

Merits review of AER access arrangement decision for the Victorian gas distribution network owned by Multinet Gas (DB No. 1) Pty Ltd and Multinet Gas (DB No. 2) Pty Ltd

The access arrangement decision made by the AER in March 2013 for the Victorian gas distribution network owned by Multinet Gas (DB No. 1) Pty Ltd and Multinet Gas (DB No. 2) Pty Ltd (Multinet), is the subject of an application for review in the Australian Competition Tribunal (Tribunal).

Multinet has sought review of the decision made by the AER on the following matter:

- a) The AER's determination of Multinet's opening capital base as at 1 January 2013 and specifically, the AER's adoption of the Essential Services Commission's (Victoria) capital expenditure benchmark for 2012.

The National Gas Law requires an applicant to apply to the Tribunal for leave to apply for review. On 24 May 2013, the Tribunal made Directions Orders requiring the AER by 5 June 2013 to give notice of its intention to oppose leave on any of the issues raised by Multinet. Multinet is to file and serve any submissions in support of the grant of leave by 19 June 2013. The issue of leave for Multinet to apply for merits review is to be determined on the papers unless either the AER, by 5 June, or Multinet, by 19 June, requests an oral hearing, and in that event the leave application will be listed for hearing via videolink at 9.30am EST on **5 July 2013**.

Notice to potential interveners

The National Gas Law allows certain individuals or bodies, with the leave of the Tribunal, to intervene in the application for review. If this approval is granted an intervener is permitted to provide written submissions and, at the final hearing, may be permitted to orally address the Tribunal on specific points.

The Tribunal has ordered that the AER provide notice to interested parties about Multinet's application for review. Specifically, if you are interested in seeking the leave of the Tribunal to intervene in the application for review:

- any application for leave to intervene is to be filed with the Tribunal by **12 June 2013** and returnable for hearing via videolink at 9.30am EST on 5 July 2013;
- any such application is to specify the matters sought to be addressed, including reasons in support of the matters you seek to advance, together with written submissions as to why leave should be granted and any affidavit material on which you may seek to rely in relation to the issue of leave.

Multinet and the AER are to give any third parties seeking leave to intervene notice of whether they intend to oppose leave to intervene being granted and the basis for any objection by 19 June 2013.

If you are interested in seeking the leave of the Tribunal to intervene in the application for review, we refer you to the requirements in sections 254, 255 and 244 of the National Gas Law and suggest you contact the Tribunal to notify it of your interest and to find out more about the procedure.

The Principal Office of the Tribunal is located within the Federal Court Registry in Melbourne:

Australian Competition Tribunal
Commonwealth Law Courts
305 William Street
Melbourne 3000 VIC

Tel: (03) 8600 3643

Fax: (03) 8600 3645

In the event that leave is granted to Multinet and the merits review proceeds,

- Multinet is to file and serve on the AER and any intervener a written outline of submissions by 22 July 2013, together with a list of the review related material that the Applicant will seek to rely on at the hearing.
- The AER and any intervener are to file and serve on the Applicant a written outline of its submissions by 12 August 2013, together with a list of additional review related material that the party will seek to rely on at the hearing.
- The proceedings are to be listed for hearing for 1 day in Melbourne on 27 August 2013 (28 August 2013 also set aside).