

Decision

PLUS ES trial waiver: Final Decision

March 2025

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1 Executive summary

The Australian Energy Regulator (AER) has established the Energy Innovation Toolkit (formerly referred to as 'regulatory sandboxing'); a function that aims to help energy innovators and start-ups navigate complex regulatory frameworks and enable the trial of new products and services that will deliver greater choice and cheaper energy options for consumers.

The Energy Innovation Toolkit framework facilitates trials of innovative projects in part by giving the AER a power to issue trial waivers. A trial waiver temporarily exempts an innovator from having to comply with specific rules that are acting as regulatory barriers to allowing an innovative trial project to proceed.

PLUS ES (the trial proponent), a metering coordinator part-owned by Ausgrid under ringfenced arrangements, lodged an application for a trial waiver with the AER through the [Energy Innovation Toolkit](#) on 29 August 2024.

The proposed trial project relates to the installation of pole mounted electric vehicle (EV) chargers within three distribution network service provider areas in New South Wales and South Australia. PLUS ES intends to partner with distribution network service providers (DNSPs) to lease space on power poles and streetlights to install up to 1,000, 7-22 kW single or double port kerbside EV chargers.

These will be operated by a retail partner appointed by PLUS ES.

This trial is **not** authorising the installation of chargers or meters, as PLUS ES is already **permitted to undertake these activities**. Instead, this trial is authorising the installation of a new kind of within-charger smart meter that removes the need to install a separate metering enclosure box directly above the EV charger.

To facilitate its innovative metering solution for pole mounted kerbside EV chargers, PLUS ES is seeking a waiver from two clauses in the National Electricity Rules (NER):

- clause 7.3.1(b)(2) (relating to the Australian Energy Market Operator's Metrology Procedure Part A).
- clause 7.8.3(a) (relating to compliance with the minimum services specification in the NER).

Specifically, clause 7.3.1(b)(2) of the NER requires adherence to Metrology Procedure Part A. PLUS ES only requires a waiver from clause 3.1(a)(i) of this procedure as the proposed within-charger meters do not meet Australian Standards 60252.11. The proposed meter exceeds the standard for some elements and does not for others. Where these standards are not met, PLUS ES has specified how these will be managed as part of this trial. Similarly, where the minimum service specification differs from the current requirements, PLUS ES has outlined its assessment against these requirements and, if appropriate, any solutions. These are specified further in PLUS ES' trial waiver application.

We note there is a broader consideration in the industry around the role of DNSPs and their related entities in the EV charging space, and the effectiveness of ring-fencing as a

regulatory tool in this respect. A number of stakeholders raised concerns in this respect when we consulted on this trial waiver application. The trial waiver does not change Ausgrid's obligations to comply with ring-fencing and other regulatory obligations. It also does not affect the extent to which PLUS ES rolls out charging infrastructure in Ausgrid's distribution network, which is the element which gives rise to these concerns. However, we acknowledge the important issues raised by stakeholders. The AER will consider these issues further through a number of avenues including specific ring-fencing waiver applications, reviews of our distribution ring-fencing guidelines and our standing compliance functions. We welcome engagement from stakeholders in these relevant, but separate, processes.

1.1 Decision

The AER has decided, under section 18ZL of the National Electricity Law (NEL), to grant a trial waiver from clause 7.3.1(b)(2), and clause 7.8.3(a) of the NER, to PLUS ES, subject to conditions outlined in [Attachment C](#) and to the standard disclaimer attached at section 5. The time period for the trial waiver is 5 years. The reasons for this decision are outlined below.

In considering whether to grant a trial waiver, the AER had regard to the **eligibility requirements** specified in the National Energy Rules¹ and the **innovative trial principles** specified in the National Energy Laws.² Clause 4.2 of the [Trial Projects Guidelines](#) sets out our proposed approach to assessing whether the eligibility requirements and innovative trial principles are met.

We undertook consultation on this waiver application and have taken into account this feedback through our decision. A summary of the feedback received through this process is provided at [Attachment A](#) of this paper.

Our analysis and conclusions on these are summarised in this paper, with a full assessment against the eligibility requirements and innovative trial principles is outlined in [Attachment B](#).

We see this trial delivering benefits to consumers by contributing to a potentially cheaper and faster EV charging roll-out. More broadly, reducing the cost of installing EV charging infrastructure also improves the efficiency of investment in these services and delivers benefits to consumers, including network customers. We also expect this trial to provide learnings to the market, including by providing the Australian Energy Market Operator (AEMO) with learnings to support implementing the [Unlocking CER benefits through flexible trading](#) rule change, and also to support amending AEMO's Metrology Procedure to better integrate EV chargers with smart meter capabilities. We note, if AEMO procedures and guidelines are updated in a way that allows these metering devices, this trial will conclude early as a trial waiver will no longer be required.

While the trial waiver relates to the metering installation, the AER has imposed conditions to assist with monitoring the outcomes for consumers, as well as maximising the learnings for regulators and industry. The conditions are at [Attachment C](#).

¹ NER clause 8.16.4(a); NERR clause 178(1); NGR clause 135MC(1).

² NEL section 18ZL(2); NERL section 121C(2); NGL section 30W(2).

2 Background

2.1 What is a trial waiver?

A trial waiver temporarily exempts an innovator from having to comply with specific law or rules provisions that may be acting as regulatory barriers to allowing an innovative trial project to proceed. Trials are limited to 5 years, with the possibility of a once-off extension of up to one year.

Trial waivers facilitate trials for new approaches, services or models that may be in the long-term interests of consumers but cannot be trialled under the current regulatory framework. These trials can provide evidence to support permanent changes to the law or rules to ensure they remain fit-for-purpose in serving the long-term interests of consumers.

The trial waiver process is not to be viewed as an alternative, but rather as a complement to existing processes and frameworks. Where evidence exists that a rule is no longer fit-for-purpose in serving the long-term interests of consumers, entities are encouraged to submit a rule change to the Australian Energy Market Commission (AEMC).

The AER may, on application by a person or body that proposes to undertake a trial project (the proponent), make a determination to grant the proponent an exemption (a trial waiver) from one or more of the following:

- section 11 of the NEL (which concerns registrations) and/or the NER or a provision of the NER³
- section 88 of the National Energy Retail Law (NERL) (which concerns retail authorisations) and/or the National Energy Retail Rules (NERR) or a provision of the NERR⁴
- section 91BJ, section 91BRD, section 91BRR and/or section 91LB of the National Gas Law (NGL) (which concern registrations and authorisations) and/or the National Gas Rules (NGR) or a provision of the NGR.⁵

2.2 Summary of PLUS ES' trial waiver application

The project's primary aim is to trial an innovative metering solution for pole mounted kerbside EV chargers that improves the efficiency and cost of public EV chargers. This is achieved by packaging the metering and charging elements in a single EV charging unit.

To achieve this, PLUS ES is seeking a waiver from clause 7.3.1(b)(2) of the NER (relating to AEMO's Metrology Procedure Part A), which requires metering installations to comply with all requirements of the relevant Australian Standards, and clause 7.8.3(a), which requires new and replacement metering installations for small customers to comply with the minimum services specification set out in Schedule 7.5 of the NER.

³ NEL clause 18ZL(1).

