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Submission to Australian Energy Market Commission

Electricity network regulation review Package 1;

Clarifying distribution ringfencing in emerging energy markets;

Enabling distribution network service provider led electric vehicle charging infrastructure

Evie Networks | 23 July 2026

About Evie Networks

Evie Networks is Australia's largest owner-operator of public direct-current (DC) fast EV charging infrastructure. Since our establishment in 2018 we have built a national network of more than 300 charging stations and 1,000 bays of charging, serving all capital cities, intercity corridors and regional areas.

Over the past twelve months alone our national network has delivered approximately 40 GWh to drivers, enabling about 250 million kilometres of zero tail-pipe emission travel for drivers of passenger cars, light commercials and an emerging cohort of battery-electric trucks.

Executive Summary

Australia's EV charging rollout will depend on mobilising competitive private investment at scale. Electricity networks have an essential enabling role through timely connections, fair facility access, transparent network information and efficient tariffs. They should not use their control of those monopoly inputs to become consumer-funded competitors in the downstream charging market.

Evie therefore supports the core direction of Nexa Advisory's proposal to strengthen distribution ring-fencing and preserve competitive neutrality. Evie opposes ENA's proposal to create a separately defined Distribution EVCI Service that must be classified as a direct control service whenever a DNSP elects to provide it.

The competitive public charging market is developing and investing ahead of demand. The fact that utilisation is initially low, deployment is uneven or some locations require co-funding does not establish a general market failure. Evie has itself invested nationally across metropolitan, regional and intercity locations while bearing capital, connection, tariff, technology and utilisation risk. Other CPOs are investing across kerbside, destination, fleet and corridor charging.

Investor confidence is critical because Australia's charging rollout depends on mobilising private capital at scale. A recent estimate cited by Evie indicates that approximately \$4-5 billion of investment in charging infrastructure will be required by 2030¹. Additionally, DCCEE estimates that Australia will need around 78,000 public charge points by 2030 - approximately eight times current deployment - to support projected EV uptake under AEMO's Step Change scenario².

Government and electricity consumers cannot fund this alone. The regulatory framework must therefore attract and leverage competitive investment, rather than displace it through regulated monopoly ownership.

The AEMC should resolve incentives and risk allocation before creating an enduring, regulated EVCI service. Evie understands that Package 1 of the Electricity Network Regulation Review (ENRR) asks what services networks should provide, while Package 2 will consider how regulated services should be delivered efficiently, how networks should be incentivised and compensated, how risks should be allocated, and whether the regulatory determination process supports positive consumer outcomes. The AEMC should not define an enduring regulated EVCI service before broader regulatory questions around incentive and risk are substantially resolved.

Connections and facility access are immediate barriers that must be addressed.

Connections and facility access remain key barriers to CPO-led deployment. For example, Evie has experienced high and unpredictable quote and connection charges, long timeframes, limited capacity information, bespoke requirements and tariffs poorly suited to controllable charging load.

Evie is concerned that permitting DNSPs to own regulated EVCI would weaken their incentive to improve connection and access processes for competitive CPOs. Connections and facility access must therefore remain a central focus of this consultation and should not be sidelined by the creation of a separately defined regulated EVCI service.

The AEMC should also examine greater contestability in connection works as a less restrictive alternative to DNSP ownership of EVCI. A framework that expands customer choice and competition in connection delivery could reduce costs and timeframes relevant for EVCI deployment. For example, the Accredited Service Provider scheme in

¹ Legislative Council Economy and Infrastructure Committee, Inquiry into Electricity Supply for Electric Vehicles - [Public Hearing Transcript](#), 26 February 2026, p. 4, evidence of Bernhard Conoplia, Evie Networks.

² AEMC, [Facilitating electric vehicle charging infrastructure rollout under Commonwealth grants consultation paper](#), 28 May 2026

New South Wales allows third parties to undertake elements of connection design and construction while the DNSP retains responsibility for technical standards, approval and energisation. Package 1 should assess this option rather than assume that barriers controlled by DNSPs are best addressed by allowing DNSPs to own the downstream assets.

Evie does not support ENA's proposed rule change. The proposal would create an enduring regulated Distribution EVCI Service and enable DNSPs to provide public charging infrastructure as a direct control service, despite the existence of a competitive market and without demonstrating that DNSP ownership is necessary.

ENA's proposed rule is materially broader than the kerbside case it has promoted. Despite nearly two years of lobbying focused on pole-mounted kerbside charging by the ENA, the proposed rule change contains no express limit on charging technology, speed, capacity, location or scale. ENA describes the "fix" as providing kerbside charging by "letting distributors use existing workers and infrastructure (like poles) to serve the community". A narrowly framed case for kerbside charging should not be used to justify an open-ended regulated service capable of extending across materially different charging segments.

ENA's use of supporting data is misleading and does not establish the market failure it claims. Its comparison with a global charger ratio is misleading as it includes markets such as China and Korea and neglects comparison with more similar markets such as the United Kingdom. Its reliability claim of poor reliability for commercial chargers relies on a completely different market being the USA, which was historically characterised by poorly designed funding programs where grant recipients bore limited commercial risk – a theme that the ENA proposal seeks to create with its rule change proposal. Conversely, Evie and other commercial charge point operators in Australia routinely report availability in the range of 95-99%+. Reliability and utilisation also depend on location, demand, site design and parking access. ENA's equity statistics identify a legitimate need for accessible charging, but do not establish that competitive deployment is insufficient or that regulated DNSP ownership is required.

The ENA proposal risks creating the market failure it claims to solve. DNSPs already control connections processes of CPOs, including whether a connection is approved, connection costs, and the ongoing network tariff applied to energy supplied through that connection.

If that same DNSP is also enabled to own, install or control competing EVCI assets with regulated cost recovery, rational private investors will price in a materially higher risk of discrimination, cross-subsidy and market foreclosure.

