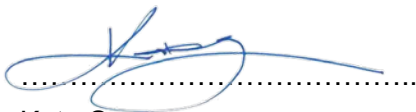


8. Please notify the commission via email to: [REDACTED] once payment has been made.

What can Red Energy do in response to this penalty notice?

9. Red Energy can choose whether or not to pay the penalty specified in this notice.
10. If Red Energy pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Red Energy for a contravention order in relation to the alleged contravention, or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If Red Energy does not pay the penalty within this time, the commission may take such action.
11. Red Energy is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1

Details of the conduct and alleged contravention

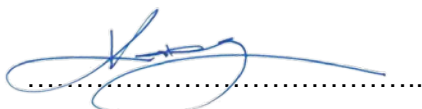
1. Clause 110(2) of the Energy Retail Code of Practice (version 1) (**ERCOP**) was a civil penalty requirement between 9 June 2022 and 24 June 2022, in accordance with Schedule 1 of the ERCOP and the definition of civil penalty requirement under section 3(d)(ii) of the Act.
2. Clause 110(2) of the ERCOP provided that a retailer must, before providing a deemed best offer message:
 - (a) determine the deemed best offer for the small customer in accordance with clause 108 as at the date the bill or bill summary containing the deemed best offer message will be issued; and
 - (b) using this deemed best offer, perform the deemed best offer check for the small customer.
3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:
 - (a) Red Energy holds (and held at all material times) an electricity retail license and gas retail license issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and Gas Industry Act 2001 (Vic), and is a regulated entity operating in a regulated industry within the meaning of the Act.
 - (b) Red Energy did not determine the deemed best offer in accordance with clause 108 before providing the below small customer with a deemed best offer message on their bill issued on [REDACTED].
[REDACTED]
[REDACTED]
 - (c) As a result, the commission alleges that Red Energy contravened clause 110(2) of the ERCOP. Red Energy's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.
4. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),¹ as provided by section 54T(2) of the Act.

¹ As at the date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)

8. Please notify the commission via email to: [REDACTED] once payment has been made.

What can Red Energy do in response to this penalty notice?

9. Red Energy can choose whether or not to pay the penalty specified in this notice.
10. If Red Energy pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Red Energy for a contravention order in relation to the alleged contravention, or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If Red Energy does not pay the penalty within this time, the commission may take such action.
11. Red Energy is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1

Details of the conduct and alleged contravention

1. Clause 110(2) of the Energy Retail Code of Practice (version 1) (**ERCOP**) was a civil penalty requirement between 9 June 2022 and 24 June 2022, in accordance with Schedule 1 of the ERCOP and the definition of civil penalty requirement under section 3(d)(ii) of the Act.
2. Clause 110(2) of the ERCOP provided that a retailer must, before providing a deemed best offer message:
 - (a) determine the deemed best offer for the small customer in accordance with clause 108 as at the date the bill or bill summary containing the deemed best offer message will be issued; and
 - (b) using this deemed best offer, perform the deemed best offer check for the small customer.
3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:
 - (a) Red Energy holds (and held at all material times) an electricity retail license and gas retail license issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and Gas Industry Act 2001 (Vic), and is a regulated entity operating in a regulated industry within the meaning of the Act.
 - (b) Red Energy did not determine the deemed best offer in accordance with clause 108 before providing the below small customer with a deemed best offer message on their bill issued on [REDACTED].
[REDACTED]
[REDACTED]
 - (c) As a result, the commission alleges that Red Energy contravened clause 110(2) of the ERCOP. Red Energy's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.
4. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),¹ as provided by section 54T(2) of the Act.

¹ As at the date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)



Penalty Notice

Essential Services Commission Act 2001 (Vic), section 54S

To: Red Energy Pty Ltd (ACN 107 479 372)
570 Church Street
Cremorne, 3121

Penalty Notice number: PN(E) 54-2023

1. This notice is dated 1 September 2023.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity Red Energy Pty Ltd (ACN 107 479 372) (**Red Energy**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 30 August 2023, the commission determined that it has reason to believe that Red Energy is a regulated entity that had engaged in contravention of a civil penalty requirement in accordance with section 54S(1) of the Act.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

How to pay the penalty

6. The \$36,348 penalty is payable by Friday 6 October 2023.
7. Red Energy may pay the penalty by electronic funds transfer to the following account:


[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Reference: PN(E) 54-2023

8. Please notify the commission via email to [REDACTED] once payment has been made.

What can Red Energy do in response to this penalty notice?

