



Response template for PPC on amendments to the gas compensation regime for the DWGM, ECGS and STTM

Email responses to: GWCF_Correspondence@aemo.com.au

Review comments submitted by: *Australia Pacific LNG Pty Ltd*

Confidential: No

Date: *1 May 2024*

Contact Person: *Kieran Olsen, Commercial Compliance Manager,
Australia Pacific LNG*

Please complete sections 1, 2 and 3.

Section 1 - General Comments on the consultation

Topic	Please Provide Response Here
<p>General Comments</p> <p>Does your organisation support AEMO's assessment of the proposal?</p> <p>If not, please specify areas in which your organisation disputes AEMO's assessment (include PPC section reference number) of the proposal and include information that supports your organisation's rationale.</p>	<p>Australia Pacific LNG Pty Ltd (APLNG) does not have any specific feedback on the Australian Energy Market Operator's (AEMO) assessment of the proposal. However, we support AEMO's review of the east coast gas system (ECGS) directions issued for the Queensland Gas Pipeline incident and consider that any learnings from this review should be incorporated in the relevant documents, as appropriate, following consultation with stakeholders.</p>

Section 2 - Specific questions on the consultation

Topic	Please Provide Response Here
<p>Question 1: Are the times specified for AEMO to be provided data from various markets and facility operators in clause 4.4(b)(iii) and 4.4(b)(iv) of the ECGS Procedures appropriate?</p>	<p>APLNG recommends expanding the timeframe in which a shipper is to provide shipper allocation data to AEMO to no later than 15 business days from the date of the request, to allow for any reconciliation processes associated with the underpinning data to be completed.</p>
<p>Question 2: AEMO has outlined strategies for determining the <i>compensation funding amount</i> in clause 4.4(c) of the ECGS Procedures. Are these <i>compensation funding amount</i> strategies appropriate? If not, please provide alternate strategies.</p>	<p>APLNG is generally supportive of the two broad-brushed strategies outlined in clause 4.4(c) of the ECGS Procedures, to the extent that AEMO is unable to determine specific end users to allocate the compensation funding amount to (via liable relevant entities). However, where there are a small number of identifiable end users, we prefer the adoption of a beneficiary-pays approach. This is because a beneficiary-pays approach promotes a more equitable distribution of costs and leads to a fairer and more reasonable outcome for end users in this scenario.</p> <p>For example, let's take a situation where a supplier ('Supplier A') is required by an ECGS direction to supply gas to end users who are existing customers and non-customers. For existing customers, Supplier A may be able to seek recovery of some or all of its direct costs of supplying directed gas to those customers under existing contractual arrangements. A subsequent compensation claim made by Supplier A may therefore seek compensation for the direct costs of supplying directed gas to non-customers plus any direct costs that were unable to be recovered from Supplier A's existing customers.</p> <p>Under Strategies 1 and 2, Supplier A's existing customers would be cross-subsiding end users who are not customers of Supplier A. This is because Supplier A's existing customers in the affected location would be allocated a share of the compensation funding amount based on their consumption during the relevant period, even though they would have already paid for some or all of the direct costs of supplying gas to them. Under a beneficiary-pays approach, AEMO would be able to attribute discrete components of the compensation funding amount to different end users (via liable relevant entities). This would allow AEMO to recover a greater portion of the compensation funding amount from those end users who have not yet paid for the gas supplied to them, thereby ensuring Supplier A's existing customers are not paying for their gas supply twice.</p>

Topic	Please Provide Response Here
	<p>Finally, if AEMO intends to adopt a strategy other than one of the two strategies outlined in clause 4.4(c), a new clause should be added to the ECGS Procedures requiring AEMO to publicly consult on its proposed strategy before issuing tax invoices to liable relevant entities. If such a consultation process occurs, we consider it appropriate for AEMO to extend the period in which it will issue tax invoices to liable relevant entities (currently 60 business days, per clause 4.4(g)) by the number of business days allowed for consultation. We have proposed changes to the ECGS Procedures for these matters in Section 3 below.</p>

Section 3 - Feedback on the consultation documents

ECGS Procedures			
Procedure Clause #	Issue / Comment	Proposed text Red strikeout means delete and blue underline means insert	AEMO Response (AEMO only)
3.4	<p>APLNG appreciates AEMO's communication of notices to those persons listed as contacts on the Part 27 register. In addition to these notices, it might be beneficial to the market for the 'AEMO Communications' newsletter to include a brief article highlighting that AEMO has exercised its ECGS reliability and supply adequacy functions under Division 4 of Part 27 of the National Gas Rules (NGR), with further information available on AEMO's ECGS Notices website. This will help increase the visibility of the actual or potential risk or threat to persons beyond those listed on the Part 27 register.</p> <p>We also suggest that the CSV file on the ECGS Notices website maintain a record of all notices issued until the end of the risk or threat period or direction period (whichever occurs latest), with notices no longer in</p>		