⁴ NERL clause 121C(1).

⁵ NGL clause 30W(1).

With a waiver of compliance from these provisions, PLUS ES may install up to 1,000 Type 4 pattern approved metering installations in pole mounted kerbside EV chargers that do not meet the requirements of the clauses.

While Clause 7.3.1(b)(2) of the NER requires adherence to Metrology Procedure Part A, PLUS ES only requires a waiver from clause 3.1(a)(i) of this procedure as the proposed meters do not meet Australian Standards 60252.11. The proposed meter exceeds the standard for some elements and does not for others. Where these standards are not met, PLUS ES has specified how these will be managed as part of this trial. Similarly, where the minimum service specification differs to the current requirements (clause 7.8.3(a) of the NER), PLUS ES has outlined its assessment against these requirements and, if appropriate, any solutions. These are specified further in PLUS ES' trial waiver application.

PLUS ES' primary objective is to trial an innovative metering solution for pole-mounted kerbside EV chargers that may improve the cost and efficiency of EV charger installation with minimal impacts on users. By waiving certain requirements that the meters need to meet, this allows PLUS ES to test if these meters can provide the expected service and performance of current meters used in the market. In seeking this waiver, PLUS ES expects to reduce the upfront capital costs and ongoing operational costs of pole mounted kerbside EV chargers. Additionally, this trial is also expected to provide AEMO with learnings to support implementing the 'Unlocking CER benefits through flexible trading' rule change, including amending AEMO's Metrology Procedure to better integrate EV chargers with smart meter capabilities.

PLUS ES is a registered Metering Coordinator, an accredited Metering Provider and Metering Data Provider in the National Electricity Market. More information on PLUS ES can be found on its [website](#).

We note PLUS ES is part owned by Ausgrid, a New South Wales electricity distribution business. This application is for a sandboxing trial waiver from the AER, and not a waiver from other regulatory requirements, such as a ring-fencing waiver. We note that where there are concerns about the impacts of this proposal on competition, the AER already has processes for reporting and monitoring the compliance of Ausgrid, as with all DNSPs, with the AER's distribution ring-fencing guideline. To the extent that market participants and potential competitors of PLUS ES have concerns in relation to the conduct of Ausgrid and its compliance with the distribution ring-fencing guideline with respect to PLUS ES as a related party, these concerns should be raised with the AER for our consideration.

2.3 Trial monitoring and conduct

Following the granting of a trial waiver, the AER also has a role in monitoring the progress and reporting on and communicating the outcomes of the trial. Section 5 of our [Trial Projects Guidelines](#) outlines how we will oversee the conduct and outcomes of trial projects. This includes, among other things, receiving progress reports to ensure that the proponent is compliant with the trial waiver conditions, as outlined in [Attachment C](#) and to the standard disclaimer attached at section 5. These reports will be made public, and available online, in line with our [Trial Projects Guidelines](#).

If for any reason we are concerned about the conduct of the trial, section 6 of the [Trial Projects Guidelines](#) allows us to seek additional information or cease the trial for the reasons specified in clause 6.2(a) or the ability to vary conditions as outlined in section 7.1.

3 Assessment

In considering whether to grant a trial waiver, the AER is required to have regard to the **eligibility requirements** specified in the National Energy Rules⁶ and the **innovative trial principles** specified in the National Energy Laws⁷ and any other matter the AER considers relevant⁸. Clause 4.2 of the [Trial Projects Guidelines](#) sets out our proposed approach to assessing whether the eligibility requirements and innovative trial principles are met.

The AER is required to have regard to whether a trial project meets the eligibility requirements and innovative trial principles in deciding whether to grant a waiver, but there is no requirement that the AER must be satisfied that all principles are met to grant a waiver. The AER takes a holistic approach to the consideration of the eligibility requirements and innovative trial principles when assessing each application.

This flexibility is appropriate, since there may be circumstances where not all requirements and principles are met, but there is merit in a trial project proceeding. However, the AER is more likely to grant a trial waiver where we are satisfied that a trial project meets all the innovative trial principles, and the eligibility requirements that are set out in clause 4.2 of the [Trial Projects Guidelines](#).

The summary of our assessment is presented below. A full outline of stakeholder feedback is at [Attachment A](#) and our assessment against the eligibility requirements and innovative trial principles is at [Attachment B](#).

3.1 Stakeholder views

As part of our consideration of the application, we are required to undertake public consultation. Public consultation for this trial waiver application resulted in the AER receiving a total of 16 written submissions, the majority of which expressed support for the trial. AEMO also provided a written submission on this trial, which is discussed further in section 3.1.1.

Consultation on this trial waiver application ran from 15 October to 22 November 2024. The consultation was extended due to a change of scope as requested by PLUS ES.⁹ The consultation process identified several key themes, reflecting the concerns and insights of stakeholders. An overview of these themes is provided below.

Trial learnings

Submissions in favour of the trial noted that it has the potential to generate useful learnings for the market and provide valuable insights for AEMO's implementation of the AEMC's 'Unlocking CER benefits through flexible trading' rule change. One submission noted that the trial project would help align Australia's EV charging metrology with international practices.

⁶ NER clause 8.16.4(a); NERR clause 178(1); NGR clause 135MC(1).

⁷ NEL section 18ZL(2); NERL section 121C(2); NGL section 30W(2).

⁸ NER clause 8.16.4(b); NERR clause 178(2); NGR clause 135MC(2).

⁹ The original Consultation Notice and the Consultation Addendum are available on the [EIT website](#).

Cost, accessibility and technological progress

Several submissions indicated that the trial is likely to reduce the costs associated with EV charger installation and ongoing maintenance while improving accessibility to EV charging infrastructure. Some submissions noted that the trial project has the potential to drive technological advancements in EV charging and reduce barriers to its efficient deployment.

Market impact and trial scope

Four submissions expressed concerns regarding the relationship between PLUS ES and Ausgrid and South Australia Power Networks (SAPN), the South Australian electricity distribution business. Stakeholders raised concerns that these relationships might give rise to potential conflicts of interest, which could impact competition. Some submissions requested further details on the agreements between PLUS ES and Ausgrid, with others specifically requesting the licensing arrangement (commonly referred to as a facilities access agreement) is made public.

The AER has carefully considered these concerns, and notes that electricity distribution businesses are required to comply with the AER's distribution ring-fencing guideline. Amongst other things, this guideline provides for legal and functional separation between network and related businesses, as well as obligations on network businesses not to discriminate in favour of related entities. However, no evidence was provided in submissions of actual or likely breaches of the distribution ring-fencing guidelines.

The majority of submissions supported both the trial duration and the number of chargers to be included in the trial. AEMO is supportive of a broad scope to incorporate a greater diversity of regions, installation configurations and housing types, noting that this is likely to enhance the potential for learning. Three submissions, however, expressed concerns that the duration of the trial and the number of chargers was excessive. These submissions considered that the proposed scope went beyond that of a trial and would negatively impact competition.

