

Our Ref: AER16641593  
Your Ref: E24003  
Contact Officer: Saraj Bhullar  
Contact Phone: 03 9290 1941

GPO Box 3131  
Canberra ACT 2601  
www.aer.gov.au

16 May 2024

Michael Pucar  
Managing Director  
Flo Energy Australia Pty Ltd  
Suite 2, Level 25, 100 Miller Street  
North Sydney, NSW 2060

By email: [REDACTED]

Dear Mr Pucar,

### **Flo Energy Australia Pty Ltd application for electricity retailer authorisation**

On 10 May 2024, the Australian Energy Regulator (AER) considered and approved Flo Energy Australia Pty Ltd (**Flo Australia**)'s application for an electricity retailer authorisation in accordance with s.92 of the National Energy Retail Law (**Retail Law**).

The AER must grant an application for a retailer authorisation if an applicant has satisfied the entry criteria:

- (a) the organisational and technical capacity criterion—the applicant must have the necessary organisational and technical capacity to meet the obligations of a retailer;
- (b) the financial resources criterion—the applicant must have resources or access to resources so that it will have the financial viability and financial capacity to meet the obligations of a retailer; and
- (c) the suitability criterion—the applicant must be a suitable person to hold a retailer authorisation.<sup>1</sup>

In making its decision the AER is guided by the objective of the Retail Law.<sup>2</sup> The AER's decision is also informed by the assessment approach outlined in the AER's Retailer Authorisation Guideline. The AER consulted on Flo Australia's application and did not receive any submissions.<sup>3</sup>

The AER considers that Flo Australia has demonstrated its capacity and suitability to operate as an energy retailer under the Retail Law. Flo Australia is therefore authorised to sell electricity under the Retail Law, as it is adopted in each participating jurisdiction

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<sup>1</sup> Retail Law, s. 90(1).

<sup>2</sup> The national energy retail objective is to 'promote efficient investment in and efficient operation and use of energy services for the long term interests of energy consumers with respect to price, quality, safety, reliability and security of supply of energy' (Retail Law, s.13).

<sup>3</sup> Retail Law, s.91.

(identification number: **E24003**). Please note this letter constitutes the AER issuing Flo Australia's electricity retailer authorisation under s.96 of the Retail Law.

The AER will publish a notice about Flo Australia's retailer authorisation on its website,<sup>4</sup> and its details will also appear on the AER's public register of authorised retailers (on the AER's website).<sup>5</sup>

As an authorised retailer, under section 43(2) of the Retail Law, a retailer must, within three months of being granted a retailer authorisation, develop a customer hardship policy and submit it to the AER for approval. Therefore, Flo Australia's customer hardship policy must be submitted to the AER no later than 10 August 2024.

Since 1 May 2023, retailers have obligations in relation to family violence. These are set out in the Retail Rules. Among these is an obligation to have a family violence policy published in an easily accessible location on a retailer's website.

If you have any further queries, or would like to discuss this further, please contact Saraj Bhullar on 03 9290 1941.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'R Park', is positioned above the typed name and title.

Rowena Park  
General Manager  
Compliance and Enforcement Branch

Sent by email on: 16.05.2024

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<sup>4</sup> Retail Law, s.96(2)(b),

<sup>5</sup> Retail Law, s.119.