ECGS Procedures

	effect marked as such. This will ensure a complete record of notices is available to the market.		
New – insert before existing clause 4.1	Under rule 705(1) of the NGR, ¹ AEMO is required to publish a notice requesting relevant entities that wish to claim compensation under rule 704(1) to submit a notice of claim in accordance with rule 705. APLNG recommends the insertion of a new clause in the ECGS Procedure that covers this obligation. This clause should cover, at a minimum, the timing and manner of publication and how the notice will be communicated to the market (e.g. via a market notice or direct communications to Part 27 register contacts).		
4.1	The reference to rule 705(2)(a) should be removed in the opening paragraph, given this paragraph also references the information to be specified in the notice of claim, which is captured by rule 705(2)(b) not rule 705(2)(a).	Rule 705(2)(a) requires <u>a relevant entities</u> entity to give its notice of claim to AEMO in accordance with, and contain the information specified in, the Procedures.	
4.1(a)	Given there are different types of compensation claims under the NGR, we recommend adding a new requirement for the notice of claim to specify the type of claim (e.g. compensation claim under rule 705 of the NGR). This requirement could be added before clause 4.1(a)(v).		
4.1(a)(v)(D)	We have proposed changes to this sentence to improve clarity. Please also refer to our comment below regarding clause 4.1(a)(v)(E).	The amount (in dollars) of the <u>direct costs incurred by the relevant entity as a direct result of AEMO issuing an east coast gas system direction compensation claim</u> (exclusive of the amount in (E) and (F) below) reflecting only direct costs of the event;	
4.1(a)(v)(E)	APLNG seeks further information from AEMO about the circumstances in which a claimant would have		

¹ In this response template, references to the NGR generally refer to the NGR as amended by the *National Gas Amendment (Compensation and dispute resolution frameworks) Rule 2024*.

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	previously received compensation from AEMO. We would expect a claim under one of the other gas compensation frameworks would not directly affect an ECGS compensation claim, given the different nature of the claims. Further, clause 4.1(a)(v)(F) captures the requirement for the independent expert to consider any compensation received by the claimant per rule 707(2)(b).		
4.1(a)(v)(F)	The wording in this clause should be expanded to reflect rule 707(2)(b) of the NGR.	Any other benefit (including funds, payments, compensation or other financial benefit) the claimant received for undertaking the activity required as a direct result of the direction notice or being deprived of the relevant service ;	
4.1(c)	The supporting information is an integral part of the notice of claim. Therefore, the wording in clause 4.1(c) should be strengthened to require the claimant to provide this information.	The notice of claim must include supporting information, to be provided in a confidential appendix, including:	
4.1(c)(i)	APLNG submits that, instead of providing supporting contracts, claimants should include invoices and receipts of payment with the notice of claim. Invoices and receipts provide the most direct evidence of the direct costs incurred and allow claimants to minimise submission of contractual documentation which contains commercial-in confidence information that goes beyond the requirements of evidencing direct costs.		
New – insert before existing clause 4.1(d)	We note that some contracts or other supporting information may be subject to disclosure requirements whereby permission must be sought from counterparties before the information can be disclosed to AEMO and the independent expert. Further, some evidence supporting the claim, such as tax invoices and receipts, may not be available when the notice of claim	To the extent the claimant is unable to provide the supporting information when lodging the notice of claim (e.g. due to availability or contractual disclosure requirements), the claimant should provide the relevant supporting information to AEMO and the independent expert (if appointed at the time of provision) as soon as practicable after the information becomes available to the claimant or is able to be disclosed by the claimant.	

