

Dear ESC,

We refer to the application made by Flo Energy Australia Pty Ltd (ACN 664 209 330) ("**Flo Energy**") for a licence to sell electricity in Victoria, submitted 29 November 2023.

I represent Progressive Green Pty Ltd trading as Flow Power (ABN 27 130 175 343). Flow Power is an energy retailer that works with energy customers throughout the National Electricity Market (NEM). Progressive Green Pty Ltd adopted the trade mark Flow Power in 2017 and the business name Flow Power was registered to Progressive Green Pty Ltd in 2020.

We support the entrance of new retailers in Australia's energy retail market to promote competition and provide the best outcomes for energy customers. However, we are concerned that the presence of a retailer named Flo Energy may cause significant confusion to customers and potential customers across the NEM, given the similarity of the names Flow Power and Flo Energy. The long-term interests of energy customers are not promoted if the entry of a new retailer into the market causes confusion with respect to price, promotions and other retail activities.

Flow Power is a registered trade mark in Australia owned by Progressive Green Pty Ltd. We note that Flo Energy has lodged three trade mark applications in Australia, each of which was withdrawn following adverse reports from the trade mark examiner, so they do not currently have any registered trade marks in respect of 'Flo Energy'. We request that if Flo Energy's application for a licence to sell electricity in Victoria is granted that it be made subject to a requirement for Flo Energy to operate in the NEM using a name that cannot be confused with our business name "Flow Power".

We appreciate your consideration of this matter.

**Jonathan Mitchell**

Flow Power | General Counsel & Company Secretary