

Energy retail licence application form

Purpose of this form

This form must be completed by a person applying to the Essential Services Commission (the commission) for a licence to sell electricity and/or gas by retail in Victoria.

Basis for this form

Section 18 of the *Electricity Industry Act 2000* and section 25 of the *Gas Industry Act 2001* (collectively, the Industry Acts) provides that a licence application must be made in a form approved by the commission. This is the form approved by the commission.

Use of this form and the applicant's responsibilities

A licence application may be made by any legal person including, without limitation, individuals, incorporated associations, unit and other forms of trusts and corporations. Entities that are not a legal person (for example, an unincorporated joint venture or a partnership) cannot apply for a licence.

For the purpose of this application form, reference to the term "officer" includes the directors and secretary, and other persons who make or participate in making decisions that affect a substantial part of the applicant's business (for example, Chief Executive Officer, Chief Financial Officer or General Manager).

The applicant should list the information required in the spaces provided in this form and enclose additional information and documents when required.

The applicant must take all reasonable steps to ensure the information provided in the application form is complete, true and correct.

A director of the applicant (where an applicant is a body corporate) is required to make a declaration to this effect in the application form. Failure to disclose information or misrepresent any matter relevant to such information may result in a licence not being issued or in the revocation of a licence later.

It is a criminal offence under section 61A of the *Essential Services Commission Act 2001* to provide the commission with false or misleading information or documentation.

The applicant is responsible for providing the commission with current, accurate and relevant documentation. It is the applicant's responsibility to make all reasonable inquiries to obtain the information required by this form.

Providing accurate and relevant information and a complete application (answering all questions and providing all information) will assist in timely processing of an application. All applications are assessed on a case-by-case basis. If insufficient information is provided with an application, we will contact the applicant about the requirement for additional information to be submitted before the application is considered further.

Prior reading

It is expected that the applicant has read our [Guideline: Applications for electricity and gas industry licences](#) before completing this form.

It is the applicant's responsibility to ensure its compliance with legal obligations when applying for a licence.

Licence conditions

The Industry Acts authorise the commission to issue licences subject to conditions as decided by the commission. Licences are published on our [website](#). We recommend the applicant familiarise itself with the relevant standard conditions and be confident that they can comply with those conditions and any other regulatory requirements such as Codes of Practice prior to applying for a licence.

Further information

The applicant should note that we may ask for further information, or to clarify the information that the applicant has already provided with the application.

Consultation and confidentiality

We will consult with relevant government, industry and consumer groups on the licence application through a public consultation process. Applications and/or supporting information that is not confidential will be made available on our website.

If the applicant believes that any information provided as part of its application is confidential or commercially sensitive, it is the applicant's responsibility to clearly identify this information on those documents. The applicant should also provide a 'non-confidential' version of the application form and documents for publication on our website and Engage Victoria (where relevant).

How to lodge an application

The applicant may send the completed application form electronically (preferred) or in hard copy to:

Electronically: licences@esc.vic.gov.au
Hard copy: Market Operations, Energy Division
Essential Services Commission
Level 8, 570 Bourke Street
Melbourne VIC 3000

Individual attachments that are clearly titled (consistently with the attachment references specified in the application form) must be provided. Do not bundle attachments into single, large files.

Large files

Applicants generally need to send us large files which is often not suitable via email. Please contact us at licences@esc.vic.gov.au to discuss alternative options to provide an application to the commission.

Application fees and annual licence fees

Application fee

The commission has set a **\$5000** application fee for all energy retail licence applications¹.

Once the payment has been received, the commission will notify the applicant in writing. The assessment process for energy retail licence applications will commence *after* payment has been received.

Electronic payment of the Retail Application Licence Fee is to be made to:

Account name:	Department of Treasury and Finance
BSB:	033-222
Account number:	110 505
Reference:	RALF and the applicant's legal name (E.g. RALF Energy Pty Ltd)

Annual licence fees

Holding an energy retail licence also incurs annual licence fees.

Refer to the commission's [Guideline: Applications for electricity and gas industry licences](#) for more information regarding annual licence fees.

¹ If the energy retail applicant is dual fuel, a total Retail Application Licence Fee of \$10,000 applies.

1. General Information – The Applicant

The applicant must answer all questions in this section.

1.1 Legal name of applicant

State the full legal name of the applicant. The applicant is the person who will be selling (retail) electricity and/or gas that will be the subject of the licence.

Ampol's Response

Name: Ampol Energy (Wholesale Trading) Pty Ltd

1.2 Legal identity of applicant

Provide the applicant's ABN and ACN (where relevant) and information about the applicant (for example, whether the applicant is a private limited company, trust, or joint venture).

Ampol's Response

ABN: 89 660 016 062

ACN: 660 016 062

Type of entity: Private limited company wholly owned by Ampol Limited.