As noted above, PLUS ES is already able (as a ring-fenced competitive entity) to install EV chargers. This trial will not affect the extent to which PLUS ES rolls out charging infrastructure in Ausgrid's distribution network, which is the element which gives rise to the ring-fencing compliance risk. Therefore, the AER considers these concerns are an insufficient basis on which to deny the waiver application, and that the trial waiver is an inappropriate mechanism through which to explore ring-fencing compliance concerns. If evidence of ring-fencing breaches is identified during the trial duration, the AER retains the right under cl. 8.18.2(i) of the National Electricity Rules and our Trial Projects Guidelines to terminate a trial waiver for breaches of other obligations under the national energy laws, rules or regulations.

While unrelated to this trial waiver, we have the opportunity to explore the role of DNSPs and their related entities in EV charging, and other emerging issues, through future reviews of our distribution ring-fencing guidelines, individual ring-fencing waiver applications and our ring-fencing compliance role. This includes the opportunity to explore facilities access agreements as required. We welcome engagement from stakeholders in these relevant, but separate, processes.

Jurisdictional regulations

Three submissions raised concerns that the trial would not meet the requirements for metering installations set out in the NSW Service and Installation Rules, which are outside of the AER's jurisdiction. The AER understands PLUS ES has been engaging with the NSW Government on installation and safety issues and in early January received informal approval (with formal endorsement being finalised by NSW DNSPs) for installing these chargers by the Service and Installation Rules Committee.

3.1.1 Australian Energy Market Operator and Unlocking CER Benefits through Flexible Trading

As the trial relates to adherence to AEMO's Metrology Procedure Part A, and in accordance with clause 8.16.3(b) of the NER, the AER must have regard to whether the trial project may have an adverse effect on AEMO's operation and/or administration of the power system, the market, the declared distribution systems and declared transmission system for gas or markets for natural gas and the measures that the proponent will take to avoid or mitigate such adverse effects.

AEMO is supportive of the trial, and in its consultation submission, notes the potential insights that could inform the development of procedures and guidelines under the recent AEMC 'Unlocking CER benefits through flexible trading' rule change. AEMO also notes the expanded scope of the trial will incorporate a greater diversity of regions, installation configurations, and housing types which are likely to enhance the potential for learning.

More information on the 'Unlocking CER benefits through flexible trading' rule change is available on the [AEMC website](#). Of particular importance to this trial is that the rule change enables market participants to use built-in measurement capabilities to foster innovation and provide essential products and services at a lower cost. A range of changes will be required to implement the framework in the final rules, including updates to AEMO procedures.

3.2 Eligibility requirements and innovative trial principles

The AER considers that the trial meets the eligibility requirements for a trial waiver. Our view is that the trial will contribute to regulatory and industry learnings, not only for EV kerbside charging meters, but for the EV market more broadly through the data and insights to be delivered through this trial.

In relation to the innovative trial principles, these include that the trial is able to demonstrate a reasonable prospect of giving rise to materially improved services and outcomes for consumers of electricity, energy or gas. By trialling these EV meters, it is our view that, if the trial is successful, it may result in improved outcomes for consumers through a potentially faster availability of EV chargers, at a cheaper cost. Reducing the cost of public EV charging can enable additional consumer demand for such charging infrastructure to be met. Furthermore, reducing the cost of installing EV charging infrastructure would also improve the efficiency of investment in these services and deliver benefits to consumers, including network customers.

The AER sees that one of the main benefits to the market from this trial will be the learnings and potential to inform AEMO's development of procedures and guidelines under the recent AEMC rule on 'Unlocking CER benefits through flexible trading'. As such, and in response to feedback received as part of the consultation, we have worked closely with AEMO to determine the reporting conditions to ensure the necessary information is provided in a timely manner. We have also made additional conditions regarding reporting, including the reports provided to the NSW Government to inform our broader consideration of EV charging policy. Additionally, we have included the need to report cost savings attributable to the new meters (as compared to other, non-trial installations), metering faults or consumer complaints as a trial condition so we can effectively perform our trial monitoring role.

Given the emerging and developing nature of public EV kerbside chargers in Australia, the AER is mindful of the impact potential trials may have on competition. This is also echoed in our Innovative Trial Principles and the need to consider the impact the trial has on a competitive sector in the national energy market.

For reasons outlined above, and based on the feedback received from stakeholders, we do not consider this issue provides a justification to not grant the waiver in this instance, as no specific evidence has been raised in relation to competition issues (for example, discriminatory conduct by a distribution business in breach of the distribution ring-fencing guideline).

Specifically, the granting of a waiver to PLUS ES from clauses 7.3.1(b)(2) and 7.8.3(a) of the NER does not have any impact on Ausgrid in relation to its existing obligations under clause 6.17.1 of the NER to comply with our distribution ring-fencing guideline. The guideline requires Ausgrid to take steps to effectively ring-fence its monopoly electricity services from contestable services provided by a related entity such as PLUS ES. These steps must include accounting separation and ensuring it does not discriminate in favour of its related business of PLUS ES.

We have a separate process for stakeholders to bring forward concerns about specific breaches of the ring-fencing guideline. Further, the ring-fencing guideline requires Ausgrid to submit an annual report on its compliance, along with a separate report by an independent auditor. Our usual practice has been to publish such reports from all DNSPs.

The AER has a role in monitoring trials as well as the conduct of network businesses under the distribution ring-fencing guideline. Where there are concerns on the conduct or other risks that emerge through the trial, we can consider a variation or other action to the trial waiver as well as compliance action in relation to potential breaches of the distribution ring-fencing guideline.

A number of the EV chargers are being delivered in response to the NSW Government electric vehicle kerbside charging grants. By allowing a trial of these different meters, the AER does not see this as materially impacting competition. As noted above, the trial waiver process is separate to existing regulatory arrangements governing ring-fencing. Distribution businesses are expected to comply with existing obligations in these guidelines, including non-discrimination requirements. Regarding the facilities access agreement, the AER also does not consider it appropriate to release this agreement between two companies as a condition of the trial given it does not relate to the technology which is being trialled. It is

more appropriate for us to explore facilities access agreements as required in respect of our ring-fencing and other regulatory functions.

Furthermore, as outlined in the Trial Projects Guidelines, there is no requirement for the AER to consider if a trial project is materially similar to one that is already subject to a waiver. Therefore, granting this waiver to PLUS ES **does not prevent other parties seeking a trial waiver** (subject to the application meeting the eligibility requirements and innovative trial principles).

Some of the consultation submissions raised concerns regarding complying with NSW legislation. While this is outside the scope of the trial waiver, we have included the need to comply with other jurisdictional requirements as a trial expectation (see [Attachment C](#)).

3.3 Early termination and end of trial

As noted in our Trial Projects Guidelines, the AER already has the ability to grant a waiver or an exemption from certain National Energy Laws and Rules. As such, the trial waiver function is separate from these existing waiver functions and is a complement, rather than an alternative to these existing processes and frameworks. Market participants are expected to comply with existing obligations in these guidelines.

The AER may revoke a trial waiver early.¹⁰ As noted in clause 6.2(a)(iii) of the Trial Projects Guidelines, this may be for a range of reasons, including where it has been found that there has been non-compliance with other obligations under the National Energy Laws, National Energy Rules and/or National Energy Regulations.

We note some concerns from stakeholders around the relationship between PLUS ES and Ausgrid. The AER does not consider this is sufficient to not grant the waiver. However, as noted above, where there are concerns on the conduct or other risks that emerge through the trial (for example, in relation to potential breaches of the distribution ring-fencing guideline), we can consider a variation or other action to the trial waiver.

