

NATIONAL ENERGY RETAIL LAW

DIVISION 5 OF PART 6

ROLR NOTICE

The Australian Energy Regulator (AER) issues this Notice under section 136 of the National Energy Retail Law (NERL).

RoLR Event

A Retailer of Last Resort (RoLR) event has occurred in relation to Maximum Energy Retail Pty Ltd (ACN 632 900 139) with the registered participant identification (MAXENRGY) in the National Electricity Market. Prior to the issue of this Notice, Maximum Energy Retail Pty Ltd was an authorised electricity retailer for the purposes of Part 5 of the NERL with the authorisation identification E21004 and a licenced retailer for the purposes of section 19 of the Electricity Industry Act 2000 (Vic).

On 2 August 2024, the Australian Energy Market Operator (AEMO) suspended Maximum Energy Retail Pty Ltd from trading in the National Electricity Market (with effect from later that day at 24:00 hours Australian Eastern Standard Time on 2 August 2024). The suspension of a retailer's right to acquire electricity from the wholesale market constitutes a RoLR event in accordance with paragraph (b)(i) of the definition of RoLR event in section 122 of the NERL.

Affected Fuels and Markets

This Notice affects electricity customers in South Australia and Victoria who purchased electricity from Maximum Energy Retail Pty Ltd.

Registered RoLRs Appointed as Designated RoLRs by operation of section 132(1) of the NERL

Pursuant to section 132(1) of the NERL, the default RoLRs specified in Schedule 1 and Schedule 2 are taken to be appointed as the designated RoLRs for this RoLR event.

The particular customers or classes of customers of Maximum Energy Retail Pty Ltd are allocated to each designated RoLR in accordance with Schedule 1 and Schedule 2.

Transfer date

Customers of Maximum Energy Retail Pty Ltd are to be transferred to the designated RoLR(s) set out in Schedule 1 and Schedule 2 at **24:00 Australian Eastern Standard Time on 2 August 2024** (i.e. midnight that day) (the *transfer date*).

Maximum Energy Retail Pty Ltd's electricity retailer authorisation

Under section 142 of the NERL, the AER revokes Maximum Energy Retail Pty Ltd's electricity retailer authorisation (AER reference E21004) with effect from the transfer date. This means that, for the purposes of section 88 of the NERL, Maximum Energy Retail Pty Ltd must not engage in the activity of selling electricity to a person for premises in New South Wales, Queensland, the Australian Capital Territory, South Australia and Tasmania from **24:00 Australian Eastern Standard Time on 2 August 2024**.

Maximum Energy Retail Pty Ltd's electricity licence

Under section 49B(2) of the Electricity Industry Act, as the AER has revoked Maximum Energy Retail Pty Ltd's electricity retailer authorisation, Maximum Energy Retail Pty Ltd's electricity retail licence is also revoked with effect from the transfer date. This means that Maximum Energy Retail Pty Ltd must not engage in the activity of selling electricity to a person for premises in Victoria.

Requirements on Maximum Energy Retail Pty Ltd re provision of customer data to RoLRs

Pursuant to section 136(3) of the NERL, the AER requires Maximum Energy Retail Pty Ltd to provide each designated RoLR the personal contact details (namely email addresses and mobile phone numbers) of all customers allocated to that designated RoLR in accordance with Schedule 1 and Schedule 2.

Maximum Energy Retail Pty Ltd must provide this information electronically to the designated RoLRs in the same format and at the same time it provides them with customer and site details as required by clause 102.3 of the NEM RoLR processes. This requirement to provide email addresses and mobile phone numbers is additional to the information required under the NEM RoLR processes.

Requirements on Maximum Energy Retail Pty Ltd re provision of customer data to AER

Pursuant to section 136(3) of the NERL, the AER requires Maximum Energy Retail Pty Ltd to provide the AER with a copy of all customer information provided to each of the designated RoLRs in accordance with clause 102.3 of the NEM RoLR processes and this RoLR Notice. The AER requires Maximum Energy Retail Pty Ltd to provide the AER with this data at the same time or within one business day of providing it to the designated RoLRs. The AER requires this information to assist customers contacting its call centre.

Compliance with Notice

Failure by Maximum Energy Retail Pty Ltd or any insolvency official of Maximum Energy Retail Pty Ltd to comply with this RoLR Notice, the requirements of Part 6 of the NERL or the requirements of the RoLR Procedures made by AEMO pursuant to the National Electricity Law is a breach of section 143(2) of the NERL and may attract civil penalties. The maximum civil penalty for a natural person is an amount not exceeding \$553,000. For a corporation, the penalty is an amount not exceeding the greater of:

- \$11,060,000;
- if requested by the AER in a particular case in applying for an order:
 - if the Court can determine the value of any benefit reasonably attributable to the breach that the body corporate, and any body corporate related to the body corporate, has obtained, directly or indirectly – 3 times the value of that benefit; or
 - if the Court cannot determine the value of the benefit, 10% of the annual turnover of the body corporate during the 12-month period ending at the end of the month in which the body corporate breached, or began breaching, the civil penalty provision.

DATED: 2 August 2024



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Clare Savage
Chair
Australian Energy Regulator

SCHEDULE 1 – Designated RoLRs and allocation of customers

Electricity Designated RoLRs		
Designated RoLR (ACN)	Responsible Area	
	Jurisdiction where customers are located	Description of responsible connection points
Origin Energy Electricity Limited (ACN 071 052 287) Retailer authorisation: TE12028 Participant ID: POWERCOR	SA	Customers connected to the electricity distribution system of SA Power Networks Customers directly connected to the electricity transmission system. Customers in Cockburn, South Australia, connected to the Essential Energy electricity distribution network.

SCHEDULE 2 – Designated RoLRs and allocation of customers - Victoria

Electricity Designated RoLRs		
Designated RoLR (ACN)	Responsible Area	
	Jurisdiction where customers are located	Description of responsible connection points
AGL Sales Pty Ltd (ACN 090 538 337) Participant ID: SOLARIS	VIC	Customers connected to the distribution system of United Energy Distribution Pty Ltd (ACN 064 651 029) and Jemena Electricity Networks (Vic) Ltd (ACN 064 651 083)
Origin Energy Electricity Limited (ACN 071 052 287) Participant ID: POWERCOR	VIC	Customers connected to the distribution system of— (a) Citipower Pty (ACN 064 651 056); and (b) Powercor Australia Ltd (ACN 064 651 109)
EnergyAustralia Pty Ltd (ACN 086 014 968) Participant ID: ENGYAUST	VIC	Customers connected to the distribution system of AusNet Services Holdings Pty Ltd (ACN 603 317 559)