

Submission to the AER's Consultation on Essential Energy's ring- fencing waiver application for a kerbside EV charging infrastructure trial

Dr. Brendan Jones

17 July 2026



Executive Summary

This submission is structured as follows:

1. Introduction
2. Fact and evidence base to inform the AER's assessment
3. Concerns regarding Essential Energy's waiver application
4. Answers to the AER's 11 consultation paper questions

On balance, and despite concerns, the AER should grant Essential Energy (hereafter referred to as "Essential") a ring-fencing waiver for their proposal **but only with modifications to some of Essential's proposed conditions and the addition of a number of new conditions.**

While DNSPs ownership of Electric Vehicle Charging Infrastructure (EVCI) is inherently problematic, Essential has made a number of concessions to minimise the risks of undermining new private investment in kerbside EVCI and materially impacting competition.

These concessions, however, need to be strengthened by modification of some proposed waiver conditions, and the addition of new waiver conditions, before a waiver should be granted by the AER.

Modification to proposed conditions:

- The waiver to end on 30 June 2029 (see Section 4.10)
- Deployment and Maintenance performance reporting requirements (see Section 4.2)
- Quarterly data reporting requirements (see Sections 4.1 and 4.11)

New waiver conditions:

- Prior to the AER making a waiver decision, Essential to provide to the AER a non-binding list of all the areas (at a town / street level) where candidate poles are located so that the AER can do an initial assessment of whether those locations are likely to result, at a high level, in the trial objectives being achieved (see section 4.6)
- Prior to the AER making a waiver decision, Essential to clarify it's 'non-compete' commitments and how it will operate in practice (see section 4.7).
- Prior to the tendering phase, Essential to publish indicative site locations and which sites might be packaged up into bundles and invite CPO feedback (see section 4.5)
- Essential must offer maintenance-inclusive and maintenance-exclusive lease fee options for CPOs as part of their tendering package, giving CPOs the choice to use Essential's maintenance services or to engage their own maintenance services on EVCI to which they secure access rights (see Section 4.4)
- Essential must transparently publish proposed wholesale energy rateplans for CPOs, with both fixed rate and ToU options (see Section 4.4)
- Essential to provide an independent dispute resolution mechanism if a CPO tenderer has concerns that Essential has not treated their tender response fairly and in accordance with the tender's criteria (see section 4.5)
- CPO branding rights (see Section 4.12)

I am lodging this submission as an individual, providing a customer view as a long-term EV driver and advocate for kerbside charging.

About the Author

Dr. Brendan Jones is a professional electrical engineer with a Bachelors Degree from Newcastle University and PhD degree from Macquarie University. His household acquired its first battery EV in 2014 and has been EV-only since 2019.

Dr. Jones lobbied the NSW Government to add kerbside charging to its initial EV Strategy released in June 2021, which initially did not consider kerbside charging at all. In June 2022, the NSW Government announced that \$10M had been allocated to co-fund 500 kerbside charge points to provide on-street charging in residential streets where private off-street parking is limited.

Dr. Jones does not have any affiliations with any DNSPs or any of the companies rolling out kerbside charging.

Dr. Jones lives in Sydney.

1. Introduction

The number of battery electric vehicles (BEVs) registered in Australia has increased rapidly every year and has increased even more since the start of the USA-Iran war at the end of February 2026. It is estimated that there approximately 460,000 BEVs in the country as at end June 2026¹, a 29% increase in the first 6 months this year.

The Essential Energy distribution area covers 94% of NSW as shown in Figure 1, and not any high density urban areas in Sydney, Newcastle or Wollongong.

Essential have applied to the AER for a ring-fencing waiver so that they can directly participate in ARENA's "plug and play" kerbside charging trial – but only in "Stream 2" (shared infrastructure) where electricity supply is already underground and not via overhead wires on timber power poles, and only where existing light poles are reaching 'end of life' with the proposal to replace them with composite light poles that contain embedded EVCI².

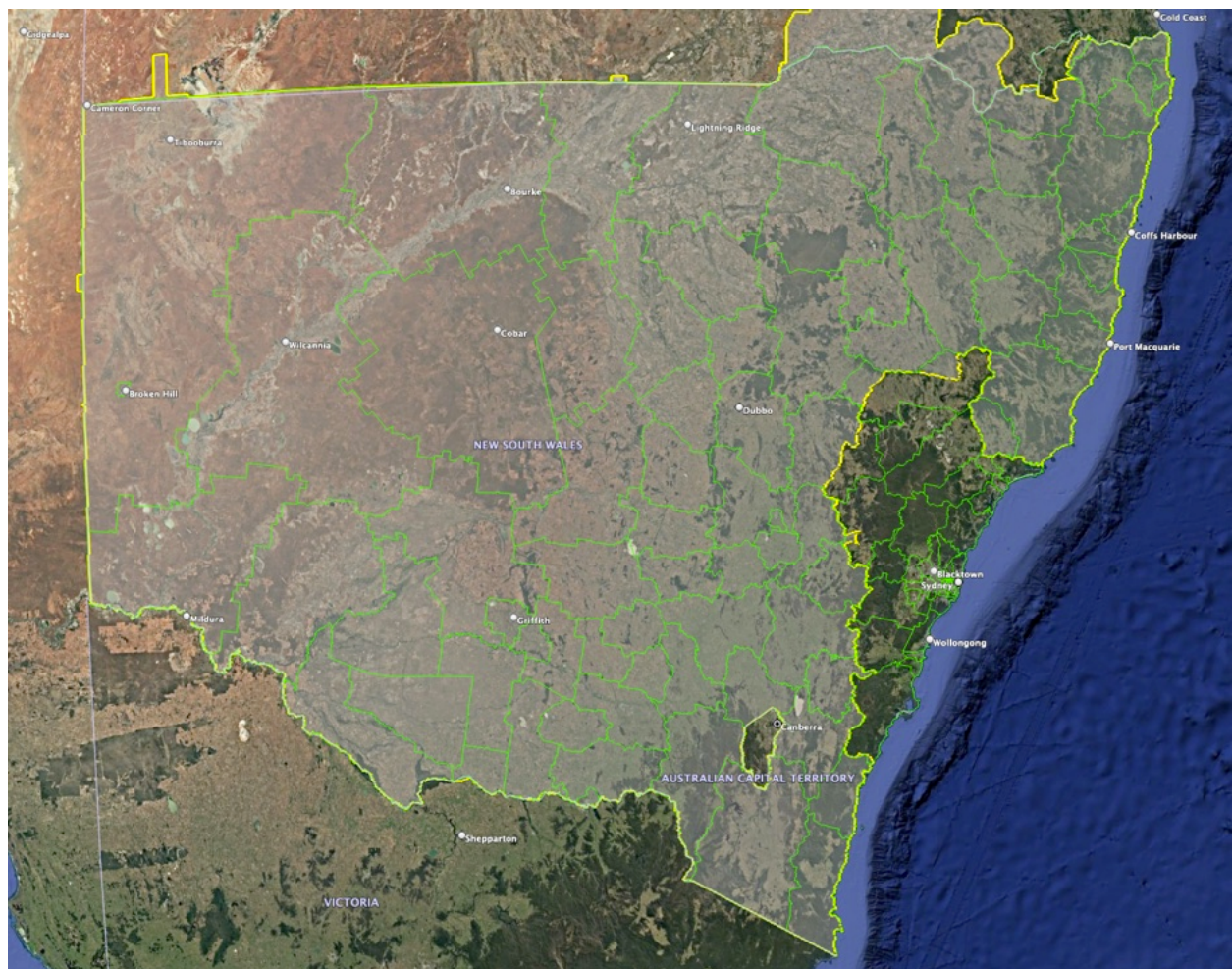


Figure 1 – The Essential Energy distribution area in NSW outlined in yellow, with NSW Local Government Areas outlined in green. Note Essential Energy also cover some parts of southern Queensland. Base map: Google Earth.

¹ NSW had 138,580 BEVs registered as at 30 June 2026 according to the Transport for NSW Vehicle Registration Report (<https://www.transport.nsw.gov.au/data-and-research/drives-reporting-portal/registration-snapshot-report>). According to the Bureau of Infrastructure and Transport Research Economics (BITRE) NSW is approximately 30.1% of the national BEV fleet (<https://www.bitre.gov.au/sites/default/files/documents/BITRE-Road-vehicles-Australia-January-2025.pdf>), implying approximately 460,000 BEVs nationwide.

² "Application by Essential Energy to participate in the ARENA Plug and Play Electric Vehicle Charging Infrastructure funding trial", p.8. This document is hereafter cited as "**Essential's waiver application**".

2. Fact and evidence base to inform the AER's assessment

Relevant facts and data regarding Essential Energy's distribution area to assist the AER's deliberations regarding Essential's application for a waiver are presented in this section.

2.1 NSW LGAs covered and off-street parking (OSP) availability

Essential's distribution area fully or almost fully covers³ 79 NSW Local Government Areas (LGAs), including the Far West Unincorporated Area, and covers more than 50% of two other LGAs⁴. For the purposes of the analyses contained in this submission, it is assumed that 81 NSW LGAs are served by Essential Energy.