We do also recognise that there may be a future state where the framework is updated to allow for meters that may not meet the current requirements. Where this is the case, the trial will be ended early as a waiver is no longer required. If, however, the trial comes to an end and the decision is that the trialled meter is not appropriate, the trial meter will need to be replaced. This exit strategy will be managed between the metering provider and their asset management performance, and AEMO.

3.4 Conclusion

On balance, the AER considers the proposed trial is likely to deliver an overall benefit to consumers and the industry more broadly and that it is appropriate to grant a trial waiver. We consider the trial will provide important learnings to the market, as well as deliver improved EV charging access to consumers. To maximise the learnings to the market, the AER has also imposed a number of conditions on the waiver. These are discussed further below in section 4.1 and at [Attachment C](#).

¹⁰ NER clause 8.18.2(a)(2); NERR clause 183(1)(b); NGR clause 135OA(1)(b).

4 Outcome

Our Decision is to **grant** the waiver to PLUS ES from clauses 7.3.1(b)(2) and 7.8.3(a) of the NER to allow for the installation and operation for up to 1,000 electric vehicle chargers, for a period of 5 years, subject to conditions outlined in [Attachment C](#) and to the standard disclaimer at section 5.

4.1 Conditions

As outlined in clause 7 of the [Trial Projects Guidelines](#), the AER may impose any other conditions considered appropriate for a trial. This allows the AER to impose conditions to ensure issues raised through public consultation are addressed, ensuring the trial maximises the learnings for the market, while also ensuring other requirements are met, including the remaining parts of the Metrology Procedure Part A. Additionally, as per clause 7.1(d), if the proponent has not complied with any conditions of the trial waiver, the AER may also vary or revoke a condition of, or impose further conditions on, the trial waiver. We have also outlined some expectations which, while not legally binding, outline issues we consider important to highlight, such as compliance with jurisdictional requirements.

The AER has imposed a number of conditions on PLUS ES as part of the trial waiver, including:

- **Comply with the remaining parts of the Metrology Procedure:** Where compliance with a procedure or guideline is a rule requirement, the AER is able to waive compliance with that requirement and require compliance with the remainder of the guideline or procedure as a condition of granting the trial waiver. As such, compliance with the remaining sections are a requirement of the trial waiver.
- **Meter installation date:** As the main benefit of the trial relates to learnings for AEMO, including in its review of Metrology Procedures to be completed by 30 June 2026. We have included a deadline for meter installation to ensure the trial meters are installed in time to provide AEMO any data and relevant learnings. We have also included an expectation for an interim target of installations to be met.
- **Meter replacements:** There may be instances where trial meters need to be replaced during this trial, in these cases the meters will be replaced with either current market compliant or trial meters.
- **Reporting Requirements:** We have engaged closely with AEMO to ensure a range of learnings and data points are provided to inform its development of procedures and guidelines.
- **NSW Reports:** As a number of the meters are being delivered through a NSW Government grants program, with its own reporting requirements, the AER will receive these reports which will inform our consideration of Electric Vehicle Charging Infrastructure policy more broadly.

The AER also expects:

- Jurisdictional requirements, namely NSW Service and Installation Rules are adhered to, as these are outside the scope of the AER trial waiver power.
- Consumers are advised that they can lodge a complaint about the Electric Vehicle Charger, retailer or Charge Point Operator with the AER to facilitate trial monitoring.
- That PLUS ES make all reasonable endeavours that at least 10% of meters are delivered by 31 December 2025.

5 Trial disclaimer

The terms below which are used in the disclaimer, have the following meanings:

Proponent means the party/parties benefitting from the trial waiver.

Trial means the project undertaken in accordance with the trial waiver for the duration and limited to the scope of that advised to the AER for the purpose of granting the trial waiver.

Trial waiver has the same meaning as sections 18ZL(1) of the National Electricity Law, 30W(1) of the National Gas Law and 121C(1) of the National Energy Retail Law.

Trial project confidential information means information regarding a trial project and submitted to the AER in, or in connection with, an application for a trial project that is identified by the applicant as being confidential.

Trial Projects Guidelines means guidelines of that name made and published by the AER under the National Electricity Rules.

AER means the Australian Energy Regulator.

By accepting the trial waiver, the proponent acknowledges that:

- a. To the extent that is lawful, the AER by granting this trial waiver is not responsible or liable for any loss suffered by any party, including third parties, resulting from or related to the trial.
- b. The AER makes no representations as to the likely success or failure of the trial and the proponent remains responsible at all times for the operation of the trial. In granting a trial waiver, the AER is making no statement about, advising or commenting in any way, on the commercial viability of the trial.
- c. The proponent must not describe its propositions as “AER approved” or otherwise imply in any way that the AER endorses its product, service, methodology or business model.
- d. The proponent at all times remains bound by all other laws, rules and regulations not expressly the subject of the trial waiver.
- e. The proponent is responsible for the effective and lawful operation of the trial in accordance with the terms of the trial waiver and as proposed by the proponent in its application to the AER for a trial waiver. The AER has no direct involvement in the trial beyond the granting of the trial waiver and the monitoring of any reporting (if required under the trial waiver).
- f. The AER, in granting this trial waiver, makes no comment or commitment, with regard to any further consideration of this trial waiver (e.g.: early termination; reconsideration of the conditions which apply to the trial waiver).
- g. The AER, in granting this trial waiver, makes no comment or commitment, with regard to any further applications regarding this trial waiver (e.g.: an application for extension of the trial waiver).
- h. To the extent that is lawful, the AER is not responsible for any loss suffered by the proponent or a third party arising from any action, or inaction, by the AER in the course of the trial, including through trial monitoring activities.
- i. The proponent must not misrepresent the information, guidance or regulatory relief given to the proponent by the AER.

Attachment A – Summary of consultation submissions

Stakeholder	Issues raised
SAPN	Supports the trial, including the expansion to SA (trial addendum) and the additional learnings from installing meters on Stobie poles.
AGL	Supports the trial, noting the benefits of the learnings. Considers the term is appropriate as the exemption relates to both the installation and ongoing operation of the meters.
Tesla	Supports the trial and trial addendum, noting the insights and learnings of the trial.
Landis+Gyr	Supports the trial and trial addendum. Noting the expansion to other jurisdictions broadens the learnings.
Connected Kerb	Supports the trial and trial addendum, noting it is a step towards aligning Australia's EV metrology with international practices.
Evie Networks	<p>Supports innovation in the EV space but the trial waiver as proposed raises significant concerns in the areas of:</p> <p>Evie Networks argues that as EVs represent only 1% of the national vehicle fleet, the scale of this trial is excessive. Additionally, it is argued that the scale may distort the outcomes of government funding programs, such as the NSW Kerbside Funding Grants. Evie Networks suggests instead the trial should be limited to 10-20 chargers per jurisdiction.</p> <p>Evie Networks also raised competition implications due to the relationship between Ausgrid and PLUS ES. Evie Networks raises concerns around potential preferential access to infrastructure and resources, which risks creating market distortion and competition inequities.</p> <p>There are also concerns around the lack of transparency regarding the facilities access agreement between PLUS ES and Ausgrid and the potential for cross-subsidisation and preferential terms. Evie Networks recommends that Ausgrid and PLUS ES should need to publicly disclose their facilities access agreements to establish equitable benchmarks.</p> <p>Evie Networks also considers the application lacks sufficient detail on broader knowledge-sharing mechanisms, such as the cost of procuring and installing chargers, operational challenges and end-user behaviours. The submission makes recommendations on what should be included in the knowledge sharing reports, including detailed cost data, operational learnings, consumer insights and impact on business models.</p>