9. Red Energy can choose whether or not to pay the penalty specified in this notice.
10. If Red Energy pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Red Energy for a contravention order in relation to the alleged contravention, or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If Red Energy does not pay the penalty within this time, the commission may take such action.
11. Red Energy is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1

Details of the conduct and alleged contravention

1. Clause 110(1) of the Energy Retail Code of Practice (version 1) (**ERCOP**) was a civil penalty requirement between 1 March 2022 and 14 July 2022, in accordance with Schedule 1 of the ERCOP and the definition of civil penalty requirement under section 3(d)(ii) of the Act.
2. Clause 110(1) of the ERCOP provided that a retailer must provide a deemed best offer message on a bill or bill summary to a small customer:
 - (a) at least once every three months (electricity);
 - (b) at least once every four months (gas); or
 - (c) where a retailer and a small customer have agreed to a billing cycle with a regular recurrent period that differs from the retailer's usual recurrent period and that period is three months or longer, once in each billing cycle.
3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:
 - (a) Red Energy holds (and held at all material times) an electricity retail license and gas retail license issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and Gas Industry Act 2001 (Vic), and is a regulated entity operating in a regulated industry within the meaning of the Act.
 - (b) On [REDACTED], Red Energy failed to provide a deemed best offer message at least once every three months, in not providing a deemed best offer message on the below small customer's electricity bill.

[REDACTED]

[REDACTED]
 - (c) As a result, the commission alleges that Red Energy contravened clause 110(1) of the ERCOP. Red Energy's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.
12. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),¹ as provided by section 54T(2) of the Act.

¹ As at the earliest date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)



Penalty Notice

Essential Services Commission Act 2001 (Vic), section 54S

To: Red Energy Pty Ltd (ACN 107 479 372)
570 Church Street
Cremorne, 3121

Penalty Notice number: PN(E) 55-2023

1. This notice is dated 1 September 2023.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity Red Energy Pty Ltd (ACN 107 479 372) (**Red Energy**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 30 August 2023, the commission determined that it has reason to believe that Red Energy is a regulated entity that had engaged in contravention of a civil penalty requirement in accordance with section 54S(1) of the Act.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

How to pay the penalty

6. The \$36,348 penalty is payable by Friday 6 October 2023.
7. Red Energy may pay the penalty by electronic funds transfer to the following account:

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]


Reference:

PN(E) 55-2023

8. Please notify the commission via email to: [REDACTED] once payment has been made.

What can Red Energy do in response to this penalty notice?

9. Red Energy can choose whether or not to pay the penalty specified in this notice.
10. If Red Energy pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Red Energy for a contravention order in relation to the alleged contravention, or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If Red Energy does not pay the penalty within this time, the commission may take such action.
11. Red Energy is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1

Details of the conduct and alleged contravention

1. Clause 110(1) of the Energy Retail Code of Practice (version 1) (**ERCOP**) was a civil penalty requirement between 1 March 2022 and 14 July 2022, in accordance with Schedule 1 of the ERCOP and the definition of civil penalty requirement under section 3(d)(ii) of the Act.
2. Clause 110(1) of the ERCOP provided that a retailer must provide a deemed best offer message on a bill or bill summary to a small customer:
 - (a) at least once every three months (electricity);
 - (b) at least once every four months (gas); or
 - (c) where a retailer and a small customer have agreed to a billing cycle with a regular recurrent period that differs from the retailer's usual recurrent period and that period is three months or longer, once in each billing cycle.
3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:
 - (a) Red Energy holds (and held at all material times) an electricity retail license and gas retail license issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and Gas Industry Act 2001 (Vic), and is a regulated entity operating in a regulated industry within the meaning of the Act.
 - (b) On [REDACTED], Red Energy failed to provide a deemed best offer message at least once every three months, in not providing a deemed best offer message on the below small customer's electricity bill.