As part of the NSW Government's initial kerbside charging grant toolkit, data was provided as to the availability of OSP for each LGA in NSW⁵. Table 1 summarises the off-street parking data for the Essential distribution area based on the 81 LGAs served as calculated by the Author.

Estimated Resident Population (in NSW)	Estimated total number of Dwellings	Estimated Dwellings without OSP	% of dwellings with OSP
1 666 742	622 533	2 365	99.62%

Table 1 – Availability of off-street parking (OSP) in the Essential Energy distribution area

Table 1 shows that residents within the Essential distribution area overwhelmingly have access to OSP – only 2365 dwellings do not. Therefore, almost every BEV owner residing within Essential's footprint has the potential to charge at home and would have little or no need for kerbside charging (noting that Essential Energy disagrees with this assertion⁶).

Kerbside charging in regional and rural areas therefore is addressing a very different use case to that in metro where OSP is much more limited. Hence greater scrutiny is required to assess the role of kerbside charging, its use cases, target market and potential utility to drivers compared to other charging options (e.g. DC fast charging or destination charging at motels or venues).

2.2 BEV adoption within the Essential Energy distribution area

As at 30 Jun 2026, 12,351 BEVs were registered in the 81 LGAs covered by Essential's distribution area. This is an overall penetration of **0.80%** of the total motor vehicle fleet in this area (1,551,327)⁷. This is much lower than the statewide average of 2.15%.

In the passenger vehicle class as defined by Australian Design Rules (ADR) Category Level 1, however, the adoption of BEVs in Essential's area is considerably higher with 11,859 passenger BEVs in an overall passenger vehicle fleet of 951,687 – a penetration rate of **1.25%**.

This reflects the fact that passenger vehicles form a significantly smaller proportion of the motor vehicle fleet within Essential's area (61.3%) than they do on a statewide basis (73.7%). BEV alternatives in other vehicle classes (such as utility vehicles and various classes of trucks) are less available or considered less capable, but those other vehicle classes are more prevalent in Essential's area, hence it depresses the overall BEV adoption rate.

³ Excluding trivial boundary variations of less than 1%, meaning 99% of more of an LGA's area is served by Essential.

⁴ Essential covers 72.0% of Tenterfield Shire and 67.7% of Mid-Western Regional Council and these are included as being covered by Essential. The next LGAs covered are 26.8% of Upper Hunter Shire, 3.7% of Lithgow City, and a further 7 LGAs with less than 2% of their area covered by Essential, and these are excluded as being covered in this submission.

⁵ Data downloaded and calculated by the Author from NSW Government "EV Kerbside Charging Grants Map" – <https://is-transport.maps.arcgis.com/apps/instant/countdown/index.html?appid=ad95999da54b4fc0b03e5debe4494cac>

⁶ Essential Energy "Consolidated response to AER and stakeholder questions", p.7

⁷ Essential's waiver application (p.43) cites a lower figure of 0.54% as at September 2025. The Author's data is current.

Table 2 lists the top 10 LGAs for BEV adoption within Essential's area. 15 LGAs have no BEVs registered at all, the largest of which is Bland with 9707 registered vehicles.

Rank	LGA	Motor Vehicles	Passenger vehicles	BEVs	BEV PVs	BEV %	BEV PV %
1	Queanbeyan - Palerang	58,869	38,835	1552	1525	2.64%	3.93%
2	Byron	33,242	23,665	854	818	2.57%	3.46%
3	Yass Valley	17,900	10,144	408	406	2.28%	4.00%
4	Ballina	40,083	28,483	671	647	1.67%	2.27%
5	Tweed	69,995	51,073	1022	1006	1.46%	1.97%
6	Bellingen	12,558	7954	179	166	1.43%	2.09%
7	Eurobodalla	39,751	25,973	441	422	1.11%	1.62%
8	Port Macquarie - Hastings	82,131	56,124	868	828	1.06%	1.48%
9	Bega Valley	35,393	21,802	364	339	1.03%	1.55%
10	Coffs Harbour	69,873	47,931	667	639	0.95%	1.33%

*Table 2 – Top ten LGAs for BEV adoption within the Essential Energy distribution area.
PV = Passenger Vehicle class as defined by the Australian Design Rules Category 1.*

2.3 The rollout of kerbside chargers in NSW

Arguments presented by Distribution Network Service Providers (DNSPs) seeking to enter the kerbside charging business include that there has been market failure in this space, or that they can do it faster and cheaper than private charge point operators (CPOs).

Data from NSW does not support this argument. NSW has had a very successful kerbside charger rollout accelerated by two NSW Government kerbside charging grant rounds in July 2023 and July 2024⁸. The key elements of the NSW programme were:

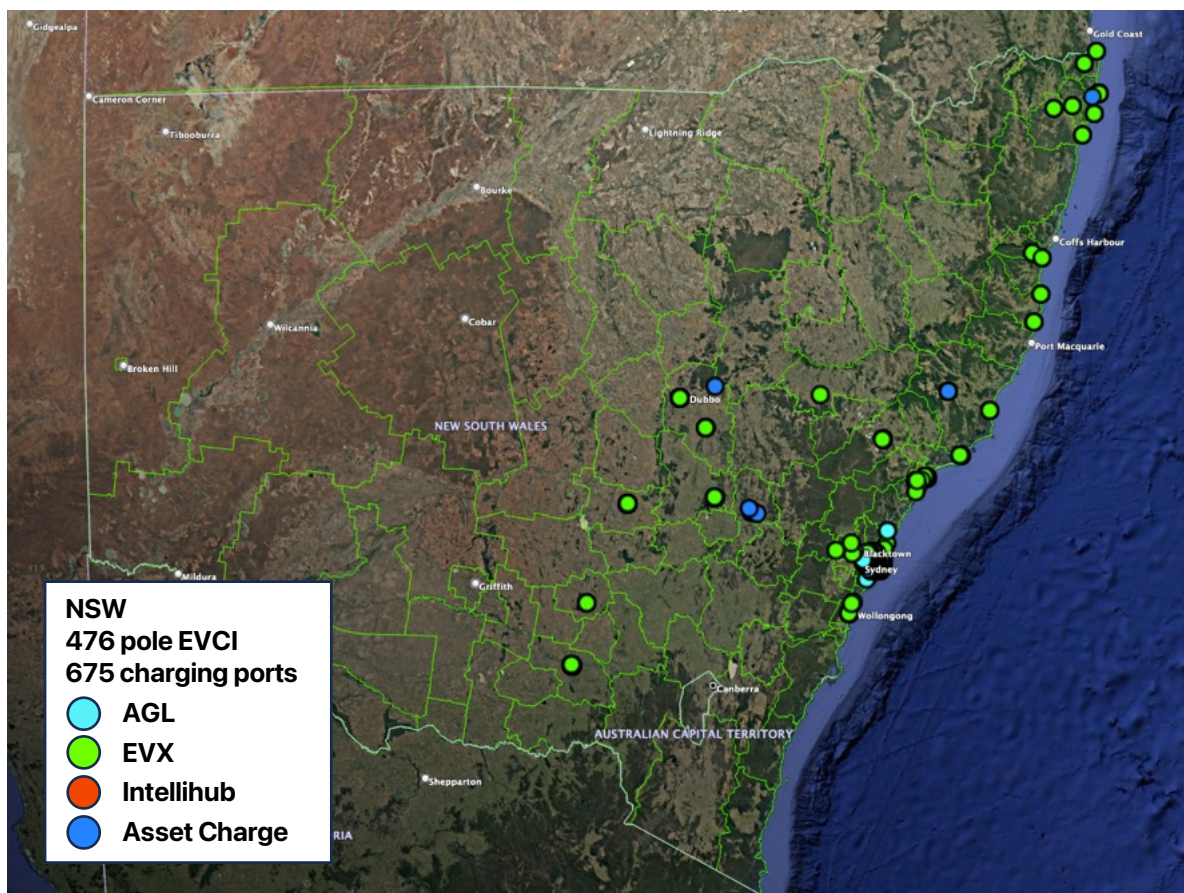
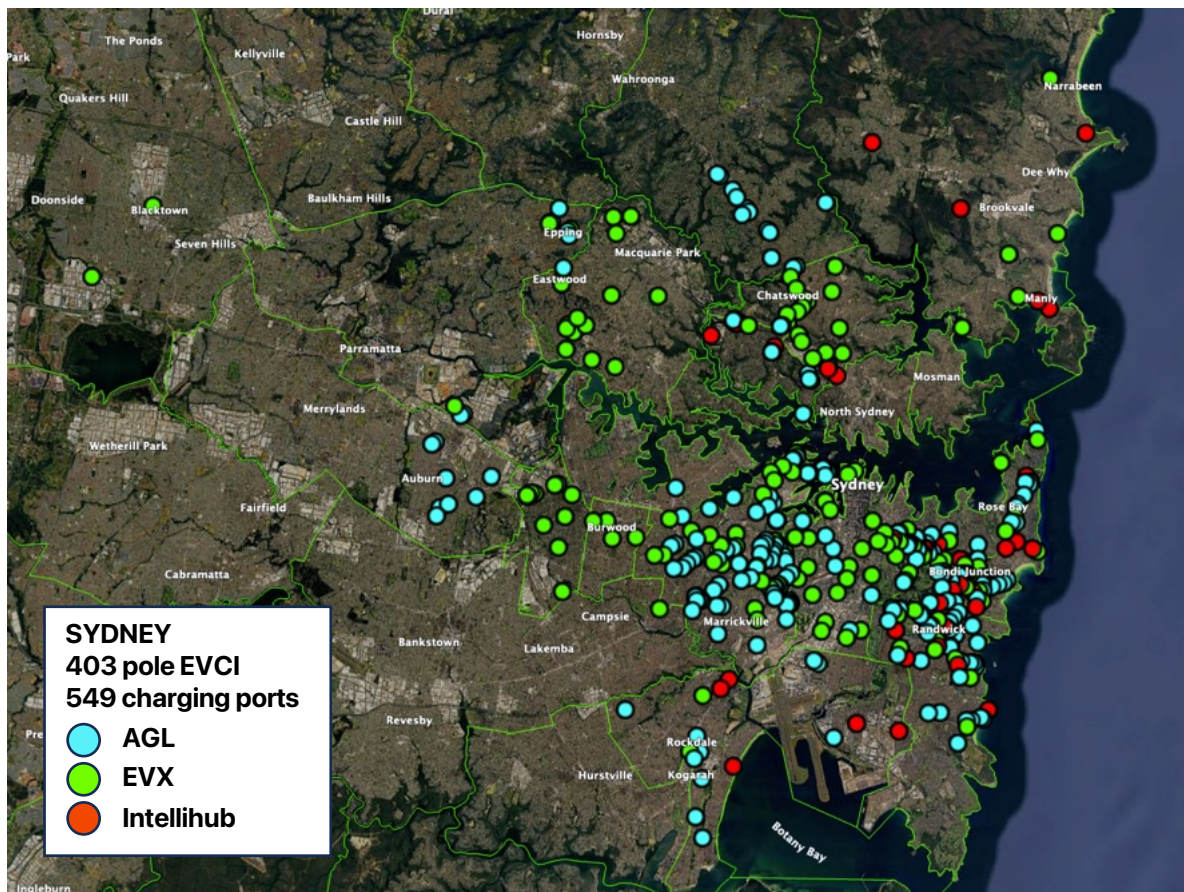
- **No waivers or market rule changes sought from the AER or AEMC** – the programme operated under existing market mechanisms, saving time because no lengthy regulatory consultation processes were required;
- DNSP involvement was limited to assessing pole suitability for electric vehicle charging infrastructure (EVCI) and processing connection requests. Actual EVCI installations were performed by independent Licenced Electrical Contractors with Level 2 Credentials;
- High CPO involvement, as they have the skills and experience to deploy kerbside EVCI quickly and cost effectively; and
- High Local Government involvement, as they are ultimately responsible for traffic and parking in their local areas and are best placed to identify, in conjunction with CPOs, where in their LGA kerbside EVCI can be deployed successfully and with social licence.