The effect will be that mobile capital is redirected to markets with clearer regulatory boundaries and lower exposure to monopoly competition at the precise time Australia needs competitive private investment in public EV charging to scale.

The ENA proposal would create a significant and poorly defined regulatory task for the AER. ENA's proposal would predetermine that its proposed Distribution EVCI Service is a direct control service and leave the AER only to choose between standard control and alternative control. This would create a significant ongoing task for the AER's regulatory determinations.

Evie has previously identified the absence of EVCI planning, clear deployment targets and effective collaboration between governments, councils, DNSPs and competitive Charge Point Operators (CPOs). For example, Australia still lacks a national charging strategy that identifies the scale, type and location of infrastructure required. This makes it particularly difficult for the AER to assess whether DNSP expenditure proposals for EVCI are prudent, efficient and responsive to EV driver needs.

The regulatory framework should regulate services, not assets. EV charging assets should not be treated as a regulated network service merely because it is installed on or within a distribution asset. ENA has not demonstrated that DNSP-owned EVCI is necessary to provide a network service, or that any claimed network benefits could not be delivered through competitive procurement, efficient tariffs or improved connection arrangements. The regulatory framework should instead focus on the monopoly services on which CPOs depend - including connections, facility access and network information.

The ENA proposal creates a material asymmetry in cost and risk allocation. Competitive CPOs must raise capital, pay connection and access costs and bear utilisation risk. This creates a strong incentive to select locations that reflect EV-driver demand and are likely to deliver sustained use and end-user benefit. By contrast, a DNSP providing EVCI as a standard control service could recover approved expenditure from all electricity consumers and earn a regulated return even where assets are poorly located or underutilised. Regulatory assessment cannot replicate the commercial discipline created when an investor's own capital is directly exposed to site performance.

By contrast, Evie supports the core principles underpinning Nexa Advisory's rule change request. These include preserving competitive neutrality between DNSPs and third-party providers, strengthening the tests and safeguards applying to ring-fencing waivers, ensuring equivalent access to network information and connection services, and improving transparency, reporting, complaints and enforcement arrangements. These principles are particularly important in the EVCI market because DNSPs control the connections, facility access, network information and tariffs on which competing CPOs depend.

International evidence points to clear solutions. There has not yet been a comprehensive assessment of alternative international planning, delivery and regulatory models, or of their effects on competition. This comparative work is important from a regulatory framework perspective, as well planning and coordination of EVCI. It demonstrates that gaps in charging coverage can be addressed through coordinated public planning and targeted support without expanding regulated monopoly ownership into a contestable market.

Of the ten countries leading EV uptake, nine use competitive public-private partnership models rather than state-owned monopolies. Under the United Kingdom and the Netherlands models, governments and local authorities play a role in identifying charging need and coordinating site planning. Infrastructure is then delivered through competitive procurement, with CPOs financing, installing and operating the chargers. Networks retain a critical enabling role by providing timely connections, network information, technical standards and capacity planning, rather than owning the downstream charging assets.

Australia is facing a large challenge to deliver the infrastructure required for the energy transition. The only way we will achieve the objectives laid out in the NEO is if all stakeholders - governments, regulators, charge point operators and consumer groups - are all pulling in the same direction.

The Nexa rule change would strengthen competitive neutrality and the safeguards applying when DNSPs seek to participate in contestable markets, reinforcing the clear roles and responsibilities needed to support investment confidence and deliver the infrastructure required for the energy transition. The ENA rule change does exactly the opposite: blurring boundaries, creating ambiguity and undermining investment confidence.

For these reasons, Evie submits that the AEMC should reject the ENA rule change, support the core elements of the Nexa rule change, preserve a clear boundary between monopoly enabling services and contestable EVCI, and elevate reform of connections and facility access as a central outcome of Package 1.

1. Response to ENRR Package 1

1.1. AEMC prioritisation should include stronger assessment of DNSP-led ownership

Relevant to Question 1

The ENA rule change would materially undermine long-term competition and investor confidence and should not proceed unless the AEMC first establishes that DNSP ownership is a genuinely last-resort response to a demonstrated market failure. ENA has not provided a comprehensive cost-benefit or competition assessment. The AEMC should test whether there is a genuine market failure, whether claimed benefits are additional to competitive deployment, and whether less restrictive options - such as connection reform, targeted funding or competitive procurement - could achieve the same outcomes without DNSP ownership.

The recent Commonwealth EVCI proposal was not supported by an independently verified market-failure assessment or transparent analysis demonstrating that its claimed benefits were additional to competitive deployment³. Similarly, the CPU waiver proceeded despite its stated learning objectives being capable of achievement through collaboration with existing CPOs, without adequately testing that less restrictive alternative. Additionally, the Essential Energy waiver was proposed without valid evidence that a genuine market failure existed in the locations targeted by the trial.

The ENRR should be used to critically assess the costs and benefits of DNSP-led ownership models, rather than simply determine how those models could be accommodated within the regulatory framework. Its prioritisation framework should require a comprehensive assessment of the counterfactual, including whether the

³ [Evie Networks submission to AEMC's Facilitating EV charging infrastructure rollout under Commonwealth grants consultation paper](#), 25 June 2026

claimed benefits are additional to competitive deployment and whether less restrictive alternatives could achieve the same outcomes.

1.2. Connections and facility access should not be sidelined

Relevant for Questions 1 and 4

The potential for connection and facility access processes to act as barriers to entry is central to Package 1. The AEMC recognises that fair, reasonable and non-discriminatory access is critical to contestable markets and that stakeholders have raised concerns about cost, timing, bespoke agreements, restrictive pole-access terms and limited information. A connection can determine whether a project proceeds at all.

Evie's experience demonstrates these barriers. Connection quote and delivery costs can vary substantially for apparently similar work, and a charge may be imposed before the applicant receives enough information to determine whether the site is viable.

