

BETWEEN

**BLUEWATERS POWER 1 PTY LTD (ABN 93 106
034 879) and BLUEWATERS POWER 2 PTY LTD
(ABN 57 122 896 968)**

Applicant

and

**ALINTA SALES PTY LTD
(ACN 089 531 984)**

Respondent

PROCEDURAL DIRECTIONS

No 1

Date of document: 9 April 2026

Place Perth

Having heard Mr Vines of Counsel for the applicants and Mr B Dharmananda of Senior Counsel and Mr L Pham of Counsel for the respondent the Board makes the following directions.

Preliminary issue

- 1 The issue of the extent to which, if any, this proceeding being ERB Application No 2 of 2025 (**Application**) is an application to which regulation 43 of the ESM Regulations applies (**Preliminary Issue**) be considered and determined prior to any consideration of the substantive merits of the Application.

- 2 By 5pm (WST) on 30 April 2026, the applicants file and serve on the respondent any written submissions relied upon in relation to the Preliminary Issue.
- 3 By 5pm (WST) on 21 May 2026, the respondent file and serve on the applicants any written submissions relied upon in relation to the Preliminary Issue.
- 4 By 5pm (WST) on 28 May 2026, the applicants file and serve on the respondent any written submissions relied upon in response to the submissions provided by the respondent under direction 5.
- 5 Subject to direction 8, the hearing of the Preliminary Issue shall be on 22 June 2026, commencing at 10am at a venue to be determined
- 6 No later than 48 hours prior to the hearing time for the Preliminary Issue, the parties may by consent elect to have the Preliminary Issue determined by the Board on the papers by notice to the Board to that effect, in which case the hearing referred to in direction 7 will be vacated.

Points of claim

- 7 Within 30 days after the determination of the Preliminary Issue, the applicants file and serve points of claim.

Lodgement and service of documents

- 8 Any document to be lodged by a party (**lodging party**) with the Board and served on another party in the proceedings is to be lodged and served electronically by the lodging party:
 - (i) in the case of a single document to be lodged and served which is less than 20 MB in size, or a combination of documents to be lodged and served together which collectively are less than 20 MB in size, by emailing the document or documents to each of the three Board members, the email address EPWA-eda@deed.wa.gov.au, and the other parties' solicitors; and
 - (ii) in the case of any other document or documents, by emailing a secure download link to each of the three Board members, the email address

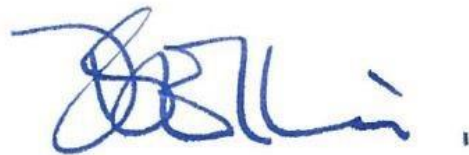
EPWA-eda@deed.wa.gov.au, and the other parties' solicitors, which link must permit the recipient to immediately download the document or documents after following reasonable security protocols made known to the recipient.

Liberty to apply

9 There be liberty to apply.

Costs

10 Costs of the procedural hearing be in the cause.

A handwritten signature in blue ink, appearing to read 'DS Ellis', with a small comma at the end.

DS Ellis
Presiding Member
WA Electricity Review Board