



**ELECTRICITY INDUSTRY ACT 2000
APPLICATION FOR AN ELECTRICITY RETAIL LICENCE**

**Flo Energy Australia Pty Ltd
(ACN 664 209 330)**

RECORD OF DECISION

30 April 2024

SUMMARY

Pursuant to the provisions of section 19(1) of the Electricity Industry Act 2000 (Vic) (Industry Act) the Essential Services Commission (the commission) has granted Flo Energy Australia Pty Ltd (ACN 664 209 330) (Flo Energy) a licence to sell electricity by retail to customers in Victoria.

BACKGROUND

Requirement to obtain a Licence

Section 16(1) of the Industry Act provides that a person must not engage in the generation of electricity for supply or sale or the transmission, distribution, supply or sale of electricity, unless the person is:

- (a) the holder of a licence authorising the relevant activity;
- (b) is exempted from the requirement to obtain a licence in respect of the relevant activity; or
- (c) is the holder of a trial waiver in respect of the relevant activity.

Flo Energy is not exempted from the requirement to obtain a licence in respect of the relevant activity.

Entitlement to apply for a Licence

Section 18(1)(d) of the Industry Act provides that a person may apply to the commission for a licence authorising the person to sell electricity.

The application

On 2 October 2023, Flo Energy submitted an application to the commission for a licence authorising it to sell electricity by retail to customers in Victoria.

Consistent with the commission's Guideline: Applications for electricity and gas industry licences, Flo Energy has provided the commission with documentation supporting the application.

In particular, Flo Energy presented information to provide assurance concerning its technical capacity and its financial viability to undertake the relevant activity.

On 5 March 2024, the commission published a copy of the application, and invited interested parties to make submissions in respect of the application.

The commission received five submissions regarding the application.

CONSIDERATION OF THE APPLICATION

Section 19(1) of the Industry Act provides that the commission may grant or refuse the application for any reason it considers appropriate, having regard to the objectives of the commission under the provisions of the Industry Act and the Essential Services Commission Act 2001 (Vic) (ESC Act).

DECISION

The commission is satisfied that Flo Energy:

- has the technical capacity to comply with the conditions of the licence to be granted;
- is financially viable to carry out the activities that would be authorised by the licence to be granted; and
- is a fit and proper person to hold a licence to sell electricity in Victoria.

In accordance with section 19(1) of the Industry Act, and having regard to its objectives under the ESC Act and the Industry Act, the commission has decided to grant Flo Energy a licence to sell electricity by retail in Victoria, subject to conditions specified in the licence.

THE COMMON SEAL
of the ESSENTIAL
SERVICES COMMISSION
was affixed pursuant to the
authority of the Commission
on 30 April 2024

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A handwritten signature in blue ink, appearing to read "Kate Symons", with a long horizontal flourish extending to the right.

Kate Symons
Chairperson