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	<p>is lodged. APLNG therefore recommends a new clause requiring the claimant to provide this type of information to AEMO and/or the independent expert as soon as practicable after the information can be disclosed or becomes available to the claimant.</p>		
<p>New – insert after existing clause 4.1(d)</p>	<p>Under rule 705(3), AEMO is required to appoint an independent expert if a ‘valid notice of claim’ is given to AEMO under rule 705(2). We seek clarity from AEMO on whether it will assess a notice of claim to determine its validity, what assessment criteria AEMO will use (see below), and what steps AEMO will take if it considers that a claim is not valid.</p> <p>We consider that a ‘valid notice of claim’ requires the relevant entity to:</p> <ul style="list-style-type: none"> • give its notice of claim to AEMO in accordance with section 4.1 of the ECGS Procedures within 20 business days after the end of the month in which AEMO published the notice under rule 705(1) for the relevant ECGS direction • include with the notice of claim the information specified in section 4.1 of the ECGS Procedures. <p>However, we query whether there will be flexibility for a claimant to submit an updated claim if AEMO determines that there is missing or incomplete information and, if so, the timeframe in which the claimant must respond for the claim to be considered valid. We believe that 5 business days after AEMO’s request is a reasonable timeframe in which to provide any missing or incomplete information (to the extent the information is available, see feedback above).</p>		

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<p>New – insert after existing clause 4.1(d)</p>	<p>Under rule 705(5), a claimant may withdraw its notice of claim before the date the claimant is required to provide written submissions under rule 135JG(3)(b). APLNG suggests the inclusion of a new clause specifying who the claimant should contact if it wishes to withdraw its notice of claim (i.e. a written notice to AEMO via bbo@aemo.com.au and the independent expert, if one has been appointed at the time of withdrawal).</p>		
<p>4.2 and 4.2(a)</p>	<p>We note that rule 707(8)(b) of version 75 of the NGR currently refers to standing prices or benchmark rates for certain 'covered' gas services. We anticipate that the use of the term 'covered' will be retained when the new rule 707(9)(b) is introduced and therefore should be captured in the ECGS Procedures.</p>	<p><i>Rule 707(9)(b) requires AEMO to make Procedures on standing prices or benchmark rates for certain covered gas services...</i></p> <p>AEMO will determine standing prices or benchmark rates for covered gas services as follows:</p>	
<p>4.2(a)(ii)(A)3</p>	<p>APLNG requests that AEMO re-consider the standing prices and benchmark rates applicable to the supply of gas in Queensland. Firstly, the Short Term Trading Market (STTM) Brisbane ex ante price is not an accurate reflection of the cost of gas being supplied by claimants who are not registered to participate in the Brisbane STTM. Secondly, the Brisbane STTM is an involuntary market used for balancing purposes, whereas the Gas Supply Hub is a voluntary market that more accurately reflects the market price of gas. Thirdly, the Brisbane STTM has fewer infrastructure connections and may not be appropriate for all events.</p>	<p>Queensland – the STTM Brisbane ex ante price corresponding to the relevant <i>gas day</i> (if the claimant is registered to participate in the STTM Brisbane), otherwise the Wallumbilla benchmark price as defined in the Gas Supply Hub benchmark price methodology published on AEMO's website;</p> <p>Queensland and the Northern Territory – the STTM Brisbane ex ante price corresponding to the relevant <i>gas day</i>; and</p>	
<p>4.4(a)(ii)(D)</p>	<p>The reference to 'LNG export project' in this clause should be replaced with 'LNG export facility', to align with the definition of 'gas demand' in rule 703 of the NGR.</p>	<p>a relevant entity by virtue of the person owning, controlling or operating an LNG export project facility;</p>	

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	<p>An LNG export project includes the operation of an LNG export facility and upstream production and processing. We do not believe the upstream production and processing aspect should be captured as a liable relevant entity because:</p> <ol style="list-style-type: none"> 1. The definition of gas demand does not include gas consumed in extraction and processing activities, given the reference to 'taken from a pipeline' in the definition. 2. Any gas sold by a supplier for 'consumption purposes' will be allocated a share of the compensation funding amount (as appropriate) via clauses 4.4(a)(ii)(A), (B) and (C) of the ECGS Procedures. 		
<p>New – insert before existing clause 4.4(b)(i)</p>	<p>In accordance with rules 707(5)(a) and 707(6) of the NGR, AEMO must calculate the compensation funding amount that is to be recovered from liable relevant entities before it determines their share and requests payment. We therefore recommend the insertion of a new clause before existing clause 4.4(b)(i) to capture this calculation.</p> <p>We also believe claimants should be entitled to interest on the amounts determined by the independent expert. While the NGR does not explicitly reference applying interest to ECGS compensation claims, it is fair and reasonable for the claimant to seek recompense for this, given the period of time that lapses between when the direct costs are incurred and when subsequent payment is made by AEMO. We also note that there is precedence for applying interest to compensation claims in the Declared Wholesale Gas Market (see rule 238 of the NGR) and the Short Term Trading Market (see rule 466).</p>	<p>(i) AEMO will calculate the compensation amount as:</p> <p>(A) the sum of the amounts determined by the independent expert under rule 707(1) and the compensation process costs, less</p> <p>(B) any part of the compensation process costs allocated to a claimant by the independent expert in accordance with rule 135JJ(3).</p>	