Stakeholder	Issues raised
Ausgrid	Supports the trial, noting the reduced costs, improved visual amenity and the potential learnings.
ChargePost	Supports the trial and addendum, noting the associated learnings and reduced installation and maintenance costs.
AEMO	<p>AEMO supports the trial, noting the insights to inform AEMO’s development of procedures and guidelines.</p> <p>AEMO considers the controls proposed by PLUS ES to effectively mitigate concerns associated with innovation approach to kerbside metering by ensuring market integrity while facilitating a forward-looking trial.</p> <p>The timeframe and scope are also considered to be reasonable and practical. The proposed 5-year waiver ensures that learnings can be integrated into broader market reform efforts and consultations. While the expanded scope provides more comprehensive insights into the operational and integration challenges and opportunities that arise in various contexts.</p>
National Electrical and Communications Association (NECA)	<p>NECA raises some concerns around the trial, including that the scale, in terms of both volume and time, is well beyond the needs of a trial.</p> <p>There are also concerns that, given the lobbying by Energy Networks Australia, there is a risk that the parent company could acquire substantial assets into their regulatory asset base should the national electricity rules be modified to suit.</p> <p>Additionally, there are concerns that the locating equipment are not compliant with existing Service and Installation Rules (NSW) and introduces hazards for workers.</p> <p>NECA also raised concerns that, in the absence of transparent information, the waiver provides PLUS ES with a preferential facilities access arrangement, as well as access to other DNSP resources to service the trial.</p>
Endeavour Energy	Supports the trial, noting the increased access to EV customers, reduced costs and the learnings for the market including EV charging models are adaptable to specific regions, network characteristics and community needs and preferences.
EVX Australia	<p>EVX raised some concerns with the trial, particularly around the scope and duration of the waiver. EVX argue that over 500 sites is not necessary to demonstrate a metering device and stretches the purpose of the regulatory sandbox to include ‘mass commercial activity’.</p> <p>EVX also raised concerns that PLUS ES’ proposal will still need to overcome regulations such as state service and installation rules. EVX also argue that PLUS ES’ statement that there is no requirement for a separate metering enclosure on the pole is incorrect.</p> <p>EVX also suggests that, for transparency, the cost to PLUS ES for accessing Ausgrid assets is made public.</p>

Stakeholder	Issues raised
Electric Vehicle Council	<p>Supports the trial, as a way to support innovation and potentially improve energy services or reduce their cost.</p> <p>EVC do raise making public the licensing arrangement (facilities access agreement) PLUS ES has with Ausgrid and SAPN for the use of the poles. It is argued this will improve transparency and support further deployment of EV charging in these sorts of settings.</p>
Essential Energy	<p>Supports the trial and notes the benefits of lower cost charging, as well as the potential learnings for the market including diverse installation and connections as well as understanding the charger function in different climates and regional areas.</p>
CitiPower, Powercor and United Energy	<p>Supports the trial and notes the learnings for market participants as well as improve cost for consumers.</p>
Electric Future	<p>Supports the proposal and notes the benefits of cost reduction, as well as the potential learnings for the market.</p>

Attachment B – Assessment of trial application

Eligibility requirements under the Energy Rules		
Requirement	Assessment factors	Assessment
<p>Whether the carrying out and monitoring of the trial project is likely to contribute to the development of regulatory and industry experience</p>	<p>The AER will consider factors such as:</p> <ul style="list-style-type: none"> the nature of the trial project, such as whether the project is proposing new or materially improved approaches in relation to energy markets or energy supply the aims and objectives of the trial project the extent to which the project can inform improvements to the regulatory framework the extent to which the project can be rolled out more broadly by both the trial proponent and potentially other parties to the benefit of consumers 	<p>This trial will test the roll out of kerbside electric vehicle chargers with an innovative metering solution, which is expected to reduce infrastructure installation and maintenance costs. The trial is expected to provide evidence for the use of meters that do not meet all the requirements of the minimum services specification, and whether or not these requirements are required for external metering. This will help inform AEMO's development of procedures and guidelines under the recent AEMC rule on 'Unlocking CER Benefits through Flexible Trading'.</p> <p>As noted in the AEMO submission, the expanded scope incorporates a greater diversity of regions, installation configurations and housing types which is likely to enhance the potential for learning. Furthermore, the AER, through trial conditions, will receive data on the EV users' use of the charger which will support consideration of EV-related policy more broadly.</p>
<p>Whether the trial project may have an adverse effect on the safety, reliability or security of supply of energy and the measures that the proponent will take to avoid or mitigate such risks</p>	<p>The AER will consider factors such as:</p> <ul style="list-style-type: none"> the provisions of the laws/rules the proponent is seeking a waiver from and the role those provisions play in maintaining the safe, reliable and secure supply of energy the proponent's proposed risk management plan advice from AEMO 	<p>The AER notes some concerns were raised through consultation on whether or not the trial would comply with the NSW Service and Installation Rules. These requirements are outside the scope of the rules the proponent is seeking a waiver from. We have engaged with PLUS ES on this specific matter and have secured their confirmation that they will comply with this and all other local (and other) regulatory requirements, and PLUS ES have in early January received informal approval for installing these chargers by the Service and Installation Rules Committee, NSW.</p> <p>The trial project is unlikely to have an adverse effect on the safety, reliability or security of supply of energy to public EV infrastructure. While there is some low risk that the meters may, as a result of this lesser standard, incur damage from lightning strike or otherwise, testing this will</p>

		<p>provide necessary learnings to the broader market, including learnings resulting from damage to an installation. Importantly, only specific parts of the Metrology Procedure have been waived, with the remaining to still apply to these meters. It is expected that if damage occurs to an installation, that it will be promptly uninstalled for testing. This is set out in condition 3 (reporting requirements).</p> <p>Furthermore, in the event of a failure, these will be replaced in line with the metering provider's asset management plan, as per condition 3. The AER agrees with AEMO that it is important to test these within-charger meters to feed into future consideration of AEMO's Metrology Procedure.</p>
<p>Whether the trial project may have an adverse effect on AEMO's operation and/or administration of the power system, the market, the declared distribution systems and declared transmission system for gas or markets for natural gas and the measures that the proponent will take to avoid or mitigate such adverse effects</p>	<p>The AER will consider factors such as:</p> <ul style="list-style-type: none"> • the provisions of the laws/rules the proponent is seeking a waiver from and the role those provisions play in allowing AEMO to perform its functions • the proponent's proposed risk management plan • AEMO's views on the trial project 	<p>The AER notes that, as outlined in their submission, AEMO is supportive of the proposal. AEMO believes that the trial will help inform AEMO's development of procedures and guidelines under the recent AEMC rule on Unlocking CER Benefits through Flexible Trading.</p> <p>Based on this, and our own assessment, the trial project is not expected to have an adverse effect on AEMO's operation and/or administration of the power system, the market, or declared distribution systems. The trial primarily involves installing innovative metering installations in kerbside pole mounted EV chargers and the proponent has identified suitable risk management strategies to mitigate potential risks. This includes replacing defective trial EV meters with compliant meters or new trial meters, if required.</p>
<p>Whether the extent and nature of the trial project confidential information claimed by the proponent may impair:</p>	<p>The AER will consider factors such as:</p> <ul style="list-style-type: none"> • the nature of the trial project confidential information claimed by the proponent • how the claimed confidential information relates to the proposed aims, objectives and success criteria for the trial project • the ability to publish sufficient information to allow the wider industry to understand the 	<p>PLUS ES has claimed confidentiality on the amount of funding from the NSW Government's kerbside EV charging grants and some information on the number of actual EV chargers installed at specific locations, though aggregate numbers are available.</p> <p>The AER is satisfied with these claims and does not consider that this will impact the AER's ability to monitor this trial, nor the learnings that it will deliver to the market.</p>

