

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 48-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 5 August 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 49-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 5 August 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 50-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Friday, 9 August 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 51-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 12 August 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 52-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Monday, 12 August 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 53-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Monday, 12 August 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 54-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 15 August 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 55-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Friday, 16 August 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 56-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....
Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Friday, 16 August 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 57-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Friday, 30 August 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 58-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Friday, 30 August 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 59-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 2 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 60-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 2 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 61-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Wednesday, 4 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 62-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 5 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 63-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 16 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 64-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Tuesday, 17 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 65-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Wednesday, 18 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 66-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Wednesday, 18 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 67-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 19 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 68-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 23 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 69-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 23 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 70-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 23 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 71-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 23 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 72-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Tuesday, 24 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 73-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Tuesday, 24 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 74-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Wednesday, 25 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 75-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Wednesday, 25 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 76-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Wednesday, 25 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 77-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 26 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 78-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 26 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 79-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 26 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 80-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 26 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 81-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....
Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 30 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 82-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....
Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Tuesday, 1 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 83-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....
Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Tuesday, 1 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 84-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Wednesday, 2 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 85-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 3 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 86-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 3 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 87-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 3 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 88-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 3 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 89-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 3 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 90-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....
Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 7 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 91-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....
Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 7 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 92-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Monday, 7 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 93-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Tuesday, 8 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 94-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Friday, 4 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 95-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Wednesday, 9 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 96-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Wednesday, 9 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 97-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 10 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 98-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 10 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 99-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Tuesday, 15 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 100-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Tuesday, 15 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 101-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Wednesday, 16 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 102-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Wednesday, 16 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 103-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 17 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 104-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 17 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 105-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Wednesday, 30 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 106-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....
Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 23 March 2020 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 107-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....
Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Monday, 6 April 2020 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 108-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....
Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Monday, 6 April 2020 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 109-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 6 April 2020 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(E) 110-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds an electricity retail licence issued by the commission.
2. Clause 14.1(b)(5) of the electricity retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 6 April 2020 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 111-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Wednesday, 31 July 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 112-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 5 August 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 113-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Tuesday, 6 August 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 114-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Monday, 12 August 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 115-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Tuesday, 13 August 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 116-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....
Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Wednesday, 14 August 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 117-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 15 August 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 118-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 15 August 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 119-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Tuesday, 24 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 120-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Tuesday, 24 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 121-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 30 September 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 122-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Tuesday, 1 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 123-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Tuesday, 1 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 124-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Tuesday, 15 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 125-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Tuesday, 15 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 126-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Wednesday, 16 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 127-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Thursday, 17 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 128-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Friday, 18 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 129-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Friday, 18 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 130-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Friday, 18 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 131-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....
Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Friday, 18 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 132-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....
Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Friday, 18 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 133-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....
Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 21 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 134-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....
Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

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(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 21 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 135-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 21 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 136-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Tuesday, 22 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 137-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Wednesday, 23 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 138-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
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A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 24 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 139-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
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4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

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A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

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■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 140-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....
Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 24 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 141-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....
Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Friday, 25 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 142-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....
Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Friday, 25 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 143-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Friday, 25 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 144-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Friday, 25 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 145-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Friday, 25 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 146-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Wednesday, 30 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 147-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Wednesday, 30 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 148-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....
Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 31 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 149-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....
Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 31 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
‘Rialto South Tower’
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 150-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....
Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 31 October 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 151-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 4 November 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 152-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 4 November 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 153-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 4 November 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 154-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 4 November 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 155-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 7 November 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 156-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
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4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 7 November 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 157-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....
Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 7 November 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
‘Rialto South Tower’
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 158-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....
Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 7 November 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 159-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Friday, 8 November 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 160-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Friday, 8 November 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 161-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Tuesday, 12 November 2019 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 162-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Wednesday, 19 February 2020 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 163-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Thursday, 5 March 2020 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 164-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Friday, 20 March 2020 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 165-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....
Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Friday, 20 March 2020 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 166-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



.....
Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Monday, 23 March 2020 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 167-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

- (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
- (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Wednesday, 25 March 2020 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 168-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Wednesday, 25 March 2020 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 169-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Thursday, 26 March 2020 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 170-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Friday, 27 March 2020 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 171-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.
3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

 - (a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and
 - (b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.
4. The commission has reason to believe that on Friday, 27 March 2020 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:
 - [REDACTED]
 - [REDACTED]
5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.