Additionally, long approval and energisation timeframes create financing and opportunity costs and make project pipelines difficult to manage.

Unpredictable connection costs and timelines

Connection approval timeframes remain uncertain and can vary materially by DNSP, site type and technical requirements. Connection costs can vary substantially between apparently similar sites. This increases project risk and makes marginal sites harder to progress.

Case study – connection cost unpredictability

A recent connection in our Victorian network required \$34,000 for minimal scope work to disconnect and reconnect supply. Another connection received an initial quote of \$75,000 that after we challenged, was reduced to \$35,000 for identical scope. A third site required a \$22,000 payment simply to receive a connection quote, with actual connection costs additional. These examples demonstrate how current frameworks create unpredictability that increases capital costs and risk, ultimately harming consumers through higher charging prices.

This barrier is faced even by DCCEE's co-funded National Charging Network with NRMA. As noted in its *Lessons Learnt Report*.⁴

"Securing timely connections from Distribution Network Service Providers (DNSPs) has been one of the most time-consuming aspects of the project. DNSP approval processes often delay the installation of charging infrastructure, especially when dealing with new technologies like BTM batteries. The uncertainty surrounding tariffs and the extended timelines for connection upgrades have created a bottleneck, leading to prolonged delays."

Case study – connection delays

Evie's experience demonstrates the materiality of connection delays. Connection offers routinely take more than 12 months, while large connections can take up to

⁴ NRMA. "National EV Charging Infrastructure Program – Lessons Learnt Report." Australian Renewable Energy Agency (ARENA), August 12, 2025. PDF.

two years. These timeframes cover only the period from application to connection offer; meter installation and energisation can add up to a further six months.

1.3. Connection barriers should be addressed before expanding DNSP ownership

Connection processes should be reformed directly rather than using DNSP ownership of downstream EVCI as a substitute for better service delivery. Evie has previously called for clearer service standards, greater cost transparency, better network information and increased contestability in connection works.

Transparent service standards

Transparent service standards would create accountability for connection timeframe performance, provide operators with predictability for investment planning, and enable identification of process bottlenecks. International models demonstrate that stronger accountability is feasible, including arrangements under which UK networks face financial consequences for exceeding applicable EV connection timeframes⁵.

Greater cost transparency

Connection applicants should receive itemised cost estimates identifying the relevant works, major cost components, cost drivers, augmentation triggers and available technical alternatives. Standard rate cards should apply to common connection works, and quote and preliminary assessment fees should be capped. Greater cost transparency would enable CPOs to assess site viability earlier, reduce time and expenditure on ultimately unviable sites, and create competitive pressure on connection costs where benchmarking reveals substantial variation across networks and projects.

Greater contestability in connection works

The AEMC should consider whether greater contestability in connection works could improve coordination between DNSPs and market participants. Evie has previously pointed to the NSW Accredited Service Provider scheme, under which qualified third parties can undertake elements of connection design and construction while DNSPs retain responsibility for technical standards, approval, inspection and energisation.

Although accreditation arrangements may require jurisdictional implementation, Package 1 should consider whether the NER should establish principles supporting contestable connection delivery, equivalent access to network data and transparent DNSP approval timeframes. This would address the underlying barrier more directly than expanding DNSP ownership into the downstream charging market.

1.4. Ring-fencing waivers have not provided a durable competitive boundary

Relevant for Question 3

⁵ Ofgem, [Guaranteed Standards of Performance Payment Update 2026](#), 13 March 2026

The existing ring-fencing framework remains necessary to prevent cross-subsidisation and discriminatory conduct where DNSPs control essential monopoly inputs used by participants in contestable markets. However, successive waiver applications and incremental expansions of DNSP activity have reduced certainty about whether the boundary between regulated and contestable services will be maintained.

The central requirement is competitive neutrality. Regulated resources, information, branding and control over connections and facility access must not be used to favour a DNSP, an affiliate or a DNSP-backed project. Waivers should therefore be available only as a last resort where independently verified market failure, measurable consumer benefit, no less restrictive alternative and no material competition harm have been demonstrated.

Evie's engagement throughout recent waiver applications - including for Citipower, Powercor and United Energy, Ausgrid's Community Power Network, and Essential Energy waiver processes - demonstrates that the current ring-fencing framework has failed to provide a durable competitive boundary. Across these processes, Evie repeatedly identified that DNSP ownership had not been shown to be necessary, less restrictive alternatives had not been adequately tested, and the competitive advantages arising from DNSP control of regulated assets, information and monopoly services had not been resolved. The CPU waiver proceeded despite Evie's position that its stated learning objectives could be tested with existing CPOs⁶; the Ausgrid proposal sought regulated ownership and control of contestable CER assets⁷; and the Essential Energy proposal compared privately funded CPO deployment with funded DNSP assets under different site selection and utilisation incentives.

The cumulative effect is an incremental erosion of the competitive boundary, increasing the risk that private capital is delayed, redirected or withdrawn as investors price in the prospect of future DNSP entry on regulated terms.

1.5. The framework should regulate services, not assets

Relevant to Question 5

EV charging infrastructure is an asset, not itself a network service. Classification should turn on whether the asset is necessary to provide a regulated network service and delivers demonstrable network benefits that cannot be obtained more efficiently from competitive providers. ENA has not established that case.

Blurring the boundary between regulated and contestable services would create material regulatory risk for CPOs. Investors will be less willing to commit capital where a DNSP may enter the same market with regulated cost recovery while controlling essential inputs such as connections, facility access and network information. This risks capital being delayed, redirected or withdrawn from the Australian charging market.

