

Clear Energy Pty Ltd – ERL14 – Post Audit Implementation Plan (PAIP) February 2022

Ref/Year & Licence Obligation	Rating/Obligation and Non-Compliance	Corrective Action to be Taken	Personnel Responsible (Position)	By When	Corrective Action taken (if completed)
01/2021 80	<p>B2</p> <p>Customer Contracts Regulations 2005 - Regulation 6</p> <p>Failure to specify when a non-standard contract came into effect. It was noted the period for which it had effect was the contract term.</p>	<p>To ensure compliance requirements of the NSC and ESA terms comply with the Licence Obligations it is recommended Clear Energy:</p> <ul style="list-style-type: none"> ▪ continue to implement the 3-tier review process (i.e., review by COO, Corporate Services Manager and the CEO) for new contracts signed and amend the NSC to specify the start date; ▪ develop control procedures for new contracts to specifically refer to the requirements of the NSC; ▪ amend the BMS to reflect the process; ▪ implement internal audit process as intended by the management team; ▪ apply document and version control to ensure amendments to NSC documentation are tracked; and ▪ review the ESA terms in section 2 (When this agreement starts). 	Compliance Coordinator	To be completed by 01/06/2022	
02/2021 89	<p>B2</p> <p>Customer Contracts Regulations 2005 - Regulation 15</p> <p>Clear Energy's NSC and ESA did not describe the matters relating to the termination of the contract that are specified in the regulation.</p>	<p>Revise the ESA to reference termination procedures. Develop control processes for training, internal audit, management review and change management processes to ensure ongoing compliance.</p>	Compliance Coordinator	To be completed by 01/06/2022	

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	Specifically obligation; 15.2(ca) in relation to circumstances where the customer consumes more than 160 MWh of electricity in any period of 12 months; and 15.1(b) deal with the procedures for and in relation to termination of the contract.				
03/2021 97	<p>B2</p> <p>Customer Contracts Regulations 2005 - Regulation 33(2)</p> <p>During the audit period, Clear Energy's NSC and ESA did not include a provision for the customer to terminate the contract at any time with no less than 5 days' notice.</p>	<p>Clear Energy will revise the NSC and ESA to include:</p> <ul style="list-style-type: none"> for non-standard contracts Clear Energy will implement a provision that the customer can terminate the contract at any time with no less than 5 days' notice before the day on which the customer wants the contract to end. 	Compliance Coordinator	To be completed by 01/06/2022	
04/2021 98	<p>B2</p> <p>Customer Contracts Regulations 2005 - Regulation 33(2) and (4)</p> <p>For the duration of the audit period, Clear Energy's NSC and ESA did not describe the requirement that a fixed term contract must authorise the customer to terminate the contract at any time by giving notice to the retailer not less than 20 days before</p>	<p>Clear Energy will revise the NSC and ESA to include:</p> <ul style="list-style-type: none"> for fixed term contracts Clear Energy will implement a provision for the customer to terminate the contract at any time by giving no less than 20 days' notice before the day on which the customer wants the contract to end. 	Compliance Coordinator	To be completed by 01/06/2022	

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	<p>the day on which the customer wants the contract to end.</p> <p>It was noted the ESA and NSC specified the amount payable by the customer, by way of penalty, in the event that the customer terminated the contract before the expiry of the term of the contract and provided details of the prorate calculation.</p>				
05/2021 123	<p>B2</p> <p>Electricity Industry Act 2004 - Licence Condition 4.4.1</p> <p>During the audit period Clear Energy was not under external administration and there were no significant changes affecting Clear Energy's ability to meet its obligations. However, Clear Energy changed its principle place of business address and did not notify the ERA within the required timeframe</p>	Notify the ERA of the correct contact details.	Corporate Services Manager	Completed on 10/12/2021	It was noted this was undertaken and the ERA website now accurately reflects Clear Energy's name, ABN and address. Email communication confirmed this was completed 10 December 2021
06/2021 124	<p>B2</p> <p>Electricity Industry Act 2004 - Licence Condition 4.5.1</p>	Improve control processes to ensure that reports are accurate and submitted on time.	Corporate Services Manager	Completed on 15/12/2020	The Control Procedures in relation to the correct collection and handling of data that Clear Energy supplies to ERA and compliance

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	<p>During the audit period Clear Energy complied with the dates for the submission of reporting requirements, with the exception of the 2020 Annual Compliance Report and the 2020 Standing Data.</p>				<p>related activities were reviewed and implemented in order to facilitate accurate and timely reporting of information to the ERA. Clear Energy created a full-time compliance position, and management processes were put in place to ensure forward looking timelines and reports were produced, reviewed and submitted on time. No further recommendation has been made in relation to provision of information to the ERA.</p>
<p>07/2021 133</p>	<p>B2 <i>Code of Conduct for the Supply of Electricity to Small Use Customers 2018 - Clause 2.3(2)</i></p> <p>Compliance was not confirmed for the duration of the audit period, but we note that the current NSC includes the required information specified in subclause 2.3(2) and is provided to the customer before entering into a non-standard contract. However, during the audit</p>	<p>Amend the NSC to reflect the safe use of electricity.</p>	<p>Compliance Coordinator</p>	<p>Completed on 01/02/21</p>	<p>Clear Energy has amended the NSC to reference the requirements. ESA V6 February 2021 is noted as compliant in the Audit Report.</p>