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	<p>Interest could be calculated at the default interest rate specified in rule 3 of the NGR, from the day the claimant lodged its claim to the date when AEMO pays the relevant entity the amount of compensation determined. Interest could be calculated as simple interest on a daily basis.</p>		
<p>4.4(b), (c) and (d)</p>	<p>Rule 707(10) requires the ECGS Procedures to explain how AEMO will calculate aggregate gas demand in a location and a liable relevant entity's share of gas demand in that location.</p> <p>'Gas demand' is defined in rule 703 as 'gas taken from a pipeline forming part of the east coast gas system for:</p> <ul style="list-style-type: none"> (a) consumption purposes. (b) an LNG export facility; or (c) any other purpose, including storage, specified in the Procedures, in circumstances where the withdrawal of that gas has the potential to impact the supply demand balance in the east coast gas system during the period of an identified risk or threat.' <p>For consistency with the NGR, we believe all references to consumption should be replaced with 'gas demand'. Further, the reference in clause 4.4(b)(i) to 'supplied gas for consumption' should be removed as this is inconsistent with both the NGR and the strategies outlined in clause 4.4(c) of the ECGS Procedures.</p> 	<p>4.4(b)(i) – AEMO will request payment of the applicable share of the <i>compensation funding amount</i> (compensation amount) from these each liable relevant entities, who consumed gas or supplied gas for consumption in an affected location during the period of risk or threat, as determined by AEMO <i>in accordance with Clause 4.4(c); and</i></p> <p>4.4(b)(iii) – AEMO will determine aggregate <i>gas consumed demand</i> in clause 4.4 (c)...</p> <p>4.4(c)(i) and (ii) – ...a share of the <i>compensation funding amount</i> in proportion to its share of the aggregate <i>gas consumed demand</i>...</p> <p>4.4(d) – ...the share of aggregate <i>gas consumption demand</i>...would not otherwise be included in the calculation of gas <i>consumption demand</i>.</p>	
<p>4.4(c)</p>	<p>The strategies apply to the determination of a liable relevant entity's <u>share</u> of the compensation funding amount, not the compensation funding amount itself.</p>	<p>AEMO may apply one of the following strategies to determine <u>each liable relevant entity's applicable share of the compensation funding amount</u>:</p>	

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	<p>The compensation funding amount must be determined by AEMO in accordance with rule 707(6), as follows:</p> <ul style="list-style-type: none"> the sum of the amounts determined by the independent expert under rule 707(1) and the compensation process costs, less any part of the compensation process costs allocated to a claimant by the independent expert in accordance with rule 135JJ(3). 		
New – insert new sub-clause in clause 4.4(c)	As discussed in our response to Question 2, APLNG is supportive of AEMO adopting alternative strategies to determine a liable relevant entity's share of the compensation funding amount, provided that AEMO publicly consults on its proposed strategy before it issues tax invoices to liable relevant entities.	(iii) Strategy 3 – Any other strategy developed by AEMO in accordance with rule 707(11)(a) that has been publicly consulted on by AEMO prior to the issuance of tax invoices to liable relevant entities under clause 4.4(g) of these procedures. The period for consultation on AEMO's proposed strategy must be at least 15 business days.	
4.4(g)	APLNG notes that the independent expert may allocate part (or all) of the compensation process costs to a claimant under rule 135JJ(3). Clause 4.4(g) of the ECGS Procedures should therefore be expanded to capture payment of these costs to AEMO. Alternatively, a new clause could be inserted.		
New – insert new sub-clause to clause 4.4(g)	As discussed in our response to Question 2, if AEMO consults on a new strategy to determine a liable relevant entity's share of the compensation funding amount, we consider it is appropriate for AEMO to extend the period for issuing tax invoices to liable relevant entities by the number of business days allowed for consultation on AEMO's proposed strategy.	(iii) If AEMO has applied Strategy 3 to determine a liable relevant entity's applicable share of the compensation funding amount, the number of business days specified in clause 4.4(g)(i) of these procedures may be extended to account for the period of time allowed for consultation under clause 4.4(c)(iii) of these procedures.	
New – insert clause in section 4.4	It would be beneficial for the ECGS Procedures to outline the steps a liable relevant entity or claimant can take if it has concerns with an invoice issued by AEMO.		

STTM Procedures			
Procedure Clause #	Issue / Comment	Proposed text Red strikeout means delete and <u>blue underline</u> means insert	AEMO Response (AEMO only)
	APLNG does not have any feedback on the changes made to the compensation sections in the STTM Procedures as we do not operate in this market.		

