

ENFORCEABLE UNDERTAKING
Renewable Energy (Electricity) Act 2000

Section 154Q

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

by

PLANET POWER ALBURY WODONGA PTY LTD (ACN: 149 677 743)

Glossary

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;

"STCs" means small-scale technology certificates;

"Planet Power" means Planet Power Albury Wodonga Pty Ltd;

"Regulations" means the *Renewable Energy (Electricity) Regulations 2001*; and

"Regulator" means the Clean Energy Regulator.

Person giving Undertaking

2. This Undertaking is given to the Regulator by Planet Power for the purposes of section 154Q of the Act.

Parties

3. The Regulator is a statutory agency with responsibility for administering and enforcing the Act and Regulations.
4. Planet Power is a supplier and installer of photovoltaic solar systems and other renewable energy products in Albury and surrounding regions.

The creation of certificates

5. Under the Act, registered persons can create certificates for energy generated from certain renewable sources.
6. Regulation 20AC of the Regulations sets out the conditions which must be satisfied, including information provision requirements, before certificates can be created for a small generation unit.
7. Certificates only become valid once they have been registered by the Regulator.

Provision of False and Misleading information,

8. The Regulator considers that, during the period 14 May 2011 – 31 August 2012, Planet Power breached subsection 24B(1) of the Act by providing false and misleading information to a second person, with the expectation that the second person would rely on that information to create certificates.
9. The second person did in fact rely on that false information, and, as a result, created 3,719 certificates which they were not entitled to create.
10. The misleading information supplied to the second person included:
 - STC assignment forms stating that the installer was on site to supervise and / or install the PV system when the installer did not attend the site, and
 - Certificates of compliance in accordance with the Electrical Safety Act 1998 (Vic) that were not completed by the nominated electrician.

Acknowledgements

11. Planet Power acknowledges that the basis on which the Regulator has formed its conclusion is valid and that the matter requires immediate attention.
12. Planet Power acknowledges that:
 - a. the Regulator will make this Undertaking publicly available, including publishing it on the Regulator's website;
 - b. 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
 - c. this Undertaking in no way derogates from the rights and remedies available to any other person arising from any conduct of Planet Power.

Undertaking

13. Under section 154Q of the Act, the Regulator may accept a written undertaking given by a person, that the person will take – or refrain from – specified actions.
14. Planet Power undertakes to, on or before 11 October 2013 subject to clause 15, have an independent accredited CEC installer return to each installation site identified by the Regulator to inspect the installed PV system.
15. Inspections must only be undertaken with the approval of the system owner and resident.

16. In the event that one or more system owners or residents cannot be contacted or do not wish to allow a re-inspection, Planet Power also undertakes to provide to the Regulator a statutory declaration, made by a Planet Power director, listing all such system owners and residents, with a declaration that all reasonable steps have been made to contact them and offer them a re-inspection.
17. Upon completion of the inspections, Planet Power undertakes to provide the Regulator with a statutory declaration, made by the nominated CEC installer, that the PV installations and electrical work meet the requirements for the issue of certificates.

Duration of Undertaking

18. This Undertaking comes into effect when:
 - a. the Undertaking is executed by Planet Power; and
 - b. the Regulator accepts the Undertaking so executed by Planet Power.
19. This Undertaking ceases to have effect once the requirements of clauses 14, 16 and 17 have been completed.

Executed by

Planet Power Albury Wodonga Pty Ltd ACN 149 677 743 by its authorised officers pursuant to s 127(1) of the *Corporations Act 2001*

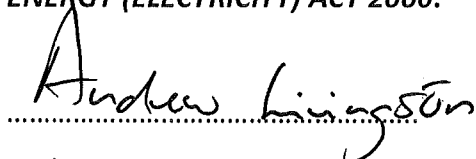


Craig BURMEISTER

Sole Director

This ...16th. day of April 2013

ACCEPTED BY THE REGULATOR PURSUANT TO SECTION 154Q OF THE RENEWABLE ENERGY (ELECTRICITY) ACT 2000.



Andrew Livingston

Delegate of the Regulator

This¹⁸..... day of April 2013.