

Manager, MCE Secretariat
Department of Resources, Energy and Tourism
GPO Box 1564
Canberra ACT 2601

Email: MCEMarketReform@ret.gov.au

20 February 2008

Dear Sir / Madam,

ERAA Submission regarding Bulletin Board Provisions in the NGL

The ERAA appreciates this opportunity provided by the MCE for industry comment on the exposure draft of Bulletin Board provisions in the draft National Gas Law (NGL).

The ERAA is an association representing 13 retailers of electricity and gas throughout the National Electricity Market and the jurisdictional gas markets. ERAA members collectively provide electricity and gas to the majority of customers in Eastern Australia and are the first point of contact for end-use customers for both gas and electricity.

It is worth reiterating that ERAA has been a strong supporter of key areas of wholesale gas market reform, including the Short Term Trading Market (STTM), Bulletin Board (BB), and the formation of an Australian Energy Market Operator (AEMO). ERAA members have been active participants in the Gas Market Leaders Group and in the design and rules formation under both the STTM and BB working groups.

In the main, the ERAA is comfortable with the proposed draft inclusions in the NGL. However, there are specific changes that we urge the SCO to consider:

Section 183 Fees for services provided

This section confers powers on the BB operator to charge fees. The only qualification to the levying of these fees is that it should “..not be such as to amount to taxation”. The ERAA is of the view that that there needs to be a right of appeal regarding the reasonableness of such fees and/or the method of fee calculation. Given that the bulk of such fees will fall on ERAA members, we believe that this is not unreasonable. However, we would be comfortable with such provisions being inserted in the BB provisions contemplated for the NGR. We will be providing this suggestion in our submission to the separate but parallel consultation being run by VENCORP on inclusions in the Rules.

Section 188 Protection of information by the Bulletin Board operator

The ERAA believes that the construction of subsection (3)(a)(i) is flawed. Given that the operations of the BB contemplates certain parties providing information relating to shippers to the BB operator, it is not appropriate for such information providers to have the authority to be releasing information for purposes other than for populating the BB.

We suggest that (3)(a)(i) be recast as below:

- (i) the person who gave the information; ~~or~~ **and**

The above construct will require release from the parties to whom the information relates.

Section 189 Protection of information by employees etc. of the Bulletin Board operator

Similar considerations as outlined above apply equally to subsection (3)(a)(i). We suggest the following redrafting to ensure that those parties who “own” the information are required to grant release as well the information provider when the purpose is for other than populating the BB.

- (i) the person who gave the information; ~~or~~ **and**

In concluding, the ERAA reiterates its support for this first step in the realisation of wholesale gas market reforms. To facilitate further discussion on these matters, please contact me on (02) 9437 6180.

Yours Sincerely,

[Transmitted Electronically]

Cameron O'Reilly
Executive Director
Energy Retailers Association of Australia