Wholesale Market Settlement Procedures			
Procedure Clause #	Issue / Comment	Proposed text Red strikeout means delete and <u>blue underline</u> means insert	AEMO Response (AEMO only)
	APLNG does not have any feedback on the changes made to the compensation sections in the Wholesale Market Settlement Procedures as we do not operate in the Declared Wholesale Gas Market.		

Gas Compensation Confidentiality Deed			
Procedure Clause #	Issue / Comment	Proposed text Red strikeout means delete and <u>blue underline</u> means insert	AEMO Response (AEMO only)
1.2	It is unclear what the 'Commencement Date' in the 'Compensation event overview' is referring to. For example, is it the date the claim was lodged or the date		

Gas Compensation Confidentiality Deed

	the confidentiality deed is entered into or something else?		
1.4	The governing law should be the state in which the claimant is located, as the confidentiality deed is for the benefit of the claimant.	Leave field blank, to be advised/completed by the claimant.	
3.2	We recommend including a definition for 'Independent Expert'.	Independent Expert means a person appointed pursuant to rule 135JE of the National Gas Rules to determine a compensation claim.	
5(d), 7.1(a) and 7.2(a)	APLNG submits that it is not appropriate or necessary for the independent expert to retain a claimant's confidential information for any purpose. Clause 5(d) and all references to clause 5(d) should be deleted.	5(d) – Notwithstanding clause 5(a), the Independent Expert may keep a copy of the Confidential Information for its record keeping and audit purposes. 7.1(a) – Subject to clause 5(d), the <u>The</u> Independent Expert must... 7.2(a) – Subject to clause 5(d), the <u>The</u> Independent Expert must...	
7.4.1(ii)	In the event of the unauthorized disclosure of the claimant's confidential information, APLNG is of the view that the independent expert should immediately take all necessary steps to recover the confidential information and prevent its further disclosure.	...Take all reasonable <u>necessary</u> steps, <u>at its own expense</u> , to enforce the confidentiality obligations imposed or required to be imposed by this Deed including: (A) if requested in writing by the Claimant, make all reasonable efforts to assist the Claimant to regain possession of the Confidential Information from, and prevent any further unauthorised disclosure or use by, the person to whom the Independent Expert had disclosed or allowed access to the Confidential Information.	
9.1(a) to 9.4(a) and 9.6(a) to 9.8(a)	The indentation of the text does not align with other parts of the Guidance.		
9.8(b) and (c)	The governing law should be the state in which the claimant is located, as the confidentiality deed is for the benefit of the claimant.	Leave field blank, to be advised/completed by the claimant.	

Gas Compensation Confidentiality Deed			
Various	APLNG recommends using a consistent approach to referring to the NGR (i.e. 'Rules' or 'National Gas Rules', not both).		
Various	<p>The confidentiality deed contemplates that the independent expert may not be a natural person. APLNG submits that an independent expert can only be a natural person.</p> <p>We suggest that the confidentiality deed be amended to clarify that the independent expert must be a natural person. Examples of where the confidentiality deed contemplates that the independent expert is not a natural person include (but are not limited to):</p> <ul style="list-style-type: none"> • 4(e)(ii), 6(a)–(c), 7.2(a) – 'officers of' the independent expert • 7.3(a) – 'authorized representative' of the independent expert • 10 – deed execution by company under section 127(1) of the <i>Corporations Act 2001</i>. 		

Guidance on Gas Compensation Determinations			
Procedure Clause #	Issue / Comment	Proposed text Red strik means delete and <u>blue underline</u> means insert	AEMO Response (AEMO only)
Page 2	The effective date in the 'Current version release details' table should be 31 July 2024, in line with the commencement date specified in transitional rule 104 of the NGR.	31 July 202 5 <u>4</u>	