⁶ [Evie Network – Submission to CPU ring-fencing waiver for EV charging infrastructure](#), 13 June 2025

⁷ [Evie Network Response to AER Consultation](#), 13 September 2025

1.6. The AEMC's assessment criteria should satisfy the NEO and the long-term consumer interest test

Relevant to Question 12

The AEMC must assess whether the proposed rule is likely to promote efficient investment in, and efficient operation and use of, electricity services for the long-term interests of consumers in line with the National Electricity Objective (NEO). In Evie's view, RAB-funded DNSP ownership of contestable EVCI as proposed under the ENA rule change does not satisfy that test.

In particular, the assessment should consider:

Is it fair for everyone? Are costs imposed on consumers who may not use the infrastructure, and are benefits sufficiently broad and demonstrable to justify that contribution?

Does it deliver value for money? Will the model deliver the required infrastructure at the lowest overall cost, including whether site selection, utilisation, service quality and lifecycle costs are subject to effective discipline?

Does it maintain healthy competition? Will the approach support investor confidence, private capital mobilisation, innovation and price competition, or will it instead create risks to market entry, foreclosure or concentration?

Does it solve the actual problems? Will the rule change directly address connection delays, facility access, tariff design, network data transparency and coordination gaps, or would these barriers be addressed more directly without DNSP ownership?

Assessment question	Application to the ENRR and rule change requests
Fair for everyone	The ENA proposal could require all electricity consumers - including non-EV users and consumers unlikely to use the infrastructure - to fund contestable charging assets through regulated network charges. The AEMC should require clear, broad and additional consumer benefits before permitting that cost transfer. The Nexa proposal supports fairness by strengthening safeguards against cross-subsidisation and requiring stronger justification for DNSP participation in contestable markets.
Value for money	The ENA proposal may weaken incentives to optimise site selection, utilisation, service quality and lifecycle cost where approved expenditure earns a regulated return. Competitive providers face stronger discipline because their own capital is exposed to poor investment decisions. The ENRR should test whether connection reform, targeted funding or competitive procurement would deliver the same outcomes at lower cost and risk to consumers.

Assessment question	Application to the ENRR and rule change requests
Healthy competition	The ENA proposal risks deterring private investment and giving DNSPs structural advantages through control of connections, facility access, network information and regulated funding. By contrast, the Nexa rule change would support healthy competition by strengthening ring-fencing, limiting waivers to genuine last-resort circumstances, improving transparency and reducing the risk that monopoly advantages are leveraged in contestable markets.
Solves the actual problems	DNSP ownership does not directly resolve the barriers currently slowing EVCI deployment, including connection delays, unpredictable costs, facility access, unsuitable tariffs, limited network information and coordination gaps. Package 1 should prioritise reforms that address those barriers for all CPOs, rather than creating a separately regulated EVCI service.

The proposed assessment criteria should be expanded so that the AEMC evaluates the full long-term consequences of changing the monopoly boundary. In addition to direct consumer costs and claimed emissions benefits, the assessment should consider:

- investor confidence and the availability and cost of private capital;
- competitive neutrality, entry, foreclosure and market concentration; and
- whether capital, utilisation, technology and stranding risks are allocated to the party best able to manage them.

These criteria are particularly important for EVCI because a decision to classify the service could alter private investment incentives for existing CPOs.

2. Response to Nexa rule change request

2.1. Evie supports Nexa's problem definition

Relevant to Question 6

Evie supports Nexa's framing that incremental waivers, expanding DNSP participation and limited visibility of compliance and enforcement create material risks to competitive neutrality, investment and long-term consumer outcomes.

In EVCI, DNSPs control connections, pole and facility access, network capacity information, technical approvals and tariffs. These inputs can determine whether a CPO can enter a market, which locations it can develop, when a site can commence operating and the cost of providing charging services. Where a DNSP or affiliate also participates downstream, relatively small differences in information, timing or treatment can confer a material competitive advantage.

The current framework relies heavily on AER Guidelines and discretionary waiver decisions. Evie's experience indicates that stronger protections are required in relation

to waiver tests, affiliate dealings and data access, branding and cross-promotion, cost allocation, complaints and transparency of compliance and enforcement outcomes.

Area	Evie evidence and position
Last resort / market test	Nexa's proposal addresses a material gap in the current framework where claims of market failure are not always supported by transparent, independently tested evidence. Evie understands that competition assessments prepared for some waiver or trial applications may be undertaken internally and treated as confidential, limiting scrutiny of the assumptions and evidence relied upon. This creates a risk that DNSP intervention is assessed against a self-defined market need. Before any waiver is granted, an independent market assessment should be undertaken, published and tested through public consultation to establish that a genuine market failure exists, and that no less restrictive alternative is available.
Waiver conditions	Evie's experience indicates that waivers require clearer and more rigorous threshold tests. A waiver should proceed only where there is demonstrated consumer benefit, independently verifiable market failure, assessment of competition and investment impacts, and evidence that no less restrictive alternative is available. In the CPU process, Evie argued that the stated learning objectives could be achieved through collaboration with existing CPOs without DNSP ownership. In the Essential Energy process, Evie sought strict conditions including no preferential treatment, no RAB recovery, limited duration and a clear exit pathway.
Financial resilience triggers	Evie supports further examination of Nexa's proposed financial resilience triggers. Nexa frames the proposal as a preventative measure, drawing on Ofgem's future-focused review of whether network ring-fences remain fit for purpose as markets, risks and corporate structures evolve.⁸ This could complement existing accounting separation and cross-subsidisation safeguards by ensuring their intended objectives are met in practice. However, these measures would not address the adverse competitive effects of regulated EVCI ownership if ENA's proposed service classification were accepted.
Affiliate dealings and data access	Competitive neutrality requires equivalent treatment of affiliates, DNSP-backed projects and independent providers. Discrimination may arise through access to network capacity and pole information, connection process, technical requirements, facility access terms, tariff assignment.
Branding and cross-promotion	Common or closely associated branding may imply that an affiliated or DNSP-backed service is required, preferred or endorsed by the monopoly network. Clear separation, disclosure and representation requirements are therefore necessary to prevent monopoly status and customer relationships from being leveraged to confer a downstream competitive advantage.
Reporting, complaints and enforcement	Ring-fencing protections require transparent and enforceable oversight. Evie has previously sought public reporting on utilisation, charging sessions, energy delivered, uptime, fault

