



20 September 2013

Mr Chris Pattas  
General Manager, Network Operations and Development  
Australian Energy Regulator  
GPO Box 520  
MELBOURNE VIC 3001

Dear Chris

### Draft Confidentiality Guidelines

SA Power Networks, CitiPower, and Powercor Australia (the Businesses) welcome the opportunity to make this submission to the Australian Energy Regulator (AER) in relation to its Draft Confidentiality Guidelines.

The Businesses are supportive of the intent of the draft guidelines and note the AER's proposed implementation of the guidelines as detailed in the accompanying Explanatory Statement. The businesses endorse the proposed enhancements to the guidelines as detailed in the Energy Networks Association (ENA) submission on the draft guidelines. The businesses consider these enhancements will:

- Enable improved flexibility in the application of the guidelines when making confidentiality claims;
- Provide greater clarity of the responsibilities of parties when seeking access to confidential information; and
- Enhance the collaboration between NSP's and interested stakeholders with access being sought directly from Network Service Providers (NSPs) in the first instance;

The Businesses consider that amending the draft guidelines in line with the ENA proposals will result in a confidentiality guideline that delivers an appropriate balance of disclosure and control of confidential information which will enhance the opportunity for interested stakeholders to participate in network revenue determinations.

The Businesses also note that the AER has indicated that greater use of the natural justice provisions of section 28Y(c) of the NEL is likely in future. In addition, to the comments on these provisions within the ENA submission the Businesses would expect that the AER would exercise these natural justice provisions consistent with the Victorian Tribunal precedent if the AER intends to rely on confidential information of other parties when substituting values in a NSP's distribution determination.

We would be pleased to discuss this submission at your convenience.

Yours sincerely



*Sean Kelly*  
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SA Power Networks



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Manager, Regulation  
CitiPower & Powercor Australia

