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1 June 2020

Mr Glen Morelli
Director
Tindo Energy Pty Ltd
6 Second Avenue
MAWSON LAKES SA 5095

By email: Glenn@coolcosy.com.au
CC: peter.nelson@nelsonderhamlaw.com.au

Dear Mr Morelli

Re: Tindo Energy — application for an individual exemption

I refer to your application of 13 March 2020 for an individual exemption under the National Energy Retail Law (Retail Law) for Tindo Energy Pty Ltd (Tindo) / ABN 46 637 148 488.

I am writing to inform you that on 1 June 2020, the Australian Energy Regulator (AER) considered and approved Tindo's individual exemption application in accordance with s. 110 of the Retail Law to sell electricity through solar power purchase agreements in New South Wales, South Australia and Queensland.

The AER has considered the policy principles relating to exempt selling in s. 114 of the Retail Law, being:

- regulatory arrangements for exempt sellers should not unnecessarily diverge from those applying to retailers,
- exempt customers, should, as far as practicable, be afforded the right to a choice of retailer in the same way comparable retail customers in the same jurisdiction have that right, and

- exempt customers, should, as far as practicable, not be denied customer protections afforded to retail customers under this Law and Rules.

The AER's decision is guided by the objective of the Retail Law,¹ the exempt seller factors,² the customer related factors,³ and the assessment approach outlined in the AER (Retail) Exempt Selling Guideline.

Having regard to the considerations outlined above, the AER is satisfied that Tindo should be exempt from the requirement to hold a national retailer authorisation.

If Tindo decides to change the way it sells electricity, it should contact the AER as it may need to apply for an authorisation or another exemption to do so. Please be aware that selling energy outside of the scope of the present exemption may contravene s. 88 of the Retail Law and we may take enforcement action or otherwise seek to ensure compliance.

Please note that the exemption is subject to your acceptance of the conditions set out in the Instrument of Exemption. Tindo must advise the AER in writing by 29 June 2020 whether it accepts these conditions.

If you have any further queries, or would like to discuss this further, please contact Susan Faulbaum on (08) 8213 3463.

Yours sincerely



Sarah Proudfoot
General Manager, Consumer and Markets Branch

¹ The national energy retail objective is to 'promote efficient investment in and efficient operation and use of energy services for the long term interests of energy consumers with respect to price, quality, safety, reliability and security of supply of energy' (s. 13, National Energy Retail Law (Retail Law)).

² s. 1 15, Retail Law

³ s. 1 16, Retail Law.

Schedule 1: Instrument of Exemption

INDIVIDUAL EXEMPTION FROM THE REQUIREMENT TO
HOLD A RETAILER AUTHORISATION

DATE OF ISSUE: 1 June 2020

FORM OF ENERGY: Electricity

Pursuant to section 110 of the National Energy Retail Law, the Australian Energy Regulator (AER) on 1 June 2020 decided to grant Tindo Energy Pty Ltd / ABN 46 637 148 488 an exemption from the requirement to hold a retailer authorisation under section 88 of the National Energy Retail Law, subject to the conditions set out below.

Condition 1 - Information provision for exempt customers of power purchase agreement providers

1. The exempt person must provide the exempt customer in writing a plain English notice explaining that the power purchase agreement is covered by the Australian consumer protection laws and is separate to the exempt customer's contract with their retailer and distributor which are covered under the *National Energy Retail Law*.

Condition 2 - Exemption limited to the sale of electricity through power purchase agreements

1. The exempt person must:
 - a) refrain from registering in the wholesale market for the purposes of purchasing energy and
 - b) not be the financially responsible retailer for the premises (rather, this must be an authorised retailer).