

Contact Officer: Laura Considine

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12 August 2026

Lauren Fetherston
Head of Regulatory Policy and Compliance
CitiPower, Powercor and United Energy

Sent by email to: [REDACTED]

Dear Ms Fetherston

Re: CitiPower, Powercor Australia, and United Energy (CPU) Distribution ring-fencing waiver for electric vehicle charging infrastructure – waiver variation

The AER has decided to grant a ring-fencing waiver variation, effective on 12 August 2026, to CPU in relation to condition 6 of its waiver for providing EV charging infrastructure. This waiver variation amends the deadline for compliance with condition 6, to extend the amount of time for CPU to become compliant with this condition to 12 months. The ring-fencing waiver was granted on 22 October 2025.

CPU indicated a longer period is required for compliance with condition 6

The AER has been engaging with CPU on the progress of the trial against the conditions of its ring-fencing waiver for providing EV charging infrastructure. CPU has indicated it remains non-compliant with condition 6 and that it would require more time to become compliant.

Condition 6 of the ring-fencing waiver granted on 22 October 2025 is as follows:

Condition 6: CPU to identify specific EVCI sites for its trial consistent with the following approach:

- a) within 6 months of this AER decision, publish on CPU's website(s), and notify the AER of its publication, a listing of the final EVCI sites, with supporting evidence, demonstrating that these selected sites appropriately balance:
 - i. locations where there are network constraints, which ensure greatest learnings about demand management to address network constraints.
 - ii. diverse council engagement;
 - iii. high potential for EV charging load
 - iv. sites that are not subject to a current connection request by a third-party.

AER assessment and decision

In the AER's engagement with CPU, CPU indicated that it would not be able to meet the 6-month deadline due to negotiations with council for suitable sites. There were staff level discussions about reasonable timelines required for CPU to finalise its proposed 100 sites as

permitted by the waiver, and CPU indicated it may require a further 6 months. On 28 May 2026, AER staff notified CPU that it is considering varying waiver condition 6 accordingly.

The AER's decision is to vary condition 6 of CPU's waiver, to allow CPU 12 months to become compliant with condition 6 from the date the AER granted this waiver.

Pursuant to section 5.5 of the Guideline, in deciding whether to vary a waiver, the AER will have regard to the same matters for granting the waiver under clause 5.3.2 of the guideline.

Under clause 5.3.2 of the guideline, the AER must have regard to the National Electricity Objective (NEO), the potential for a distribution network to engage in cross-subsidisation of services and discriminatory behaviour, and whether the costs of compliance with the guideline outweigh the benefit to consumers of that compliance, including in relation to impacts on competition.

The AER accepts there are circumstances which can lead to delays, and protracted council negotiations are circumstances that are largely out of CPU's control. On balance, we believe the benefit of making this variation to permit CPU more time to identify the 100 sites for its EV charging infrastructure trial, will ensure the greatest benefits from network learnings and insights can be gained, and is therefore in the long-term interest of consumers.

CPU now has until 22 October 2026 to comply with amended waiver condition 6. The AER considers this period sufficient for CPU to meet the amended condition and does not anticipate any further extension at this time. This reflects the point-in-time nature of ring-fencing waiver decisions, with conditions calibrated to the market conditions applying at the time of the decision.

Amended waiver condition 6

Condition 6 of CPU's ring-fencing waiver for electric vehicle charging infrastructure, effective on 12 August 2026, is as follows.

Condition 6: CPU to identify specific EVCI sites for its trial consistent with the following approach:

- a) within 12 months of this AER decision, publish on CPU's website(s), and notify the AER of its publication, a listing of the final EVCI sites, with supporting evidence, demonstrating that these selected sites appropriately balance:
 - i. locations where there are network constraints, which ensure greatest learnings about demand management to address network constraints.
 - ii. diverse council engagement;
 - iii. high potential for EV charging load
 - iv. sites that are not subject to a current connection request by a third-party.

Compliance and review matters

The AER reminds CPU that the AER has broad discretion to review and revoke ring-fencing waivers that it grants, at any time on its own initiative if there are grounds to do so. Pursuant to section 5.5 of the Guideline, in deciding whether to vary or revoke the waiver, the AER will have regard to the same matters for granting the waiver under clause 5.3.2 of the guideline.

A minimum of 40 days' notice will be given to CPU that the AER is considering a variation or revocation of this waiver.

We also remind CPU that under clause 6.3. of the guideline, CPU is required to notify the AER in writing within 15 days of becoming aware of a breach of its obligations under the guideline.

If you would like to discuss this matter further, or have any questions, please contact Laura Considine, Director Ring-Fencing, on AERringfencing@aer.gov.au in the first instance.

Yours sincerely



Jarrod Ball
AER Board Member

Sent by email on: 12.08.2026