



National Gas Rules Stage 2 Notice  
Part 15C Division 3 rule 135HB  
and HC

The purpose of this Notice is to escalate matters from discussions for resolution between the parties to the Adviser for assistance in resolving the matter or setting up a DRP or some other process for deciding the matter. You can initiate the stage 2 dispute resolution process by serving a Stage 2 notice on the Adviser.

To: Shirli Kirschner  
National Gas Rules Resolution Adviser  
PO Box 15 Paddington NSW 2021  
Fax: 02 9380 6466  
[shirli@resolveadvisors.com.au](mailto:shirli@resolveadvisors.com.au)

Please note this form will be given to a Dispute Resolution Panel (DRP) if one is constituted and the Notice may also be included in my summary report and on the dispute resolution portion of the AER web site for precedent purposes.

**Have you already provided a Stage 1 Notice? If not please go to Part C: [no form 1] and they return to the top.**

**For a Direction to have a party Disclose of Information please complete part B**

## 1 Timing

*User Note: this Notice is due to be served within 60 Business days of a Stage 2 Notice.*

*If a stage 1 Notice has not been served within the time period applicable under rule 135H(2), or this notice hasn't been served within 60 business days of service of the Stage 1 Notice it can still be served on me. However, the matter will only determined by a panel if in their opinion no party would suffer undue prejudice as a result of the referral outside the specified period [see rule 135 HA]*

1.1 Date of service of the stage 1 Notice:

25 April 2010

1.2 Period fixed by the rules for this dispute if any: [time and clause number]

60 business days from occurrence of event

## 2 Matter to be Resolved or decided:

2.1 A brief history of the relevant dispute and circumstances giving rise to the dispute,(includes claims for compensation)( *relevant clause number and the date/other details of the issue attach a page as required*)

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*Refer AGL's initial letter to AEMO, dated 12 April 2010, AGL's Stage 1 Notice, and attached AEMO report on events of Gas Day 15 March 2010.*

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2.2 A statement of the issues involved in the relevant dispute or request for compensation. *[For compensation claims please specify the relevant trading intervals and the categories of compensation sought.]*

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*Refer attached AEMO analysis of the day. AGL concurs with AEMO's assessment of the compensation to which we are entitled.*

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2.3 Remedy sought.

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*AGL to be restored to its correct financial position by way of payment of \$21,583.00 from the Participant Compensation Fund.*

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2.3 For Unexpected scheduling Result whether AEMO has determined in accordance with Rule 218(1) (b) that a USR has occurred. Yes/~~no~~ *[delete as appropriate] please attach the report.*

2.4 Correspondence attached yes/~~no~~ *[delete as applicable]*

2.5 Name and firm of external legal advisers if applicable:

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*Not applicable.*

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**3 Parties**

**3.1 Names of other parties which the applicant considers parties to the dispute (attach pages for multi- party dispute):**

*Note: Considering the identity of who should be a party to this dispute is important. Being a party gives a participant the right to access information and to participate in the process.*

*It is also necessary to consider who will need bound by any determination. In general terms if you need a participant to be bound by the determination they need to be a party.*

*If there is a difference of view between the participants about who is a party/effected please indicate below, or by cover email. We can then have a dialogue about this matter as a preliminary issue before progressing further.*

**For each party provide:**

	Party 1	Party 2
Organisation:	AEMO	Origin Energy
DMC contact name:	Terry Grimwade	Con van Kemenade
Email:	03 9648 8520	02 8345 5278
Phone:		0439 399 943
Mobile:	Terry.grimwade@aemo.com.au	con.vankemenade@originenergy.com.au

**4 Process Election- Request for Adviser Process ( please see user note)**

We ~~agree~~/do not agree (*strike out whichever does not apply*) to the Adviser attempting to resolve the dispute by any means she considers appropriate (see clause 8.2.5(c) (1) of the Rules).

*Note re Adviser process: The Rules provide fairly tight time frames for the establishment of the DRP as an alternative to the Adviser process. Agreeing to me resolving the dispute can take a number of forms.*

**Scope of adviser process:** *It may be agreement to resolve it generally, appoint a mediator or some other process.. A number of disputes have been resolved this way.*

*It may also be more limited including meeting to agree a time frame and a process for bringing the dispute into a sharper focus. This can include having the parties exchange issues statements and clarify the exact scope of the dispute. The DRP process provides for the selection of 1-3 panel members and there are a range of skills. Having a process to clarify the dispute is useful to ensure that the DRP when selected has the right skill mix, that a timeframe is properly estimated allowing the consultants on the DRP to ensure they are available to meet the commitment. It ensures a tighter process which in turn impacts on costs.*

