

NATIONAL ENERGY RETAIL LAW

DIVISION 5 OF PART 6

ROLR NOTICE

The Australian Energy Regulator (**AER**) has issued 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 Enova Energy Pty Ltd ACN 606 176 756 with the registered participant identification ENOVAENG in the National Electricity Market. Prior to the issue of this notice, Enova Energy Pty Ltd was an authorised electricity retailer for the purposes of Part 5 of the NERL with the authorisation identification E16001.

On 21 June 2022, Enova Energy Pty Ltd appointed an external administrator. The appointment of an administrator constitutes a RoLR event under section 122 of the NERL.

On 21 June 2022, the Australian Energy Market Operator (**AEMO**) suspended Enova Energy Pty Ltd from the National Electricity Market with effect from 0:00 hours Australian Eastern Standard Time on 22 June 2022 (see attached suspension notice). The suspension of a retailer's right to acquire electricity from the wholesale market also constitutes a RoLR event under section 122 of the NERL.

Affected Fuels and Markets

This Notice affects electricity customers in New South Wales and Queensland who purchased electricity from Enova Energy 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 were taken to be appointed as the designated RoLRs for this RoLR event.

Transfer date

In accordance with section 140 of the NERL, customers of Enova Energy Pty Ltd will be deemed to have been transferred to the designated RoLR(s) set out in Schedule 1 with effect from 0:00 Australian Eastern Standard Time on 22 June 2022.

Revocation of Enova Energy Pty Ltd's electricity retailer authorisation

Under section 142 of the NERL, the AER revokes Enova Energy Pty Ltd's electricity retailer authorisation (AER reference E16001) with effect from the transfer date specified above. This

means that, for the purposes of section 88 of the NERL, Enova Energy 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.

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

Pursuant to section 136(3) of the NERL, the AER requires Enova Energy Pty Ltd to provide the designated RoLRs specified in Schedule 1 with the personal contact details (namely email addresses and mobile phone numbers) for all customers held by Enova Energy Pty Ltd immediately prior to the transfer date.

Enova Energy 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 Enova Energy Pty Ltd re provision of customer data to AER

Pursuant to section 136(3) of the NERL, the AER requires Enova Energy 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 Enova Energy 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.

Failure by Enova Energy Pty Ltd or any insolvency official of Enova Energy 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)(a) of the NERL and may attract civil penalties. The maximum civil penalty for a natural person is an amount not exceeding \$500,000. For a corporation, the penalty is an amount not exceeding the greater of:

- \$10,000,000;
- 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: 22 June 2022



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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
<p>EnergyAustralia Pty Ltd (ACN 086 014 968)</p> <p>Retailer authorisation: TE12040</p>	NSW	Customers connected to the electricity distribution system of Ausgrid (ABN 67 505 337 385); established under the Energy Services Corporation Act 1995 (NSW)).
<p>Origin Energy Electricity Ltd (ACN 078 868 425)</p> <p>Retailer authorisation: TE12028</p>	NSW	Customers in NSW connected to the Essential Energy electricity distribution network (ABN 37 428 185 226) and customers in NSW connected to the Endeavour Energy electricity distribution network (ABN 11 247 365 823).
<p>Origin Energy Electricity Ltd (ACN 078 868 425)</p> <p>Retailer authorisation: TE12028</p>	QLD	Customers connected to the electricity distribution system of Energex Ltd (ACN 078 849 055)