

**IN THE WESTERN AUSTRALIAN GAS REVIEW BOARD**

**No 1 of 2004**

Re Application for review of the decision by the Western Australian Independent Gas Pipelines Access Regulator published on 30 December 2003 to approve its own Access Arrangement for the Dampier to Bunbury Natural Gas Pipeline owned and operated by the Applicants

Application by:

**EPIC ENERGY (WA) NOMINEES PTY LTD (ACN 081 609 289) (Receivers and Managers Appointed) Administrators Appointed) and  
EPIC ENERGY (WA) TRANSMISSION PTY LTD (ACN 081 609 190)  
(Receivers and Managers Appointed) (Administrators Appointed)**

Applicants

**No 3 of 2004**

Re Application for review of the decision by the Western Australian Independent Gas Pipelines Access Regulator dated 30 December 2003 to approve the Regulator's own Access Arrangement for the Dampier to Bunbury Natural Gas Pipeline

Application by:

**WESTERN POWER CORPORATION (WA 0124360E)**

Applicant

---

**ORDERS AND DIRECTIONS ON EPIC'S APPLICATION FOR  
PRODUCTION OF DOCUMENTS OBTAINED BY THE REGULATOR IN  
RESPONSE TO NOTICES ISSUED UNDER SUBSECTION 41(1) OF  
SCHEDULE 1 TO THE GAS PIPELINES ACCESS (WESTERN AUSTRALIA)  
ACT 1998**

---

Presidential Member                      **Mr Edel**

Date of Directions                        **3 August 2004**

Where made                                **Perth**

**THE WESTERN AUSTRALIAN GAS REVIEW BOARD ORDERS THAT:**

1. Order 2 of the Orders dated 19 July 2004 be amended by:
  - (a) deleting the proviso therefrom; and

- (b) adding Anthony Cribb to the list of nominated persons who may inspect documents.
- 2. The Economic Regulation Authority produce, if requested, by close of business on Wednesday, 4 August 2004, to Epic and to any other party who makes such a request, all of the documents listed in the Economic Regulation Authority's Further Amended Draft Index of Documents which were provided to the Regulator in relation to bids (including the financing of bids) for the sale and purchase of the Dampier to Bunbury Natural Gas Pipeline in 1998, in response to notices issued by the Regulator under subsection 41(1) of Schedule 1 to the *Gas Pipelines Access (Western Australia) Act 1998*.
- 3. The Economic Regulation Authority produce, if requested, by close of business on Friday, 6 August 2004, the remainder of the documents listed in the Economic Regulation Authority's Further Amended Draft Index of Documents which were provided to the Regulator in response to notices issued by the Regulator under subsection 41(1) of Schedule 1 to the *Gas Pipelines Access (Western Australia) Act 1998*.
- 4. Notwithstanding Order 1 above, in the period prior to 10 August 2004, inspection of the documents produced by the Economic Regulation Authority pursuant to Orders 2 and 3 above be limited to the persons referred to in paragraph 5(c) of the Orders and Directions of the Gas Review Board made on 16 April 2004 and to John Lesley Williams.
- 5. By 4 August 2004, the Economic Regulation Authority give notice to each person (other than to Epic) who produced information or documents in response to a notice issued by the Regulator under subsection 41(1) of Schedule 1 to the *Gas Pipelines Access (Western Australia) Act 1998*, and who stated that the information or documents were confidential or commercially sensitive.
- 6A. Such notice shall state:
  - (a) that the Gas Review Board has ordered the Economic Regulation Authority to disclose the existence, permit confidential inspection, and provide copies, of that information or those documents to and by:
    - (i) nominated representatives of the parties to Proceedings No 1 and 3 of 2004; and

- (ii) the nominated legal representatives and expert advisors to those parties;
  - (b) prior to 10 August 2004, that the person receiving the notice may apply to the Gas Review Board to limit access to that information, or those documents, by representatives of the parties, other than their legal advisors identified in Order 6A(a)(ii); and
  - (c) the nominated representatives referred to Order 6A(a)(i) and (ii) and their role.
- 6B. Such notice shall also enclose the confidentiality undertakings, or the form of the confidentiality undertakings, which have been executed to date.
7. Liberty to apply by the Regulator in relation to Order 3 above.

A handwritten signature in black ink, appearing to read 'R Edel', is written over a light grey rectangular background.

**ROBERT EDEL  
PRESIDING MEMBER  
WESTERN AUSTRALIAN GAS REVIEW BOARD  
APPEALS 1 and 3 OF 2004**