1.3 Contact details and address of the applicant

Ampol's Response

The applicant: Ampol Energy (Wholesale Trading) Pty Ltd

Business address: 29-33 Bourke Road, Alexandria

State: New South Wales

Postcode: 2015

Postal address (if different):

State:

Postcode:

Full name of contact person: [REDACTED]

Position title: [REDACTED]

Telephone: [REDACTED]

Mobile: [REDACTED]

Email: [REDACTED]

1.4 Diagram of corporate and organisational structure

Ampol's Response
a) Corporate structure including any parent and related companies within the meaning of the <i>Corporations Act 2001</i> (Cth))
Senior level organisational charts are attached. Attachment reference: Attachment 1 [REDACTED] (Commercial in Confidence)
The Applicant sits under [REDACTED] the holding company for the Ampol Energy Solutions businesses [REDACTED] [REDACTED]
Ampol [REDACTED] is focused upon the evolving and changing energy market as Australian consumers and businesses continue a trend towards decarbonisation. Energy markets and consumer preferences will continue to converge, so as such, the structure of the Energy Solutions business is aligned to our future view of the market.
[REDACTED] The structure in the attached organisational charts reflects a strong combination of retail, wholesale, and generation capability, coupled with strong commercial leadership with proven track records of results. Details of key roles are included at Item 2.1(h) below.
b) organisational chart (including composition of the board, management, and other key personnel responsible for the key functions).
Attachment reference: Attachment 2 [REDACTED] (Commercial in Confidence).

1.5 The licence

If the applicant is seeking for a licence to be issued by a certain date, identify this date. **Note: we do not undertake to issue the licence by this date.** The applicant should generally allow a minimum of eight to 10 weeks **once we consider the application to be complete.** An application is considered complete once we have all the information needed for the commission to make a decision. In other words, when we have no need to request further information from the applicant. This includes a public consultation period of four weeks (generally) as part of our consideration of licence applications.

Ampol's Response
Date from which licence is sought: 1 October 2025
Nature and scope of operations: State whether the applicant intends to retail to customers whose aggregate consumption,

per annum, at a supply point is or is likely to be:

- ☐ less than 40MWh of electricity or 1,000GJ of gas (small residential and/or business customers)
- ✓ 40MWh to 160MWh of electricity or 1,000 to 5,000GJ of gas (medium customers)
- ✓ more than 160MWh of electricity or 5,000GJ of gas (large customers).

Ampol Energy (Wholesale Trading) Pty Ltd (Applicant) is applying for a licence transfer to transfer the electricity retail licence currently held by *Ampol Energy (Retail) Pty Ltd* (ABN: 21 652 913 347) (Ampol Energy Retail) to the Applicant [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1.6 Involvement of third parties with application

Did any third parties, such as consultants, assist the applicant with preparing this licence application? If so, state the name of the third party and describe their involvement with preparing the application.

Ampol's Response

No. this application was prepared by Ampol [REDACTED]

1.7 Payment of fees

Ampol's Response

Tick this box to confirm you have made the required application fee payment of \$5,000: ☐

[REDACTED] Ampol is seeking to have the existing electricity retail licence held by Ampol Energy Retail transferred to the Applicant. [REDACTED]

2. Technical capacity

The applicant must answer all questions in this section.

2.1 Experience and knowledge of the industry

Provide comprehensive details and documentation of the systems, processes and approaches that the applicant will use to:

- a) market to customers

Ampol's Response

The Applicant will not market to customers. [REDACTED]

- b) bill customers

Ampol's Response

Refer to Ampol Energy Retail's original electricity licence application.

Additional context: The Ampol Energy business which has been operating to date under Ampol Energy Retail is procuring the services of the [REDACTED] to provide the Customer Information System to enable it to communicate with the market and service, bill and communicate with its customer base [REDACTED]

[REDACTED] The Applicant will continue to utilise this existing Customer Information System which has been designed to interact with MSATS and be compliant with relevant energy laws.

- c) manage connection and disconnection processes

Ampol's Response

Refer to Ampol Energy Retail's original electricity licence application.

Additional context: The Ampol Energy business utilises its preferred vendor to access the MSATS database for Service Orders and Change Requests relating to connection and disconnection. Operationally, the Ampol Energy business has developed appropriate processes to ensure staff can action connection and disconnection procedures. These systems and processes currently established to manage connection and disconnection

processes will remain in place to be used by the Applicant to retail to Own Use Sites.

d) manage customer complaints

Ampol's Response

The Ampol Energy business has a dedicated customer advocacy team to manage escalated complaints and potential ombudsman issues. Ampol Energy Retail runs a hybrid model of onshore and offshore customer service support to offer support to its customer base (with any offshore support managed by Ampol Energy). For reference, Ampol Energy Retail's current Complaints and Dispute Resolution Policy is publicly available at

<https://energy.ampol.com.au/help-and-support/compliments-complaints>. [REDACTED]

. The supply of electricity to Own-Use Sites will be governed by an agreement and any complaints and disputes will be settled between related Ampol Group entities in accordance with market standard dispute resolution mechanisms and any relevant applicable laws.

e) manage dispute resolution

Ampol's Response

[REDACTED] Disputes will be settled in accordance with market standard dispute resolution mechanisms (refer also to section "Manage Customer Complaints" above).

f) comply with regulatory reporting requirements.

Ampol's Response

Refer to Ampol Energy Retail's original electricity licence application.

Additional context: To the extent applicable to large customers, the Applicant will continue to carry out its compliance and performance reporting as required under the current ESC

The Applicant is in the process of updating its internal obligations register and compliance processes to ensure that only applicable compliance risks and obligations associated with retailing electricity to large customers are monitored and reported on by appropriate people in the business.