NSW has four infrastructure providers (AGL, EVX, Intellihub and Asset Charge) who have built DNSP pole-mounted kerbside chargers, and as at 30 June have collectively built 476 DNSP pole-mounted kerbside charging sites with 675 charging ports rolled out and operating. This has been achieved over a period of approximately 2 years following the announcement of the first grant results on 27 May 2024 – **a deployment rate of one charging site every 1.6 days**⁹.

Figures 2 and 3 shows the extent of this network in the Sydney metro area and NSW overall, and Table 3 provides further details about these networks.

⁸ EV kerbside charging grants to reduce charging worries – <https://www.nsw.gov.au/media-releases/ev-kerbside-charging-grants-to-reduce-charging-worries>

⁹ By way of comparison, CitiPower, Powercor and United Energy (CPU) were granted a waiver by the AER on 23 October 2025 to build 100 kerbside chargers in Victoria. As at 30 June 2026, it appears that CitiPower had built 16 kerbside chargers with a total of 21 charging ports – a deployment rate of one charging site every 15.6 days.



Figures 2 and 3 – Locations of pole-mounted kerbside EV chargers in Sydney and NSW as at 30 June 2026. Image base: Google Earth. Geocoding of site locations by Author.

Kerbside Network	Operating Company	Deployment Sites / Ports	Type of solution	Funding
AGL/Plus-ES	AGL	217 / 217	DNSP Pole Externally Mounted Hardware from Etrel & BENY New Energy - 22 kW AC	Co-funded from NSW kerbside
EVX	EVX	200 / 399	DNSP Pole Externally Mounted Hardware from EVX - 2 x 22 kW AC	Mostly co-funded from NSW kerbside
IntelliHub	Exploren	48 / 48	DNSP Pole Externally Mounted Hardware from Schneider Electric - 22 kW AC	ARENA co-funding
Asset Charge	Evertly	11 / 11	DNSP Pole Externally Mounted Hardware from ABL Mobility - 22 kW AC	ARENA co-funding
TOTAL		476 / 675		

Table 3 – Summary of DNSP pole-mounted kerbside charging network in NSW¹⁰. Sites in operation as at 30 June 2026.

2.4 The rollout of kerbside chargers within the Essential Energy area

As at 30 June 2026, there are **41 pole-mounted kerbside chargers / 71 charge ports** located within the Essential Energy distribution area. 30 of these have been built by EVX¹¹ (60 charge ports) and 11 by Asset Charge (11 charge ports). Figure 4 shows the locations of these sites.

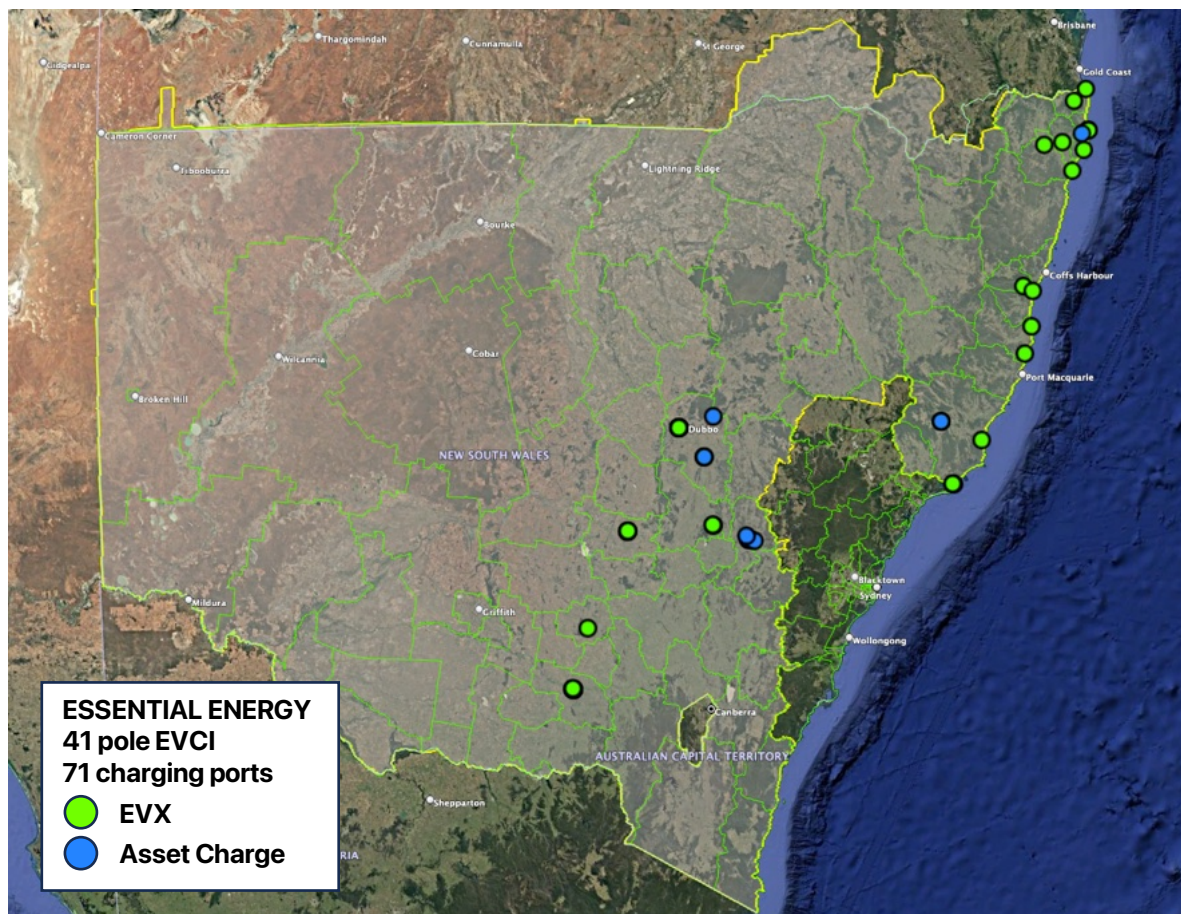


Figure 4 – Locations of pole-mounted kerbside EV chargers in the Essential Energy distribution area as at 30 June 2026. Image base: Google Earth. Geocoding of site locations by Author.