[REDACTED]
[REDACTED]
 - (c) As a result, the commission alleges that Red Energy contravened clause 110(1) of the ERCOP. Red Energy's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.
4. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),¹ as provided by section 54T(2) of the Act.

¹ As at the earliest date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)

Penalty Notice

Essential Services Commission Act 2001 (Vic), section 54S

To: Red Energy Pty Ltd (ACN 107 479 372)
570 Church Street
Cremorne, 3121

Penalty Notice number: PN(E) 56-2023

1. This notice is dated 1 September 2023.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity Red Energy Pty Ltd (ACN 107 479 372) (**Red Energy**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 30 August 2023, the commission determined that it has reason to believe that Red Energy is a regulated entity that had engaged in contravention of a civil penalty requirement in accordance with section 54S(1) of the Act.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

How to pay the penalty

6. The \$36,348 penalty is payable by Friday 6 October 2023.
7. Red Energy may pay the penalty by electronic funds transfer to the following account:

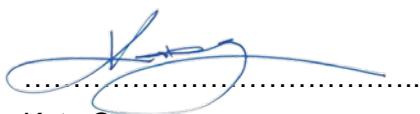
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Reference: PN(E) 56-2023

8. Please notify the commission via email to [REDACTED] once payment has been made.

What can Red Energy do in response to this penalty notice?

9. Red Energy can choose whether or not to pay the penalty specified in this notice.
10. If Red Energy pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Red Energy for a contravention order in relation to the alleged contravention, or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If Red Energy does not pay the penalty within this time, the commission may take such action.
11. Red Energy is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons

Chairperson

Essential Services Commission

Schedule 1

Details of the conduct and alleged contravention

1. Clause 110(1) of the Energy Retail Code of Practice (version 1) (**ERCOP**) was a civil penalty requirement between 1 March 2022 and 14 July 2022, in accordance with Schedule 1 of the ERCOP and the definition of civil penalty requirement under section 3(d)(ii) of the Act.
2. Clause 110(1) of the ERCOP provided that a retailer must provide a deemed best offer message on a bill or bill summary to a small customer:
 - (a) at least once every three months (electricity);
 - (b) at least once every four months (gas); or
 - (c) where a retailer and a small customer have agreed to a billing cycle with a regular recurrent period that differs from the retailer's usual recurrent period and that period is three months or longer, once in each billing cycle.
3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:
 - (a) Red Energy holds (and held at all material times) an electricity retail license and gas retail license issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and Gas Industry Act 2001 (Vic), and is a regulated entity operating in a regulated industry within the meaning of the Act.
 - (b) On [REDACTED], Red Energy failed to provide a deemed best offer message at least once every three months, in not providing a deemed best offer message on the below small customer's electricity bill.
[REDACTED]
[REDACTED]
 - (c) As a result, the commission alleges that Red Energy contravened clause 110(1) of the ERCOP. Red Energy's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.
4. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),¹ as provided by section 54T(2) of the Act.

¹ As at the earliest date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)

Penalty Notice

Essential Services Commission Act 2001 (Vic), section 54S

To: Red Energy Pty Ltd (ACN 107 479 372)
570 Church Street
Cremorne, 3121

Penalty Notice number: PN(E) 57-2023

1. This notice is dated 1 September 2023.
2. The Essential Services Commission (**the commission**) alleges that the regulated entity Red Energy Pty Ltd (ACN 107 479 372) (**Red Energy**), has contravened a civil penalty requirement within the meaning of that term under section 3 of the Essential Services Commission Act 2001 (Vic) (**the Act**).
3. On 30 August 2023, the commission determined that it has reason to believe that Red Energy is a regulated entity that had engaged in contravention of a civil penalty requirement in accordance with section 54S(1) of the Act.
4. The nature, and a brief description of the alleged contravention, are detailed in Schedule 1 to this penalty notice.
5. The amount of the penalty is \$36,348 as provided by section 54T(2) of the Act.

How to pay the penalty

6. The \$36,348 penalty is payable by Friday 6 October 2023.
7. Red Energy may pay the penalty by electronic funds transfer to the following account:

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Reference:

PN(E) 57-2023

8. Please notify the commission via email to [REDACTED] once payment has been made.

What can Red Energy do in response to this penalty notice?