For each of the above matters, provide details of the relevant systems and processes that the applicant will use. In providing those details include:

- g) the proposed business strategy/plan and functions and how they will be resourced²

² We expect to see a robust business plan supported by a financial plan (as detailed in section 3(g) of this application form), including organisational and technical capacity.

Ampol's Response

Relevant registrations, systems, processes and NEM experience

The Applicant already holds a Trader registration and a Market Customer registration with AEMO.

[REDACTED]

The Applicant and Ampol Energy Retail are already interacting with the wholesale market and AEMO's wholesale IT systems, having successfully established a connection with AEMO's Electricity Market Management System (**EMMS**) and AEMO's Market Settlement and Transfer Solutions (**MSATS**).

Further, Ampol Energy (Wholesale) Pty Ltd, a sister company of Ampol Energy Retail and the Applicant that performs the trading functions for the retail business holds an AFS licence from the Australian Securities and Investments Commission (**ASIC**). Evidence was given to ASIC as part of the licence application from the nominated responsible officers (being the company directors) that it:

- is competent to operate an energy retail business and its full range of financial services;

- has sufficient financial resources to operate its retail business; and
- can meet the other obligations of an AFS licensee (training, compliance, insurance and dispute resolution).

Given the extensive NEM experience present in the Ampol Group, the Applicant is able to rely on its existing capabilities and understanding of the energy market and regulatory framework to continue retailing to Own-Use Sites. The proposed retailing activities by the Applicant are going to be significantly reduced in scope and complexity compared to Ampol Energy Retail's current retail operations.

The Applicant shares the same system and process architecture as Ampol Energy Retail, meaning that the Applicant's systems are ready to support retail and wholesale activities.

Business Plan

Attachment reference: Attachment 3 [REDACTED] (Own Use) (Commercial in Confidence)

Attachment reference: Attachment 4 [REDACTED] (Commercial in Confidence)

- h) the experience and qualifications of relevant key employees who will manage those systems and processes

Ampol's Response

Refer to Ampol Energy Retail's original electricity licence application.

Additional context: In 2022, when the Ampol Energy business was first established, a team was appointed with a focus on deep and comprehensive energy experience including retail operations and leadership, wholesale trading, risk and compliance management, and a wide range of customer functions, including customer service, sales, billing, metering, credit management. These core industry capabilities are supported by the Ampol group's critical business functions which are required to run any successful business such as finance, accounting, governance, procurement, human resources, and legal.

[REDACTED] The Applicant is retaining a dedicated team to continue to manage its systems and processes for the proposed retailing activities to Own-Use Sites.

Key personnel details	
[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]

- i) if the applicant will engage third parties to assist with the licensed activities, provide the following information in relation to each third party:
- (i) the name of that third party
 - (ii) the scope of activities undertaken by the third party
 - (iii) details and copies of any agreements for the provision of services
 - (iv) details about the experience of the third party in relation to the activities that it will be undertaking, including any accreditations, and
 - (v) details of the processes in place to ensure the third party comply with the licensee's regulatory obligations.

Ampol's Response

Not applicable. The Applicant will manage its retail operations internally.

- j) details about how the applicant will balance service delivery with projected customer growth, and practical steps it will take to meet relevant regulatory obligations.

Ampol's Response

The Applicant will retail to large customer Own-Use Sites and will not otherwise market to any 3rd party customers in Victoria. The Applicant will not have a public retail offering in the market. There will be very little fluctuation in customer numbers given the Applicant's customer portfolio will depend on the Ampol group's portfolio of Own-Use Sites.

The Applicant is relying on an established in-house capability as well as systems and operational infrastructure to support its proposed retail activities, including monitoring and reporting on regulatory compliance.

Ampol Energy Retail has already established an obligations register to ensure that compliance risks are monitored and reported under the current ESC Compliance and Performance Guideline. Ampol Energy Retail has been operating under a risk-based approach to compliance, where risks and obligations are assigned to appropriate people within the business. Key controls are documented and tested on a regular basis to ensure that compliance risks are monitored, assessed, and reported upon should any non-compliance be identified within the business. The Applicant will leverage the existing internal documentation, processes and team to ensure continued compliance of its proposed retail operations.

The regulatory obligations applicable to large customers are reduced in scope and complexity compared to the regulatory protections awarded to small and medium customers. The Applicant has established new regulatory obligations register to ensure it complies with its obligations in relation to its large customer Own-Use Sites.

2.2 Risk management

- a) Provide confirmation and evidence that the applicant has identified the risks associated with energy retail operations – this includes identifying the risks that are inherent in the applicant's proposed business and determining the likelihood of occurrence and impact to produce a 'risk map'.
- b) Additionally, provide evidence that the applicant has established, utilised and relied upon risk management systems and processes which are adequate, accurate and current to address those risks.
- c) Provide a copy of the applicant's risk management strategy/framework. A statement should also be provided (or supporting document must make it clear) whether the strategy/framework has been developed in line with any Australian or International Standard (for example, ISO 31000:2018).³
- d) Provide a copy of a risk register that identifies risks, controls and mitigations.
- e) Provide a copy of a detailed risk appetite statement articulating how much risk is acceptable to the applicant across key risk areas.

³ The risk management strategy/framework must include proactive and reactive strategies for managing risk events, systems, reports and business controls, ensuring transparency of risk positions and management activities. The risk management strategy/framework must also set out the roles of responsible officers, and include documentation on the policies and procedures providing guidance for day-to-day risk management activities. The risk management framework should be proportionate to the size, operating model and complexity of the applicant's proposed retail operations.

