

2 February 2026

Mr Kris Funston
Executive General Manager
Network Regulation
Australian Energy Regulator

Dear Kris

I refer to the meeting between Evoenergy and the AER Board on Thursday 29 January 2026 (**the meeting**). The meeting was chaired by Lynne Gallagher, AER Board member, attended by Clare Savage, Chair of the AER, and other AER Board members and AER staff.

At the meeting, the AER referred to internal staff analysis (**the analysis**) indicating that demand destruction occurs due to the price implications of accelerated depreciation. We understand the analysis has informed the AER's draft decision to set a 4 per cent base real network price increase limit for Evoenergy's 2026-31 access arrangement (**Draft Decision**).

Evoenergy was not aware of the analysis before the meeting. The AER's Draft Decision does not include, or refer to, the analysis, and the AER has not previously referred to the analysis in any of its correspondence with Evoenergy. We are concerned that the lack of transparency over the analysis has denied Evoenergy a reasonable opportunity to be heard on the Draft Decision.

At the meeting, the AER indicated that the analysis would be made available to Evoenergy. Accordingly, we request that the AER provide us a copy of all analysis which informed its Draft Decision to set a 4 per cent base real network price increase limit by close of business on **Thursday 5 February 2026**.

We note the AER's deadline for submissions on the Draft Decision and revised proposal of 13 February 2026. We consider this will not provide us with sufficient time to consider and respond to the analysis to accord us a reasonable opportunity to be heard.

Accordingly, we also request that the AER confirm, in writing, that it will consider any submission we make on the analysis **on or before Thursday 19 March 2026**, in accordance with its discretion under section 65(b) of the NGL. We consider that the AER's acceptance of this request is required, in the circumstances, for the discharge of its relevant administrative law and statutory obligations.

In the event that Evoenergy has misunderstood the relevance of the analysis to the Draft Decision, we request confirmation to that effect, in writing.

Finally, we further request that the AER confirm, in writing, that it has provided us with all evidentiary material it considered or relied on in making its Draft Decision, including, but not limited to, in respect of its draft decisions on accelerated depreciation, the tariff variation mechanism and our demand forecasts.

If you would like to discuss this matter further, please contact me.

Yours sincerely



Megan Willcox
General Manager, Economic Regulation