

**NATIONAL ELECTRICITY LAW**  
**SECTION 74**  
**INFRINGEMENT NOTICE ISSUED TO**  
**ENERGYAUSTRALIA YALLOURN PTY LTD**

**To: EnergyAustralia Yallourn Pty Ltd (ACN 065 325 224)**  
**Level 33**  
**385 Bourke Street**  
**MELBOURNE VIC 3000**

**Infringement Notice No.: AER27-2016**

1. The Australian Energy Regulator (**AER**):
  - a. has reason to believe that
    - i. EnergyAustralia Yallourn Pty Ltd (ACN 065 325 224) (**EnergyAustralia**), is, and was at all relevant times, a Registered Participant by virtue of being registered by the Australian Energy Market Operator (**AEMO**) as a generator under clause 2.2 of the National Electricity Rules (**NER**) in respect of the Yallourn generating system (**YWPS**), comprised of four scheduled generating units (**YWPS1**, **YWPS2**, **YWPS3** and **YWPS4**) located in Victoria,
    - ii. EnergyAustralia has breached clause 4.9.8(a) of the **NER**, as described in Schedule 1 to this Infringement Notice (**the alleged breach**); and
  - b. has decided to serve this Infringement Notice on EnergyAustralia under section 74 of the *National Electricity (Victoria) Law (NEL)*.
2. Clause 4.9.8(a) of the **NER** is a civil penalty provision within the meaning of the **NEL**.
3. The infringement penalty is \$20,000.

**WHAT CAN ENERGYAUSTRALIA DO IN RESPONSE TO THIS INFRINGEMENT NOTICE?**

4. EnergyAustralia can choose whether or not to comply with this Infringement Notice. If EnergyAustralia chooses not to comply with this Infringement Notice, the **AER** may commence proceedings against it in relation to the alleged breach. EnergyAustralia is entitled to disregard this Infringement Notice and to defend any proceedings in respect of the alleged breach.
5. If EnergyAustralia chooses to comply with this Infringement Notice, it must pay the infringement penalty by 30 January 2017, being not less than 28 days from the date of service of this Infringement Notice, beginning on the day after the day on which this Infringement Notice is served (**the compliance period**).
6. To ensure payment is made in accordance with this Infringement Notice, payment must be received on or before **30 January 2017**.
7. If EnergyAustralia pays the infringement penalty within the compliance period, the **AER** will not institute proceedings in respect of the alleged breach unless the Infringement Notice is withdrawn before the end of the compliance period in accordance with section 79 of the **NEL**.

## HOW DOES ENERGYAUSTRALIA PAY THE INFRINGEMENT PENALTY?

8. EnergyAustralia may pay the \$20,000 infringement penalty in either of two ways:
- by cheque made out to the "ACCC Official Administered Account",\* enclosing a copy of this Infringement Notice, addressed to:

Australian Energy Regulator  
GPO Box 520  
MELBOURNE VIC 3001

You should allow at least 5 business days for payment to be received

or

- by electronic funds transfer to the following account:\*

Account name: ACCC Official Administered Account  
BSB: 032-730  
Account: 146550  
Description: AER27-2016

You should allow at least 2 business days for payment to be received

- \* The Australian Competition and Consumer Commission (**ACCC**) handles the receipt of infringement penalty payments for the AER. All payments received are paid into the Consolidated Revenue Fund.

- Please allow sufficient time for your payment to be received within the compliance period.
- EnergyAustralia will be issued with a Tax Invoice following payment of the \$20,000 infringement penalty.

DATE OF ISSUE: 20 December 2016



Paula Conboy  
Chair

Australian Energy Regulator

## SCHEDULE 1

### MATTERS CONSTITUTING AN ALLEGED BREACH OF A CIVIL PENALTY PROVISION: CLAUSE 4.9.8(a) OF THE NATIONAL ELECTRICITY RULES

1. EnergyAustralia is a Registered Participant being registered with AEMO as a generator under clause 2.2 of the NER within the meaning of the term in the NER in respect of YWPS, and in particular, in respect of YWPS1.
2. Clause 4.9.8(a) of the NER provides that a Registered Participant must comply with a dispatch instruction issued to it by AEMO unless to do so would, in the Registered Participant's reasonable opinion, be a hazard to public safety or materially risk damaging equipment.
3. On 13 January 2016, for the 1520 dispatch interval, AEMO issued EnergyAustralia with a dispatch instruction in relation to the YWPS1 scheduled generating unit. The YWPS1 scheduled generating unit generated in excess of the energy level specified in the dispatch instruction for the relevant dispatch interval as follows:

Scheduled generating unit	Dispatch Instruction	Measured Output	Difference
YWPS1	285 MW	323.31 MW	38.31 MW

4. Accordingly, the AER alleges that EnergyAustralia breached clause 4.9.8(a) of the NER in respect of YWPS1.