Ampol's Response

Refer to Ampol Energy Retail's original electricity licence application.

2.3 Wholesale price risk management

Applicants must clearly outline their approach to managing wholesale market risks.

Using the forecast customer acquisition numbers and expected customer load for the following five years presented in the baseline business plan, describe how the applicant plans to manage wholesale price risk.

Ampol's Response

Refer to Ampol Energy Retail's original electricity licence application.

Further context is provided in the responses to Items a) – f) below.

In responding to this question, applicants must include to the following:

- a) For electricity, does the applicant have a plan to hedge part or all of the load? For gas, does the applicant have a plan to hedge all or part of the load?⁴ Describe the applicant's intended strategy in detail.⁵

Ampol's Response

Energy Solutions Wholesale Markets team is an established trading department within Ampol that is focused on managing the commodity price and volume risk associated with the following markets: Australian Power (NEM), Australian Carbon & Renewables, New Zealand Carbon.

This team will plan to hedge the majority of the load through electricity financial products it can trade via ASX Energy Futures and OTC products with established market participants (ISDA Agreements).

Ampol has held this wholesale trading capability since September 2022 [REDACTED]

There is no retail Gas exposure that requires hedging in Victoria.

- b) What proportion of the applicant's customer load is anticipated to be purchased from the electricity or gas spot markets?⁶ If the applicant is intending to purchase from the spot market, it must specify the forecast spot prices being used, the basis on which spot prices are forecast and scenario analysis showing the impact of high, mid and low spot prices.

Ampol's Response

the exposure is planned to be hedged via fixed price electricity financial products.

Given the variability of retail load and the nature of fixed price, fixed volume financial products, there will be times where the Ampol will be exposed to the spot price and will be purchasing in the spot market.

Ampol has a robust trading and risk management function that quantifies and monitors these exposures within Board approved risk limits.

These risk limits include Value at Risk and Cash Flow at Risk metrics that simulate exposures to spot and forward market price movements.

- c) Has the applicant made any preliminary arrangements or sought to obtain quotes to purchase hedging products? Provide details and evidence.

Ampol's Response

Ampol has been managing its own use demand exposure since September 2022.

Pricing and hedge volumes are based on market wholesale prices and products that Ampol ES Wholesale Markets can access in the financial markets on a daily basis (e.g. ASX Energy Futures).

- d) Describe how far in advance the applicant intends to hedge its wholesale risk, including information about hedging six months, 12 months, 18 months and 24 months ahead of anticipated need to supply customers. Also outline what amount of forecast load it plans to hedge and what level of residual wholesale risk the applicant will take.

Ampol's Response

Ampol anticipates hedging the exposure between months in advance, in line with current hedging strategies implemented in QLD, NSW and SA.

Residual wholesale risk is limited to a modest level of spot price exposure as previously outlined above. The hedging strategy is focused on hedging the retail demand exposure.

- e) Describe how residual wholesale price risks will be mitigated.

Ampol's Response

Residual wholesale risk associated with spot price exposure will be managed either through the larger NEM hedge portfolio or the acquisition of [REDACTED] financial products to manage any extreme price volatility.

- f) Which personnel in the applicant's business will be responsible for managing wholesale price risk? Outline their relevant experience in managing wholesale risks (including managing wholesale electricity and gas contracts and hedge products, where applicable).

Ampol's Response

Ampol's established ES Wholesale Markets team will be responsible for managing the wholesale price risk.

This team has been managing Ampol's electricity wholesale price risk in the NEM since September 2022. [REDACTED]

[REDACTED]. The Team's experience spans across different generation, retail and trading businesses.

The team is led by [REDACTED] as [REDACTED]. Refer to Item 2.1(h) for a summary of [REDACTED] experience and to [REDACTED] of Attachment 1 [REDACTED] (Commercial in confidence) for a breakdown in the team structure.

⁴ For gas, if the applicant intends to purchase from the spot market, the risk assessment and mitigation approach must include the possibility that the time between the purchase of gas and customer payment is 60 days or more, and the administered price may apply during this period.

⁵ For electricity, specify the hedging methods the applicant intends to use (for example, does Australian Securities Exchange (ASX) Energy Futures, purchase over the counter (OTC) products, power purchase agreements, or generation ownership)? For gas, specify the hedging methods such as physical supply or storage contracts.

⁶ The applicant must ensure the wholesale price risk incurred through spot market trading is addressed in the risk management framework.

2.4 Dispute resolution

Applicants will need to provide documentation to demonstrate they are a member of the Energy and Water Ombudsman (Victoria) (EWOV) or have approached EWOV about [joining the scheme](#).

Ampol's Response

Ampol Energy is in the process of engaging with the Energy and Water Ombudsman of Victoria (EWOV). Evidence of correspondence in relation to EWOV is provided as

2.5 Registration with the Australian Energy Market Operator

Advise if the applicant has or intend to register with the Australian Energy Market Operator (AEMO). If so, provide evidence of registration or exemption, or intending registration or exemption (for example, correspondence between the applicant and AEMO). If the applicant is not registering with AEMO, describe why that is the case.

