

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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AMENDED 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 SC;
 - (ii) Stephen Gageler SC;
- (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) Michael Googan;
 - (D) 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) Simon Adams;
 - (C) Jessica Carmody;

(D) Darren Garber.

4. North West Shelf and Epic Energy to provide copies to each other, and serve 3 copies on the Board, 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 to file and serve on Epic and the ERA an annotated copy of its grounds of appeal indicating how each ground falls within matters raised by the applicant 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 11 June 2004.
8. 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 14 May 2004, other than those documents which they can obtain from www.era.wa.gov.au.
9. 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 21 May 2004.
10. 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 28 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 8 September 2004.

11. By 15 September 2004 North West Shelf file and serve on Epic Energy and the ERA, a written outline of their submissions, identifying those documents or parts of those documents in relation to which they will maintain a claim for confidentiality at the hearing.
12. By 20 September 2004 Epic Energy file and serve on North West Shelf and the ERA a written notice identifying those documents or parts of those documents in relation to which they will maintain a claim for confidentiality at the hearing.
- 12A Epic Energy's statement of facts, issues and contentions dated 6 August 2004 do stand as their written outline of submissions, with liberty to Epic to apply by 24 September 2004 for leave to file a further written outline of submissions.
13. By 29 September 2004 the ERA file and serve on each of the parties a written outline of any submissions it may wish to make.
14. North West Shelf file and serve on each other party their submissions in reply (if any) by 6 October 2004.
15. On or before 13 October 2004, each of:
 - (a) North West Shelf;
 - (b) Epic Energy; and
 - (c) the ERA,identify any documents that each of them may request the Review Board to consider for the purposes of the proceedings.
16. On or before 20 October 2004, North West Shelf file and serve on Epic Energy and the ERA:
 - (a) an Index of Documents for Hearing, listing the documents identified pursuant to Direction; and
 - (b) a paginated trial bundle, containing a copy of each of the documents listed in the Index of Documents for Hearing.
17. Any documents that are required to be filed with the Gas Review Board pursuant to the orders made above:

- (a) may be filed in electronic form, save for the documents referred to in paragraph (b); and
- (b) shall be filed in triplicate unless in electronic form.

- 18. Proceeding Nos. 2 and 4 of 2004 be listed for hearing for 1 day, with the hearing to commence on the conclusion of the hearing of Proceeding No. 3 of 2004.
- 19. The ninety (90) day period referred to in sub-section 38(3) of Schedule 1 of the Act be extended for 8 consecutive 30 day periods totalling 240 days from Tuesday 6 May 2004.
- 20. 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.

Dated: 16 September 2004

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ROBERT EDEL
Presiding Member
Western Australian Gas Review Board
Appeals 2 and 4 of 2004