

UNDERTAKING TO THE CLEAN ENERGY REGULATOR

Undertaking to the Clean Energy Regulator given for the purposes of section 154Q of the
Renewable Energy (Electricity) Act 2000

by

Peng Chen

1. Glossary

- 1.1. In this Undertaking, unless the contrary intention appears, the definitions in section 5 of the Act, regulation 3 of the Regulations, and this clause apply:

Act means the *Renewable Energy (Electricity) Act 2000*.

CEC means the Clean Energy Council.

Certificate means a renewable energy certificate.

PV means photovoltaic.

REC Registry means the public registry of information maintained by the Regulator in accordance with Part 13 of the Act and which is published at <http://www.rec-registry.gov.au>.

Regulations means the *Renewable Energy (Electricity) Regulations 2001*.

Regulator means the Clean Energy Regulator.

Sites means only the 29 addresses (provided by the Regulator to Peng Chen in schedule 1) where Peng Chen installed SGUs while not CEC-accredited.

SGU means small generation unit.

STC means small-scale technology certificate.

2. Background

Person giving Undertaking

- 2.1. This Undertaking is given to the Regulator by Peng Chen for the purposes of section 154Q of the Act.
- 2.2. Peng Chen is a CEC-accredited PV designer and installer with accreditation number A1546998 and a licenced electrician with the licence number 286352C.
- 2.3. Peng Chen is the former director of Sunova Energy Pty Ltd, a solar PV retail enterprise.

The creation of certificates

- 2.4. The Regulator is a statutory agency with responsibility for administering and enforcing the Act and Regulations.
- 2.5. Under the Act, registered persons can create certificates for electricity generated from certain renewable energy sources. Regulation 20AC of the Regulations sets out the conditions which must be satisfied before certificates can be created in respect of a SGU.

- 2.6. Included in those conditions is the requirement, under subregulation 20AC(5), to obtain a written statement by the installer of the SGU stating the name of the designer and the name of the installer of the SGU.
- 2.7. Designers and installers of SGUs must be accredited by either the Australian Business Council for Sustainable Energy or the CEC and must comply with the CEC's Code of Conduct.

Provision of false information

- 2.8. The Regulator has identified that Peng Chen was neither a licensed electrician nor a CEC-accredited solar PV installer and/or designer in the period May 2012 to May 2016 inclusive.
- 2.9. On 29 separate occasions during that period, Peng Chen installed SGUs at the Sites and subsequently knowingly submitted false information to a second party. On each occasion the second party relied on that false information to improperly create STCs.
- 2.10. The Regulator considers that, on that basis, Peng Chen has contravened subsection 24B(1) of the Act.

3. Undertaking

- 3.1. Under section 154Q of the Act, the Regulator may accept a written undertaking given by a person, that the person will take specified actions in order to comply with the Act or regulations.
- 3.2. Peng Chen undertakes to:
 - (a) take reasonable steps to obtain the consent of the owners of the Sites (and where relevant, the occupiers of the Sites), to inspect the SGUs;
 - (b) arrange for a CEC-accredited installer (or installers), agreed with the Regulator, to inspect each of the SGUs at the Sites;
 - (c) provide to the Regulator, in writing:
 - (i) upon completion of the inspections, a statutory declaration from the CEC-accredited installer who carried out the inspection, stating that the SGU either meets, or does not meet the requirements in the Act and Regulations for the installation of a SGU and the subsequent creations of STCs;
 - (ii) evidence of the inspection by the CEC-accredited installer of the Site, including resubmission of all compliance paperwork including Certificates of Compliance – Electrical Work and photographs of the SGUs at the Sites including of panel serial numbers;
 - (iii) if Peng Chen is unable to obtain the consent of the owners of any Sites (and where relevant, the occupiers of the Sites), as required by subclause 3.2(a) of this Undertaking, set out the steps/activities that he has carried out to make contact with the owners of each relevant Site and obtain their consent; and
 - (iv) where an event occurs that is likely to have an effect on the fulfilling of the Undertaking in subclause 3.2(b), an explanation of the event within 5 days of the event occurring;
 - (d) arrange for a new installation of the SGU or to remedy the defective part of the installation if any inspection identifies issues with the installation of a particular SGU, and to provide relevant evidence of having done so to the Regulator; and
 - (e) to do all of the above in subclause 3.2 within three months of signing this Undertaking.

4. Acknowledgements

4.1. Peng Chen acknowledges that:

- a) the basis on which the Regulator has formed its conclusion in clause 2 of this Undertaking is valid and that the matter requires immediate attention;
- b) the Regulator will make this Undertaking publicly available, including by publishing it on the Regulator's website;
- c) the Regulator and Officials of the Regulator will, from time to time, make public reference to this Undertaking and the circumstances giving rise to this Undertaking; and
- d) this Undertaking in no way derogates from the rights and remedies available to any other person arising from any conduct of Peng Chen;
- e) he undertakes to pay all costs associated with complying with this Undertaking; and
- f) he cannot claim any additional STCs for any of the installations that may be required to fulfil his obligations under this Undertaking (including any replacement panels).

5. Duration of Undertaking

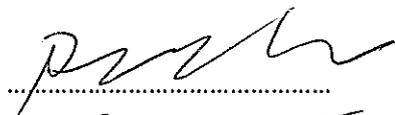
5.1. This Undertaking comes into effect when:

- a) the Undertaking is executed by Peng Chen; and
- b) the Regulator accepts the Undertaking so executed by Peng Chen.

5.2. This Undertaking ceases to have effect once the requirements of clause 3 have been completed.

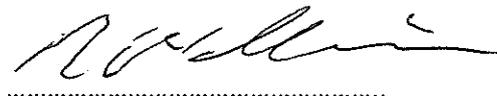
Executed by

Peng Chen



This 30 day of June 2017

Accepted by the Clean Energy Regulator pursuant to section 154Q of the *Renewable Energy (Electricity) Act 2000*



Mark Williamson

Delegate of the Regulator

This 11th day of JULY 2017