Ampol's Response

The Applicant holds a Trader registration with AEMO and a Market Customer registration with AEMO. Evidence of these registrations is included at Attachment 6 [REDACTED] and Attachment 7 [REDACTED] (both Commercial in Confidence).

2.6 Licences held in other jurisdictions

If the applicant holds, or has previously held, electricity and/or gas licences or authorisations in other jurisdictions provide details. If a licence or authorisation previously held has been suspended or cancelled, provide details.

Ampol's Response

The Applicant has not previously held any electricity and/or gas licences or authorisations in other jurisdictions.

2.7 Previous unsuccessful licence applications in other jurisdictions

Confirm whether the applicant has applied for an electricity or gas licence or authorisation in another jurisdiction and not been issued with a licence or authorisation, provide details.

Ampol's Response

Not applicable.

2.8 Licences held by associates of the applicant

If an associate (within the meaning of the *Corporations Act 2001* (Cth)) holds an electricity or gas licence in Victoria or in another Australian jurisdiction, provide details.

Ampol's Response

Ampol Energy Retail [REDACTED], currently holds an ESC electricity

[REDACTED] licence an AER electricity and gas authorisation to retail in the NEM [REDACTED]
[REDACTED].

Ampol Energy Retail has submitted applications to surrender its gas licence and gas authorisation. [REDACTED].

2.9 Compliance management

- a) Provide evidence of compliance management which demonstrates how the compliance systems the applicant has (or will have) in place will ensure compliance with all the relevant regulatory obligations required by the retail licence.
- b) Provide a copy of the applicant's compliance management strategy. A statement should also be provided (or supporting document must make it clear) whether the strategy has been developed in line with any Australian or International Standard (for example, AS ISO 19600:2015).
- c) Provide a comprehensive and detailed compliance register which outlines the applicant's:
 - i. regulatory obligations;
 - ii. source of each obligation;
 - iii. key actions for ensuring compliance with each obligation; and the personnel responsible for monitoring compliance.

Ampol's Response

Refer to Ampol Energy Retail's original electricity licence application.

2.10 Material agreements

Provide copies of agreements entered into, or intended to be entered into, by the applicant that are material to the undertaking of the energy retail activity.

Agreements that are material to the undertaking of the energy retail activity may include, but are not limited to:

- a) customer service and dispute resolution activities
- b) billing services
- c) metering data services
- d) compliance functions
- e) wholesale market management
- f) risk management services
- g) inter-company services

Ampol's Response

Refer to Ampol Energy Retail's original electricity licence application.

2.11 Policies

Applicants proposing to retail energy to residential customers must provide a copy of a:

- a) Victorian financial hardship policy
- b) family violence policy
- c) life support policy.

Ampol's Response

Not applicable. The Applicant will not retail to residential customers.

2.12 Engagement with Energy Safe Victoria (gas retail applications only)

For gas retail applications, provide details about the applicant's engagement with Energy Safe Victoria with respect to a gas safety case and any copies of correspondence.

Ampol's Response

Not applicable.

2.13 Additional information

Provide any additional information the applicant considers relevant to the commission's assessment of the applicant's technical capacity.

Ampol's Response

ASX Austraclear

The Applicant holds an ASX Austraclear participant approval Details of its Austraclear approval is provided at Attachment 8 [REDACTED] (Commercial in Confidence).

3. Financial viability

The applicant must answer all questions in this section.

3.1 Financial resources

The applicant must provide a statement, which will be made available to the public during the consultation period, that the applicant has the financial resources to commence and sustainably perform the relevant licensable activities and meet the service standards for small customers (if applicable).

Provide a statement to confirm that:

- a) the applicant is financially viable and has the financial resources to commence and sustainably operate the retail business; and
- b) the applicant will be a registered market participant with the Australian Energy Market Operator for its retail business and subject to prudential requirements under the National Electricity Rules or National Gas Rules (as applicable).

Ampol's Response

Refer to Ampol Energy Retail's original electricity licence application.

Additional context:

Ampol Group

The Applicant [REDACTED]
[REDACTED] shares the same financial links to its joint ultimate parent company, being Ampol Limited.

Ampol Limited is a public company listed on the Australian Securities Exchange and is the ultimate parent company of the Ampol Group.

As demonstrated in **Attachment 2** [REDACTED] **(Commercial In Confidence)** the Applicant is a wholly owned subsidiary within the Ampol Group.

Ampol Group ASIC Deed of Cross Guarantee

As a listed entity with a number of subsidiaries, the Ampol Group relies on relief under *ASIC Corporations (Wholly-owned Companies) Instrument 2016/785* to prepare consolidated financial statements, meaning that these entities are parties to a Deed of Cross Guarantee with the parent entity, being Ampol Limited.

