

OFFICE OF GAS ACCESS REGULATION

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Our Ref: 3020/50/01

NOTICE

On 8 August 2003, Epic Energy (WA) Transmission Pty Ltd (“**Epic Energy**”) lodged certain documents said to be two revised proposed Access Arrangements together with various submissions. Epic Energy claimed the material to be confidential. I sought clarification of the basis upon which Epic Energy lodged such material. On 15 August 2003, Epic Energy advised that it had submitted one of the documents as its revised proposed Access Arrangement pursuant to section 2.18 of the *National Third Party Access Code for Natural Gas Pipeline Systems* (“**Code**”) and the other documents were said to be submissions lodged pursuant to section 2.15 of the Code.

I have decided not to consider, under section 2.15 of the Code, the submissions lodged by Epic Energy. My reasons include:

- 1 Those submissions were made well outside the time for making of submissions in relation to my Draft Decision on the DBNGP and after the publication of my Final Decision.
- 2 I granted various extensions of time for parties, including Epic Energy, to make submissions pursuant to section 2.15 of the Code prior to my Final Decision.
- 3 I have not invited submissions in relation to my further Final Decision and the Code does not provide for such submissions.
- 4 The issues to be considered by me in making my Final Decision were known to all parties by reason of the process I adopted, including:
 - (a) the publication of non-confidential submissions made by interested parties prior to the issue of my Draft Decision;
 - (b) the publication of my Draft Decision;
 - (c) the publication of non-confidential submissions made by interested parties following my Draft Decision;
 - (d) the reasons of the Full Court in *Dr Ken Michael AM; Ex Parte Epic Energy (WA) Nominees Pty Ltd & Anor* (2002) 25 WAR 511;
 - (e) the publication of non-confidential submissions made by interested parties following the Full Court’s decision which were received prior to the Final Decision; and



- (f) the provision to Epic Energy of additional information on which I proposed to rely in making my Final Decision together with an opportunity to make further submissions as to that information.
- 5 Given the delay in the process for consideration of the proposed Access Arrangement, the Access Arrangement will apply for a much shorter period than originally proposed by Epic Energy.
- 6 A further delay would result if I decided to receive the submissions by Epic Energy pursuant to section 2.15 of the Code.

I will now proceed to consider the document lodged by Epic Energy as its revised proposed Access Arrangement and decide whether to exercise my powers pursuant to sections 2.19 or 2.20 of the Code and to issue a further Final Decision.

Questions in relation to the above may be directed to Mr Peter Kolf on telephone number +61 8 9213 1900

KEN MICHAEL
GAS ACCESS REGULATOR

9 September 2003