Guidance on Gas Compensation Determinations

Page 3	In the 'Purpose' section, we recommend that AEMO delete the duplicative 'under' and add a reference to the NGR to provide legislative context.	...under rule 344 or 350 of Part 19, rule 433 of Part 20 and under Division 6 of Part 27 of the National Gas Rules...	
2.1(c)	We have proposed minor changes to this clause to provide clarity on the nature of the ECGS compensation claims.	...a claim for compensation under Division 6 of Part 27, notified to AEMO in a notice of claim under rule 705, which allows under rule 704(1) for the relevant entity to seek compensation for the following direct costs incurred as a direct result of AEMO issuing an ECGS direction:	
2.3	<p>APLNG requests that AEMO provides information on the factors AEMO will consider when selecting independent experts and how AEMO will maintain the pool of potential independent experts, per the matters specified in rule 135JD(3) of the NGR.</p> <p>We consider that an independent expert should:</p> <ul style="list-style-type: none"> • have a good understanding of the relevant parts of the covered gas industry or the capacity to acquire a good understanding of the relevant parts of the covered gas industry quickly. • have sufficient resourcing to undertake the compensation claim determination efficiently. • hold relevant qualifications (e.g. a Bachelor's, Master's or Doctoral degree (or equivalent)) • demonstrate their experience in assessing claims or projects that are similar in complexity. • have knowledge of the relevant NGR provisions. <p>APLNG also believes that AEMO should set out:</p> <ul style="list-style-type: none"> • the process AEMO will follow in seeking expressions of interest for the independent expert standing consultation panel (the panel) (e.g. cyclical requests via market notices) 		

Guidance on Gas Compensation Determinations

	<ul style="list-style-type: none"> • how persons may apply to be on the panel (i.e. form and content of the application and submission details) • how AEMO will assess and process applications received • the appointment term that will generally apply to persons appointed to the panel. • how persons may withdraw from the panel (i.e. the notice period (including any restrictions such as finalizing any claims currently on foot), form and content of the withdrawal application and how to notify AEMO) • whether there is a minimum and/or maximum number of panel members. 		
2.3	<p>Under rule 135JE(4) of the NGR, the Australian Energy Regulator (AER) must give AEMO a copy of any objections received in relation to the proposed independent expert on the grounds of a potential conflict of interest. AEMO may then nominate a different person to act as the independent expert (per rule 135JE(5)).</p> <p>To promote regulatory certainty, APLNG believes that the Guidance should explain the steps AEMO will take upon receiving such an objection and the matters it will consider when assessing and determining whether a different independent expert will be nominated. It is our view that AEMO should meet with all affected claimants to resolve the matter.</p>		
2.3	To provide further clarity around the process for nominating and appointing an independent expert, APLNG considers that section 2.3 of the Guidance	Please refer to Appendix A for proposed revisions to the process map for the nomination and appointment of an independent expert.	

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	<p>(including the process map, where appropriate) should be updated to encompass the following:</p> <ul style="list-style-type: none"> • two steps at the beginning of the process to cover AEMO's request for nominations for persons interested in joining the panel and AEMO's assessment of such nominations. We believe the assessment of a person's expertise to be an independent expert for gas compensation determinations should be undertaken prior to the person joining the panel, rather than after a claim is submitted. • the requirement for AEMO to notify the AER of the nominated independent expert per rule 135JE(1) of the NGR • the requirement for AEMO to publish a notice specifying the nominated independent expert per rules 135JE(1) and 705(4) of the NGR. To promote transparency, we consider AEMO should also indicate how the notice will be published (e.g. via a market notice) • the timeframe in which AEMO must appoint the independent expert as set out in rule 135JE(7). 		
2.4	<p>We consider that the following changes should be made to section 2.4 of the Guidance:</p> <ul style="list-style-type: none"> • A clarification note should be added to the process map indicating that the independent expert may amend the process and timetable at a later date by notifying the claimant(s) and AEMO. Further, the independent expert may extend the timeframes for releasing the draft and final reports, as permitted by rule 135JG(5)(b). 	<p>Please refer to Appendix A for proposed revisions to the process map for the independent expert's determination of compensation claim.</p>	

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- The process around the provision of information to the independent expert should be expanded to capture the requirement on AEMO to provide market data, as soon as practicable after receiving a request from the independent expert, to both the independent expert and the claimant(s) (per rule 135JF(2)).
- The process around the provision of information by the claimant(s) to the independent expert should be split into two separate sub-processes:
 - The first sub-process relates to the claimant(s) providing written documentation to the independent expert within the timeframe specified in the independent expert's request, in line with rule 135JG(3)(b).
 - The second sub-process covers the independent expert's ability to request additional information from the claimant(s) under rule 135JG(6). This information should be provided within 10 business days; otherwise, the independent expert is entitled to make assumptions it thinks appropriate.