¹⁰ Table compiled by Author's own research from multiple sources including individual CPO Apps and Plugshare (a mostly crowd-sourced database of public EV chargers – <https://www.plugshare.com>).

¹¹ In Essential's waiver application (Table, p.48) they state there are only 9 EVX kerbside charging sites within their distribution area. This figure appears to be dated, as the EVX App shows 30 operational sites as shown in Figure 4.

In their waiver application, Essential states that their service area “currently has only 20 pole-mounted chargers in active service. These chargers are predominantly located on the east coast of NSW, with only a small number installed west of the Great Dividing Range”¹². That Author's data, sourced from the relevant CPO's own Apps, does not agree with this data.

The highest concentration of EVX sites is in Wagga Wagga (5 sites) and Forbes (3) with 2 sites in each of Orange, Dubbo, Hawkes Nest/Tea Gardens and Byron Bay. EVX have single sites in 14 other towns. Asset Charge site locations are Bathurst (3 sites), Dubbo (2) and sites in Elong Elong, Gloucester, Eglinton, Raglan, Wellington and Bangalow.

Table 4 lists some comparison metrics between the DNSP pole-mounted kerbside chargers within the Essential Energy distribution area, and the rest of NSW (Ausgrid and Endeavour distribution areas).

DNSP	Kerbside Sites/Ports	Registered BEVs	BEVs per kerbside site	BEVs per kerbside port
Essential	41 / 71	12,351	301	174
Ausgrid & Endeavour	435 / 604	126,229	290	209

Table 4 – Comparative metrics on DNSP pole mounted kerbside chargers between the Essential Energy distribution area and the remainder of NSW.

Table 4 shows that the Essential area is not disadvantaged compared to the rest of NSW, in fact there are fewer BEVs per kerbside port in the Essential area than there are in the rest of the state (the lower the figure the better).

This data does not support assertions by Essential that regional areas are “underserved” and “undeveloped” with respect to kerbside charging¹³. If regional areas are “underserved” with kerbside charging then metro and urban areas are as well.

2.5 Kerbside charging prices and customer propositions

Table 5 shows the pricing and different operating models of current DNSP pole-mounted kerbside charging operators in NSW and Victoria. No other jurisdiction in Australia currently has any DNSP pole-mounted kerbside chargers.

Table 5 shows there is not a big variation in prices charged by the different kerbside CPOs (at least during the day), somewhat undermining the argument put forward by CitiPower, Powercor and United Energy (CPU) in their 2025 waiver application to the AER that the eMSP model will lead to more retail competition and cheaper prices.

Table 5, however, does show that different operators in NSW are engaging in the “competition of ideas” among the various components of the customer experience: time of use charging or not, minimum fees vs. flagfalls, idle fees or not, charger reservations or not and whether dedicated EV parking is a core brand proposition or not.

EVX, for example, negotiates with local councils and prefers to deploy where two dedicated “EV only while charging” parking bays can be provided. This is intended to provide a superior customer experience – not only are all EVX sites dual-port (reducing the probability that the charging site is fully occupied) the dedicated, ranger-enforced parking restrictions greatly improve accessibility for EV drivers. These are critical components of EVX's brand proposition.

¹² Essential's waiver application, p.42.

¹³ *ibid*, p.17 and p.24.

Network	Daytime charges (c/kWh)	Nighttime charges (c/kWh)	Min. charge	Idle fees	Charger Reservations allowed	Dedicated EV-only while charging bays
AGL (NSW)	48c 3-9pm	38c all other times	50c	No	Yes – 15 mins	Approx. 35% of sites
EVX (NSW)	50c 8am-8pm	39c all other times	50c	Some sites only during restricted parking periods \$0.20/min after 20 mins	No	Almost all sites
EVX (VIC)	50c	50c	50c	No	No	All sites
Intellihub (NSW)	50c	50c	50c	No	Yes – 20 mins	At some sites
Asset Charge (NSW)	45c	45c	0c	No	No	One site
Citipower eMSP - Zuup (VIC)	49c 4-10pm	34c all other times	50c flagfall	No	No	One site
Citipower eMSP - WeVolt (VIC)	45c	45c	55c flagfall	No	No	One site

Table 5 – Various customer experience attributes of the different DNSP pole-mounted kerbside charging network operators. Note prices and service propositions may vary between some sites.

The eMSP model inherently results in a monoculture service model where every aspect of the customer experience at a given site must be identical apart from price.

3. Concerns regarding Essential Energy's waiver application

Essential Energy's application to the AER for a waiver to own kerbside EVCI differs in three very important respects from CPU's waiver application in 2025 and DNSP agitation more generally to enter the kerbside charging business:

- Essential are intending to only own EVCI that is embedded in new composite streetlight poles¹⁴. This avoids the conflict of interest that would arise on existing assets (timber power poles) where a DNSP would both own the pole and decide which CPO (including potentially themselves) win the right to be hosted on that pole. Existing streetlight poles that are reaching end-of-life also would not be candidates for the current range of externally pole-mounted EVCI hardware as those poles do not have overhead wiring.
- Essential are proposing to offer individual site or bundles of pole-embedded EVCI to the CPO market for operational rights¹⁵. This means each EVCI port will be operated by **only one CPO** and not more than one as under CPU's eMSP model. This enables CPOs to apply their existing customer experience components (as exemplified in Table 5) rather than 'dumb it down' to the lowest common denominator as under the eMSP model.
- Essential are not proposing to deploy in locations where an existing CPO has demonstrated *"active commercial intent"* in deploying kerbside EVCI¹⁶ although the threshold is high – the CPO must have lodged a connection application for a given pole and *"connection enquiries or informal expressions of interest will not, on their own, be treated as evidence of committed deployment"*.

This however does not mean there are no concerns with Essential's application.

3.1 The use cases for pole-mounted kerbside chargers in regional areas

The dominant use case for pole-mounted kerbside chargers is to serve BEV owners who do not have access to OSP hence cannot charge at home.

In Sydney the vast majority of kerbside EVCI is located in residential streets for the use of nearby residents. They are, in general, not on main streets or locations where out-of-area travellers would stop and charge. Such travellers would seek charging options that are either faster or located in destinations they were planning to visit or stay at, not random residential streets.

The data presented in Section 2.1 showed that a very small number of dwellings in Essential's area do not have access to OSP. Essential argues that just because a dwelling has access to OSP does not mean that owner would use that space to charge.

Essential asserts that *"In many regional communities... a household may have a driveway, carport, open parking area, detached shed or informal off-street parking area, but still lack a secure garage, suitable power supply, dedicated circuit, outdoor charging point, or practical ability to install charging infrastructure"* and that *"A driveway may provide a place to park a vehicle, but it does not necessarily provide access to safe, secure or affordable charging."*¹⁷

BEVs can be charged from standard 10 Amp power points for "trickle charging" overnight but many if not most non-BEV owners do not know this and assume more expensive dedicated home charging equipment is mandatory. This is why surveys on attitudes to public charging from non-BEV owners (e.g. *"customers indicating that access to public charging is a key enabler of EV adoption"*¹⁸) needs to be treated with caution.

¹⁴ Essential's waiver application, p.8 and onwards.

¹⁵ *ibid*, p.7. and onwards.

¹⁶ *ibid*, p.8. and onwards, p. 31.

¹⁷ Essential Energy *"Consolidated response to AER and stakeholder questions"*, p.7.

¹⁸ Essential's waiver application, p.24

Even if a dwelling does not have an existing suitable 10 Amp outlet from which to charge a BEV, it is very difficult to believe that a new BEV owner would not invest an additional \$250 or so to have such an outlet installed given the convenience it then brings, but instead use kerbside EVCI that might be located some distance away and for which the owner will pay a higher electricity rate than they would at home. Public kerbside charging is not more "affordable" under this scenario, especially if the owner has rooftop solar.

It is also odd to suggest the charging space needs to be "secure" at home if the alternative is a public kerbside charging port some distance from the BEV owner's property. The latter is clearly less "secure" than on-site charging within a BEV owner's property.

Therefore the use cases for kerbside chargers in regional areas is narrower than that argued by Essential, and broadly comprises these scenarios:

- Use by "out of town" BEV drivers who will have long dwell times at a given location (e.g. stopping for lunch on a main street or attending a local sporting event) and need a "top up". This is distinct from general destination charging at venues such as galleries, shopping centres or motels where those venues have their own off-street car parks;
- Use by "out of town" BEV drivers who are staying overnight in a town and no accommodation providers in that town offer destination charging; and
- Use by apartment dwellers where onsite charging is not available – noting that there are not a large number of apartment blocks in regional and rural areas.

As to the second use case above, the Author has used a (non-pole-mounted) kerbside charger in a small regional town for precisely that reason. Bingara (population 1300) on the western edge of the New England Tablelands region does not have any accommodation providers that offer EV charging nor any DC fast chargers.



Figure 5 – The Author charging at a kerbside charger in Bingara, NSW, in June 2026. Note the two parking bays are signposted as being only for EV use while charging.