<p>the AER’s ability to provide appropriate public transparency in relation to the conduct and outcomes of trial projects; or the appropriate development of regulatory and industry experience arising from the trial project.</p>	<p>nature of the project and learn from its outcomes, potentially aggregated with other case studies</p> <ul style="list-style-type: none"> the ability to publish sufficient information to help support a change to the regulatory framework to the benefit of consumers 	<p>The AER notes PLUS ES is finalising some commercial negotiations and the NSW Round 2 grant outcome has yet to be released. At this stage the specific number to be delivered as part of each tranche is not certain and therefore not included in this decision document, but will be released once the outcomes of these are known.</p> <p>The AER will engage closely with PLUS ES and AEMO to ensure meters are installed by 30 June 2026 to provide support to AEMO’s development of updated procedures and guidelines. This includes an expectation that PLUS ES make all reasonable endeavours that at least 10% of meters are delivered by 31 December 2025.</p>
<p>Innovative trial principles – Energy Laws</p>		
<p>Requirement</p>	<p>Assessment factors</p>	<p>Assessment</p>
<p>Whether the trial project is focused on developing new or materially improved:</p> <ul style="list-style-type: none"> approaches to the use or supply of, or demand for, electricity customer connection services or customer retail services natural gas services 	<p>The AER will consider factors such as:</p> <ul style="list-style-type: none"> the nature of the trial project the aims and objectives of the trial project whether the project could lead to cost savings, add value to existing services (e.g. through improved quality, safety or reliability and security) or introduce new services that consumers value whether similar projects have been implemented previously or are currently being used elsewhere 	<p>As noted by a number of submissions, this trial will provide important learnings for the market, as well as help inform AEMO’s development of updated procedures and guidelines.</p> <p>The expanded scope provides additional learnings for a range of applications and installation methods. Furthermore, the AER, through trial conditions, will receive data on the EV users’ use of the charger which will support consideration of EV-related policy more broadly.</p> <p>A few submissions also noted the increased access to EV chargers for customers as well as reduced costs.</p>
<p>Whether the trial project is likely to contribute to the achievement of the national energy objectives</p>	<p>The AER will consider factors such as whether the trial project will improve:</p> <ul style="list-style-type: none"> efficiency of investment in energy services efficiency of operation of energy service efficiency of use of energy service 	<p>The trial project has the potential to lower the cost of installing EV charging infrastructure in public locations, which in turn could lower electric vehicle charging costs for end users. Reducing the cost of public EV charging can enable additional consumer demand for such charging infrastructure to be met. Furthermore, reducing the cost of installing EV charging infrastructure would also improve the efficiency of investment in</p>

	<p>and, in doing so, lower the price consumers pay or improve the quality, safety and reliability and security of energy services and/or the overall energy system.</p>	<p>these services and deliver benefits to consumers, including network customers.</p> <p>More broadly, the trial may help facilitate additional investments in EV charging which will deliver benefits to a range of market participants. If the trial is successful, changes to AEMO's Metrology Procedure would enable other EV charging companies to install chargers at a lower cost, encouraging competition in the market.</p>
<p>Whether the trial project is able to demonstrate a reasonable prospect of giving rise to materially improved services and outcomes for consumers of energy</p>	<p>The AER will consider factors such as:</p> <ul style="list-style-type: none"> • the nature of the trial project • the aims and objectives of the trial project • whether the project could lead to cost savings, add value to existing energy services (e.g. through improved quality, safety or reliability and security) or introduce new energy services that consumers value • whether the project could improve outcomes for consumers experiencing vulnerability • whether the benefits to consumers from the improved services and outcomes are likely to outweigh any risks associated with the project • evidence of the organisation's operational and financial ability to carry out the proposed trial project 	<p>The trial project has the potential to lower the cost of EV charging infrastructure being installed in more public locations. This could flow through to consumers and potentially provide faster and cheaper access to EV chargers.</p> <p>Risks to customers from this trial project are very low, with no change in customer user experience anticipated, and all customer complaints to be reported to the AER. The trial project expands the availability of EV charging, as well as providing important learnings to the market.</p> <p>The AER is satisfied that PLUS ES has the operational and financial ability to carry out the proposed trial project.</p>
<p>Whether the trial project maintains adequate consumer protections, including whether the trial project may involve risks to consumers and (if so), how those risks might be mitigated</p>	<p>The AER will apply the Consumer Risk Assessment tool developed by the Energy Security Board. The AER will also consider factors such as:</p> <ul style="list-style-type: none"> • The type of risks associated with the trial project, such as financial, safety or security • The magnitude of the risks • The probability of the risks eventuating 	<p>The AER considers this trial to be fairly low risk for consumers, with the relationship between end-users and Charge Point Operators not being impacted by this trial. EV charging at public facilities is not captured under energy-specific consumer protection in the National Energy Customer Framework, while the Australian Consumer Law will still apply to provide consumer protections.</p> <p>As part of the trial conditions, any customer complaints will be provided to the AER by the retailer or Charge Point Operator on a de-identified basis. This, in combination with the other information on how EV users use the</p>

