THE *GAS INDUSTRY ACT 2001***  
**AGL SALES & CUSTOMER K**  
**DECISION AND REASONS**

***Key Issue***

Customer K had his gas supply disconnected at the request of AGL Sales Pty Ltd (AGL) on 11 December 2012, after he had not received a bill for approximately 11 months. Customer K's gas supply was reconnected on 10 April 2013, at his request. AGL has conceded that the disconnection of Customer K was wrongful.

The Commission has been asked to determine the amount of any payment AGL is required to make to Customer K. In particular, the Commission has been asked to decide whether the amount to be paid is to be the 'prescribed capped amount' under section 48A(1A) of the *Gas Industry Act 2001* (the Act).

***Background***

<b><i>Date</i></b>	<b><i>Event</i></b>
11 December 2012	Customer K's gas supply was wrongfully disconnected (as determined by the Energy and Water Ombudsman Victoria (EWOV) and conceded by AGL).
15 December 2012	AGL placed an outbound collections call to Customer K, believing (due to an error in AGL's system) that Customer K was still on supply. There is no indication in AGL's contact notes that Customer K mentioned being off supply during the conversation.
10 April 2103	Customer K's gas supply was reconnected at Customer K's request.

***Decision***

Having considered the advice and information provided by AGL and EWOV, the Commission finds that the amount payable by AGL in respect of the wrongful disconnection of Customer K's gas supply is the 'prescribed capped amount' under section 48A(1A) of the Act, namely \$3,500.00.

***Reasons***

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

1. The Act requires a disconnected customer to notify the retailer within 14 days of disconnection that the disconnection has been effected, in order for the cap on wrongful disconnection payments not to apply.
2. While there is evidence of a telephone conversation between Customer K and AGL within 14 days of the disconnection, Customer K does not claim that he notified AGL that his supply had been disconnected.

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Dr Ron Ben-David  
Chairperson  
Date: 8 October 2014