Gwydir Shire Council funded the installation of two Ocular kerbside chargers in Bingara, each of which has 2 x 22 kW Type 2 charging ports and are "BYO cable". The Ocular chargers are bollard-style installed on concrete plinths. As one of these chargers was located not far from where the Author stayed, the Author charged in the evenings for 2 to 3 hours to 'top up' and then unplugged and returned his vehicle to the motel's car park before going to bed.

Understanding the use cases is critical as that directly affects where Essential should deploy its proposed kerbside EVCI in order to have infrastructure that is actually used by EVs drivers:

- Located on main streets near cafes, restaurants and shops, with parking bays dedicated for EV charging and restrictions enforced by Council rangers;
- Located as close as possible to accommodation where no EV charging is otherwise provided;
- Located near local sporting fields and parks;
- Located near apartment buildings without EV charging facilities.

The Author is concerned that Essential's approach of only installing kerbside EVCI in new composite street lighting poles when existing poles reach 'end-of-life' will result in a fairly random deployment of EVCI, rather than a focussed and time-bound deployment targeted to the use cases above. The former would be a waste of invested funds and do little to assist EV drivers.

3.2 Maintaining network operational uptime

In Essential's application they state that *"Essential Energy is responsible for safe installation, asset maintenance and fault response, ensuring high availability and operational integrity of charging infrastructure"*¹⁹. Further they state they propose to use shared staffing *"to enable Essential Energy field and asset management crews to undertake installation and maintenance activities required to ensure electrical safety, reliability and integrity of DNSP-owned hardware."*²⁰

In the Author's view, a DNSP will have little 'skin in the game' to assign a high priority to operational uptime. Under the proposed "shared staffing" model it is difficult to see a DNSP prioritising repair of a kerbside charging unit over any other kind of grid repair (e.g. restoring downed power lines or fixing other network faults) which, quite rightly, should always take priority.

This means in practice that a DNSP would have to deprioritise repair and maintenance of kerbside EVCI in order to extract the operational savings they claim they can achieve by using their existing workforces to maintain EVCI. Kerbside charging unit repair would likely be done only when there is no other higher priority restoration activity waiting. And that could mean delays – many hours if not multiple days – before a kerbside charging unit is restored.

For example, under the NSW Public Lighting Code²¹, DNSPs have 10 working days to restore a general street lighting fault. If a similar standard for restoration of DNSP-owned EV charging was adopted, the outcomes would be completely unacceptable. Any downtime, even only a few hours, is massively disruptive for EV drivers.

Compared to a DNSP's entire business, revenue from kerbside charging is likely to be an asterisk or 'rounding error' in the balance sheet. But kerbside charging might be a CPO's only business or a significant part of it, and every minute of downtime impacts their ongoing cashflow and business viability. Hence they are incredibly motivated to repair faulty stations as quickly as possible.

¹⁹ Essential's waiver application, p. 22.

²⁰ Ibid, p.20.

²¹ "NSW Public Lighting Code", Department of Climate Change, Energy, the Environment and Water, Table A, p. 22.

As an example of how quickly a kerbside CPO responds to a fault, in May 2026 the author noted an EVX charger in Sydney had its lower door open exposing the electronics inside, and the door would not latch properly when attempting to close it. The Author reported this to EVX at 4:34pm on a weekday. When the Author walked past the charger the following morning at 8am, the door had already been fixed.

3.3 Claims of market failure or coverage gaps in EV charging

As demonstrated in Table 4, it does not appear that regional and rural NSW is underserved with kerbside EVCI compared to the rest of the state – in fact in terms of BEVs per charging port, regional and rural NSW is slightly better served in comparison.

That does not mean that gaps don't exist or additional EVCI would not be welcome, but arguing this trial is a way to *"enable near-term deployment in underserved locations"* and *"test whether shared infrastructure can unlock market participation"*²² is difficult to sustain.

The Author has analysed EV adoption in NSW at an LGA level versus OSP access and produced the scattergram shown in Figure 6.

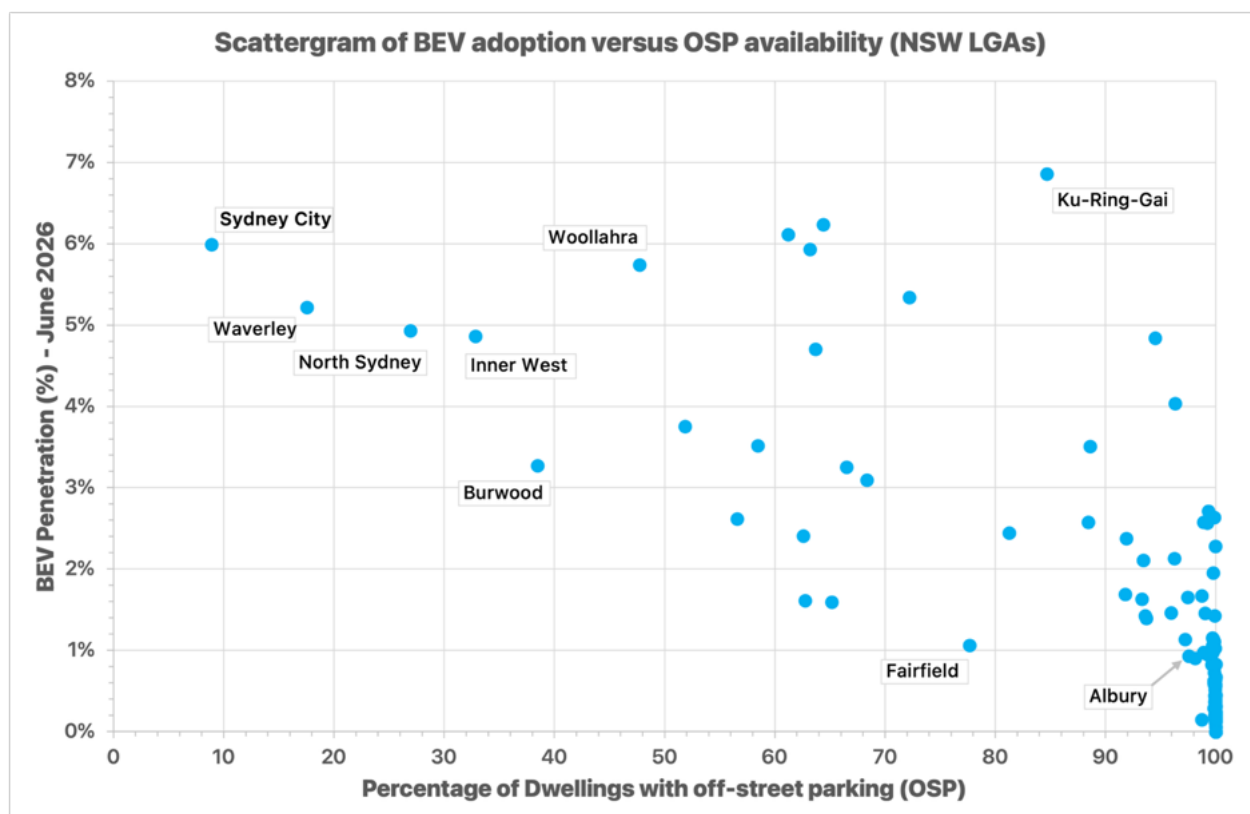


Figure 6 – BEV adoption in NSW by LGA versus OSP access. The LGA contained within the Essential Energy area that has the lowest access to OSP is Albury (97.5%).

If a blind mathematical correlation was done in Figure 6 it would conclude there is in fact a *negative* correlation between EV adoption and OSP access – namely the *higher* the access to OSP, the *lower* the rate of BEV adoption. This is an example of *"correlation is not causation"* – Figure 6 is not proving that OSP access (and consequently the need for kerbside EVCI) is unimportant to

²² Essential's waiver application, p. 4.

BEV adoption, but that other factors (such as household wealth and geographical location) **are far more influential** in driving BEV adoption.

Figure 7 expands Figure 6 to only show LGAs contained within the Essential Energy distribution area and similarly shows a lack of causative correlation between OSP access and BEV penetration.

