

**NATIONAL ELECTRICITY LAW**  
**SECTION 74**  
**INFRINGEMENT NOTICE ISSUED TO**  
**SYNERGEN POWER PTY LTD**

**To:** Synergen Power Pty Ltd (ACN 092 560 819)  
Level 33  
Rialto South Tower  
525 Collins Street  
MELBOURNE VIC 3000

**Infringement Notice No.: AER 09-2018**

1. The Australian Energy Regulator (**AER**):
  - (a) has reason to believe that:
    - i. Synergen Power Pty Ltd (**ACN 092 560 819**) (**Synergen**), 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 Dry Creek Power Station (**DRYCGT**) generating system, comprised of three scheduled generating units (DRYCGT1, DRYCGT2, DRYCGT3) located in South Australia, and
    - ii. Synergen has breached clause 4.9.8(a) of the NER, as described in Schedule 1 to this Infringement Notice (**the alleged breach**);
  - (b) has decided to serve this Infringement Notice on Synergen under section 74 of the *National Electricity (South Australia) 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 SYNERGEN DO IN RESPONSE TO THIS INFRINGEMENT NOTICE?**

4. Synergen can choose whether or not to comply with this Infringement Notice. If Synergen chooses not to comply with this Infringement Notice, the AER may commence proceedings against it in relation to the alleged breach. Synergen is entitled to disregard this Infringement Notice and to defend any proceedings in respect of the alleged breach.
5. If Synergen chooses to comply with this Infringement Notice, it must pay the infringement penalty by **3 August 2018**, 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 **3 August 2018**.
7. If Synergen 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withdrawn before the end of the compliance period in accordance with section 79 of the NEL.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 SYNERGEN PAY THE INFRINGEMENT PENALTY?

8. Synergen may pay the infringement penalty in two ways:
- (a) by cheque made out to the "ACCC Official Administered Account",\* enclosing a copy of this Infringement Notice to:

Australian Energy Regulator  
GPO Box 520  
MELBOURNE VIC 3001

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

or

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

Account name: ACCC Official Administered Account  
BSB: 032-730  
Account: 146550  
Description: AER 09-2018

\* 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.

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

DATE OF ISSUE: 3 July 2018



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. Synergen is, and was at all relevant times, a Registered Participant by virtue of being registered by AEMO as a generator under clause 2.2 of the NER in respect of one scheduled generating unit (**DRYCGT3**).
2. Clause 4.9.8(a) of the NER requires that a Registered Participant must comply with a dispatch instruction given 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 1 December 2016, for each of the dispatch intervals set out below (the relevant dispatch intervals), AEMO gave Synergen a dispatch instruction for the DRYCGT3 scheduled generating unit. The measured output generated by DRYCGT3 differed from the energy level specified in the dispatch instruction for each of the relevant dispatch intervals as set out below:

Calendar day and dispatch interval (AEST)	Scheduled generating unit	Dispatch Instruction (MW)	Measured Output (MW)	Difference (MW)
1/12/2016 0:40	DRYCGT3	20.00	0.00	-20.00
1/12/2016 0:45	DRYCGT3	25.00	14.19	-10.81
1/12/2016 0:50	DRYCGT3	39.19	15.22	-23.97
1/12/2016 0:55	DRYCGT3	40.22	32.99	-7.23
1/12/2016 3:10	DRYCGT3	20.12	44.44	24.32
1/12/2016 3:15	DRYCGT3	19.44	46.15	26.71
1/12/2016 3:20	DRYCGT3	36.27	44.61	8.34
1/12/2016 3:25	DRYCGT3	36.88	44.95	8.07
1/12/2016 3:30	DRYCGT3	34.19	45.47	11.28
1/12/2016 3:35	DRYCGT3	20.47	41.88	21.41
1/12/2016 3:40	DRYCGT3	41.88	22.74	-19.41
1/12/2016 4:10	DRYCGT3	46.00	36.07	-9.93
1/12/2016 4:15	DRYCGT3	46.00	36.07	-9.93
1/12/2016 4:20	DRYCGT3	46.00	37.09	-8.91
1/12/2016 4:25	DRYCGT3	46.00	36.58	-9.42
1/12/2016 4:30	DRYCGT3	46.00	36.75	-9.25
1/12/2016 4:35	DRYCGT3	46.00	36.07	-9.93

4. Accordingly, Synergen, as the registered generator in respect of DRYCGT3, breached clause 4.9.8(a) of the NER in the relevant dispatch intervals.