⁸ Ofgem, [Energy Networks Ring-fence Review](#), November 2025

	response, pricing, complaints and accessibility for DNSP-owned assets delivered through trial waivers such as the recent Essential Energy proposal. More broadly, the framework should provide greater visibility of ring-fencing compliance, complaint outcomes and enforcement action, supported by an accessible pathway for competitors affected by discriminatory conduct.
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2.2. Nexa's proposed solution to provide a more durable framework would support competitive neutrality

Relevant to Question 7

Evie supports Nexa's proposed governance model. Core competitive protections and waiver decision principles should be specified in the NER, while detailed implementation should remain in AER Guidelines.

The current reliance on guidelines and case-specific waiver decisions does not provide sufficient certainty for participants making long-lived investments in emerging markets. The NER should establish the core prohibitions and protections, including against cross-subsidisation, discrimination and preferential access, together with minimum affiliate, branding, waiver, reporting, complaints and enforcement requirements. In particular, waivers should be subject to clear last-resort tests addressing market failure, consumer benefit, less restrictive alternatives and competition impacts.

This would ensure that the essential competitive boundary cannot be incrementally relaxed through discretionary guidance or individual waiver decisions.

2.3. The benefits of stronger ring-fencing would outweigh compliance costs

Relevant to Question 8

A more durable ring-fencing framework would reduce regulatory uncertainty, strengthen competitive neutrality and support private investment in emerging markets. Clear protections would also reduce the risk of capital being delayed or redirected and support consumer choice, innovation and price discipline.

While the proposal would involve some additional compliance, reporting and implementation costs, the consultation paper notes Nexa's assessment that these costs are likely to be low. In Evie's view, they would also be substantially smaller than the potential benefits of preserving competitive deployment and mobilising the private capital required to scale Australia's charging network.

3. Response to ENA rule change request

3.1. There is no demonstrated chicken-and-egg problem requiring DNSP ownership

Relevant for Question 9

Evie does not accept that ENA has demonstrated a chicken-and-egg problem in deploying AC kerbside EVCI, or public EVCI more generally, which requires DNSP ownership or RAB-funded delivery.

A market failure claim should distinguish between an absence of demand, an inefficient monopoly input and a public-policy objective to accelerate deployment. Each calls for a different response. The absence of a charger at a particular pole is not proof that a market participant would not invest under efficient connection and tariff arrangements.

There are clear examples of commercial risk being taken in advance of EV uptake in Australia. Evie has invested ahead of demand across metropolitan, regional and intercity locations and now operates more than 300 charging stations and 1,000 bays nationally. Other providers are investing across kerbside, destination, fleet and corridor charging. This is inconsistent with the proposition that private investment will not occur until EV uptake is already mature.

Some regional or low-utilisation locations may require targeted support. However, this is not equivalent to a general market failure and does not establish that DNSP ownership is necessary. For example, New South Wales' EV fast charging grants have co-funded public fast-charging stations to fill regional and metropolitan blackspots, with \$76 million in NSW Government co-funding supporting 184 fast-charging sites and 1,032 charging bays across rounds 1-3, stimulating \$195 million in private investment⁹. NSW's destination charging grants similarly provide targeted support for regional visitor destinations, including co-funding CPO-owned and operated low-power DC chargers in eligible regional zones.¹⁰

ENA's supporting data does not demonstrate market failure

ENA relies on disingenuous headline statistics that do not establish the market failure it claims.

Firstly, its comparison of 45 EVs per public charger in Australia should say that Australia's ratio has reduced from 68 in 2024 to 40 in 2026¹¹, demonstrating that the competitive market is clearly progressing with public charging rollout.

The comparison with the global average of 11 is misleading, as it obviously includes vastly different markets such as China and Korea, with large scale and material differences in housing, access to home charging, urban density, geography and charger capacity. A more relevant comparison would be the United Kingdom (22 light-duty vehicles per charger¹²). With appropriate analytical rigour, ENA would then also

⁹ NSW Climate and Energy Action, [Fast charging grants](#), accessed July 2026

¹⁰ NSW Climate and Energy Action, [Electric vehicle destination charging grants](#), accessed July 2026

¹¹ Compared to 40 in Australia, based on more recent [IEA Global EV Outlook 2026](#)

note that in NSW, where there have been fewer barriers to infrastructure rollout than territories such as Victoria, the ratio in 2025 was ~1 to 25¹³¹⁴.

Additionally, a correlation between charger numbers and EV uptake does not establish that insufficient charging is causing lower EV adoption or that DNSP ownership is required.

Secondly, ENA's claim that more than 25 per cent of commercial chargers are inoperable relies on a completely different market being the USA, which was historically characterised by poorly designed funding programs where grant recipients bore limited commercial risk – a theme that the ENA proposal seeks to create with its rule change proposal. Conversely, Evie and other commercial charge point operators in Australia routinely report availability in the range of 95-99%+. ENA identifies no established Australian charging network operating at that level and provides no evidence that DNSP ownership would improve reliability. Evie's operating experience also demonstrates that charger utilisation varies materially according to demand, location, seasonality, site characteristics and surrounding infrastructure, and cannot be inferred from charger numbers or overseas reliability evidence alone. Reliability and practical availability are better addressed through commercial operators requiring utilisation to ensure a sustainable business model, supported by council involvement in site selection, parking designation and enforcement, rather than regulated DNSP ownership.