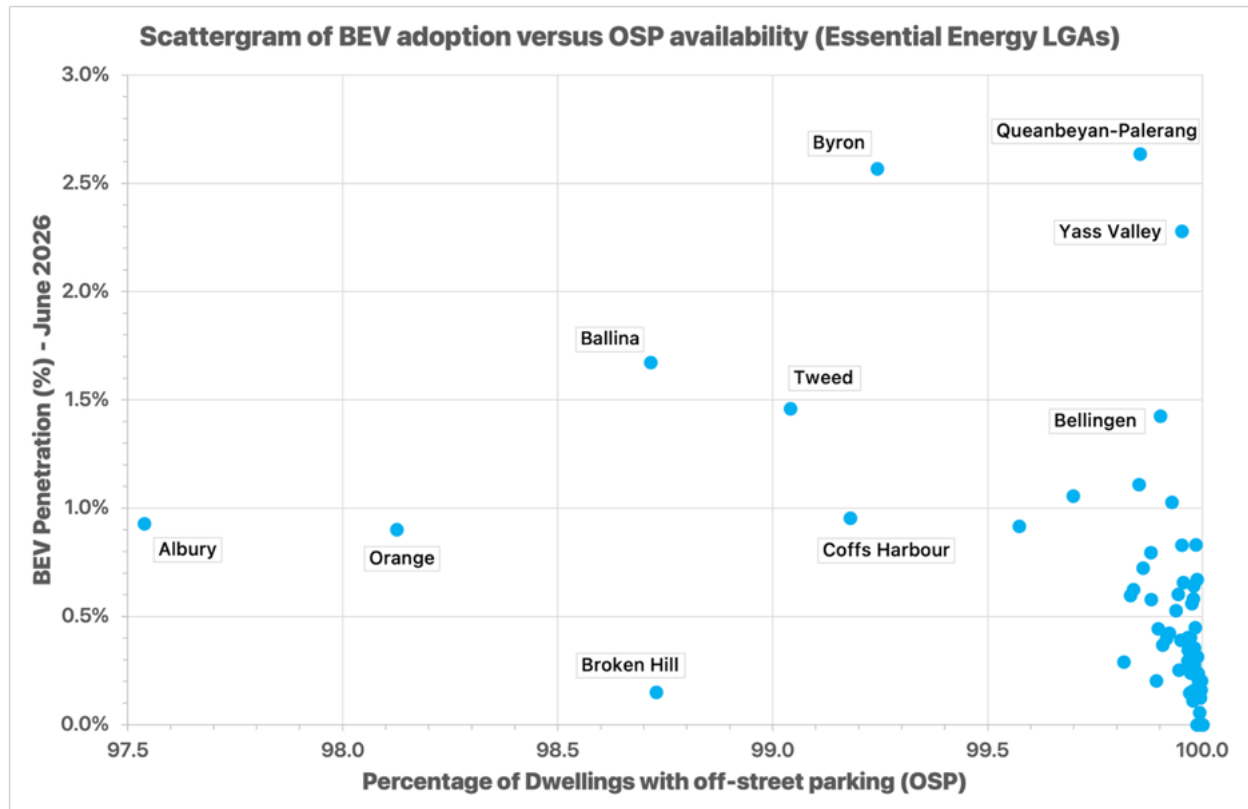


Figure 7 – BEV adoption in the Essential Energy area by LGA versus OSP access. 15 LGAs have 0% BEV adoption and all of these have >99.98% OSP access.

The Author contends that OSP access, and therefore kerbside EVCI availability, is not a strong causative factor in BEV adoption in regional and rural areas but that other factors are likely to be far more important:

- Up-front BEV cost – wealthier areas of NSW tend to have a much higher adoption of BEVs than lower socio-economic areas.
- Perception of BEV capability – low BEV adoption in regional and rural areas of NSW is likely to be due to a perception that BEVs are not yet sufficiently capable to replace certain existing internal combustion engine vehicle classes (especially in heavier vehicles classes) and that BEVs are only good as “city cars”.
- Remoteness and distances driven – the larger and less densely populated the LGA, and the larger the distances between the nearest population centres, the less likely BEVs will be considered as a suitable vehicle.

Therefore the perceived lack of BEV charging options in regional and rural areas (to the extent this actually exists, see Table 4) is not so much “market failure” but a rational investment response. The barriers to BEV adoption in regional and rural areas appear to primarily be household wealth and vehicle capability perceptions and that additional EVCI deployment, or kerbside EVCI in particular, is unlikely to materially change that – noting that EVCI is still welcome and needed in its own right for those who **do** own BEVs and who travel to these areas.

3.4 The lack of properly testable hypotheses

Essential's waiver application states *"the primary focus of the trial is to test whether improving access to charging infrastructure in underserved locations contributes to increased EV adoption, by reducing range anxiety and improving consumer confidence in the availability of charging services"* but that *"the trial does not seek to establish prescriptive performance benchmarks or success thresholds. Outcomes will be assessed holistically"*²³

This is problematic because if the primary focus is as stated by Essential, then a scientific methodology is required in order to be able to properly test that hypothesis. That means having a trial design that can isolate non-causative inputs, isolate causative inputs that are not the subject of the experiment, and be able to identify in a statistically valid way to what extent, if any, additional kerbside EVCI has resulted in increased EV adoption. Assessing trial outcomes "holistically" will not achieve that.

In the AER's online workshop held on 23 June²⁴ and in Essential's lengthy Q&A response submitted to the AER on 2 July²⁵ Essential broadly rejected the need for more formal, structured and testable hypotheses.

Essential's position is that this is not an academic-standard scientific experiment, and argues this is a trial with more qualitative than quantitative outcomes such as *"improve understanding of the barriers to charging deployment in regional communities"*, *"how consumers respond to public charging infrastructure"*, *"how CPOs respond to different deployment models"*, *"what operational and maintenance challenges arise"* and *"what lessons can be applied more broadly across Australia"*²⁶.

This is not to say those qualitative learnings would not be valuable, but Essential cannot have it both ways.

The Author contends that the stated "primary focus" of the trial is simply not testable given the proposed structure of the trial, and given the scattergram of Figure 7, that it would be impossible in a statistically valid way to attribute any change in EV uptake in regional and rural NSW across the proposed trial period (7 years) to be the result of kerbside EVCI deployed under the proposed trial.

There will be so many societal, technological and policy factors at play driving EV adoption over the proposed trial timeframe that isolating and quantifying any single cause and effect would be a hopeless task.

3.5 Balancing these issues in the waiver decision

The decision as to whether to approve Essential's waiver application or not is not an easy one. In general the Author is strongly opposed to DNSPs owning EVCI and the Ring Fencing rules exist for very good reasons. Despite the concerns documented in Sections 3.2 to 3.4, the Author proposes mitigations that may overcome some of them in Section 4.

In the Author's view, the potential benefits of Essential's proposal slightly outweigh the concerns, provided the Author's proposed mitigations are adopted as waiver conditions. Hence, on balance, the Author supports the granting of the waiver.

²³ Essential's waiver application, p.26. Similar statements are made on pages 10, 17 and 25.

²⁴ Essential Energy "AER workshop on Essential Energy's EV charging infrastructure ring-fencing waiver application", 23 June 2026.

²⁵ Essential Energy "Consolidated response to AER and stakeholder questions"

²⁶ Ibid, p.29

Ultimately it came down to the fact that Essential's EVCI will be embedded in an Essential asset (namely the streetlight pole) and this is not a type of solution that a third-party CPO would likely ever adopt.

In general, third party CPOs are not going to invest in new streetlight poles, and be the owner of those poles, in order to deploy kerbside EVCI (although some Local Councils have done so as part of main street upgrades). The lower-cost business model for CPOs is to attach externally mounted EVCI to existing DNSP timber poles and pay an access fee – and that model should remain protected under the ring-fencing rules and not be the subject of any waivers.

Further, existing lightweight streetlight poles are not the kind of asset on which third-party CPOs can easily deploy their own hardware EVCI solution. Therefore under Essential's proposal the notional 'removal' of a given streetlight pole as a potential deployment candidate for a third party CPO is moot.

Also, Essential's proposal does not prevent CPOs deploying non-pole-mounted kerbside EVCI as exemplified by the Ocular bollard chargers installed in parts of Sydney and in some regional areas.

To this extent, Essential's approach is not a direct competitive threat to third-party CPO investment in kerbside EVCI but has the benefit of enabling EVCI deployment on poles that would otherwise be unlikely candidates for deployment and then enabling third party CPOs to operate them. That provides a net public benefit.

4. Answers to the AER's 11 consultation paper questions

4.1 What are your views on the proposed trial design, its stated objectives, and its alignment with the NEO?

Evidence was presented in Sections 3.3 and 3.4 to demonstrate how Essential's proposed trial design is very unlikely to be able to produce any statistically significant or valid data demonstrating a causative relationship between kerbside EVCI deployment and BEV uptake. Therefore, in the Author's view, Essential's stated "primary focus" of the trial should be discounted by the AER as a reason to potentially grant a waiver.

Essential is on stronger ground regarding other aspects of its proposed trial objectives, such as:

- improving access to public EV charging in regional communities (a general benefit);
- reducing barriers to EV adoption (even if those barriers are more imagined than real);
- enabling participation in electrification and emissions reduction;
- gather real data on deployment, operational and lifecycle costs of kerbside EVCI;
- gather data on EVCI charging behaviour in regional areas: utilisation, session durations, diurnal statistics and which types of locations have high utilisation and which do not;
- how consumers respond to public charging infrastructure; and
- how CPOs respond to different deployment models.

Provided all data collected in the proposed trial is made publicly available by Essential the trial can realise useful outcomes (also see Section 4.11).

The trial's alignment with the National Electricity Objective (NEO) is tangential only, as this trial is not about the price, quality, safety, reliability and security of supply of electricity or the reliability, safety and security of the national electricity system. It will make a marginal contribution to reducing Australia's greenhouse gas emissions.

The AER, if it approves the waiver, should require Essential to submit on a quarterly basis a "lessons learned" report to the AER which would be made public. This report would cover any learnings in the most recent quarter and provide an update on the EVCI rollout, trial progress and operational data (more details is provided in the answer to Question 11).

