

COMPLIANCE ISSUES FOR DECISION

DATE: 1 September 2016
RESPONSIBILITY: Chief Executive Officer

COMPLIANCE ISSUES SUMMARY TABLE:

Breach	Description	Recommendation
<p>Apparent breach of Appendix 6 by Alinta Energy on gas day 20 June 2016</p>	<p>Alinta Energy had a telephone conversation with a small use customer during which the customer gave their explicit informed consent (“EIC”) for Alinta Energy to lodge a transfer request with REMCo to transfer the customer’s gas supply to Alinta Energy. Alinta Energy recorded the conversation, but failed to inform the customer that the conversation would be recorded, so the recording cannot be legally relied upon.</p> <p>As a result, Alinta Energy appears to have breached the requirements for obtaining, recording, and maintaining a record of the customer’s EIC – this is an apparent breach of clauses (e) and (f) from Appendix 6 of the Retail Market Rules (the “Rules”).</p>	<p>Submissions were called for, and the submission window closed on 30/08/16.</p> <p>No submissions were received. This indicates that market participants were not materially impacted as a result of the Rule breach.</p> <p>Alinta Energy subsequently obtained a valid EIC for the customer in question, so this has not impacted on consumers.</p> <p>This appears to be a one-off process issue, and Alinta Energy has taken steps to ensure that it will not recur.</p> <p>Therefore, REMCo exercises its discretion under Rule 329(1)(c) to take no further action in this matter.</p>

COMPLIANCE ISSUES:

1. Rule breaches reported by REMCo:

Appendix 6 – Requirements for explicit informed consent

Description	See the description above.
Action taken	<p>Alinta Energy has taken steps to address the issue and ensure that it will not recur, including:</p> <ul style="list-style-type: none"> • contacted the customer and notified them that their previous EIC was not valid and has re-obtained their EIC; • reviewed its records and found no other incidences of a similar nature; and. • re-trained the relevant staff.
Impact	Alinta Energy obtained and recorded the necessary EIC for the customer, but since the customer was not notified that the conversation was being recording, the recording cannot be relied upon.

Alinta Energy subsequently obtained a valid EIC, so the customer in question does not appear to have been adversely affected. This appears to be a one-off process issue that had no impact on the affected customer.

Decision REMCo exercises its discretion under Rule 329(1)(c) to take no further action in relation to this matter.