

NOTICE

Dispute Resolution Procedure under the Electricity Industry Customer Transfer Code 2004 and Electricity Industry Metering Code 2005

The Economic Regulation Authority (**Authority**) has determined a procedure for a party to refer a dispute under the *Electricity Industry Customer Transfer Code 2004* (**Transfer Code**) and the *Electricity Industry Metering Code 2005* (**Metering Code**) to the Authority for resolution.

These Codes allow the Authority to resolve disputes arising from matters in connection with the Codes and which cannot be resolved through direct negotiations. The Authority is required to conduct dispute resolution processes quickly and with as little formality and technicality as the Codes, and a proper hearing and determination of the dispute, permit.

Part 7 of the Transfer Code and Part 8 of the Metering Code allow the Authority to determine any dispute which arises in respect of any matter under or in connection with the Transfer Code or Metering Code (as the case may be) in circumstances where a dispute is not resolved through direct negotiations.

The Transfer Code and the Metering Code set out some of the procedures that are applicable for disputes under these codes.

Parties must follow the dispute resolution procedures as they are laid out in the respective codes before raising any dispute with the Authority.

If a dispute remains unresolved after following the procedures in the Transfer Code or Metering Code or the dispute is of an urgent nature, the Authority may, if it receives a notice from one of the disputing parties, conduct a dispute resolution. The Authority is required to do this with as little formality and technicality, and with as much expedition, as the requirements of either Codes and a proper hearing and determination of the dispute, permit.

The Authority is given the power by the Transfer Code and the Metering Code to specify procedures (either of general application or in respect of all or some part of a particular dispute) for the resolution of a dispute including:

- the making of any submissions by the disputing parties; and
- whether, and if so the extent to which, legal representation is permitted; and
- regulating the conduct of the disputing parties.

Subject to the procedures specified in the Transfer Code or the Metering Code, the Authority will determine the appropriate procedures and process on a case-by-case basis depending on:

- the nature of the dispute;
- the parties involved;
- the estimated cost of the dispute; and
- any other matters that the Authority considers are relevant.

To refer a dispute to the Authority, a party shall lodge with the Authority a Notice of Referral of Dispute. A copy of this notice shall at the same time be provided to each respondent and any other relevant party. A respondent to a dispute must lodge with the Authority within 5 days of receipt of a copy of the Notice of Referral of Dispute, a Notice of Respondent, a copy of which shall at the same time be provided to the Referring Party. Copies of the [Notice of Referral of Dispute](#) and [Notice of Respondent](#) can be found on the Authority's web site.

Given the short time frames in the Transfer Code and Metering Code, the issues to be decided must, as far as is reasonably practicable, be agreed between the parties before the Authority will consider the dispute.

The notice should be sent to:

Executive Director
Competition, Markets and Electricity
Economic Regulation Authority
Level 6, Governor Stirling Tower
197 St Georges Terrace
PERTH WESTERN AUSTRALIA 6000

or

GPO Box 8469
Perth Business Centre 6849
WESTERN AUSTRALIA

Facsimile: (08) 9213 1999

The notice should also be provided electronically to the Executive Director Competition, Markets and Electricity.

For further information contact:

General Enquiries

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LYNDON ROWE
CHAIRMAN

20 February 2008