

IN THE WESTERN AUSTRALIAN GAS REVIEW BOARD

No 1 of 2005

Re Application for review of the decision by the Western Australian Economic Regulation Authority dated 15 December 2005 to approve the Economic Regulation Authority's own revised Access Arrangement for the Dampier to Bunbury Natural Gas Pipeline.

Application by:

Electricity Generation Corporation

Applicant

ORDERS AND DIRECTIONS

Members: Mr Edel
Date of Directions: 18 September 2006
Where made: Perth

THE GAS REVIEW BOARD ORDERS THAT:

1. Appearances:
 - (a) Electricity Generation Corporation to appear as Applicant;
 - (b) DBNGP (WA) Transmission Pty Ltd and DBNGP (WA) Nominees Pty Ltd (together **DBP**) have leave to appear as Respondent; and
 - (c) the Economic Regulation Authority (**ERA**) be granted leave to be a respondent and may seek leave to appear at the hearing.
2. The name of the Application be changed to Electricity Generation Corporation (**ECG**).
3. Each party is to be given prompt access to the transcript of all or any part of the hearing upon written request by the party, and subject to the party paying the relevant fee for the transcript and to the relevant part of the hearing not having been conducted in camera.
4. Subject to any further order, all information and documents claimed to be confidential by a party to the proceeding, or identified by the ERA to be confidential, will be provided only to:

- (a) any member of the Gas Review Board (the **Review Board**) as constituted for the Proceeding;
- (b) the following counsel:
 - (i) Ken Martin QC;
 - (ii) Craig Colvin SC;
 - (iii) Chris Zelestis QC;
 - (iv) Joshua Thomson,
- (c) the following persons, provided they have signed a Confidentiality Undertaking substantially similar in terms to the Confidentiality Undertaking attached and marked 'A':
 - (i) for EGC
 - (A) Neil Gentilli;
 - (B) Peter Walton;
 - (C) John Loudon,
 - (ii) for DBP
 - (A) David Martino;
 - (B) Christopher Savundra;
 - (C) Martin James,
 - (iii) for the ERA
 - (A) Caroline Brown;
 - (B) Matthew Knox;
 - (C) Genevieve Ho,
 - (iv) Any other individual who the person claiming confidentiality has consented to the information being disclosed to.

Documents

5. The ERA to provide EGC and DBP with a draft Index of Documents described in sub-section 39(5) of Schedule 1 to the *Gas Pipelines Access (Western Australia) Act 1998*, and which relate to the issues in these proceedings, similar in format to the Draft Index attached and marked 'B', specifying which of those documents (if any) is the subject of a claim of confidentiality (**Draft Index**) by 12 June 2006.

6. EGC and DBP to request in writing from the ERA copies of any of the documents listed in the Draft Index by 19 June 2006, other than those documents which they can obtain from www.era.wa.gov.au.
7. The ERA to provide such documents requested by EGC and DBP under Direction 5, subject to the ERA receiving evidence of appropriate undertakings in accordance with Order 3(c) as to confidentiality and the payment of reasonable photocopying fees, by 3 July 2006.

Written submissions

8. By 16 October 2006 EGC to file and serve on DBP and the ERA, a written outline of their submissions, indicating how each submission relates to the matters raised by EGC in the submissions it filed with the ERA before it made its decision and identifying those documents or parts of those documents in relation to which they will maintain a claim for confidentiality at the hearing.
9. By 20 November 2006 DBP to file and serve on EGC and the ERA a written outline of their submissions in response to the submissions served pursuant to the preceding direction, identifying those documents or parts of those documents in relation to which they will maintain a claim for confidentiality at the hearing.
10. By 27 November 2006 the ERA file and serve on each of the parties a written outline of its submissions.
11. EGC to file and serve on each other party their submissions in reply (if any) by 4 December 2006.
12. On or before 7 December 2006, each of:
 - (a) EGC;
 - (b) DBP; and
 - (c) ERA,identify the documents that each of them request the Review Board to consider for the purposes of the proceedings.
13. On or before 21 December 2006, EGC file and serve on DBP and the ERA:
 - (a) an Index of Documents for Hearing, listing the documents identified pursuant to Directions 8 and 9; and
 - (b) a paginated trial bundle, containing a copy of each of the documents listed in the Index of Documents for Hearing.

14. Any documents that are required to be filed with the Review Board pursuant to the orders made above:
 - (a) may be filed in electronic form, save for the documents referred to at paragraph 13(b); and
 - (b) shall be filed in triplicate unless in electronic form.
15. The Proceeding be listed for hearing for 5 days on commencing on 14 February 2007.
16. Each party has liberty to re-list the matter for further directions on three (3) days' notice. Further directions may be heard by the Presiding Member only, on behalf of the Gas Review Board.

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RM Edel, Presiding Member, Gas Review Board