

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Limited t/as Simply Energy  
'Rialto South Tower'  
Level 33, 525 Collins Street  
Melbourne VIC 3000

#### Energy industry penalty notice number: EIPN(E) 90-2019

1. This notice is dated 12 November 2019.
2. The Essential Services Commission (the Commission) alleges that IPower 2 Pty Limited and IPower Pty Limited (collectively trading as Simply Energy) (ABN 67 269 241 237) (Simply Energy) 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). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 6 November 2019, the Commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

#### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 December 2019**.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

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

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy 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action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....

Kate Symons  
Chairperson  
Essential Services Commission

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

1. Simply Energy holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 1 February 2018, Simply Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:
  - Customer name: [REDACTED]
  - Supply address: [REDACTED]
  - NMI: [REDACTED]
5. A failure to comply with the requirements of clause 57(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 4, Item 1.
6. The applicable penalty amount is \$20,000.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

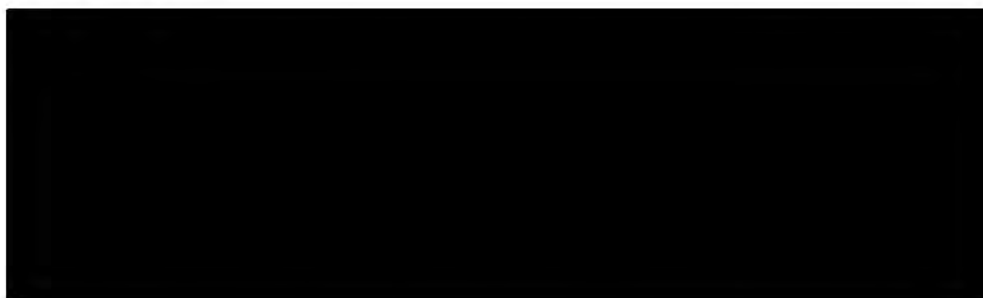
To: IPower 2 Pty Limited and IPower Pty Limited t/as Simply Energy  
'Rialto South Tower'  
Level 33, 525 Collins Street  
Melbourne VIC 3000

### Energy industry penalty notice number: EIPN(E) 91-2019

1. This notice is dated 12 November 2019.
2. The Essential Services Commission (the Commission) alleges that IPower 2 Pty Limited and IPower Pty Limited (collectively trading as Simply Energy) (ABN 67 269 241 237) (Simply Energy) 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). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 6 November 2019, the Commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 December 2019**.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

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

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy 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.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons  
Chairperson  
Essential Services Commission

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

1. Simply Energy holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 30 January 2018, Simply Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:
  - Customer name: [REDACTED]
  - Supply address: [REDACTED]
  - NMI: [REDACTED]
5. A failure to comply with the requirements of clause 57(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 4, Item 1.
6. The applicable penalty amount is \$20,000.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Limited t/as Simply Energy  
'Rialto South Tower'  
Level 33, 525 Collins Street  
Melbourne VIC 3000

### Energy industry penalty notice number: EIPN(E) 92-2019

1. This notice is dated 12 November 2019.
2. The Essential Services Commission (the Commission) alleges that IPower 2 Pty Limited and IPower Pty Limited (collectively trading as Simply Energy) (ABN 67 269 241 237) (Simply Energy) 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). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 6 November 2019, the Commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 December 2019**.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

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

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy 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.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons  
Chairperson  
Essential Services Commission



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

1. Simply Energy holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 18 September 2018, Simply Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:
  - Customer name: [REDACTED]
  - Supply address: [REDACTED]
  - NMI: [REDACTED]
5. A failure to comply with the requirements of clause 57(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 4, Item 1.
6. The applicable penalty amount is \$20,000.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

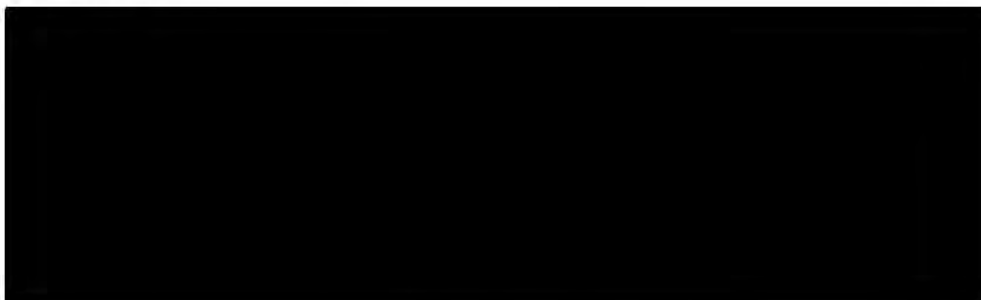
To: IPower 2 Pty Limited and IPower Pty Limited t/as Simply Energy  
'Rialto South Tower'  
Level 33, 525 Collins Street  
Melbourne VIC 3000