Essential's claim that the trial can *"inform future regulatory decisions, including whether the model should continue, change, or cease"* is less plausible as Essential are seeking a 7-year waiver in order to *"complete"* the trial. This is an eternity in technological terms (BEV adoption has increased **57-fold** over the past 7 years).

These issues will be addressed in more detail in Questions 10 and 11.

4.2 What are your views on the practical insights and learnings that Essential Energy states can be gained?

The practical insights and learnings that Essential Energy states can be gained from this trial are broadly of interest and would be beneficial for the industry and customers provided the right information is gathered from the trial and it is transparently and freely shared (see Section 4.11).

In particular, it is critical for the public and industry to obtain hard data from a DNSP that either supports or disproves their assertions as to their capabilities to rollout out EVCI – particularly in terms of whether DNSPs can demonstrate that they can roll out EVCI as fast or faster than CPOs have demonstrated, and match CPOs in terms of rectifying faults and maintaining uptime.

Therefore, if the AER grants the waiver sought by Essential, this additional waiver condition should be imposed:

- Essential must publish data on EVCI deployment timeframes, from the time a final decision is made to deploy EVCI on a given pole to when that EVCI is ready for operation by a CPO (not necessarily that the EVCI has been allocated to a CPO, but that if a CPO was allocated, they could commence operation). The quantity of sites deployed, their locations, and the shortest, longest, mean and median timeframes for deployment must be published on at least a quarterly basis.
- Essential must publish data on fault rectification timeframes for all hardware faults (on sites for which it retains that responsibility) – the quantity of faults, the shortest, longest, mean and median restoration timeframes must be published on at least a quarterly basis. Faults can be categorised according to severity, e.g.
 - non-service affecting (e.g. charge port flap replacement)
 - service affecting (charger not working due to hardware fault unrelated to electricity supply)
 - public safety affecting (live conductors being exposed or electrical shock risk)

4.3 What are your views on Essential Energy's statement that its two-stream trial represents a "controlled comparison to assess whether infrastructure enablement alone is sufficient"?

Given that Essential have stated that *"the trial does not seek to establish prescriptive performance benchmarks or success thresholds. Outcomes will be assessed holistically"* (see Section 3.4) the Author is not convinced that any resultant comparison between Stream 1 and Stream 2 outcomes as a result of this proposed trial is "controlled" in any scientific sense of the word.

The comparison will be more qualitative and subjective than "controlled". The comparison may still be useful, but its limitations need to be understood and well communicated.

The AER and ARENA need to satisfy themselves that under Stream 1 Essential will make all reasonable efforts to remove barriers and streamline processes in order to make DNSP poles "deployment ready" for third party CPOs with as little friction as possible. The AER and ARENA must take into account any CPO feedback regarding Stream 1 and investigate any concerns that there are additional steps Essential (or any DNSP) could take to further reduce barriers and maximise the likelihood of Stream 1 being successful.

It would not be in the interests of consumers if a DNSP did *not* do everything it reasonably could in order to make Stream 1 a success.

4.4 What are your views on the proposed cost-recovery method for the trial?

Provided the trial is funded as outlined by Essential Energy there should be no impact on electricity consumers and low or no risk of cross-subsidisation.

Essential will presumably publish the annual lease fees it proposes to charge CPOs for ongoing access to kerbside EVCI as part of its tendering package to CPOs for sites or site bundles, along with proposed wholesale energy rateplans (both fixed rate and ToU options), as those are critical inputs to a CPO's business case and appetite to bid for one or more sites.

As outlined in Section 3.2, the Author is very concerned that Essential leveraging its existing maintenance staff will not be in the interests of EV drivers due the lack of SLA commitments documented by Essential in their waiver application and their proposal to "share staff".

Instead, if the AER is of mind to grant the waiver sought by Essential, this additional waiver condition should be mandated:

Essential must provide in its procurement or tender process for site access to CPOs two priced leasing options:

- An 'all inclusive' option which covers both charge port access rights and ongoing hardware maintenance services for the EVCI by Essential for the duration of the lease agreement (with an associated set of SLAs and liquidated damages mechanisms if those SLAs are not met); and
- A charge port access lease fee only, where the successful CPO will take on the responsibility of hardware maintenance of the EVCI (any fault rectification, replacement or other activity requiring on-site attendance in order to restore service unrelated to Essential's energy supply) for the duration of the lease agreement.

CPOs can select which leasing option they prefer on a site-by-site basis - they do not need to adopt the same option across the portfolio of sites to which they secure access. CPOs will have the right to execute their own maintenance services using their own Contractors on the sites they have elected to do so without seeking the prior approval of Essential Energy.

Essential's claim that access to EVCI embedded in the composite poles must remain restricted to DNSP-accredited personnel for safety and system security reasons²⁷ is difficult to sustain. There is no reason that independent licenced electrical contractors could not safely do such work and comply with any specific Essential Energy work practices that have been imposed for genuine safety or system security reasons. Independent electrical contractors in NSW with Level 2 Credentials for example already mount kerbside EVCI to DNSP poles, connect them to DNSP overhead wiring, and drive in ground stakes.

Essential Energy will retain maintenance responsibilities on all kerbside EVCI for which no CPO has elected to take on maintenance responsibilities.

The question regarding Essential installing EVCI as part of an existing asset replacement program, so that deployment is limited to locations where poles are being replaced at end-of-life, will be dealt with in Question 6.

4.5 What are your views on the proposed procurement / tendering process for making sites and 'site bundles' available to third-party CPOs to operate the chargers?

Essential provide limited detail on their proposed procurement / tendering process other than providing general reassurance that the process will be "transparent" and that *"selection of CPOs will be based on transparent and objective criteria, which may include capability, delivery approach, and alignment with trial objectives."*²⁸

Essential propose to make available defined sites or site bundles to the market, with information provided on location characteristics, expected utilisation and technical constraints.

²⁷ Essential's waiver application, p.38.

²⁸ *ibid*, p.31.

Any tendering process potentially opens up opportunities for discrimination even if the tender's criteria appear objectively non-discriminatory. The fact is that assessment of a tenderer's *"capability, delivery approach, and alignment with trial objectives"* is ultimately subjective and at the discretion of Essential.

Therefore an independent dispute resolution mechanism needs to be put in place by Essential and documented in the tendering package so that if any CPO applicant is of the view that Essential has not treated their tender response fairly and in accordance with the tender's criteria there is a mechanism for their concerns to be independently assessed and resolved.

Essential should also conduct a short pre-tendering phase with interested CPOs by publishing indicative site locations and which sites might be packaged up into bundles and invite CPO feedback before making a final decision on which sites will be offered to market and how any site bundles might be packaged in order to maximise commercial interest.

Essential should also be required to brief, on a confidential basis, the AER and ARENA post tender and provide commercial details on the tender responses and how Essential assessed those responses and determined which CPOs secured access rights.

4.6 What are your views on Essential Energy's proposed method of selecting the composite poles for installing its EV chargers?

As described in Section 3.1, the Author is concerned that Essential's approach of installing kerbside EVCI in new composite street lighting poles when existing poles reach 'end-of-life' will result in a fairly random deployment of EVCI, rather than a focussed deployment targeted to the regional area use cases which are most likely to be of benefit to EV drivers, namely:

- Locations on main streets near cafes, restaurants and shops, with parking bays dedicated for EV charging and restrictions enforced by Council rangers;
- Locations as close as possible to accommodation where no EV charging is otherwise provided;
- Locations near local sporting fields and parks;
- Locations near apartment buildings without EV charging facilities.

The Author's concern is not whether Essential's stated approach reduces the likelihood of overlap with commercially attractive sites or would displace planned commercial investment, but whether the proposed investment actually provides value to EV drivers. It is in no-one's interests for EVCI to be deployed in poor locations and then not be used by EV drivers.

At the AER Workshop on 23 June Essential claimed that they have a very large and old network and that the portfolio of poles that are candidates for this programme will more than cover the likely use case areas, implying that the deployment will not be random.

Given that Essential state they aim to deploy all EVCI by the end of 2027²⁹ then Essential should already have a well-developed view on which poles are reaching 'end of life' (their asset management systems should reveal that) and which subset of those poles Essential think are candidates for this programme.

Therefore, before the AER makes a decision on this waiver, Essential should be required to provide to the AER a non-binding list of all the areas (at a town / street level) where candidate poles are located (which may be the same list as provided to CPOs in Section 4.5) so that the AER can perform an initial assessment of whether those locations are likely to result, at a high level, in the trial objectives being achieved. In effect, the AER should see some evidence from Essential that they have done their initial due diligence 'homework' and are not leaving that work post-decision.

²⁹ Essential's waiver application, p.10.

4.7 What do you think the impact of Essential Energy's trial on market competition might be?

Essential state that they are not proposing to deploy in locations where an existing CPO has demonstrated *"active commercial intent"* in deploying kerbside EVCI³⁰ although the threshold is high – the CPO must have lodged a connection application for a given pole and *"connection enquiries or informal expressions of interest will not, on their own, be treated as evidence of committed deployment"*.

