

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

ORDERS

Made by DS Ellis
Date of Order 26 November 2010
Where made Perth

THE WESTERN AUSTRALIAN ELECTRICITY REVIEW BOARD ORDERS THAT:

- 1 Applications in File No 1 of 2010 and No 2 of 2010 (**Applications**) in the Western Australian Electricity Review Board (**Electricity Review Board**) be conducted together and heard sequentially.

- 2 Southern Cross Pipelines Australia Pty Limited, Southern Cross Pipelines (NPL) Australia Pty Ltd, Alinta DEWAP Pty Ltd and Goldfields Gas Transmission Pty Ltd be joined as the first respondent and the Economic Regulation Authority (**Authority**) be joined as the second respondent to application 1 of 2010.
- 3 BHP Billiton Nickel West Pty Ltd and the Authority be joined as the first and second respondents respectively to application 2 of 2010.

Notification of Applications to third parties

- 4 On or before **3 December 2010**, the Authority give written notice of the Applications to all parties who made submissions to it in respect of the Goldfields Gas Pipeline Access Arrangement which is the subject of the Applications.
- 5 On or before **10 December 2010**, any person who wishes to be heard in relation to either or both of the Applications file a notice with the Electricity Review Board that it wishes to make an application to be heard and serve any such notice on the Applicants in each of the relevant Applications and on the Authority. Any such notice should specify the matters in relation to which the third party wishes to be heard and the nature of the interest the party has in those matters.
- 6 The nature and extent of the participation of any persons giving notice in the applications be determined at the next directions hearing.

Index of section 39(5) material

- 7 On or before **15 December 2010**, the Authority serve on the Applicants a draft index, arranged in chronological order and identifying any documents that the Economic Regulation Authority understands to be confidential or to be the subject of a claim for confidentiality, of review related matter falling within section 39(5) of Schedule 1 of the *Gas Pipelines Access (Western Australia) Act 1998* in relation to the decision under review (**Review Related Matter**).
- 8 On or before **15 December 2010**, the Applicants and the Authority submit a minute of proposed consent directions dealing with confidentiality to the Electricity Review Board. Failing agreement, each party shall submit its own minute of proposed directions for dealing with confidentiality by that date.
- 9 On or before **22 December 2010**, each of the Applicants confirm to the Economic Regulation Authority whether the Economic Regulation Authority has correctly identified the confidentiality status of any of the Applicants' respective materials listed in the draft index of Review Related Matter.
- 10 On or before **22 December 2010**, each of the Applicants request copies of any document in the draft index of Review Related Matter.
- 11 On or before **12 January 2011**, subject to a confidentiality arrangement having been agreed between the parties or determined by the Electricity Review Board in accordance with order 8

above, the Authority provide to the Applicants who made a request under order 10 above a copy of any document in the draft index of Review Related Matter on terms consistent with those confidentiality arrangements.

12 There be a further directions hearing in this matter at 9.30 am on 17 December 2010.

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DS Ellis
Chairperson
Electricity Review Board