

B E T W E E N :

ECONOMIC REGULATION AUTHORITY

Applicant

and

ELECTRICITY GENERATION AND RETAIL CORPORATION TRADING
AS SYNERGY

Respondent

**DIRECTIONS
IN RELATION TO SUMMONS ISSUED TO AEMO**

Filed by: The Applicant
Date: 22 February 2023
Place: Perth

The Western Australian Electricity Review Board (**Board**) notes that, following conferral between the Applicant and the Australian Energy Market Operator (**AEMO**), it has issued a summons to AEMO requiring the production of documents in the form proposed by the Applicant on 22 February 2023 (**Summons**), with a return time and date of 10am on 27 February 2023.

The Board orders as follows:

1. The Applicant serve the Summons on AEMO by 5pm on 22 February 2023.

Confidentiality of certain information produced by AEMO pursuant to Summons

2. Any information produced by AEMO pursuant to Items 2(d) and (e) of the Summons (**Confidential Information**) shall be produced subject to the terms of this order.

3. The only persons permitted to have access to the Confidential Information are those persons or classes of persons listed in Schedule 1 (**Approved Persons**).
4. Where the Applicant is advised by AEMO by 5pm on 23 February 2023 that any Confidential Information was provided to AEMO by a named third party (**Source Person**), the Applicant will notify the Source Person no later than 12pm on 24 February 2023:
 - (a) of the terms of the Summons and the nature of the proposed disclosure of Confidential Information;
 - (b) that, within 1 day of receipt of the notice, the Source Person may apply to the Board to be heard in relation to its objection to the disclosure;
 - (c) in the event that the Source Person applies to the Board, no further disclosure of that information beyond that made to the Board will be made without further order of the Board.
5. Any person who receives the Confidential Information must:
 - (a) take all reasonable steps to keep the Confidential Information confidential at all times and not use the Confidential Information for any purpose other than the conduct of this proceeding;
 - (b) not disclose the Confidential Information or any part of it directly or indirectly to any person other than to the members of the Board (and the Board's administrative and secretarial support staff) and other Approved Persons unless:
 - i. AEMO has consented to the disclosure in writing;
 - ii. where the Confidential Information was provided to AEMO by a Source Person, the Source Person has consented to the disclosure in writing; or
 - iii. the disclosure is expressly authorised by the Board.
6. Any person that receives the Confidential Information must:

- (a) take all reasonable steps to establish and maintain effective security measures to safeguard the Confidential Information from unauthorised access or use; and
 - (b) immediately notify the Board and AEMO and, if applicable, the relevant Source Person, of any suspected or actual unauthorised use, copying or disclosure of the Confidential Information of which he or she becomes aware.
- 7. In this proceeding, no reference to the Confidential Information shall be made in any open hearing.
- 8. If any Confidential Information is provided to the Board, that Confidential Information shall be held by the Board on a confidential basis.
- 9. At the conclusion of this proceeding, the Parties, by their respective Approved Persons acting on their respective behalf, will ensure that:
 - (a) save as set out in sub-paragraph (b) or Order 10, all Confidential Information in their possession, and any copies made by them for their own use, is destroyed;
 - (b) in relation to electronic Confidential Information located in off-site servers as a result of automatic data back-up, they do not access or restore the Confidential Information from the server without the prior written consent of AEMO and/or the Board.
- 10. A Party may retain Confidential Information where necessary to comply with its obligations under the State Records Act 2000 (WA) or any similar legislative requirement.

Other

- 11. The Parties have liberty to apply.



DS Ellis
Presiding Member

Schedule 1 – Approved Persons

Persons approved to receive Confidential Information:

1. Matthew Knox, MinterEllison
2. Lauren Zambotti, MinterEllison
3. Angus Paterson, MinterEllison
4. Michael Myers, MinterEllison
5. Simon Adams, Squire Patton Boggs
6. Caroline Brown, Squire Patton Boggs
7. Jessica Tomlinson, Squire Patton Boggs
8. Ben Williams, Squire Patton Boggs
9. Justin Ashley, Synergy
10. Mark Chambers, Synergy
11. Carole Clare, Synergy
12. Jade Concei, Synergy
13. Jason Froud, Synergy
14. Rhiannon Bedola, Synergy
15. Brad Huppatz, Synergy
16. Yanqiu Lou, Synergy
17. Dominic Regnard, Synergy
18. Genevieve Teo, Synergy
19. Rudolf Vorster, Synergy
20. the Chief Executive Officer and Executive General Managers of Synergy
21. the Board of Directors of Synergy
22. Governing Body of the Economic Regulation Authority
23. Secretariat of the Economic Regulation Authority
24. Any legal practitioner:
 - 24.1 employed by a Party; or
 - 24.2 of a legal practice firm retained by a Party for the purposes of the conduct of these proceedings

25. any independent expert retained by a Party for the purposes of the conduct of these proceedings
26. any counsel retained by a Party for the purposes of the conduct of these proceedings
27. any administrative or secretarial support of the persons or class of persons listed above
28. any other appropriate persons as agreed by the parties and notified to the Board