CPOs are better placed to advise the AER as to whether they think that hurdle is too high and that market competition would still be negatively affected.

Also, Essential is not clear as to what it means by not proposing to deploy in "locations" where an existing CPO has demonstrated active commercial intent. Does a "location" mean a specific pole, in which case Essential would be free to deploy on the next pole along the street, or is it a larger area, such as the street segment on which that pole is located, or even more widely such as not deploying within a certain distance of a third-party CPO's pole?

The AER should seek clarification from Essential on this point before making a decision on this waiver as it impacts market competition. A non-compete commitment at a pole level is meaningless since a pole can only ever host one EVCI and streetlight poles are unlikely to ever be the subject of a CPO connection request as described in Section 3.5. A non-compete commitment within a certain distance would be more meaningful.

Of more concern is the proposed duration of the waiver – almost 7 years, until 30 June 2033. This could have more impact on competition. To illustrate why, Essential's claim of 'only' 20 active pole-mounted chargers in its distribution area appears to be an undated figure, but as at 30 June 2026 the pole-mounted kerbside charger network in the Essential area has more than doubled in size in to 41 sites and 71 charging ports as documented in Section 2.4.

While not necessarily suggesting this rate of growth will continue it illustrates how quickly things can change, and in that context a 7-year waiver bakes in a fixed regulatory arrangement that could very quickly be overtaken by broader market movements and become a hindrance. This will be further covered in Question 11.

Questions regarding alleged market failure or that EVCI is underdeveloped in regional and remote areas and Essential are targeting 'unmet need' are dealt with in the answer to Question 8.

4.8 What are your views on Essential Energy's contention that public EV charging in regional and remote areas is underdeveloped?

This was extensively covered in Section 3.3 and the data for DNSP pole-mounted kerbside EVCI in Essential's distribution area compared to the rest of the state does not appear to support claims of market failure or that kerbside charging is underdeveloped in regional and remote areas of NSW.

If there is market failure (i.e. the density of kerbside EVCI is insufficient in absolute terms) and 'unmet need' then that failure has occurred statewide in NSW and not just in Essential's area.

Even that argument is difficult to sustain given that NSW has 675 kerbside charging ports in service while Victoria has only 31³¹. There is a much stronger case that there has been market

³⁰ *ibid*, p.8. and onwards, p. 31.

³¹ Author's own analysis. There are only two DNSP pole-mounted kerbside charging operators in Victoria – namely Citipower (subject of an AER waiver) and EVX. As at 30 June 2026, Citipower had deployed 16 sites / 21 ports while EVX had deployed 5 sites / 10 ports for a total of 31 kerbside charging ports.

failure in Victoria for DNSP pole-mounted kerbside EVCI, and that the cause of that failure is unrelated to the presence of DNSP ring-fencing rules.

Therefore 'market failure' in this case does not appear to constitute a reason for AER intervention and the granting of a waiver.

Whether other forms of EV charging (DC fast charging, destination charging) are underdeveloped in regional and remote areas is a separate question and should not be conflated with the issue at hand.

In this respect, Essential's text in their waiver application regarding the low take-up of grant money in the third round of NSW's Fast Charging grants in regional and remote areas is not relevant³². Essential state that *"This under-subscription highlights the persistent commercial barriers to deploying fast charging infrastructure in [regional and remote] areas, even with substantial government funding"*.

The deployment barriers may have included grid capacity in rural and remote locations – not funding. Installing 50 kW+ DC fast chargers in small towns with thin grid connections might simply not be possible or require significant grid upgrades beyond the scope of the NSW Fast Charging grants programme. In which case the implication that even with government support there was still "market failure" in some locations needs more scrutiny.

Essential should advise the AER what percentage of proposed rural and remote sites that were sought under Round 3 of the NSW Fast Charger grants programme could not proceed due to grid capacity constraints or connection issues.

4.9 What are your views on the proposed model with third-party ownership and operation of DNSP-owned EV charging infrastructure assets?

The text of this question is contradictory, as Essential will own the EVCI, there will not be 'third-party ownership'. It is assumed the question should have read *"What are your views on the proposed model with third-party operation of DNSP-owned EV charging infrastructure assets?"*

The greatest concern with this model is the split of responsibilities as covered in Section 3.2. CPOs can speak for themselves, but in general, I expect they would prefer to have end-to-end accountability for their networks so that they retain control over the entire customer experience, and that includes operational uptime.

If Essential both own and maintain EVCI, then CPOs lose control over network uptime. They become reliant on Essential to meet its end of the deal and promptly repair EVCI hardware failures. Further, if Essential does not promptly restore service, the CPO bears the commercial consequences of that, not Essential.

Imposing Service Level Agreements (SLAs) and liquidated damages (LDs) for hardware maintenance would be the minimum contractual remedy for this situation. Liability, risk and LD clauses are often the most difficult to negotiate in any agreement and often the final clauses to be agreed between parties.

As to whether this kind of arrangement has merit in the EV charging business, it might in some circumstances, but that should be left to the market to decide and on commercial terms determined by the market. That is why the Author proposes that, if a waiver is granted, CPOs must have the option to either use Essential maintenance services for EVCI or to take on that responsibility themselves as detailed in the answer to Question 4. That then puts it back as a commercial decision by each CPO and not a regulated one.

³² Essential's waiver application, p.42.

4.10 What are your views on the proposed waiver duration of up to 30 June 2033?

As foreshadowed in the answer to Question 7, the proposed waiver duration is far too long. Essential provide no compelling reasons as to why the waiver needs to have that duration.

Essential argues that a 7 year waiver is required to “*ensure that the trial can be completed, evaluated, and inform future regulatory processes*”.³³ If a trial requires 7 years to be completed and evaluated then something is seriously wrong with the trial design. Further, the EV market is changing rapidly and the industry needs more responsive regulation that is fit for the market as it evolves rather than be waiting until 2033 for that regulation to be “informed” by a trial.

It is also untenable that 7 years is required to enable a meaningful period of operation and data collection. Meaningful data can be collected over months not years. It is not clear what data could be collected in years 5, 6 or 7 that could not be collected in years 1-2.

The waiver, if granted, should expire on 30 June 2029. That is after the end date of ARENA’s Plug and Play trial (31 October 2028) and given Essential states they aim to build their kerbside EVCI network by the end of 2027, that period would allow for approximately two years of data collection (assuming the first sites would be deployed not long after any waiver was granted) and still provide plenty of time for final reporting and knowledge-sharing with ARENA and the public.

4.11 What are your views on the information, data and learnings that Essential Energy’s trial should generate and share to inform future policy and regulatory decisions?

If the waiver is granted the AER must impose data and reporting requirements and Essential should collect and report on trial data on a quarterly basis including:

- Number and locations of new composite poles containing EVCI deployed and that are operationally ready for a CPO to commence service;
- Statistics on deployment timeframes as outlined in section 4.2;
- Information on deployment costs – mean, median, minimum and maximum costs incurred to deploy a new composite pole containing EVCI. This is needed to test the proposition that “*embedding chargers in existing streetlight and distribution poles can reduce total deployment and lifecycle costs compared with conventional externally mounted charger*”³⁴
- Number of new CPOs that have commenced commercial operation and where;
- Total number of outages and maintenance activities classified by severity and data on service restoration;
- Statistics on maintenance response and rectification timeframes as outlined in section 4.2;
- EVCI utilisation data by site, including charging session count, number of unique users, overall utilisation percentage, mean, median, minimum and maximum session durations, mean, median, minimum and maximum charging rate in kW, diurnal utilisation profiles.
- Impact on EVCI utilisation of dedicated EV only-while-charging bays versus non-dedicated parking bays.
- Behavioural data, such as customers remotely changing their vehicle’s charging rate after commencing a charging session; customers remaining plugged in after a session completes and if so statistical data on idle periods; anonymised data on the geographic travel range individual customers, e.g. what proportion of unique users mostly use kerbside EVCI in the same street segment or town, versus what proportion appear to travel extremely widely. Some of this data may need to come from CPOs.

³³ Essential’s waiver application, p.10.

³⁴ Ibid, p.40.

4.12 Additional waiver condition

In Essential's waiver application they seek exemption from Ring Fencing Rule Clause 4.2.3 Branding and Cross Promotion, *"To permit limited Essential Energy branding on the charging hardware for the purpose of asset ownership and safety accountability, not retail charging promotion or marketing."*³⁵

If the AER grants the waiver, an additional condition should be imposed as follows:

Branding

- CPOs who successfully secure access rights to EVCI have the first right to prominently brand that EVCI, not merely for brand recognition and retail promotion purposes, but also to provide QR codes for App downloads, site identification details, contact telephone numbers in the event of service faults, and any other information the CPO considers important for customers to have.
- CPOs will indicate via drawings to Essential the size and location on the EVCI of such branding – not for Essential to approve but for Essential's information so that Essential does not compromise the EVCI real estate that the CPO wishes to use for its branding.
- Essential may only add branding on the composite pole and not on the EVCI itself.

- END OF SUBMISSION -

³⁵ Essential's waiver application, Table 3, p.20.