

IN THE WESTERN AUSTRALIAN ENERGY REVIEW BOARD

No 2 of 2008

Re Application for review of the decision by the Independent Market Operator not to process the Rule Change Proposal submitted by Griffin Energy on 14 November 2008 via the Fast Track Rule Change Process.

Application by:

Griffin Power Pty Ltd

Applicant

ORDERS AND DIRECTIONS

Members: Mr Scott Ellis, Mr Graham Mathieson and Mr John Collins

Date of Directions: 23 March 2009

Where made: Perth

THE ENERGY REVIEW BOARD ORDERS THAT:

1. Appearances:
 - (a) Griffin Power Pty Ltd to appear as Applicant; and
 - (b) The Independent Market Operator to appear as Respondent.
2. Each party is to be given prompt access to the transcript of all or any part of the hearing upon written request by the party, and subject to the party paying the relevant fee for the transcript and to the relevant part of the hearing not having been conducted in camera.

The preliminary issue

3. The question whether the Application is an application to which Regulation 43 of the *Electricity Industry (Wholesale Electricity Market) Regulations 2004* applies is to be determined as a preliminary issue ("preliminary issue").
4. By 6 April 2009 the Applicant to file and serve on the Respondent any material upon which it proposes to rely in connection with the preliminary issue (including a written outline of its submissions).

5. By 14 April 2009 the Respondent to file and serve on the Applicant any material upon which it proposes to rely in connection with the preliminary issue (including a written outline of its submissions).
6. The Applicant to file and serve on the Respondent its submissions in reply (if any) by 17 April 2009.
7. Subject to order 8, the preliminary issue be listed for hearing on a date before 30 April 2009, such date to be fixed in consultation with the parties.
8. The parties are to inform the Review Board whether an oral hearing is required for the preliminary issue or on before 17 April 2009.

The Application

9. By 30 April 2009 the Applicant to file and serve on the Respondent:
 - (a) a written outline of its submissions;
 - (b) any witness statements upon which it intends to rely; and
 - (c) a copy of any documents upon which it proposes to rely,in respect of the matters raised by the Applicant in the Application other than the preliminary issue.
10. By 15 May 2009 the Respondent to file and serve on the Applicant:
 - (a) a written outline of its submissions;
 - (b) any witness statements upon which it intends to rely; and
 - (c) a copy of any documents upon which it proposes to rely,in response to the submissions served pursuant to the preceding direction.
11. The Applicant to file and serve on the Respondent materials in reply (if any) by 22 May 2009.
12. The receipt of the materials filed and served pursuant to orders 9, 10 and 11 is subject to any objection which the other party might have to the reception of that material into evidence. The parties are to indicate any objections to the other party's materials within 7 days of receipt.
13. The Application be listed for hearing on a date after 27 May 2009, such date to be fixed in consultation with the parties.

General

14. Any documents that are required to be filed with the Review Board pursuant to the orders made above shall be filed in electronic form, so far as is practicable, and in "hard copy" in quadruplicate.
15. Pursuant to clause 38(4) of Schedule 1 to the *Gas Pipelines Access (Western Australia) Act 1998*, and with the consent of the parties, the time for

the Board to make its determination on the review is extended by a period of 30 days. The Board considers that the matter cannot be dealt with properly without the extension of time because of the complexity of the matter, the procedural issues raised and the need to give the parties a fair opportunity to put their respective cases.

16. Each party has liberty to re-list the matter for further directions on three (3) days' notice.

A handwritten signature in black ink, appearing to be 'J. Blin', written over a dotted line.

Review Board