

Re application for Merits Review of the Independent Gas Pipeline
Access Regulator's Further Final Decision of 30 December 2003 to approve his own
Access Arrangement for the Dampier to Bunbury National Gas Pipeline

Application by:

NORTH WEST SHELF GAS PTY LTD (ACN 063 763 342)

Applicant

No. 4 of 2004

Re application for Merits Review of the Independent Gas Pipeline
Access Regulator's decision of 30 December 2003 to approve his own
Access Arrangement for the Dampier to Bunbury National Gas Pipeline

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DIRECTIONS

1. Proceedings No 2 of 2004 and No 4 of 2004 be heard together.
2. Epic Energy (WA) Nominees Pty Ltd and Epic Energy (WA) Transmission Pty Ltd (together "**Epic Energy**") and the Economic Regulation Authority ("**ERA**") be at liberty to appear as respondents.
3. Subject to any further order, all information and documents claimed to be confidential by a party in Proceedings No. 2 of 2004 or No. 4 of 2004, or identified by the Economic Regulation Authority ("**ERA**") or any other person to be confidential, will be provided only to:
 - (a) any member of the Gas Review Board as constituted for Proceedings No. 2 of 2004 and No. 4 of 2004;
 - (b) the following counsel for Epic Energy:
 - (i) Chris Zelestis QC;
 - (ii) Graeme Murphy SC;
 - (iii) Joshua Thomson;
 - (c) the following counsel for North West Gas Shelf:

- (i) Kenneth Martin QC;
 - (ii) Simon Davis;
- (d) the following counsel for the ERA:
- (i) Craig Colvin QC;
 - (ii) **[insert name]**;
- (e) the following persons provided they have signed a Confidentiality Undertaking substantially similar in terms to the Confidentiality Undertaking attached and marked "A":
- (i) for Epic Energy;
 - (A) Beau Deleuil;
 - (B) Sharon Henrick;
 - (C) Carman Yung;
 - (D) Michael Googan;
 - (E) any other individual who the person claiming confidentiality has consented to the information being disclosed to;
 - (ii) for North West Shelf:
 - (A) David Martino;
 - (B) Simon Vanderaa;
 - (C) Brigg Baxter;
 - (D) any other individual who the person claiming confidentiality has consented to the information being disclosed to;
 - (iii) for the ERA:
 - (A) Caroline Brown;
 - (B) **[insert name]**

4. North West Shelf and Epic Energy to provide to each other and serve 3 copies on the Board copies of all written submissions they have provided to, and all correspondence with, the Western Australia Independent Gas Pipelines Access Regulator concerning the relief sought in paragraph 7.2 of North West Shelf's Application for Review, specifying which of those written submissions or items of correspondence is subject to a claim of confidentiality, by 30 April 2004.
5. The ERA to provide to the applicants and respondents a draft Index of Documents described in sub-section 39(5) of Schedule 1 to the *Gas Pipelines Access (Western Australia) Act 1988* ("**the Act**"), 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 30 April 2004.
6. By 7 May 2004 NWS and Epic to file and serve on each other and the ERA an annotated copy of their respective grounds of appeal indicating how each ground falls within matters raised by the applicants in the submissions filed by them with the Regulator before he made his decision.
7. Epic Energy file and serve on each of the applicant and the ERA a statement of facts, issues and contentions in connection with North West Shelf's Application for Review by 14 May 2004.
8. The ERA file and serve on each of the applicant and Epic Energy a Statement of Facts, Issues and Contentions in connection with North West Shelf's Application for Review by 21 May 2004.
9. North West Shelf and Epic Energy to request in writing from the ERA copies of any of the documents listed in the Draft Index by 28 May 2004, other than those documents which they can obtain from www.era.wa.gov.au.
10. The ERA to provide such documents requested by North West Shelf and/or Epic Energy under paragraph 8, subject to the ERA receiving evidence of appropriate undertakings in accordance with Order 3 as to confidentiality and the payment of reasonable photocopying fees, by 4 June 2004.
11. North West Shelf and Epic Energy identify which documents each of them believes should be added to or removed from the Draft Index and provide the ERA and each other with a revised Draft Index, and attempt to agree an Agreed Draft Index, and, failing agreement, identify the basis of objections, by 11 June 2004. In the event that there are objections,

North West Shelf, Epic Energy and the ERA to apply to the Gas Review Board for directions before 18 June 2004.

12. Any documents that are required to be filed with the Gas Review Board pursuant to the orders made above may be filed in electronic form, save as provided above.
13. The ninety (90) day period referred to in sub-section 38(3) of Schedule 1 of the Act be extended for two consecutive 30 day periods.
14. 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 Western Australian Gas Review Board
Appeals 1, 2, 3 and 4 of 2004