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	period Clear Energy amended the NSC to include reference to all these requirements (i.e., Clause 2.3(2)(j) safe use of electricity). The versions of the ESA prior to V6 did not include this reference.				
08/2021 135	<p>B2</p> <p><i>Code of Conduct for the Supply of Electricity to Small Use Customers 2018 - Clause 2.3(5)</i></p> <p>Confirmation of compliance with 2.3(4) was not able to be determined by the marketing agent training documentation or CUA and ESA provided.</p>		Compliance Coordinator	Completed on 14/02/2022	<p>Clear Energy has implemented a training program for all marketing agents to undertake and provide a signature of understanding upon completion.</p> <p>A separate control process has been created keeping a record of all marketing agents and their completion of training.</p>
09/2021 155	<p>B2</p> <p><i>Code of Conduct for the Supply of Electricity to Small Use Customers 2018 - Clause 4.5(1)</i></p> <p>Compliance with 4.5(1)(bb) was not confirmed as the residential customer invoice did not include the symbol for Interpreter Services.</p>	Ensure the bill template for residential customers is updated to reflect the requirement. It was noted that Clear Energy does not currently have any residential customers.	Chief Financial Officer	Completed on 07/02/2022	Clear Energy updated the residential bill template to include the symbol for Interpreter Services, and a symbol for TTY services.

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10/2021 187	<p>B2</p> <p><i>Code of Conduct for the Supply of Electricity to Small Use Customers 2018 - Clause 5.1</i></p> <p>During the audit period Clear Energy did not comply with the payment terms as required by clause 5.1. Specifically, the due date was 12 calendar days and not 12 business days from the dispatch date. There were not alternate payment agreements made with the customers.</p>	<p>Amend the payment terms of the invoices</p> <p>Amend control procedures to reflect the requirements of 12 business days.</p>	Corporate Services Manager	Completed on 02/11/2021	Clear Energy updated the payment terms to reflect the 12 business days and not the 12 calendar days terms. Evidence of compliance was provided, and a sample of invoices were reviewed to confirm the effectiveness of the corrective action
11/2021 188	<p>B2</p> <p><i>Code of Conduct for the Supply of Electricity to Small Use Customers 2018 - Clause 5.2</i></p> <p>The residential customer invoice only included the option to pay via EFT not as per the agreed terms of the ESA and the permitted variation to the code.</p>	Review the NSC, ESA and invoice template documentation to ensure they align and reflect the requirements for payment options. Develop control procedures for the use of the control processes, such as the CRM, to record communications with the customer that support any permitted variation from the code.	Chief Financial Officer	To be completed by 12/12/2022	

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12/2021 220	<p>B2</p> <p><i>Code of Conduct for the Supply of Electricity to Small Use Customers 2018 - Clause 6.10(1)</i></p> <p>Clear Energy had developed a Hardship Policy, however, Hardship Procedures were not formally established during the audit period.</p>	Develop Financial Hardship Procedures	Corporate Manager Services	Completed on 25/11/2021	Clear Energy has developed Financial Hardship Procedures. Consultation with the ERA was undertaken.
13/2021 221	<p>B2</p> <p><i>Code of Conduct for the Supply of Electricity to Small Use Customers 2018 - Clause 6.10(2)</i></p> <p>Clear Energy's Financial Hardship Policy did not comply with all the criteria specified in subclause 6.10(2).</p>	Revise the Financial Hardship Policy to ensure compliance with the criteria specified in subclause 6.10(2).	Corporate Manager Services	Completed on 25/11/2021	Revision of the Financial Hardship Policy to ensure compliance with the ERA's Financial Hardship Policy Guidelines was undertaken by Clear Energy. The revised copy has been published on the ERA Website 3/12/2021
14/2021 222	<p>B2</p> <p><i>Code of Conduct for the Supply of Electricity to Small Use Customers 2018 - Clause 6.10(3)</i></p> <p>Clear Energy's Financial Hardship Procedures did not comply with the criteria specified in subclause</p>	<p>Develop Financial Hardship Procedures, and consult with relevant consumer representatives.</p> <p>Provide for the training of staff.</p>	Corporate Manager Services	Completed on 25/11/2021	Clear Energy has developed Financial Hardship Procedures and undertaken training of staff.

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	6.10(3) as there were no hardship procedures developed.				
15/2021 226	<p>B2</p> <p><i>Code of Conduct for the Supply of Electricity to Small Use Customers 2018 - Clause 6.10(7)</i></p> <p>Clear Energy's Financial Hardship Policy did not comply with the ERA's Financial Hardship Policy Guidelines.</p>	Clear Energy will revise and review the Financial Hardship Policy to ensure it complies with the ERA's Financial Hardship Policy Guidelines.	Compliance Coordinator	Completed on 02/12/2021	Clear Energy has amended the Financial Hardship Policy which was approved and published on the ERA website 02/12/2021.
16/2021 295	<p>B2</p> <p><i>Code of Conduct for the Supply of Electricity to Small Use Customers 2018 - Clause 10.12(2)</i></p> <p>During the audit period Clear Energy confirmed, it did not receive any requests from customers related to the availability of different types of meters or refer the customer to the relevant distributor for a response.</p>	Clear Energy will create a procedure for providing customers or referring customers to the relevant distributor when seeking information in relation to the availability of different types of meters.	Compliance Coordinator	To be completed by 15/03/2022	