Finally, ENA's equity statistics are insufficient to establish its case. The fact that 16 per cent of Australians live in apartments and 13 per cent live in townhouses supports the need for accessible charging options for consumers without convenient home charging. It does not establish that all households in these categories lack access, identify where unmet demand exists, or demonstrate that competitive deployment is insufficient to address this need. A legitimate equity objective does not, without further analysis, justify creating an enduring regulated service.

3.2. ENA's proposed service is materially broader than its stated case

ENA has promoted its proposal as a solution for kerbside charging, including by describing distributors using existing infrastructure "like poles". However, the proposed rule is not limited to pole-mounted or AC charging. As the AEMC notes, ENA's proposal contains no express restriction on charging technology, speed, capacity, scale or location, nor does it prescribe minimum service standards.

The EV charging market comprises materially different kerbside, destination, public fast-charging, regional corridor and fleet segments. As such, evidence of a claimed deployment problem in one segment should not be used to justify an open-ended regulated service capable of extending across the wider charging market.

¹³ NSW Climate and Energy Action (NSW Government) – "[The NSW public electric vehicle charging network](#)" (updated Feb 2025, accessed 29 April 2025).

¹⁴ Ratio derived from 3,200 public charging plugs in NSW (see footnote above) and 80,171 registered battery-electric vehicles (Transport for NSW, [Registered Vehicles by Fuel Type](#) snapshot April 2025), giving ≈ 1 charger to 25 BEVs.

3.3. The ENA proposal creates risks for private investment

Relevant to Questions 9, 10 and 11

Australia will require approximately \$4–5 billion of charging-infrastructure investment by 2030¹⁵, while DCCEE estimates that around 78,000 public charge points will be needed to support projected EV uptake¹⁶. Most of that capital must come from competitive providers and private investors.

The effect of ENA's proposal on investor confidence is therefore a material indirect and long-term cost. Investors will assess whether the regulatory boundary is stable and whether the monopoly supplier controlling connections, facility access, network information and tariffs may enter the same market using consumer-funded assets and regulated returns. This increases the risk that private investments will be undercut, stranded or denied equivalent access to essential inputs, which may reduce the availability of capital or investor appetite.

These effects would be most pronounced if Distribution EVCI were classified as a standard control service, because approved costs could be recovered from all electricity consumers regardless of asset utilisation. Alternative control treatment would reduce the opportunity for cross-subsidy but would not remove the structural advantages arising from DNSP control of essential upstream services. The AEMC should therefore assess the effect of both classifications on private investment, market entry and the long-term evolution of competition.

3.4. The proposal would create a significant and poorly defined task for the AER

Relevant to Questions 9, 10 and 11

The AER would need to assess whether proposed sites, charger types, capacities, expenditure, utilisation forecasts, replacement assumptions and service standards reflect the needs of EV drivers and the competitive market. It would also need to determine whether proposals duplicate existing or planned private investment and whether associated costs are prudent and efficient.

That would be difficult to do with confidence. A regulatory determination is not a transport-infrastructure planning process, and Australia does not currently have a national EV charging strategy that identifies required infrastructure, priority locations or deployment pathways. In the absence of that planning framework, the AER would lack a clear benchmark for where charging is needed, what form it should take or how a DNSP proposal interacts with competitive deployment.

The DNSP's proposed Distribution EVCI Deployment Strategy would not resolve this problem. Under ENA's proposal, the strategy would be prepared by the DNSP and would not itself require AER approval.

¹⁵ Legislative Council Economy and Infrastructure Committee, Inquiry into Electricity Supply for Electric Vehicles - [Public Hearing Transcript](#), 26 February 2026, p. 4, evidence of Bernhard Conoplia, Evie Networks.

¹⁶ AEMC, [Facilitating electric vehicle charging infrastructure rollout under Commonwealth grants consultation paper](#), 28 May 2026

A network-authored strategy cannot substitute for independent transport planning, CPO market knowledge, council involvement and transparent assessment of driver demand.

Local councils are essential to successful public charging deployment

Site selection depends not only on network suitability, but also on parking arrangements, planning approvals, land access, local amenity, visibility, accessibility, safety and alignment with local transport and tourism needs. These are matters where local councils play an important role.

This is consistent with international practice. In the Netherlands and United Kingdom, local or municipal government plays a central planning and facilitation role, while CPOs remain responsible for capital deployment, operation and customer service. The relevant lesson is not that DNSPs should own chargers, but that public policy can support local planning, site coordination and demand de-risking while preserving competitive delivery.

Regulatory assessment also cannot replicate the information and continuing discipline created when an operator's capital and customers are directly exposed to site performance.

3.5. The proposal creates a material asymmetry in cost and risk allocation

Relevant to Questions 10 and 11

The ENA proposal creates a material asymmetry in how the costs and risks of EVCI deployment would be allocated. These risks create strong incentives to select locations that reflect driver demand, control lifecycle costs and deliver sustained use.

Issue	Competitive CPO	DNSP under regulated deployment
Capital and return	Raises private or shareholder capital and must earn a market return. Outcome: Investors bear the downside risk and are strongly incentivised to ensure adequate investment performance.	Approved expenditure may be recovered through regulated charges and earn a regulated return. Outcome: Electricity consumers fund transport infrastructure through their bills, whether or not they use it. Electricity consumers bear the downside risk while DNSPs enjoy guaranteed returns, weakening the commercial discipline to ensure adequate investment performance.
Connections and access	Pays connection and facility-access costs and bears delays and negotiation risk. Outcome: Connection cost and performance directly affect project viability and	Controls the network assets, information and processes relevant to connections and facility access. Outcome: DNSP control over both upstream processes and downstream deployment creates a structural risk of