### Energy industry penalty notice number: EIPN(E) 93-2019

1. This notice is dated 12 November 2019.
2. The Essential Services Commission (the Commission) alleges that IPower 2 Pty Limited and IPower Pty Limited (collectively trading as Simply Energy) (ABN 67 269 241 237) (Simply Energy) 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). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 6 November 2019, the Commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 December 2019**.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

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

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy 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.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



---

Kate Symons  
Chairperson  
Essential Services Commission

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

1. Simply Energy holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 19 February 2018, Simply Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:
  - Customer name: [REDACTED]
  - Supply address: [REDACTED]
  - NMI: [REDACTED]
5. A failure to comply with the requirements of clause 57(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 4, Item 1.
6. The applicable penalty amount is \$20,000.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

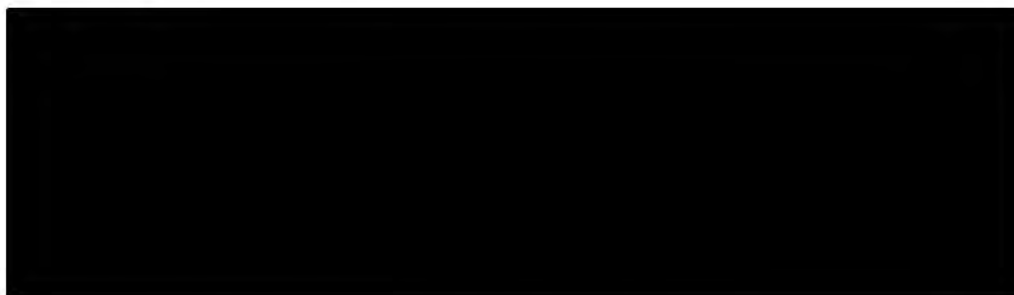
To: IPower 2 Pty Limited and IPower Pty Limited t/as Simply Energy  
'Rialto South Tower'  
Level 33, 525 Collins Street  
Melbourne VIC 3000

### Energy industry penalty notice number: EIPN(E) 94-2019

1. This notice is dated 12 November 2019.
2. The Essential Services Commission (the Commission) alleges that IPower 2 Pty Limited and IPower Pty Limited (collectively trading as Simply Energy) (ABN 67 269 241 237) (Simply Energy) 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). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 6 November 2019, the Commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 December 2019**.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

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

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy 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.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....

Kate Symons  
Chairperson  
Essential Services Commission

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

1. Simply Energy holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 15 January 2018, Simply Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:
  - Customer name: [REDACTED]
  - Supply address: [REDACTED]
  - NMI: [REDACTED]
5. A failure to comply with the requirements of clause 57(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 4, Item 1.
6. The applicable penalty amount is \$20,000.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Limited t/as Simply Energy  
'Rialto South Tower'  
Level 33, 525 Collins Street  
Melbourne VIC 3000

### Energy industry penalty notice number: EIPN(E) 95-2019

1. This notice is dated 12 November 2019.
2. The Essential Services Commission (the Commission) alleges that IPower 2 Pty Limited and IPower Pty Limited (collectively trading as Simply Energy) (ABN 67 269 241 237) (Simply Energy) 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). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 6 November 2019, the Commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 December 2019**.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:





7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

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

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy 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.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



---

Kate Symons  
Chairperson  
Essential Services Commission

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

1. Simply Energy holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 16 February 2018, Simply Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:
  - Customer name: [REDACTED]
  - Supply address: [REDACTED]
  - NMI: [REDACTED]
5. A failure to comply with the requirements of clause 57(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 4, Item 1.
6. The applicable penalty amount is \$20,000.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