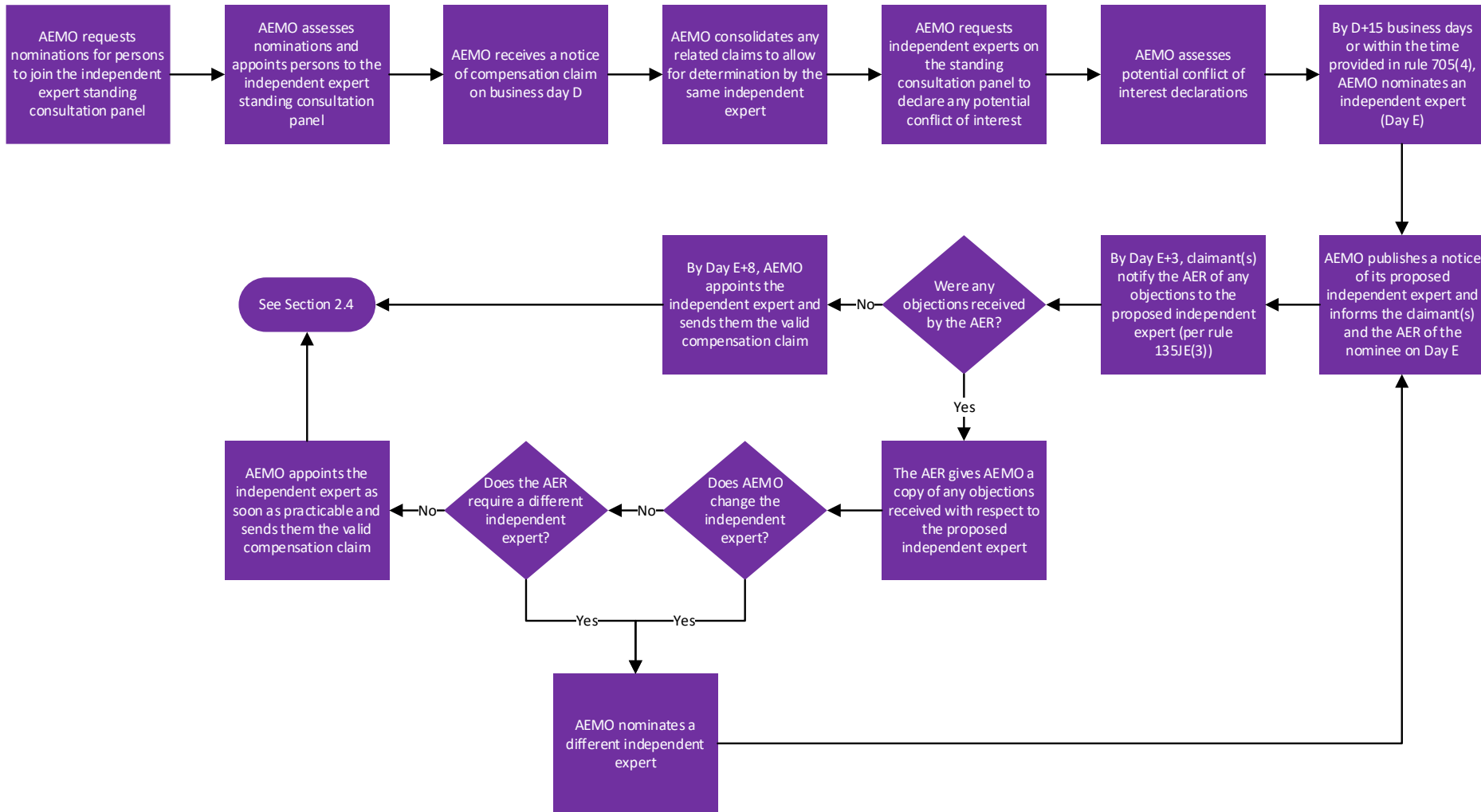
The current process map appears to confuse the two requirements, by specifying that claimants are required to provide written documentation within the 10-business day timeframe (instead of the timeframe specified in the independent expert's request).
- The process map should explicitly state that the independent expert is responsible for assessing the claim and preparing the draft report, draft determination and the notice inviting public submissions on its draft report