Issue	Competitive CPO	DNSP under regulated deployment
	investment returns, often with the CPO having little control over these DNSP-controlled processes.	discrimination, including preferential access or treatment for its own projects.
Utilisation risk	Site selection and design must be matched to growing driver demand, to ensure sufficient utilisation and avoid losses. Outcome: Strong incentive to maximise asset use and deliver value to EV drivers.	Under standard control treatment, approved costs are recovered from consumers regardless of actual site utilisation. Outcome: Weak commercial discipline to maximise utilisation or respond to poor performance.
Lifecycle, innovation and service incentives	Technology and service quality must evolve with vehicles and driver expectations or risk obsolescence. Outcome: Strong incentive to maintain service quality, innovate and continuously improve technology and assets.	Future maintenance, replacement or continuation costs may be sought by DNSPs through later regulatory proposals. Outcome: Consumers may be exposed to outdated technology, poor service standards and slower innovation.
Site-selection discipline	Uses market experience in site selection and bears the financial consequences of selecting sites that do not meet driver needs. Outcome: Strong incentive to align deployment with driver demand, resulting in locations capable of delivering sustained driver utilisation.	Is not exposed to the same commercial requirement to select sites based on EV-driver demand. Ex ante regulatory approval cannot reproduce the continuous commercial discipline created by capital being exposed to site performance. Outcome: Risk that sites reflect network priorities or existing asset programs, rather than where charging provides the greatest driver value.
Competition	Competes on location, price, uptime, technology, customer experience and operational efficiency. Outcome: Competitive pressure rewards better service, innovation and cost control.	Combines downstream EVCI deployment with control of hosting capacity information, connection approvals, facility access and other essential upstream processes. Outcome: This creates a structural conflict that distorts competition and deters private investment.

By contrast, a DNSP providing a standard control service could recover approved expenditure from all electricity consumers and earn a regulated return even where assets are poorly located or underutilised. The AEMC itself recognises that standard-control treatment may encourage deployment in both economic and uneconomic locations and impede third-party competition because consumers fund the service.¹⁷

3.6. ENA's claimed benefits can be achieved through less restrictive alternatives

ENA claims that DNSPs can deploy charging more quickly and at lower cost by using existing assets, workforce and systems. Those advantages may reflect control over monopoly inputs and access to consumer-funded resources rather than underlying efficiency. The appropriate response is to make enabling services more transparent, standardised and available to all providers, not to allow the monopoly supplier to own the downstream asset.

The claimed network benefits of EVCI - including better asset utilisation, solar absorption and flexible demand - can be delivered under competitive ownership through cost-reflective tariffs, flexible connections and demand response. Evie's performance under the EA964 tariff demonstrates this in practice.

Case study

Ausgrid's EA964 trial tariff provides a practical model for integrating flexible EV charging without DNSP ownership of charging assets. The tariff uses energy-based charges for baseline consumption and critical-peak pricing during genuine network stress events.

As discussed above, other efficient alternatives include connection and facility access reform, greater contestability in connection works, granular capacity information or EV-appropriate tariffs. These options address the underlying barriers without changing the enduring market boundary.

3.7. International planning and procurement models

There has not yet been a comprehensive assessment of alternative international planning, delivery and regulatory models or their effects on competition. This comparative work is important from both a planning and coordination perspective and a regulatory framework perspective.

In the United Kingdom and the Netherlands, governments and local authorities identify charging need, coordinate site planning and aggregate demand. Infrastructure is then delivered through competitive concessions or procurement, with CPOs financing, installing and operating the chargers. Networks retain a critical enabling role through timely connections, network information, technical standards and capacity planning rather than owning the downstream assets.

	Netherlands	United Kingdom
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¹⁷ AEMC, [Electricity network regulation review Package 1](#), p.52

Key programs	National Agenda for Charging Infrastructure regional concessions	- On-Street Residential Charge-point Scheme (ORCS) 2017-24 - Local EV Infrastructure (LEVI) Fund 2023-30
Scale delivered	Approximately 175,000 ¹⁸ installations nationally	Approximately 75,000 ¹⁹ installations nationally, including LEVI and ORCS
Roles	Municipality awards concession; CPO finances, connects, installs and operates; network approves technical connection but does not own assets.	Local authority plans sites and tenders long-term contracts; CPO finances and operates; network provides connection under regulated timelines.
Trigger and planning tools	Statutory right-to-charge: any EV owner without a driveway can request a charging post. Responsible CPO must site within 300m of residence. ²⁰	Triggered by local council tender processes. Planned through the NEVIS data platform, aggregating demand, grid capacity and charger density information to help capability officers rank need. ²¹
Grid service level	Grid operator screens sites but does not own assets. Connection deadlines are baked into the overall concession contract to CPOs - typically 12 weeks. ²²	Grid operators screen sites but do not own assets. Regulations require grid operators to assess low-voltage sites within 15 working days, with compensation to CPOs for delay. ²³
Key policy innovation	Demand signal locked in upfront: concession bundles grid connections, on-street permits and utilisation guarantees, letting CPOs finance at low risk.	Separates capability funding (policy, traffic orders and community engagement staff) from capital grants, accelerating councils that previously had no in-house expertise.
Equity wins	No regressive cross-subsidy. Captures renters. Equal access for drivers.	Capability grants create jobs and capacity within local councils, including remote and small councils. Planning criteria specifically target households with no driveways.
Australian take-away	Use demand-driven approach, enabled by input from councils. Keep DNSPs as facilitators of connection, hosting capacity data and technical assessment - not owners.	Replicate LEVI-style capability funding and shared data-platform model. Establish mandatory guaranteed connection timeframes for low-voltage EVCI sites.

By contrast, centrally planned "build it and they will come" approaches create predictable risks: overspending, underutilised or stranded chargers, weaker customer

¹⁸ McLoughlin, L. (2025, February 19). [Europe reaches 1 million public EV charge points, set to double by 2029](#). Electric Vehicle Charging & Infrastructure

¹⁹ Department for Transport. (2025, February 5). [Electric vehicle public charging infrastructure statistics: January 2025](#)

²⁰ Guidehouse. (2021, November). [Lessons from the Dutch EV charging approach: Prepared for COP26 Transport Day for SSEN-Distribution](#). Guidehouse Inc

²¹ Cenex (October 2022). [Article - Over 75 Local Authorities register for new EV infrastructure service](#)

²² NKL Nederland. (2018). [Uniform Standards for Charging Stations – EN-V1.0](#). Netherlands Knowledge Platform for Public Charging Infrastructure.

