

Dispute Management System

Epic Energy Electricity Assets

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1. Introduction

A dispute management system (DMS) has the purpose of ensuring issues are identified early and resolved as efficiently and inexpensively as possible. There are two separate but related aspects required for a DMS:

- a Explaining the process to other participants; and
- b Having internal processes to ensure that the system is operational within Epic Energy.

2. Scope

Epic Energy has developed a DMS to resolve conflicts in the National Electricity Markets within the time periods prescribed by the NER.

3. The DMS Contact

Our DMS contact person is:

Name: Amanda Devonish
Position: General Counsel and Company Secretary
Email: dispute.management@epic.com.au
Phone: (08) 8343 8100

Epic Energy's General Counsel reports directly to the CEO with a high level of authority for resolving disputes.

If you have an issue that needs to be resolved, you have the option of dealing with your regular commercial contact, or contacting our DMS contact at any time by calling or sending a [Stage 1 – DMS referral notice](#).

If you do have an issue that needs assistance to resolve, and you are contacting our DMS contact, it is useful if you can consider and advise our DMS contact of the following:

- a Have you discussed this issue with the commercial contact?
- b Do you need any relevant information to assist in resolution?
- c Do you think other participants are affected?
- d Is there any barrier to resolution?

4. Response to a Stage 1 – DMS referral notice

You can also use the DMS to gain access to information which is relevant to your issue by completing the request for information in section 7 (page 5) of the [Stage 1 - DMS referral notice](#). See also user note 2.2 in [Guidance notes for a dispute management system under the NER](#).

Within 2 business days of receipt of a Stage 1 - DMS referral notice including a request for information the DMS contact will let you know when the information is to be provided and discuss any issues that may arise in providing that information.

The contact will also make arrangements with you for a meeting to try and discuss the issue and a process for resolution within 5 business days of receipt of a notice.

Please be prepared to discuss with our DMS contact who you think should be at the meeting:

- a from our commercial team,
- b from your team,
- c from any other parties involved.

5. Preparing for the DMS Meeting

Often matters which need to be escalated to a DMS can become heated and adversarial. It is the role of the DMS contact in such situations to ensure the meeting is constructive. We have designed a number of steps to assist in achieving this aim.

5.1 Exchange of issues papers

Before the meeting the DMS contact will arrange for the attendees at the meeting to exchange a short issues paper by email setting out:

- a items to be included in an agenda,
- b the issues in dispute,
- c a background of discussions to that time,
- d any suggestions for going forward.

This is without prejudice – it is prepared for the purpose of resolving the issues in dispute.

5.2 Facilitation of meeting

Our DMS contact may chair the meeting or recommend that the meeting is facilitated or chaired by the Adviser or a person selected by him/her where:

- e the relationship is likely to, or has, become strained,
- f there are a number of parties involved,
- g the issues are unclear or complex.

Decisions need to be made on where facilitators are selected from (e.g. having recommended a facilitator it is our practice to pay for the facilitator unless otherwise agreed by the parties at the meeting; or we will only select a facilitator where it is agreed and the fees are shared equally by the parties).

6. Options available at the DMS meeting

Being able to agree on a process for resolution of the issue without escalation may avoid and reduce costs, delay and publicity associated with court proceedings and other determinative processes such as Stage 2 (referral to the Adviser). At the DMS meeting parties should discuss what process should follow to resolve the dispute. There are 3 broad options.

6.1 Mediation

Where the role of the neutral mediator is to set up a process which enhances effective and efficient communication. This can assist the parties to resolve the disputes themselves.

The parties will agree on a mediator and in the absence of agreement within 5 days either party may ask the Adviser to nominate a mediator and provide an appropriate agreement.

6.2 Non-binding neutral expert evaluation

Where the role of the neutral expert is to take submissions from each party and inform them of what is likely to occur if the matter were to be decided by an appropriate forum (the DRP, a court or other body). This can assist parties in assessing their commercial risk and commercially resolving the matter. The parties can agree on an expert and a form of agreement, or rely on the Adviser to assist with this task.

6.3 Binding expert decision

Where the parties agree to be bound by the opinion of the expert on terms suitable to them. The form of an agreement, how the process is to be run and the any grounds of appeal need to be discussed and agreed.

The processes can be arranged by the DMS contact or by the Adviser by consent of the parties.

7. Stage 2 – Adviser referral Notice

There may be some issues that cannot be resolved by the DMS.

For disputes covered by clause 8.2 of the NER any party to a dispute can make a referral to the Adviser by completing a [Stage 2 - Adviser referral notice](#). Once a form has been sent the Adviser can contact the General Counsel with any queries or suggestions they have. For other disputes the parties will need to consider their legal and other remedies.

8. Time periods under Chapter 8 of the NER

Chapter 8 sets out stringent time periods for the disputes covered by that chapter. While the DMS process will consider the time periods you should ensure that you check them. If you have queries about that, then this is an issue and you should discuss it with the Adviser.