

B E T W E E N :

ECONOMIC REGULATION AUTHORITY

Applicant

and

ELECTRICITY GENERATION AND RETAIL CORPORATION TRADING AS
SYNERGY

Respondent

DIRECTIONS

Date of Document: 20 July 2020

Place Made Perth

Preliminary Issue

- 1 The question of the liability of the respondent be tried prior to and separately from the questions whether the claimant is entitled to any, and if so, what relief.

Filing of Evidence

- 2 The orders made by the Electricity Review Board on 12 June 2020 (**Orders**) be amended so that the time the Applicant is to file and serve on the Respondent any witness statements and documents on which it intends to rely in the proceedings is extended to 7 August 2020.
- 3 The Orders be amended so that the time the Respondent is to file and serve on the Applicant any witness statements and documents on which it intends to rely in the proceedings is extended to 4 September 2020.
- 4 The Orders be amended so that the time the Applicant is to file and serve on the Respondent any witness statements and documents in reply that it intends to rely in the proceedings is extended to 18 September 2020.

- 5 By 7 August 2020, the Applicant is to notify the Respondent as to the nature of the expert evidence it intends to rely upon, and the topics the expert evidence will address.
- 6 By 28 August 2020, the Respondent is to notify the Applicant as to the nature of the expert evidence it intends to rely upon, and the topics the expert evidence will address.
- 7 By 11 September 2020, the Parties are to confer where types of experts are common and to attempt to agree on:
- (a) the questions to be put to the experts; and
 - (b) the materials on which the experts are to base their opinions.
- 8 To the extent that the parties are able to reach agreement as to the matters identified in the previous direction, the parties shall, by 16 September 2020 provide a joint minute of:
- (a) the questions to be put to the experts; and
 - (b) the materials on which the experts are to base their opinions.
- 9 To the extent that the parties are not able to reach agreement or the experts are not common, each parties shall, by 16 September 2020 provide its own minute of:
- (a) the questions to be put to the experts; and
 - (b) the materials on which the experts are to base their opinions.
- 10 The questions to be put to the experts and the materials to be provided to all experts are to be finalised at the further directions hearing on 21 September 2020.
- 11 By 30 October 2020, each party is to file any expert evidence on which it intends to rely in the proceedings.
- 12 Where the Parties' experts provide evidence on the same question:
- (a) By 20 November 2020, the experts retained by the Parties are to confer with a view to narrowing or removing the differences between their evidence.
 - (b) by 18 December 2020, the experts retained by the Parties are to prepare a joint report setting out the matters on which they are agreed, the matters about which they disagree and a short statement of each expert's reasoning on the points of dispute.

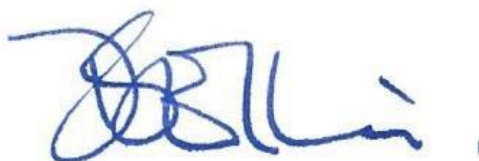
- 13 Where more than one expert is to give evidence in relation to an issue or question, the experts shall, so far as possible, give evidence concurrently.

Further Directions Hearing

- 14 The further directions hearing listed 4 September 2020 be vacated
- 15 The matter be listed for a further directions hearing on 21 September 2020.

Hearing

- 16 The hearing listed for 2 December 2020 be vacated.
- 17 The preliminary issue be listed for a hearing commencing on 15 February 2021, on an estimate of 10 business days.
- 18 There be no order as to costs.



Presiding Member