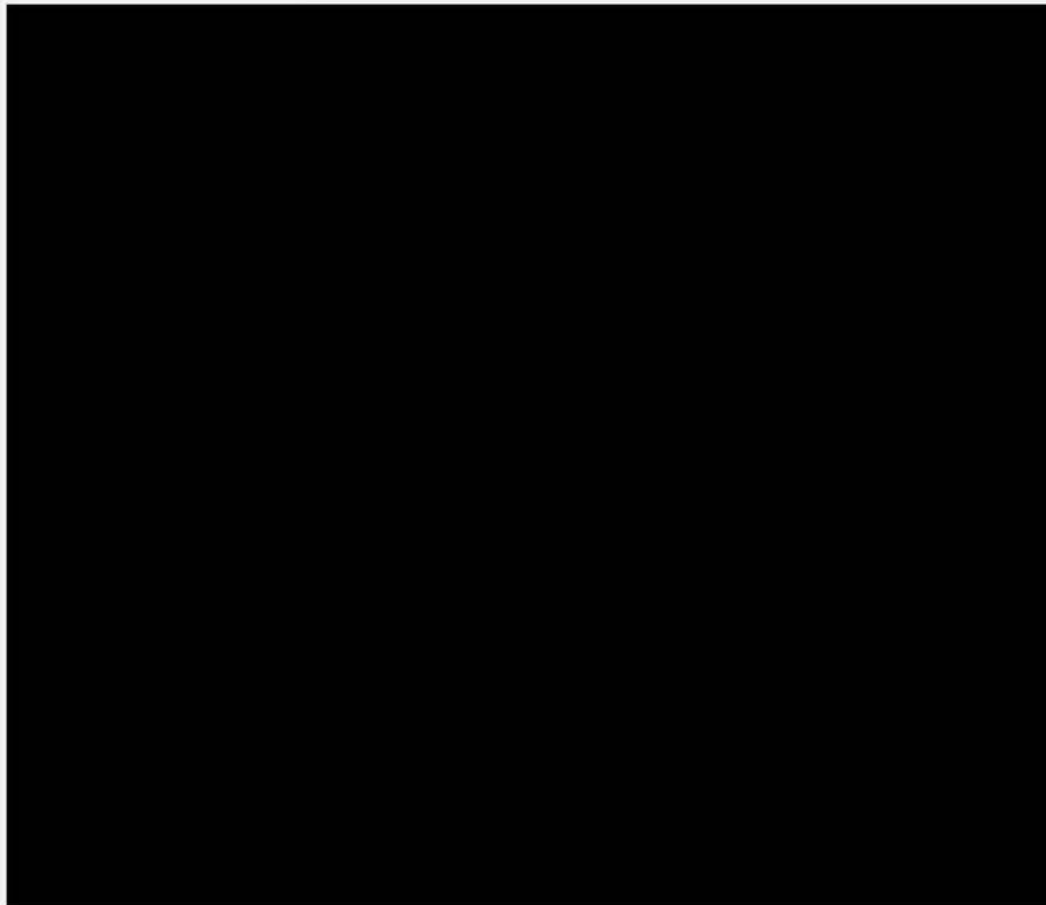
As confirmed in **Attachment 9** [REDACTED] **(Commercial In Confidence)**, the Applicant is a party to the Ampol Group Deed of Cross Guarantee.

The Deed of Cross Guarantee is a standard template issued by ASIC, and provides that each Ampol Group entity guarantees payment in full of debts incurred by other Group entities. This means that the Applicant is ultimately supported by the Ampol Group, with Ampol Limited as the ultimate parent company.

A copy of the relevant Assumption Deed bringing the Applicant into the Deed of Cross Guarantee has been provided with this Application as Attachment 9 [REDACTED] (Commercial in Confidence).

Corporate Services Agreement

Similar to the comments above, as the Applicant is a wholly owned subsidiary within the Ampol Group, the Applicant engages [REDACTED] another wholly owned subsidiary within the Ampol Group, to provide a range of corporate services (including financial support) and personnel support to cover the entirety of the Applicant's business. The scope of the services provided is outlined [REDACTED] below:



A copy of the [REDACTED] is provided as Attachment 10 [REDACTED] (Commercial in Confidence).

3.2 Supporting documentation

The applicant must provide documentation listed below to demonstrate the applicant has access to sufficient financial resources to sustainably operate a viable retail business in the electricity and/or gas industry. This includes operating cost considerations, demonstrating the applicant can meet significantly increased costs – detailed, itemised costs must be provided.

The applicant must provide evidence that it has sufficient financial resources to meet higher costs,

including adequate liquid financial reserves to meet higher unforeseen costs, such as higher wholesale costs and increased AEMO prudential requirements.

The applicant must demonstrate a clear understanding of the wide-ranging effects of the identified risks and potential changes on its business and set out appropriate risk mitigation measures.

Risk mitigation measures may include evidence of available cash reserves, including bank balances, loan guarantees and the like to ensure the business is able to continue as an active participant by servicing all existing customers and continuing to grow its customer base.

Applicants should also consider whether other risk mitigation measures may be necessary to manage risks to the business, such as changes to the organisational and technical capacity of the business.

Provide the attachment reference for each document listed below and mark commercial-in-confidence where applicable:

- a) audited financial statements for the previous financial year or the past 12 months
- b) annual report
- c) guarantees in place
- d) shareholder register
- e) statements from banks/financiers, shareholders, the board or parent company
- f) Provide a statutory declaration by an officer of the company, disclosing:
 - i. any material change in the financial position of the applicant that has occurred since the end of last financial year for which audited accounts are provided; and
 - ii. any likely changes in the structure, operation or financing of the applicant or the licensed activity that could materially affect the applicant's financial viability.
- g) Provide a five-year business plan. The business plan must demonstrate that the applicant meets the financial viability criterion. For example, it should provide information on (as applicable):
 - i. current valuations of the assets that will be used in undertaking the licensed activity
 - ii. all sources of revenues from the licensed activity
 - iii. all costs involved in undertaking the licensed activity, including:
 - A. the cost of meeting any prudential requirements
 - B. the cost of capital/debt
 - C. the cost to acquire customers
 - D. the cost to serve customers
 - E. the cost of meeting all relevant regulatory obligations, including environmental and green energy schemes (for example, Victorian Energy Upgrades).