*Often parties are uncomfortable to tick the box and give me an unfettered discretion. In other disputes this has been dealt with by referring it, with my agreement and that of the parties, for a specified time period with agreed steps.*

**What happens on referral:** *Generally once referred I will contact the other parties to the dispute and then meet by phone or in person to agree next steps.*

*In the event that my process cannot resolve the dispute what occurs next is a referral to the DRP. Prior to the referral I have a meeting with the parties to discuss:*

- The constitution of the DRP and*
- The exchange of information prior to submitting the matter to a DRP.*

*In the usual course the information exchange will include:*

- Confirmation of all the parties to the dispute.*
- The Applicant providing a full statement of issues facts and contentions in dispute. (around 5 days)*
- The Respondent(s) providing a reply statement of issues facts and contentions in dispute. (around 7-10 days)*

- The parties, if possible agreeing on a list of documents. (At the same time).*
- The parties providing an estimate of the number and type of witnesses*

*This allows for an estimate of hearing dates and when the hearing is likely to occur. This is useful in choosing a DRP. The information can then be submitted to a DRP.*

**5 Request to Establish a DRP:**

**5.1 Information for consultation on a DRP;**

Your thoughts on number of DRP members:

Names of persons we would like you to consider in constituting any dispute resolution panel. Please provide contact Details if they are not on the pool as published on the net.

Type of skills they have:.

Name:	Linda McMillan or Peter Gray
Technical expertise:	
Contact Details:	
Referee (if possible):	

**6 Part B -Direction to disclose Information.**

<b>6.1 Applicant organisation: n/a</b>
Contact:
Email:
Mobile:
<b>6.2 Information requested from: n/a</b>



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DMC contact:
Email:
Mobile:

**6.3 Nature of information sought [summary]:**

n/a

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**6.4 The applicant needs the information to;**

- Prepare a Stage 1 Notice
- Participate in a stage 1 dispute resolution process
- Or prepare a statement for this form as required by rule 135HB(2)

**6.5 Date of the original information request *[please attach a copy]:***

**6.6 Reason for the request for direction *[summary of the reason why the information hasn't been obtainable without an order].:***

n/a

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## PART C Application where no Stage 1 Notice has been served.

*User notes: the definitions are relevant to see who can use this section: **party** to a relevant dispute means an eligible person whose interests are involved in or directly affected by the relevant dispute.*

### 1. Are you an Eligible person?

**User Note:** *eligible person* means any of the following:

(a) AEMO;

(b) a Registered participant;

(c) a person classified by some other provision of these rules or the Procedures as a person to whom the dispute resolution provisions of this Part apply.

Category of eligible person: <i>Please state which provision or procedure applies if relevant.</i>	Registered participant
Name of initiating organisation:	AGL Energy
Name of Dispute Management contact in initiating organisation: <i>See Part 15C division2 Rule 135FD(1)</i>	George Foley
Phone:	03 8633 6239
Mobile phone:	0402 060 781
Email:	gfoley@agl.com.au

### 2 What type of dispute is it?

*User note; As well as a dispute or interpretation of the Rules this section can also be used for such matters including whether there has been an unintended Scheduling Result (Part 19 Division 2 Rule 217), the payment of compensation from the Participant compensation fund (Part 19 Division 2 Subdivision 4).*

*It must be a relevant dispute and one that is not excluded.*

**Excluded dispute means:**

*(a) an access dispute; or*

*(b) a dispute about the content, preparation or publication of a budget; or*

*(c) a dispute that is classified as an excluded dispute under another provision of these rules.*

**2.1 Circle as appropriate the type of relevant dispute or rule dispute :**

(a) a dispute between eligible persons about:

(i) the application or interpretation of these rules or the Procedures; or

(ii) a liability or alleged liability under these rules or the Procedures; or

(iii) a matter that is, by agreement between the parties to the dispute, to be resolved under this Part; or

**(b) a matter that is under some other provision of these rules or the Procedures to be determined under this Part.**

2.2 Please specify the provision of the Rules or the Procedure which is relevant?

*Par 19, Division 2, Rule 217 and Part 19, Division 2, Subdivision 4*

2.3 Circumstances giving Rise to the dispute

*Details are described in AEMO document (ref 02/0827/1/#301972 v10, Unintended Scheduling Result, Gas Day 15 March 2010*





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The resolution Adviser must within 30 business days of being served with this notice, depending on the parties election, attempt to resolve the dispute or refer it to a Dispute Resolution Panel.

If the Adviser is to refer the matter to a dispute resolution panel she will publish that notice of referral to all registered participants and give notice to AEMO the AER and the AEMC.

Document control:

Released 18 April 2010.