9. Red Energy can choose whether or not to pay the penalty specified in this notice.
10. If Red Energy pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Red Energy for a contravention order in relation to the alleged contravention, or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If Red Energy does not pay the penalty within this time, the commission may take such action.
11. Red Energy is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1

Details of the conduct and alleged contravention

1. Clause 110(1) of the Energy Retail Code of Practice (version 1) (**ERCOP**) was a civil penalty requirement between 1 March 2022 and 14 July 2022, in accordance with Schedule 1 of the ERCOP and the definition of civil penalty requirement under section 3(d)(ii) of the Act.
2. Clause 110(1) of the ERCOP provided that a retailer must provide a deemed best offer message on a bill or bill summary to a small customer:
 - (a) at least once every three months (electricity);
 - (b) at least once every four months (gas); or
 - (c) where a retailer and a small customer have agreed to a billing cycle with a regular recurrent period that differs from the retailer's usual recurrent period and that period is three months or longer, once in each billing cycle.
3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:
 - (a) Red Energy holds (and held at all material times) an electricity retail license and gas retail license issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and Gas Industry Act 2001 (Vic), and is a regulated entity operating in a regulated industry within the meaning of the Act.
 - (b) On [REDACTED], Red Energy failed to provide a deemed best offer message at least once every three months, in not providing a deemed best offer message on the below small customer's electricity bill.
[REDACTED]
[REDACTED]
 - (c) As a result, the commission alleges that Red Energy contravened clause 110(1) of the ERCOP. Red Energy's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.
4. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),¹ as provided by section 54T(2) of the Act.

¹ As at the earliest date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)

8. Please notify the commission via email to: [REDACTED] once payment has been made.

What can Red Energy do in response to this penalty notice?

9. Red Energy can choose whether or not to pay the penalty specified in this notice.
10. If Red Energy pays the amount of the penalty before the end of the time specified in this penalty notice, the commission will not commence, as appropriate, either a proceeding against Red Energy for a contravention order in relation to the alleged contravention, or a criminal proceeding for an offence constituted by conduct that is substantially the same as the conduct that constitutes the alleged contravention. If Red Energy does not pay the penalty within this time, the commission may take such action.
11. Red Energy is entitled to disregard this penalty notice and to defend any proceedings relating to the alleged contravention.



Kate Symons
Chairperson
Essential Services Commission

Schedule 1

Details of the conduct and alleged contravention

1. Clause 110(1) of the Energy Retail Code of Practice (version 1) (**ERCOP**) was a civil penalty requirement between 1 March 2022 and 14 July 2022, in accordance with Schedule 1 of the ERCOP and the definition of civil penalty requirement under section 3(d)(ii) of the Act.
2. Clause 110(1) of the ERCOP provided that a retailer must provide a deemed best offer message on a bill or bill summary to a small customer:
 - (a) at least once every three months (electricity);
 - (b) at least once every four months (gas); or
 - (c) where a retailer and a small customer have agreed to a billing cycle with a regular recurrent period that differs from the retailer's usual recurrent period and that period is three months or longer, once in each billing cycle.
3. In accordance with section 54S(1) of the Act, the commission has reason to believe that:
 - (a) Red Energy holds (and held at all material times) an electricity retail license and gas retail license issued by the commission pursuant to the Electricity Industry Act 2001 (Vic) and Gas Industry Act 2001 (Vic), and is a regulated entity operating in a regulated industry within the meaning of the Act.
 - (b) On [REDACTED] Red Energy failed to provide a deemed best offer message at least once every four months, in not providing a deemed best offer message on the below small customer's gas bill.

[REDACTED]
[REDACTED]
 - (c) As a result, the commission alleges that Red Energy contravened clause 110(1) of the ERCOP. Red Energy's conduct therefore constitutes a contravention of a civil penalty requirement within the meaning of that term under section 3 of the Act.
4. The amount of the penalty for this civil penalty requirement during this period was \$36,348 (200 penalty units),¹ as provided by section 54T(2) of the Act.

¹ As at the earliest date of the alleged contravention the value of a penalty unit was \$181.74 (Victorian Government Gazette, S233, 30 May 2021)