- F. the cost of procuring assets
- G. wholesale costs.

Where revenues and/or costs are not fixed by contract, the business plan must include an explanation of the basis of the figures used and include appropriate stress testing and sensitivity analysis for such variables.

Baseline business plan – financial model

- h) Present financial information: profit and loss, cash flow and balance sheet statements, including five years of forecast data, shown in monthly increments. The information must correspond to the applicant's business plan, and organisational and technical capacity.
- i) In presenting this information the applicant must also clearly set out the assumptions underlying the data, including customer acquisition numbers (shown in monthly increments), associated customer load under POE50 demand conditions, and assumptions about the cost of debt.⁷ Customer load should be shown as forecast demand for each month, in Megawatt hours (**MWh**) for electricity and Gigajoules (**GJ**) for gas.

Stress test scenarios – financial model

- j) Present the same financial information provided in the baseline business plan (profit and loss, cash flow and balance sheet statements) for five years, presented in monthly increments, for each of the scenarios listed below.
 - i. The customer acquisition path is 50% lower than that specified in the baseline business plan. Hold all else equal.
 - ii. The customer acquisition path is 200% higher than that specified in the baseline business plan. Hold all else equal.
 - iii. Present financial information for the scenario where:
 - A. the customer acquisition path is 200% higher than that specified in the baseline scenario; and
 - B. for electricity, the wholesale electricity cost equals the Annual Average Volume Weighted Price (**AAVWP**) for the preceding 12 months for the most expensive region
 - C. for gas, the wholesale gas cost equals the highest financial year average cost in the preceding five years in the Declared Wholesale Gas Market (**DWGM**) or Short Term Trading Markets (**STTM**).

⁷ POE50 demand conditions refers to 'mid-range' demand outcomes, that is, a demand outcome with a 50 percent probability of exceedance.

- D. for electricity, the wholesale electricity cost equals the Annual Average Volume Weighted Price (**AAVWP**) for the preceding 12 months for the most expensive region
- E. for gas, the wholesale gas cost equals the highest financial year average cost in the preceding five years in the Declared Wholesale Gas Market (**DWGM**) or Short Term Trading Markets (**STTM**).

k) Present financial information for the scenario where:

- i. the customer acquisition path is 200% higher than that specified in the baseline business plan; and
- ii. for electricity, the average wholesale electricity cost equals the ASX-traded Base Future Contract Price for contracts that are available over the next 12-month period (from the time the licence application is submitted to the commission).

Notes regarding financial inputs

- **Electricity:** The AAVWP for each region is published following the close of the calendar year and financial year in the Australian Energy Regulator (**AER**)'s Wholesale markets quarterly report. Note: If an applicant has applied or intends to apply for a retailer authorisation with the AER, or holds a retailer authorisation with the AER, then it should use the most expensive region. If the applicant intends to solely retail electricity in Victoria, then the Victorian region should be used.
- **Gas:** The financial year average gas price for the DWGM and STTM are published on the AER website in the wholesale statistics subsection of the wholesale markets section.⁸ If an applicant has applied or intends to apply for a retailer authorisation with the AER, or holds a retailer authorisation with the AER, then it should use the most expensive region (STTM or DWGM). If the applicant intends to solely retail gas in Victoria, then the DWGM should be used.
- **Futures:** The Average ASX-traded Base Future Contract Price (ASXFC) are published on the ASX Energy website.

Ampol's Response

Refer to Ampol Energy Retail's original electricity licence application.

Also refer to responses at Item 2.3 a) – f) above.

An updated 5-year business plan and a monthly load forecast have been provided as **Attachment 3** [REDACTED] (**Own Use**) (**Commercial in Confidence**) and **Attachment 4** [REDACTED] (**Commercial in Confidence**).

⁸ <https://www.aer.gov.au/wholesale-markets/wholesale-statistics/gas-market-prices>

4. Fit and proper person

The applicant must answer all questions in this section.

In deciding whether to grant or refuse a licence application, the commission will consider whether the applicant is a fit and proper person to hold a licence in Victoria.

The concept of a 'fit and proper person' is established by common law and takes its meaning from its context, from the activities in which the person is or will be engaged, and the ends to be served by those activities.

In considering whether an applicant is a fit and proper person, we will have regard to the applicant's honesty, integrity and reputation. These are relevant factors as they can inform an assessment of the likelihood of future conduct.

We will also consider the conduct of officers. We will also consider the conduct of related bodies corporate or entities that can exert control over the applicant.

- a) Have any directors of the applicant, directors of any entity that can exert control over the applicant, or any person with significant managerial responsibility or influence on the applicant:
- (i) been declared bankrupt,
 - (ii) had their affairs placed under administration,
 - (iii) been disqualified from managing a company,
 - (iv) been subject to debt judgements, or
 - (v) insolvency proceedings (including any administration, liquidation or receivership in connection with the affairs of a company)?

If yes, provide details:

Ampol's Response

None of the above apply to any director or person with significant managerial responsibility.