Energy industry penalty notice

Essential Services Commission Act 2001 (Vic) section 54G

To: IPower 2 Pty Limited and IPower Pty Ltd t/as Simply Energy
'Rialto South Tower'
Level 33, 525 Collins Street
MELBOURNE VIC 3000

Energy industry penalty notice number: EIPN(G) 172-2021

1. This notice is dated 29 June 2021.
2. The Essential Services Commission (the commission) alleges that Ipower 2 Pty Ltd & Ipower Pty Ltd (trading as Simply Energy) (ABN 67 269 241 237) a partnership between IPower Pty Limited (ACN 111 267 228) and IPower 2 Pty Ltd (ACN 070 374 293) (Simply Energy) has engaged in conduct that constitutes an energy industry contravention within the meaning of section 54F of the Essential Services Commission Act 2001 (Vic) (ESC Act). The nature, and a brief description, of the alleged energy industry contravention are detailed in Schedule 1 to this energy industry penalty notice.
3. On 23 June 2021, the commission formed the belief that Simply Energy had engaged in the conduct that constitutes the alleged energy industry contravention.
4. The amount of the energy industry penalty is \$20,000 as provided by section 54I of the ESC Act and regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic).

How to pay the energy industry penalty

5. The \$20,000 energy industry penalty is payable by 3 August 2021.
6. Simply Energy may pay the energy industry penalty by electronic funds transfer to the following account:

[REDACTED]

7. Please allow at least two business days for payment to be received and notify the commission once payment has been made.

What can Licensee do in response to this energy industry penalty notice?

8. Simply Energy can choose whether or not to pay this energy industry penalty notice.
9. If Simply Energy pays the amount of the energy industry penalty before the end of the time specified in this energy industry penalty notice, the commission will not take relevant enforcement action in relation to the alleged energy industry contravention unless the energy industry penalty notice is withdrawn before the end of that time in accordance with section 54N of the ESC Act.
10. Simply Energy is entitled to disregard this energy industry penalty notice and to defend any proceedings relating to the alleged energy industry contravention.
11. If Simply Energy chooses not to pay this energy industry penalty, the commission may apply to the Supreme Court of Victoria for an order under section 54S of the ESC Act.



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Kate Symons
Chairperson
Essential Services Commission

Schedule 1 – Details of the conduct and alleged energy industry contravention

1. Simply Energy holds a gas retail licence issued by the commission.
2. Clause 15.1(d) of the gas retail licence held by Simply Energy obliged Simply Energy to comply with the requirements of the Energy Retail Code.

3. Clause 57(1) of the Energy Retail Code provides that:

A retailer must not submit a request for the transfer of a small customer under the relevant Retail Market Procedures unless:

(a) the retailer has obtained explicit informed consent from the customer to enter into the relevant customer retail contract; and

(b) the retailer has a customer retail contract in place to enable the sale of energy to the customer at their premises.

4. The commission has reason to believe that on Tuesday, 31 March 2020 Simply Energy submitted a request to transfer the small customer at the below premises under the relevant market procedures without obtaining explicit informed consent from the customer to enter into a relevant customer retail contract, and without a contract in place to enable the sale of energy to the customer at the premises, in breach of clause 57(1) of the Energy Retail Code:

■ [REDACTED]

■ [REDACTED]

5. A failure to comply with the requirements of clause 57(1) of Energy Retail Code is a contravention of a prescribed condition of an energy licence in a prescribed circumstance under section 54F of the ESC Act, by reason of regulation 5 of the Essential Services Commission (Energy Industry Penalty Regime) Regulations 2016 (Vic) (made under section 65 of the ESC Act), as applied by Schedule 1, Table 4, Item 1.
6. The applicable penalty amount is \$20,000.