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ABN 27 130 175 343

Electricity network regulation review Package 1 – consultation paper

Flow Power submission

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About Flow Power

Flow Power is an electricity retailer that works with energy customers throughout the National Electricity Market (NEM). Together with our customers, Flow Power is committed to our vision of creating Australia's renewable future.

We empower customers to take meaningful action. By providing energy knowledge and innovative technology, we are delivering smarter ways to connect customers to clean energy to make our renewable future a reality. We provide our customers with:

+ Engineering support, access to live data and transparent retail tariffs that reward demand flexibility and encourage electricity usage at times of plentiful renewable output.
+ Consumer energy resources and hardware solutions that equip customers with greater information, visibility and control over energy use.
+ Access to renewable energy, either through distributed solar and storage installed on site, or through a power purchase agreement with utility-scale wind and solar farms.

We believe that by equipping customers with these tools, we can lower costs for all energy users and support the transition to a renewable future.

Overview of submission

Thank you for the opportunity to provide a submission on the AEMC's Electricity Network Regulation Review – Package 1 and the related rule change requests from Nexa Advisory and Energy Networks Australia.

Flow Power strongly supports the intent of Nexa's proposal to strengthen the distribution ring-fencing framework. We do not support the ENA's proposal to allow DNSPs to provide kerbside electric vehicle charging infrastructure as a regulated service. The key points in our submission are:

+ ENA has not demonstrated that kerbside electric vehicle charging infrastructure is a monopoly service or that there is a market failure preventing competitive investment.
+ Allowing DNSPs to use regulated assets, systems and revenues to enter this market would create an unequal playing field and discourage competitive providers from investing.
+ Barriers to the deployment of kerbside charging should be addressed directly through connection reform, improved information and targeted, competitively neutral support.
+ The ring fencing process should be updated in line with the proposals outlined by Nexa Advisory.

A nascent market is not a market failure

Flow Power recognises the importance of increasing access to EV charging, particularly for consumers how might not have ready access to off-street parking. However, this does not support the position that DNSP ownership is the appropriate solution. The EV charging market is new and continuing to develop. A lack of charging infrastructure in some locations is not, by itself, evidence of market failure. Rather, it the reflection of the development of a market for a service in a rapidly evolving space.

The central question is not whether there is sufficient EV charging at the present. The key question is whether we have the correct frameworks for the EV charging infrastructure to be developed in parallel with EV adoption.

Kerbside charging should also not be considered independently from the broader EV charging market. In practice, it competes with charging at homes, workplaces, shopping centres, public car parks and fast-charging locations. The appropriate mix of these services will change as technology, consumer preferences and EV uptake develop.

As the EV charging market develops, there are a range of unresolved questions:

+ Will consumers preference kerbside charging? Destination charging? Ultrafast charging?
+ Will Councils preference their own local solutions?
+ Will innovative businesses provide solutions for apartment buildings and terrace housing?

In the past year, a range of new businesses have deployed solutions in this space that weren't available that directly compete with the market targeted by the ENA's proposal.[1] It is the strength of markets and private businesses to innovation solutions, assess these risks and determine which technologies, locations and business models consumers value in the long term.

Allowing DNSPs to enter the market on an ongoing regulated basis would discourage competitive providers from developing alternative solutions. It would also transfer the challenge of answering these questions to a central regulator. The AER would need to form a view on the appropriate split between these charging solutions. This would put the AER in an impossible position, and leave consumers bearing the risks of poor decision.

Open access would not address the competitive impacts

ENA proposes that retailers and other commercial charging providers would have open access to DNSP-owned infrastructure. While this may facilitate competition in some retail charging services, it would not address competition in the ownership and provision of the underlying infrastructure.

[1] For example, Nox Energy provides solutions in apartment buildings and VSCA provides solutions to terrace houses without offstreet parking.

DNSPs would retain responsibility for selecting locations, installing the assets and recovering their costs through regulated charges. Electricity consumers would carry the investment and utilisation risk, while competitive providers would be required to compete against customer-funded infrastructure.

DNSPs would also have access to network information, assets and connection processes that may not be available to competitors on equivalent terms. These advantages would reduce confidence that competitive providers can enter and operate in the market on an equal basis.

Competition in EV charging places the investment risk on CPOs to select and maintain sites in line with the shifting demands of consumers. CPOs are far better placed to respond to consumer demands and efficiently invest in EV charging solutions across their many forms.

Flow Power supports stronger safeguards for ring-fencing waivers

Flow Power supports Nexa's proposal to strengthen the governance of the distribution ring-fencing framework. In particular, we support:

+ placing core ring-fencing obligations and waiver conditions in the National Electricity Rules;
+ requiring independently verifiable evidence of market failure;
+ requiring clear and measurable long-term consumer benefits;
+ treating waivers as a last resort rather than a pathway for DNSPs to enter emerging markets;
+ strengthening requirements relating to affiliate dealings, data access, branding and cross-promotion; and
+ improving transparency around compliance, enforcement and complaints.

If a competitive market cannot provide a service at a particular point in time, this does not mean it will be unable to provide that service indefinitely. Any waiver should therefore be targeted and time limited, and include a clear pathway to competitive provision.

Barriers to investment should be addressed directly

If connection processes, site information, charges or facility access arrangements are delaying investment in kerbside charging, the AEMC should consider reforms directed at those specific problems.

Potential solutions include:

+ streamlining connection processes
+ providing transparent and non-discriminatory access arrangements
+ undertaking market testing before considering DNSP involvement
+ using competitive procurement or targeted government funding where particular locations are unlikely to be commercially viable.

These approaches would support EV charging investment without giving regulated monopolies an enduring role in owning contestable infrastructure.

Conclusion

Flow Power supports the transition to electric vehicles and recognises the need for convenient and reliable charging infrastructure. However, the ENA proposal has not demonstrated that the benefits of DNSP ownership would outweigh the risks to competition, investment and electricity consumers.

The AEMC should uphold the intended separation between regulated and competitive activities. We recommend that the AEMC strengthen the ring-fencing framework broadly in line with Nexa's proposal and reject the rule proposed by ENA.

If you have any queries about this submission, please contact me on (02) 9161 9068 or at Declan.Kelly@flowpower.com.au.

Yours sincerely,

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