

Re Application for review of the decision by the Western Australian Independent Gas Pipelines Access Regulator published on 30 December 2003 to approve its own Access Arrangement for the Dampier to Bunbury Natural Gas Pipeline owned and operated by the Applicants

Application by:

**EPIC ENERGY (WA) NOMINEES PTY LTD (RECEIVERS AND MANAGERS APPOINTED) (ADMINISTRATORS APPOINTED) (ACN 081 609 289) and
EPIC ENERGY (WA) TRANSMISSION PTY LTD (RECEIVERS AND MANAGERS APPOINTED) (ADMINISTRATORS APPOINTED) (ACN 081 609 190)**

Applicants

No 3 of 2004

Re Application for review of the decision by the Western Australian Independent Gas Pipelines Access Regulator dated 30 December 2003 to approve the Regulator's own Access Arrangement for the Dampier to Bunbury Natural Gas Pipeline

Application by:

WESTERN POWER CORPORATION (WA 0124360E)

Applicant

**ORDERS AND DIRECTIONS FOR THE JOINDER
OF ALINTA GAS SALES PTY
AS A PARTY TO PROCEEDINGS NO. 1 & 3 OF 2004**

Presidential Member	Mr Edel
Date of Directions	3 August 2004
Where made	Perth

THE WESTERN AUSTRALIAN GAS REVIEW BOARD ORDERS THAT:

Leave to be a respondent

- 1 Alinta Gas Sales Pty Ltd ("**Alinta**") be granted leave to be a respondent and to be heard in Proceedings No 1 and 3 of 2004.

Access to transcript

- 2 Alinta be given prompt access to the transcript for all or any of the hearings of all or any of Proceedings No 1 and 3 of 2004, upon written request by Alinta, and subject to Alinta paying the relevant fee for the transcript and the relevant hearing, or part hearing, not having been conducted in camera.

Access to confidential information

- 3 Subject to any further order, all information and documents claimed to be confidential by a party in Proceedings No. 1 or 3 of 2004, or identified by the Economic Regulation Authority to be confidential, will be provided only to the following representatives of Alinta provided they have signed a Confidentiality Undertaking substantially similar in terms to the Confidentiality Undertaking marked "A" and attached to the Orders and Directions made on 16 April 2004:

- (a) Anthony Willinge;
- (b) Adrian Chai;
- (c) Sarah Minshall; and
- (d) any other individual who the person claiming confidentiality has consented to the information being disclosed to.

Order 6 documents, annotated grounds, statements of facts, issues and contentions and statements of facts, issues and contentions in reply to be served on Alinta

- 4 By **cob Wednesday, 4 August 2004**, Epic and Western Power Corporation each serve on Alinta:
- (a) all written submissions they have provided to, and all correspondence with, the Western Australian Independent Gas Pipelines Access Regulator concerning the establishment of an access arrangement for the Dampier to Bunbury Natural Gas Pipeline, specifying which of those written submissions or items of correspondence is subject to a claim of confidentiality;

- (b) 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;
- (c) a copy of their respective statement of facts, issues and contentions; and
- (d) a copy of their respective statement of facts, issues and contentions in reply to each other (or on the date set by further programming orders made by the Gas Review Board following the outcome of Epic's application to strike out pages 5 - 154 of Western Power Corporation's statement of facts, issues and contentions).

ERA to provide Draft Index of documents

- 5 By **cob Wednesday, 4 August 2004**, the Economic Regulation Authority provide to Alinta a draft index of documents described in subsection 39(5) of Schedule 1 to the *Gas Pipelines Access (Western Australia) Act 1998 (Draft Index)*, similar in format to the draft index marked "B" and attached to the Orders and Directions made on 16 April 2004, specifying which of those documents (if any) is the subject of a claim for confidentiality.

Alinta may request and ERA to provide copies of documents in Draft Index

- 6 By **cob Wednesday, 11 August 2004**, Alinta to request in writing from the Economic Regulation Authority copies of any of the documents listed in the Draft Index, other than those documents which it can obtain from www.era.wa.gov.au.
- 7 By **cob Friday, 13 August 2004**, the Economic Regulation Authority to provide such documents requested by Alinta under the above orders, subject to the Economic Regulation Authority receiving evidence of appropriate undertakings in accordance with the order as to confidentiality above and the payment of reasonable photocopying fees.

Agreed Index of Documents

- 8 By **cob Monday, 6 September 2004**, Epic, Western Power Corporation and Alinta to identify in writing which documents (if any) they each believe should be

added to or removed from the Draft Index, and attempt to agree an Agreed Draft Index and, failing agreement, identify the basis of the objections.

Epic's and Western Power's Outline of Written Submissions

- 8A By **cob Friday, 20 August 2004**, Epic and Western Power Corporation to file and serve on Alinta and the Economic Regulation Authority an outline of their written submissions, identifying those documents or parts of those documents in relation to which they will maintain a claim for confidentiality at the hearing.

Alinta's Statement of Facts, Issues and Contentions

- 9 If Alinta wishes to take part in the proceedings, by **cob Monday, 30 August 2004**, Alinta to file and serve on Epic, Western Power Corporation and the Economic Regulation Authority any statement of facts, issues and contentions. If Alinta decides that it will not take part in the proceedings, it will notify the parties and the Gas Review Board in writing, by that date, and promptly take steps to be removed as a party to the proceedings.

ERA's Statement of Facts, Issues and Contentions

- 9A By **cob Friday, 10 September 2004**, the Economic Regulation Authority to file and serve its statement of facts, issues and contentions.

Other Parties' Statements of Facts, Issues and Contentions in Reply

- 10 By **cob Tuesday, 7 September 2004**, Epic Energy and Western Power Corporation to file and serve on Alinta and the Economic Regulation Authority any statement of facts, issues and contentions in reply upon which they each seek to rely on at the hearing of these proceedings.

Alinta's Written Outline of Submissions

- 11 By **cob Tuesday, 14 September 2004**, Alinta to file and serve on Epic, Western Power Corporation and the Economic Regulation Authority any written outline of submissions.

Other Party's Submissions in Reply

- 12 By **cob Tuesday, 21 September 2004**, Epic, Western Power Corporation and the Economic Regulation Authority to file and serve any submissions in reply to Alinta's written outline of submissions.

ERA's Written Outline of Submissions

- 13 By **cob Tuesday, 28 September 2004**, the Economic Regulation Authority to file and serve a written outline of submissions.

Preparation of Trial Bundles

- 14 By **cob Friday, 17 September 2004**, each of:

- (a) Epic;
- (b) Western Power Corporation;
- (c) the Economic Regulation Authority; and
- (d) Alinta,

to identify in writing each of the documents that each of them request the Gas Review Board to consider for the purposes of the proceedings.

- 15 By **cob Friday, 24 September 2004**, Epic, Western Power Corporation, Alinta and the Economic Regulation Authority file and serve on each other:

- (a) an Index of Documents for Hearing, listing the documents identified pursuant to order 14 above; and
- (b) a paginated trial bundle, containing a copy of each of the documents listed in the Index of Documents for Hearing.

A handwritten signature in black ink, appearing to read 'Robert Edel', is centered on the page. The signature is written in a cursive style with a large initial 'R'.

**ROBERT EDEL
PRESIDING MEMBER
WESTERN AUSTRALIAN GAS REVIEW BOARD
APPEALS 1 and 3 OF 2004**