

Wrongful disconnection penalty notice

Essential Services Commission Act 2001, section 54H

To: IPower 2 Pty Limited & IPower Pty Limited (trading as Simply Energy)
Level 33
525 Collins Street
Melbourne VIC 3000

Wrongful disconnection penalty notice number: WDPN(E) 91-2021

1. This notice is dated 13 August 2021
2. The Essential Services Commission alleges that IPower 2 Pty Limited (ACN 070 374 293) & IPower Pty Limited (ACN 111 267 228) (trading as **Simply Energy**) has engaged in conduct that constitutes a wrongful disconnection contravention within the meaning of section 54E of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 30 June 2021, the commission formed reason to believe that:
 - (a) the supply of electricity to the premises of a customer was disconnected; and
 - (b) Simply Energy arranged for the supply of electricity to be disconnected from the customer's premises and did not comply with a requirement of the Energy Retail Code relating to disconnecting a customer's supply of electricity; and
 - (c) Simply Energy's conduct constitutes a contravention of a condition of its energy licence that requires compliance with the Energy Retail Code (**wrongful disconnection contravention**).
4. The nature, and a brief description of the alleged wrongful disconnection contravention, are detailed in Schedule 1 to this wrongful disconnection penalty notice.
5. The amount of the wrongful disconnection penalty is \$5,000 as provided by section 54I of the Act.

How to pay the wrongful disconnection penalty

6. The \$5,000 wrongful disconnection penalty is payable by 17 September 2021.

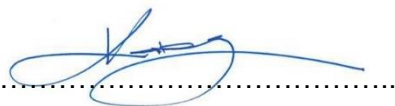
7. Simply Energy may pay the wrongful disconnection penalty by electronic funds transfer to the following account:

██████████	██
██████████	██████████
████████████████████	██████████
████████████████████	██
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8. 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 wrongful disconnection penalty notice?

- 9. Simply Energy can choose whether or not to pay this wrongful disconnection penalty notice.
- 10. If Simply Energy pays the amount of the wrongful disconnection penalty before the end of the time specified in this wrongful disconnection penalty notice, the commission will not take relevant enforcement action in relation to the alleged wrongful disconnection contravention unless the wrongful disconnection penalty notice is withdrawn before the end of that time in accordance with section 54N of the Act.
- 11. Simply Energy is entitled to disregard this wrongful disconnection penalty notice and to defend any proceedings relating to the alleged wrongful disconnection contravention.
- 12. If Simply Energy chooses not to pay this wrongful disconnection penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the Act.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged wrongful disconnection contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. In accordance with section 54H(1) of the Act, the commission has reason to believe that:
 - (a) The supply of electricity, to the premises at [REDACTED] [REDACTED] was disconnected at 9:08am on 21 April 2021; and
 - (b) Simply Energy arranged for the supply of electricity to be disconnected from the premises at [REDACTED] and Simply Energy did not comply with clause 118(1)(a) of the Energy Retail Code relating to disconnecting a customer's supply of electricity; and
 - (c) Simply Energy's conduct constitutes a contravention of clause 14 of its energy licence that requires compliance with the Energy Retail Code.
3. Simply Energy did not comply with clause 118(1)(a) of the Energy Retail Code because, in erroneously disconnecting the customer's electricity supply on 21 April 2021, Simply Energy did not use its best endeavours to disconnect the customer's electricity supply in accordance with the date requested by the customer, being 10 May 2021.
4. Section 54I of the Act prescribes the wrongful disconnection penalty amount is \$5,000.