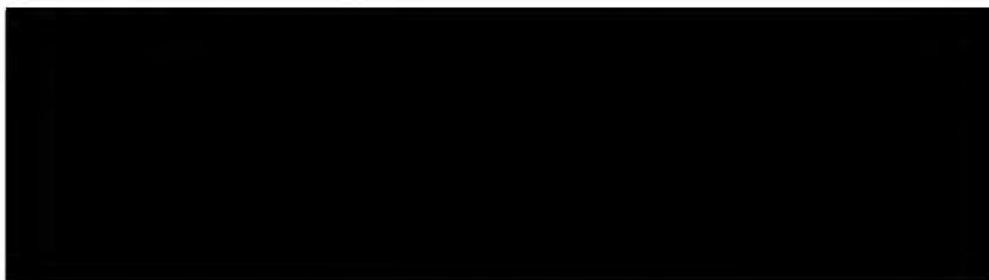
To: IPower 2 Pty Limited and IPower Pty Limited t/as Simply Energy  
'Rialto South Tower'  
Level 33, 525 Collins Street  
Melbourne VIC 3000

### Energy industry penalty notice number: EIPN(E) 96-2019

1. This notice is dated 12 November 2019.
2. The Essential Services Commission (the Commission) alleges that IPower 2 Pty Limited and IPower Pty Limited (collectively trading as Simply Energy) (ABN 67 269 241 237) (Simply Energy) 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). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 6 November 2019, the Commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 December 2019**.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

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

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy 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.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons  
Chairperson  
Essential Services Commission

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

1. Simply Energy holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 16 February 2018, Simply Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:
  - Customer name: [REDACTED]
  - Supply address: [REDACTED]
  - NMI: [REDACTED]
5. A failure to comply with the requirements of clause 57(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 4, Item 1.
6. The applicable penalty amount is \$20,000.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

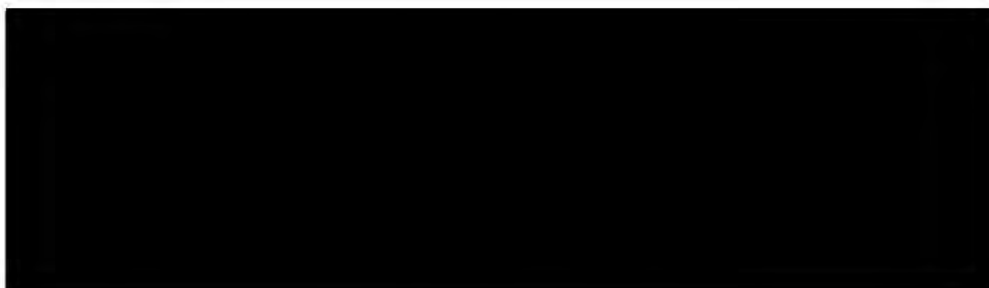
To: IPower 2 Pty Limited and IPower Pty Limited t/as Simply Energy  
'Rialto South Tower'  
Level 33, 525 Collins Street  
Melbourne VIC 3000

### Energy industry penalty notice number: EIPN(E) 97-2019

1. This notice is dated 12 November 2019.
2. The Essential Services Commission (the Commission) alleges that IPower 2 Pty Limited and IPower Pty Limited (collectively trading as Simply Energy) (ABN 67 269 241 237) (Simply Energy) 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). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 6 November 2019, the Commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 December 2019**.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

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

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy 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.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....

Kate Symons  
Chairperson  
Essential Services Commission

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

1. Simply Energy holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 20 March 2018, Simply Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:
  - Customer name: [REDACTED]
  - Supply address: [REDACTED]
  - NMI: [REDACTED]
5. A failure to comply with the requirements of clause 57(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 4, Item 1.
6. The applicable penalty amount is \$20,000.



## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

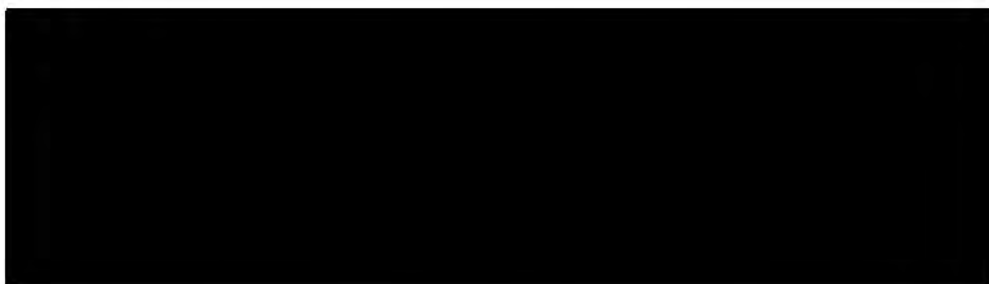
To: IPower 2 Pty Limited and IPower Pty Limited t/as Simply Energy  
'Rialto South Tower'  
Level 33, 525 Collins Street  
Melbourne VIC 3000

### Energy industry penalty notice number: EIPN(E) 98-2019

1. This notice is dated 12 November 2019.
2. The Essential Services Commission (the Commission) alleges that IPower 2 Pty Limited and IPower Pty Limited (collectively trading as Simply Energy) (ABN 67 269 241 237) (Simply Energy) 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). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 6 November 2019, the Commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 December 2019**.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

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

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy 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.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons  
Chairperson  
Essential Services Commission

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

1. Simply Energy holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 5 April 2018, Simply Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:
  - Customer name: [REDACTED]
  - Supply address: [REDACTED]
  - NMI: [REDACTED]
5. A failure to comply with the requirements of clause 57(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 4, Item 1.
6. The applicable penalty amount is \$20,000.



## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Limited t/as Simply Energy  
'Rialto South Tower'  
Level 33, 525 Collins Street  
Melbourne VIC 3000

### Energy industry penalty notice number: EIPN(E) 99-2019

1. This notice is dated 12 November 2019.
2. The Essential Services Commission (the Commission) alleges that IPower 2 Pty Limited and IPower Pty Limited (collectively trading as Simply Energy) (ABN 67 269 241 237) (Simply Energy) 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). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 6 November 2019, the Commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 December 2019**.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

**What can Simply Energy do in response to this energy industry penalty notice?**

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy 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.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons  
Chairperson  
Essential Services Commission

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

1. Simply Energy holds an electricity retail licence issued by the Commission.
2. Clause 14.1 of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 10 May 2018, Simply Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:
  - Customer name: [REDACTED]
  - Supply address: [REDACTED]
  - NMI: [REDACTED]
5. A failure to comply with the requirements of clause 57(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 4, Item 1.
6. The applicable penalty amount is \$20,000.



## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Limited t/as Simply Energy  
'Rialto South Tower'  
Level 33, 525 Collins Street  
Melbourne VIC 3000

### Energy industry penalty notice number: EIPN(G) 8-2019

1. This notice is dated 12 November 2019.
2. The Essential Services Commission (the Commission) alleges that IPower 2 Pty Limited and IPower Pty Limited (collectively trading as Simply Energy) (ABN 67 269 241 237) (Simply Energy) 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). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 6 November 2019, the Commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 December 2019**.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

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

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy 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.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons  
Chairperson  
Essential Services Commission



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

1. Simply Energy holds a gas retail licence issued by the Commission.
2. Clause 15.1 of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 19 July 2018, Simply Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:
  - Customer name: [REDACTED]
  - Supply address: [REDACTED]
  - MIRN: [REDACTED]
5. A failure to comply with the requirements of clause 57(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 4, Item 1.
6. The applicable penalty amount is \$20,000.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

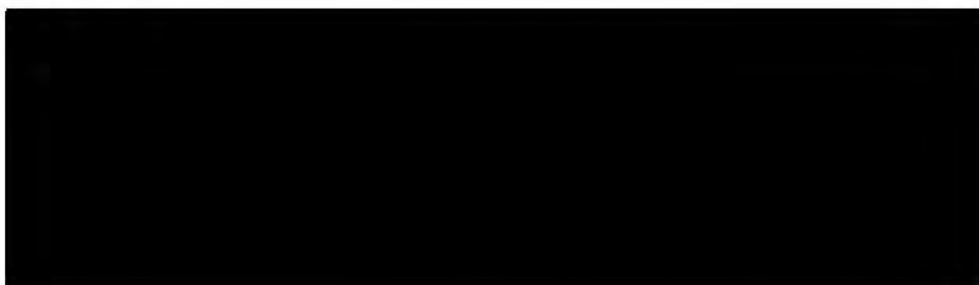
To: IPower 2 Pty Limited and IPower Pty Limited t/as Simply Energy  
'Rialto South Tower'  
Level 33, 525 Collins Street  
Melbourne VIC 3000

### Energy industry penalty notice number: EIPN(G) 9-2019

1. This notice is dated 12 November 2019.
2. The Essential Services Commission (the Commission) alleges that IPower 2 Pty Limited and IPower Pty Limited (collectively trading as Simply Energy) (ABN 67 269 241 237) (Simply Energy) 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). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 6 November 2019, the Commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 December 2019**.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

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

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy 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.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....