	<ul style="list-style-type: none"> • The types of consumers that could be impacted, particularly the impact on consumers experiencing vulnerability • The complexity of the trial and associated risks and whether it is reasonable for consumers to give their explicit informed consent to take on that risk • Whether the risks can be appropriately managed or mitigated • Whether the risks associated with the trial are appropriately allocated between the trial waiver proponent, any retail customers participating in a trial project and, if relevant, other parties. 	<p>charger will support broader consideration of EV-related policy issues. The AER has included notification of these complaints and these broader reports in condition 4 and 5, respectively.</p>
<p>Whether the trial project is unable to proceed under the existing regulatory framework</p>	<p>The AER will consider factors such as:</p> <ul style="list-style-type: none"> • The nature of the trial project • the provisions of the laws/rules the proponent is seeking a waiver from • whether there are alternative approaches the proponent could pursue, including seeking a waiver or exemption under alternative frameworks (e.g. exempt seller, ring-fencing etc) 	<p>The AER is satisfied that the trial is unable to proceed without a trial waiver. By allowing this trial to proceed, learnings will be provided to AEMO to support its implementation of the 'Unlocking CER benefits through flexible trading' rule change, and more broadly, ensure that learnings from the trial can be integrated into broader market reform efforts and consultations.</p>
<p>Whether the trial project has moved beyond research and development stages but is not yet established, or of sufficient maturity, size or otherwise commercially ready, to attract investment</p>	<p>The AER will consider factors such as:</p> <ul style="list-style-type: none"> • the nature of the trial project • the aims and objectives of the trial project • whether the project has gone through any initial trials or testing 	<p>The technology within the metering component of the trial EV chargers requires this trial to test whether they are fit for purpose and suitable for investment.</p>
<p>Whether the trial project may negatively impact AEMO's operation of the</p>	<p>The AER will consider factors such as:</p> <ul style="list-style-type: none"> • the provisions of the laws/rules the proponent is seeking a waiver from and the 	<p>The AER is satisfied that the trial project would be unlikely to have an adverse effect on AEMO's operation and/or administration of the power system, the market, or declared distribution systems. The trial primarily</p>

<p>national energy systems and national energy markets or AEMO’s facilitation of customer connection services and customer retail services and, if there are impacts, how those impacts can be mitigated</p>	<p>role those provisions play in allowing AEMO to perform its functions</p> <ul style="list-style-type: none"> • the proponent’s proposed risk management plan • AEMO’s views on the trial project 	<p>involves installing innovative metering installations in kerbside pole mounted EV chargers and PLUS ES has identified suitable risk management strategies to mitigate potential risks.</p> <p>Furthermore, we consider that the trial will help support AEMO’s implementation of the ‘Unlocking CER benefits through flexible trading’ rule change. The trial will help inform the amendment of procedures and guidelines under the recent AEMC rule on Unlocking CER Benefits through Flexible Trading. including informing the amendment of procedures and guidelines under the recent AEMC rule on Unlocking CER Benefits through Flexible Trading.</p>
<p>Whether the trial project may impact on competition in a competitive sector of a national energy market</p>	<p>The AER will consider factors such as:</p> <ul style="list-style-type: none"> • The energy market(s) in which the trial project would operate, if any • Whether the project could reduce competition in that market • Whether trialling the project would confer an unfair competitive advantage on the proponent that could be detrimental to competition in an energy market, including the potential for cross-subsidisation and discrimination • Whether the trial project could reduce the ability of consumers to switch their energy supplier 	<p>The AER does not consider that this trial will negatively impact competition in this sector. The purpose of this waiver is to trial an innovative metering solution that has the potential of providing a lower cost service to consumers.</p> <p>As a metering service provider, PLUS ES already participates in this competitive market. The AER notes a number of the meters will be installed as part of the NSW Government’s Kerbside funding round [REDACTED]. PLUS ES will continue their charger rollout using alternative technology if they do not receive a waiver. By allowing some trial meters to be delivered as part of this trial, we do not consider this materially impacts competition. The EV charging market remains open to other providers, and these other providers are not precluded from seeking AER trial waivers from technical barriers for alternate meters. As outlined in the Trial Projects Guidelines, there is no requirement for the AER to consider if a trial project is materially similar to one that is already subject to a trial waiver. Therefore, granting this waiver to PLUS ES does not prevent other parties seeking a trial waiver (subject to the application meeting the eligibility requirements and innovative trial principles).</p> <p>The AER notes stakeholder concerns around the impact this trial will have on competition in the market, with some raising an unfair advantage due to the relationship between PLUS ES and Ausgrid.</p>

		<p>The AER notes some concerns from stakeholders around the relationship between PLUS ES and Ausgrid. Ausgrid is required to comply with the AER's distribution ring fencing guideline which provides for legal and functional separation between network and related businesses, as well as obligations not to discriminate in favour of related entities. The trial will not affect the extent to which PLUS ES rolls out charging infrastructure in Ausgrid's distribution network, which is the element which gives rise to any potential ring-fencing compliance risk. We also note that if evidence of ringfencing breaches is identified during the trial duration, the AER retains the right under cl. 8.18.2(i) of the National Electricity Rules and our Trial Projects Guidelines to terminate a trial waiver for breaches of other obligations under the national energy laws, rules or regulations.</p> <p>No evidence is provided in these submissions of actual or likely breaches of the distribution ring fencing guideline requirements by Ausgrid and PLUS ES. We consider that to link this issue to a trial waiver in the absence of evidence could stifle the development of future trial proposals. However, the AER appreciates the depth of concern about the role of DNSPs and their related entities in EV charging. While unrelated to this trial waiver, we have the opportunity to explore this and other emerging issues through the upcoming review of our distribution ring-fencing guidelines, individual ring-fencing waivers and our ring-fencing compliance role. This includes the opportunity to explore facilities access agreements as required.</p>
Innovative trial principles – Energy Regulations		
Requirement	Assessment factors	Assessment
Whether the trial project is able to be trialled and evaluated	<p>The AER will consider factors such as:</p> <ul style="list-style-type: none"> • whether there are other barriers to the project proceeding that cannot be resolved through a trial waiver • evidence of the organisation's operational and financial ability to carry out the proposed trial project 	<p>Reporting requirements have been designed to maximise the learnings available to the market. The timing of this trial allows these learnings to be considered by AEMO to be included in amendments to its Metrology Procedure.</p> <p>Additionally, the AER is satisfied that PLUS ES is able to carry out this trial, and that the trial can be measured and evaluated.</p>

	<ul style="list-style-type: none"> the aims, objectives and proposed success factors of the trial project and the extent to which these are measurable and so can be evaluated 	The AER will also be provided with reporting on consumer behaviour and interaction with EV charging, which will feed into our broader consideration of EV charging arrangements and policy.
Whether there is potential for the trial project to be successfully expanded	<p>The AER will consider factors such as:</p> <ul style="list-style-type: none"> whether the trial project is scalable whether the trial project is applicable across multiple jurisdictions and customer types 	The trial is expected to provide evidence for the use of meters that do not meet all the requirements of the minimum services specification, relative to the business-as-usual approach. As such, the AER considers that it is scalable and, with the expanded scope, will deliver additional learnings for a range of applications and installation methods.
Whether the trial project will provide for public sharing of knowledge, information and data resulting from the trial project.	<p>The AER will consider factors such as:</p> <ul style="list-style-type: none"> the aims, objectives and proposed success factors of the trial project the trial project confidential information claimed by the proponent 	<p>PLUS ES has claimed confidentiality on a few aspects of this trial, but they relate to the amount of funding and the exact numbers of meters in different DNSP areas, under the trial cap of up to 1,000 trial meters to be installed.</p> <p>The AER will share reports and findings at trial completion, noting any personal information will be removed from these reports. We will also provide a retrospective of the project and whether substantive change is recommended or currently underway.</p>

Attachment C – Conditions and expectations of trial waiver

Section 18ZM of the NEL allows the AER to impose any conditions on a trial waiver that it considers appropriate. Section 18ZR requires that a trial waiver proponent must comply with any conditions to which the trial waiver is subject, and if the proponent breaches a condition the AER may revoke the trial waiver or revoke or vary the condition or impose further conditions on the trial waiver.