²³ Energy Saving Trust. (2025, March 6). [Connecting electric vehicle chargepoints to the electricity network](#). UK Government. [The Electricity \(Standards of Performance\) \(Amendment\) Regulations 2023](#) (SI 2023/887).

accountability and poorer alignment between infrastructure deployment and real driver demand. This has been evidenced in Japan²⁴ and South Korea²⁵.

EV Adoption & Charger Infrastructure by Country

Region	Top 10 countries by EV adoption										Other cases		
	NOR	ICE	DEN	SWE	NLD	BEL	FIN	CHN	SWI	UK	KOR	JPN	AUS
% EVs	29%	18%	11%	11%	8.3%	8.2%	8.1%	7.6%	5.8%	5%	2.4%	0.8%	1.2%
% sales	93%	71%	46%	60%	35%	41%	54%	38%	30%	24%	7.9%	3.6%	12%
Chargers	1:33	1:28	1:18	1:16	1:5	1:11	1:19	1:8	1:17	1:30	1:3	1:17	1:66
Policy	PPP-driven; public grants & private ops; partial state involvement; no regulated monopoly	Early public buildout; now mostly private w/ govt co-funding for rural areas	Incentives for private market; targeted subsidies fill gaps	Govt grants catalyze private deployment; no state monopoly	City-driven PPPs; tender to private ops; some direct public ownership	Regional PPP concessions; no national monopoly; municipal partnerships	Modest govt support + EU funds; private-led competitive market	Hybrid central planning; state utilities + private ops; competitive subsidies	Market-driven with PPP coordination by federal govt	Market-led; govt grants & regulation; no state monopoly	Shifting from state-led to PPPs; growing private role; centrally planned	Subsidy-driven collaboration; auto, local govs & private ops	Initial company investment with private operators

 Centrally planned approach

These models demonstrate that geographic gaps can be addressed through coordinated public planning and targeted support without expanding regulated monopoly ownership. The AEMC should assess their deployment outcomes, cost, utilisation, innovation, private-capital mobilisation, customer experience and effects on competition before establishing an enduring DNSP model.

4. Conclusion and recommendations

Australia needs rapid growth in public EV charging, and electricity networks have an essential role in enabling that growth. The central policy question is how to align network incentives with the \$4-5 billion of competitive investment in charging infrastructure that will be required by 2030.

The answer is not to allow DNSPs to respond to connection, access and tariff barriers by owning the downstream assets themselves, as requested by ENA. That approach would create an uneven playing field, undermining investment in Australia's energy transition, while leaving consumers and government to pick up the bill for EV charging infrastructure, paid through higher electricity bills and taxes.

Put simply, the ENA rule change request will create the market failure it claims to solve. Evie opposes the ENA rule change request and recommends the AEMC reject it.

Evie supports the core direction of Nexa's rule change request and recommends that the ENA rule change request be rejected. The AEMC should preserve competitive delivery of EVCI by strengthening ring-fencing and reforming connections processes. We recommend the AEMC:

1. Reject ENA's proposed rule change and do not create a Distribution EVCI Service that is automatically classified as a direct control service.
2. Sequence the ENRR and rule changes coherently. Do not determine an enduring regulated EVCI classification until Package 2 has substantially considered how

²⁴ Bloomberg News, [Japan Doesn't Have Enough Electric Cars for Its EV Chargers](#), 25 August 2021

²⁵ Despite having a high ratio of public chargers to cars, adoption has stalled at 9-10% of new car sales [[Roland Berger analysis 2024](#)], and that charging issues continue to rank as a key blocker for EV Uptake despite the density of charging [[Roland Berger analysis 2023](#)].

the regulatory framework provides appropriate incentives and risk allocation to drive prudent and efficient delivery of EVCI.

3. Expand the assessment criteria to expressly include investor confidence, private capital mobilisation, competitive neutrality, risk allocation and the availability of less restrictive alternatives.
4. Elevate connections and facility access to high materiality under the ENRR prioritisation framework. Package 1 should consider enforceable service standards, published performance reporting, standardised connection pathways, itemised costs, rate cards, granular capacity information, flexible connections and credible dispute resolution.
5. Assess greater contestability in connection works. The AEMC should consider principles supporting accredited third-party design and construction, equivalent access to network information and transparent DNSP approval, inspection and energisation timeframes.
6. Limit ring-fencing waivers to genuine last-resort circumstances. A waiver should proceed only where there is demonstrated consumer benefit, independently verifiable market failure, assessment of competition impacts and evidence that no less restrictive alternative is available. Any waiver should include strict and enforceable conditions, including no preferential treatment, transparent performance reporting, limited duration, no regulated cost recovery unless expressly justified, and a clear exit pathway.
7. Support the core elements of Nexa's rule change. Core protections should be embedded in the NER, including:
 - stronger waiver and last-resort tests requiring independently verifiable market failure and demonstrated consumer benefit;
 - further examination of proportionate financial resilience triggers to future-proof existing safeguards against emerging financeability and cross-subsidisation risks;
 - equivalent access to network information, connection processes and pricing for affiliates and third parties;
 - clearer branding and cross-promotion rules to prevent implied monopoly endorsement; and
 - greater transparency of reporting, complaints, compliance and enforcement outcomes.
8. Assess competitive and international alternatives. The AEMC should compare DNSP ownership with overseas models that use targeted grants, council-led planning and competitive procurement, including by assessing their effects on cost, utilisation, innovation, private investment and competition.