

IN THE WESTERN AUSTRALIAN ELECTRICITY REVIEW BOARD

File No 1 of 2010

Re: Application for review of the decision by the Western Australian Economic Regulation Authority published on 5 August 2010 to approve its own revised Access Arrangement for the Goldfields Gas Pipeline

Applicant BHP Billiton Nickel West Pty Ltd (ABN 76 004 184 598)

First Respondent Southern Cross Pipelines Australia Pty Limited, Southern Cross Pipelines (NPL) Australia Pty Ltd, Alinta DEWAP Pty Ltd and Goldfields Gas Transmission Pty Ltd

Second Respondent Economic Regulation Authority

File No 2 of 2010

Re: Application under section 39(1) of Schedule 1 of the Gas Pipelines Access (Western Australia) Act 1998 (which provision continues to apply by reason of section 28(4) of Schedule 3 of the National Gas Access (WA) Act 2009) for a review of the decision of the Economic Regulation Authority to draft and approve revisions of the access arrangement to apply to the Goldfields Gas Pipeline in place of the access arrangement revisions submitted for approval by Goldfields Gas Transmission Pty Ltd on behalf of the Goldfields Gas Transmission Joint Venture

Applicant Southern Cross Pipelines Australia Pty Limited, Southern Cross Pipelines (NPL) Australia Pty Ltd, Alinta DEWAP Pty Ltd and Goldfields Gas Transmission Pty Ltd

First Respondent BHP Billiton Nickel West Pty Ltd (ABN 76 004 184 598)

Second Respondent Economic Regulation Authority

ORDER

Made by: DS Ellis

Date of Order: 28 November 2011

Where made: Perth

THE WESTERN AUSTRALIAN ELECTRICITY REVIEW BOARD ORDERS THAT:

- 1 The reasons for decision of the Western Australian Electricity Review Board (**Board**) in File Nos 1 and 2 of 2010, dated 22 November 2011, be published.
- 2 The Applicant in File No 2 of 2010 file with the Western Australian Electricity Review Board (**Board**) and serve on the First and Second Respondents the Extensions / Expansions Policy

that it proposes should be contained in the Access Arrangement as may be varied by the Board pursuant to any final determination in Files No 1 and 2 of 2010, and any supporting submission, of no longer than 10 pages, by 5 December 2011.

- 3 The First and Second Respondent in File No 2 of 2010 file with the Board and serve on the Applicant and each other any submission, of no longer than 10 pages, in response to the material filed and served by the Applicant pursuant to paragraph 2 by 12 December 2011.
- 4 The Applicant in File Number 2 of 2010 file with the Board and serve on the First and Second Respondents any submission in reply, of no longer than 10 pages, to the submissions filed and served pursuant to paragraph 3 by 19 December 2011.
- 5 The Economic Regulation Authority reset the commencement date for the final financial modelling used to determine the Reference Tariff to apply to the Access Arrangement Period commencing 20 August 2010, to be 20 August 2010 and provide the model to:
 - (a) the First Respondent in File No 1 of 2010; and
 - (b) the solicitors for the Applicant in File No 1 of 2010,by 5 December 2011. The model must be provided together with a summary of the steps undertaken in the re-modelling and must be provided in a form that permits verification of the outputs of the re-modelling process.
- 6 The solicitors for the Applicant in File No 1 of 2010 are required to:
 - (a) subject to paragraph 7, keep the model provided by the Economic Regulation Authority pursuant to paragraph 5(b) confidential;
 - (b) only use the model for the purposes of reviewing the modelling undertaken by the Economic Regulation Authority to reset the commencement date at 20 August 2010.
- 7 The solicitors for the Applicant in File No 1 of 2010 (the First Respondent in File No 2 of 2010) may provide a copy of the model provided by the Economic Regulation Authority pursuant to paragraph 5(b) to Mr Jeff Balchin who must treat the model as confidential and may only access the model on the terms set out in the undertaking signed by him in these proceedings and dated 25 February 2011.
- 8 The Applicant and the First Respondent in File No 1 of 2010 provide any submissions on the remodelling undertaken pursuant to paragraph 5 to the Economic Regulation Authority and each other by 12 December 2011.

- 9 To the extent there is any disagreement between the parties on the remodelling undertaken pursuant to paragraph 5, the parties hold such discussions or meetings as appropriate to attempt to reach a joint position.
- 10 The parties in File No 1 of 2010 file with the Board a joint submission on the remodelling undertaken pursuant to paragraph 5, by 19 December 2011, indicating any areas of disagreement in the approach taken to the remodelling.
- 11 There be a further directions hearing at 10am on 23 December 2011.
- 12 There be liberty to apply.

DS Ellis
Presiding Member