- b) Has the applicant, any directors of the applicant, directors of any entity that can exert control over the applicant or any person with significant managerial responsibility or influence on the applicant been prosecuted for any offences or had any enforcement action taken under any state, territory, Commonwealth or foreign legislation (including, but not limited to, the *Competition and Consumer Act 2010* (Cth), *Corporations Act 2001* (Cth), or the *Australian Securities and Investments Commission Act 2001* (Cth))?

If yes, provide details:

Ampol's Response

Refer to Ampol Energy Retail's original electricity licence application.

Further context: [REDACTED]

The Applicant has one additional director (who is not also a director of Ampol Energy Retail), who has nothing to declare under this section.

- c) Has the applicant, any directors of the applicant, any related body corporate, or any person with significant managerial responsibility or influence on the applicant been involved in any material breaches of obligations regulated by the commission or any other regulator?

If yes, provide details:

Ampol's Response

Refer to Ampol Energy Retail's original electricity licence application.

Further context: [REDACTED]

The Applicant has one additional director (who is not also a director of Ampol Energy Retail), who has nothing to declare under this section.

- d) Has the applicant, any directors of the applicant, any related body corporate, or any person with significant managerial responsibility been under investigation in relation to its regulatory obligations or is currently bound by an enforceable undertaking?

If yes, provide details:

Ampol's Response

No applicant, directors, related bodies corporate or any person with significant managerial responsibility has been under investigation regarding its regulatory obligations or subject to an enforceable undertaking.

- e) Has the applicant, any related body corporate or any person with significant managerial responsibility or influence on the applicant, been refused a licence or authorisation, or had restricted, suspended or revoked any such licence or authorisation (in any jurisdiction)?

If yes, provide details:

Ampol's Response

No applicant, related body corporate or any person with managerial responsibility has been

refused a licence or has had a licence or authorisation restricted, suspended or revoked.

f) Is the applicant a resident of, or does it have permanent establishment in, Australia?

If no, provide details:

Ampol's Response

Yes.

g) If any of the following apply, please provide details:

- i. the applicant is external administration (as defined in the *Corporations Act 2001* (Cth)) or under a similar form of administration under any laws applicable to it in any jurisdiction; or
- ii. the applicant is not capable of being sued in its own name in a court of Australia.

Ampol's Response

Not applicable.

Additional information

h) Provide any other information the applicant considers is relevant to the commission's fit and proper person assessment.

Ampol's Response

Not applicable.

5. Commission objectives

The applicant must answer all questions in this section.

In deciding whether to grant or refuse an electricity or gas retail licence application, the commission must consider its objectives under the *Electricity Industry Act 2000* and/or *Gas Industry Act 2001* and the *Essential Services Commission Act 2001* (**ESC Act**).

Our primary objective under the ESC Act, when performing our functions and exercising our powers, is to promote the long-term interests of Victorian consumers. In seeking to achieve this objective, we must have regard to the price, quality, and reliability of essential services and the matters set out in section 8A to the extent they are relevant.

An applicant must clearly demonstrate how its proposed retail business model or project, such as an electricity transmission or generation project, is consistent with the commission's statutory objectives.

Applicants must provide a statement regarding why granting a licence would address the objectives outlined in:

- Section 8 of the ESC Act (also see section 8A of the ESC Act),
- Section 10 of the *Electricity Industry Act 2000*, and/or
- Section 18 of the *Gas Industry Act 2001*.

Specifically, the applicant must positively satisfy the commission that the entry of the applicant into the retail market will promote the long-term interests of Victorian energy consumers with respect to the price, reliability and quality of energy.

Ampol's Response

Refer to Ampol Energy Retail's original electricity licence application.

Further context: The Ampol Group's decision to sell Ampol Energy Retail to AGL does not affect our commitment or ability to meet our Australian operational decarbonisation targets, including the 2025 interim target and 2030 goals, and our ambition to achieve net zero operational emissions (Scope 1 and Scope 2) in Australia by 2040 remain unchanged.

Ampol has learned critical lessons that have shaped our understanding of the role we can play in the energy transition and highlighted the importance of working with business partners to provide growth and scale in key areas and also in creating a better mobility energy solution for our customers.

This decision also supports Ampol's evolved Group Strategy which has identified the two areas where Ampol has the best pathway to scale and deliver a strong customer value

proposition to support our customers' mobility energy transition - EV charging and renewable fuels*.

Being able to provide electricity to Own-Use Sites in Victoria would support greater cost predictability and efficiencies, in particular for sites at which we have deployed electric vehicle (EV) charging infrastructure, noting that EV charging affordability for end-users is closely tied to electricity pricing. Ampol is focused on supporting its customers in their transition to EVs and aims to minimise range and reliability anxiety for its customers by rolling out a national EV charging network. As Australia's leading transport energy provider, we believe that we have a significant role to play in the transport energy transition and in supporting the uptake of EVs nationally, including in Victoria.

**Renewable Fuels is an industry term used for liquid hydrocarbons made from non-petroleum based renewable feedstocks such as purpose grown biomass, or from waste material such as tallow or used cooking oil. It captures Sustainable Aviation Fuel (SAF) and Renewable Diesel.*

6. Statutory declaration

Ampol's Response

A statutory declaration from the director of the Applicant is attached as Attachment 11 |
[REDACTED] (Commercial in Confidence).