Kate Symons  
Chairperson  
Essential Services Commission

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

1. Simply Energy holds a gas retail licence issued by the Commission.
2. Clause 15.1 of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 1 March 2018, Simply Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:
  - Customer name: [REDACTED]
  - Supply address: [REDACTED]
  - MIRN: [REDACTED]
5. A failure to comply with the requirements of clause 57(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 4, Item 1.
6. The applicable penalty amount is \$20,000.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Limited t/as Simply Energy  
'Rialto South Tower'  
Level 33, 525 Collins Street  
Melbourne VIC 3000

### Energy industry penalty notice number: EIPN(G) 10-2019

1. This notice is dated 12 November 2019.
2. The Essential Services Commission (the Commission) alleges that IPower 2 Pty Limited and IPower Pty Limited (collectively trading as Simply Energy) (ABN 67 269 241 237) (Simply Energy) 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). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 6 November 2019, the Commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 December 2019**.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

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

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy 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.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons  
Chairperson  
Essential Services Commission

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

1. Simply Energy holds a gas retail licence issued by the Commission.
2. Clause 15.1 of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 18 February 2018, Simply Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:
  - Customer name: [REDACTED]
  - Supply address: [REDACTED]
  - MIRN: [REDACTED]
5. A failure to comply with the requirements of clause 57(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 4, Item 1.
6. The applicable penalty amount is \$20,000.



## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Limited t/as Simply Energy  
'Rialto South Tower'  
Level 33, 525 Collins Street  
Melbourne VIC 3000

### Energy industry penalty notice number: EIPN(G) 11-2019

1. This notice is dated 12 November 2019.
2. The Essential Services Commission (the Commission) alleges that IPower 2 Pty Limited and IPower Pty Limited (collectively trading as Simply Energy) (ABN 67 269 241 237) (Simply Energy) 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). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 6 November 2019, the Commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by **17 December 2019**.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:






7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

**What can Simply Energy do in response to this energy industry penalty notice?**

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy 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.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....

Kate Symons  
Chairperson  
Essential Services Commission

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

1. Simply Energy holds a gas retail licence issued by the Commission.
2. Clause 15.1 of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 16 February 2018, Simply Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:
  - Customer name: [REDACTED]
  - Supply address: [REDACTED]
  - MIRN: [REDACTED]
5. A failure to comply with the requirements of clause 57(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 4, Item 1.
6. The applicable penalty amount is \$20,000.

## Energy industry penalty notice

### Essential Services Commission Act 2001 (Vic) section 54G

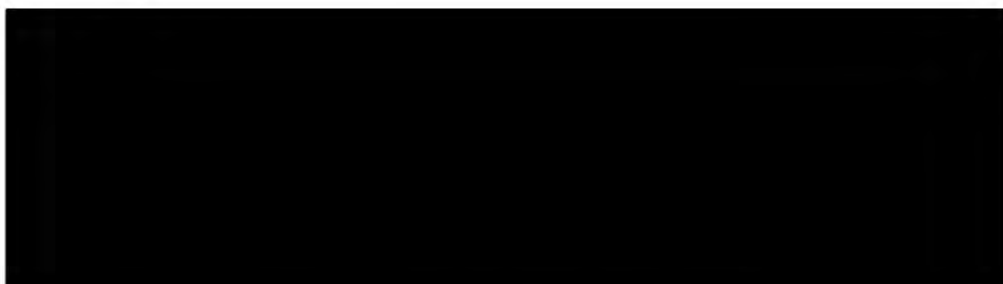
To: IPower 2 Pty Limited and IPower Pty Limited t/as Simply Energy  
'Rialto South Tower'  
Level 33, 525 Collins Street  
Melbourne VIC 3000

### Energy industry penalty notice number: EIPN(G) 12-2019

1. This notice is dated 12 November 2019.
2. The Essential Services Commission (the Commission) alleges that IPower 2 Pty Limited and IPower Pty Limited (collectively trading as Simply Energy) (ABN 67 269 241 237) (Simply Energy) 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). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 6 November 2019, the Commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and Regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

### How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable **17 December 2019**.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:



7. Please allow at least two business days for payment to be received and notify the Commission once payment has been made.

**What can Simply Energy do in response to this energy industry penalty notice?**

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy 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.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the Commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



Kate Symons  
Chairperson  
Essential Services Commission

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

1. Simply Energy holds a gas retail licence issued by the Commission.
2. Clause 15.1 of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code (the code).
3. Clause 57(1) of the code provides that a retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract.
4. The Commission has reason to believe that on 6 April 2018, Simply Energy submitted a request to transfer the below customer under the relevant Retail Market Procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, in breach of clause 57(1) of the code:
  - Customer name: [REDACTED]
  - Supply address: [REDACTED]
  - MIRN: [REDACTED]
5. A failure to comply with the requirements of clause 57(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 4, Item 1.
6. The applicable penalty amount is \$20,000.