Section 18ZM of the NEL allows the AER to impose any conditions on a trial waiver that it considers appropriate. Section 18ZR requires that a trial waiver proponent must comply with any conditions to which the trial waiver is subject, and if the proponent breaches a condition the AER may revoke the trial waiver or revoke or vary the condition or impose further conditions on the trial waiver.¹¹

The following conditions have been imposed on the trial to mitigate risks associated with the trial.

The trial waiver is granted subject to the following conditions and the waiver may be invalid and cease to apply if any of these conditions are not met. If PLUS ES is found to be in breach of these conditions, they risk termination of the trial waiver as per clause 4.3 of the [Trial Projects Guidelines](#).

Condition 1: Comply with remaining procedural obligations

This waiver is only granted in relation to the installation of identified trial EV charging metering installations, and only in relation to clause 3.1(a)(i) of the AEMO Metrology Procedure Part A.

This is provided by waiving compliance with clause 7.3.1(b)(2), which requires compliance with the procedures authorised under the rules, including the Metrology Procedure Part A, and reinstatement of the remainder of the AEMO Metrology Procedure Part A and all other Procedures to which clause 7.3.1(b)(2) of the NER relates as conditions of this waiver.

Accordingly, as a condition of this waiver of clause 7.3.1(b)(2), we require compliance with:

- a) All provisions of the AEMO Metrology Procedure Part A (as updated from time to time), except for clause 3.1(a)(i); and
- b) All other Procedures to which clause 7.3.1(b)(2) of the NER relates.

Condition 2: Meter installation date

So that information and data regarding deployment planning, installation, commissioning, and initial operation can be provided to support AEMO's consultation and procedure development timeframes, it is a requirement that an initial tranche of trial metering

¹¹ The AER's framework for monitoring and ensuring compliance with conditions on a trial waiver is set out in the AER's Trial Projects Guidelines on page 21, and is explained in the Trial Projects Guidelines Explanatory Statement at pages 26 – 27.

installations are in operation prior to 31 March 2025. We note PLUS ES is still finalising some commercial negotiations and the NSW Round 2 grant outcome has yet to be released. At this stage the delivery schedule is not certain and therefore is not published, but will be released once the outcomes of these processes are known. The AER will engage closely with PLUS ES and AEMO to ensure sufficient meters are delivered to provide insights on this trial.

To ensure this, we have included an expectation that PLUS ES make all reasonable endeavours that at least 10% of meters are to be installed by 31 December 2025 to ensure the timely delivery of this trial and that sufficient insights are delivered to AEMO. The residual installations are to be in operation by 30 June 2026 and should provide additional insights into ongoing maintenance and variations in installation and commissioning through deployment expansion. The waiver will continue to operate until the five-year time limit or AEMO procedures are updated to a point where these meters are permitted, and thus a waiver is no longer relevant.

Condition 3: Meter replacements

As noted in the PLUS ES waiver application, there may be some instances where the trial meters may need to be replaced earlier than expected if the equipment deteriorates due to the environmental conditions. In such cases, these meters must be replaced with either compliant meters or new trial meters as appropriate. This will be managed through the metering provider and their asset management performance and AEMO.

If there is a malfunction within a trial meter that could result in harm or damage to consumers, their assets or the network, then these meters must be removed within 2 business days, after which they can be replaced with either compliant meters or new trial meters.

Where there is a delay to this rectification, for example, the proponent has a barrier to accessing the metering installation, the reason for this will need to be provided.

Condition 4: Reporting requirements

It is a condition of this waiver that PLUS ES must provide regular reports to the AER at set intervals and containing the following intervals.

Reporting requirements

Frequency	Type	Metric
5 business days after event (Once meters are fully operation) (meter to be replaced within 2 days as per condition 3)	Anomalies, technical failures or repairs	<ul style="list-style-type: none"> Type of failure Reason of failure Location (DNSP region) Charge Point Operator Replacement status Reason for replacement delay (if applicable)

Frequency	Type	Metric
20 business days after complaint received by CPO	Customer complaints received from the Charge Point Operator (CPO)	<ul style="list-style-type: none"> De-identified customer complaint information, including the issue and how this was/will be rectified
6 monthly	Roll-out status	<ul style="list-style-type: none"> Number of meters by DNSP regions and conditions Charge Point Operator
	Installation status	<ul style="list-style-type: none"> Number of meters successfully installed Remaining number of meters to be installed Summary of metering installation issues Commissioning Data delivery Cost savings attributable to the trial meter installations (this will be confidential, except to the extent that the percentage savings will be publicly released)
	Summary of failures	<ul style="list-style-type: none"> Number of meter faults Summary of customer complaints received Proportion of failure rates/faults
End of trial report	<p>Detailed summary of learnings from trial, including specifically details of predicted vs actual cost-savings of these installations compared to non-trial installations (this will be confidential, except to the extent that the percentage savings will be publicly released).</p> <p>Summary of outcomes (including total meters installed by DNSP region).</p>	

Conditions 5: NSW Reports

As a number of the meters under this trial will be delivered as part of the NSW Government EV Kerbside Charging Grants, the AER and AEMO will be provided with the same 6 months reports (and other ad hoc reporting) that the NSW Government receives, including (but not limited to):

NSW reporting data

Type	Metric
Energy usage	<ul style="list-style-type: none">energy sourced from onsite renewable resources to electricity consumption of all Chargersvoluntary surrender of Green Products equivalent to electricity consumption of all EVSEGreen Power purchased equivalent to electricity consumption of all chargers
Charger usage	<ul style="list-style-type: none">number of charging sessions per day/week/monthtime of day of the charging sessionlength of each charging sessionelectricity consumed (kWh) per charging sessionpost code of each unique user (where available); and associated customer ID (customer name and contact details to be kept anonymous)other non-PII data reasonably requested by PLUS ES that may be beneficial in assessing the usage of the charger
System data	<ul style="list-style-type: none">copies of servicing and maintenance logschargers' status and configurationcharge behaviours (i.e. do the customer IDs charge elsewhere)the number of new sign ups to the Public Charging Service vs existing customers of the Public Charging Service (as identified using a customer ID)
Customer complaint information	<ul style="list-style-type: none">Any complaints or feedback about the charger received by the CPO or Retailer

Expectations

The following expectations, while not binding on entities not party to the trial waiver, are outlined below (where relevant).

Expectation 1: Jurisdictional requirements

While jurisdictional requirements are outside the scope of the AER's trial waiver power, we do note several submissions raised the issue of compliance with NSW Service and Installation Rules. As such, we consider it appropriate to include adherence to jurisdictional requirements as a necessary expectation for the trial waiver.

Expectation 2: Consumer complaints

To facilitate the AER's monitoring of the trial, it is an expectation that the retailer or CPO advise customers that they can lodge a complaint about the EVC, retailer or CPO with the AER.

Expectation 3: Interim meter installation target

An interim installation target of 10% of meters to be installed by 31 December 2025 to ensure sufficient trial meters are installed. This will help ensure the timely delivery of this trial and that sufficient insights are delivered to AEMO. If, through our monitoring of the trial this is unlikely to be reached, we will engage with PLUS ES and AEMO to ensure the necessary delivery of data and insights in line with this trial waiver.