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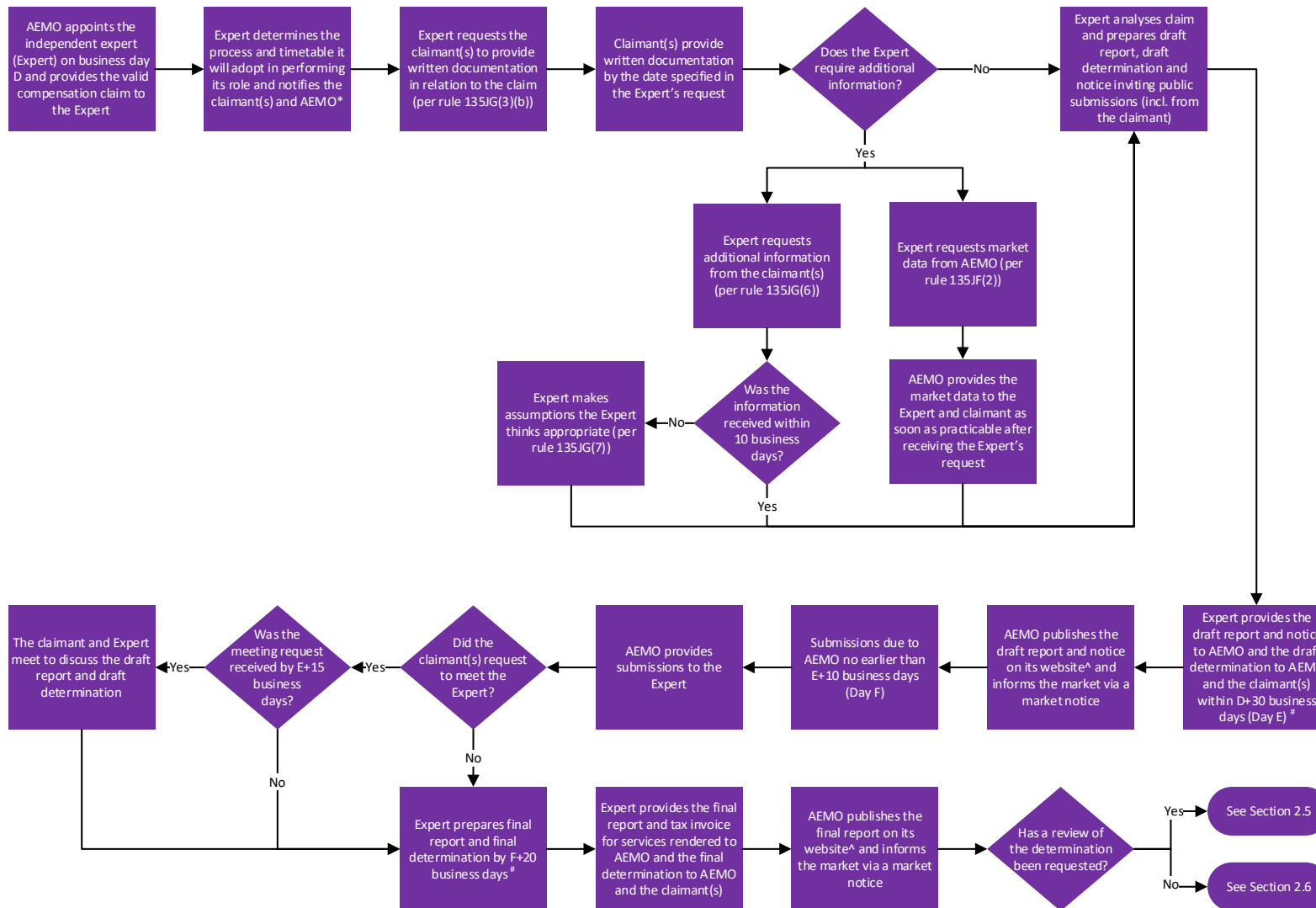
	<p>and submissions from each claimant on the draft determination (per rule 135JH(1)). It may also be beneficial to clarify the recipient of such submissions (i.e. AEMO or the independent expert).</p> <ul style="list-style-type: none"> • Claimants should be given an opportunity to review the draft and final reports to identify whether any confidential information has been disclosed, prior to publication by AEMO. • The process map should capture the obligation on the independent expert to provide the final report and tax invoice to AEMO, and the final determination to AEMO and the claimant(s) (per rule 135JH(3)). • It may be useful for AEMO to specify how late submissions will be treated. 		
2.5	<p>APLNG suggests minor changes to the process map to align with rule 135JK of the NGR.</p>	<p>A review of a compensation claim determination is requested under Rule rule 135JK(1) within 20 business days of Final Report publication-</p> <p>Confirms compensation claim determination</p> <p>Expert has 50 business days <u>or the timeframe specified in the order</u>, to make a new final determination</p>	

Appendix A – Revised process maps for the 'Guidance on Gas Compensation Determinations' document

2.3. Nomination and appointment of an Independent Expert



2.4. Independent Expert's determination of compensation claim



* The Expert may amend the process and timetable at a later date by notifying the claimant(s) and AEMO.

These timelines may be extended in accordance with rule 135JG(5)(b).

^ Claimant(s) will be given an opportunity to review the draft and final reports to ensure confidential information has not been disclosed, prior to the publication of these reports on AEMO's website.