



MID WEST PIPELINE SYSTEM

ACCESS GUIDE

Background

Our Business

Mid-West Pipeline Pty Ltd is part of the OCTA Group of companies which provide energy solutions for remotely located industries in Australia. Mid-West Pipeline Pty Ltd recognises that our customers' needs are varied. A Potential User's specific requirements for service will determine whether those requirements can be met through existing available capacity, or whether new pipeline facilities, including the type, scale and location of those facilities, are required.

Part 23 of the National Gas Rules – Western Australia (WANGR)

Under Part 23 of the WANGR, a service provider for a non-scheme pipeline must publish certain information and documents about that pipeline, including service and access information, standing terms, financial and pricing information and a user access guide. This Guide is the User Access Guide required under the WANGR for the Mid West Pipelines. Each of these pipelines is a non-scheme pipeline.

The purpose of this Guide is to assist Prospective Users to obtain services on the pipelines. Prospective Users are also referred to the Australian Energy Regulator's (AER's) Non-Scheme Pipeline Arbitration Guide and Framework flow chart at www.aer.gov.au/networks-pipelines/non-scheme-pipelines/arbitration-of-access-disputes.

Service Provider

Mid-West Pipeline Pty Ltd (MWPPL) is the service provider for the Mid West Pipelines.

Contact details

All enquiries about access to the Mid West Pipelines should be addressed to:

Mark Cooper
Pipelines Manager
OCTA Pipelines
mcooper@octapl.com.au
0417 809 027
website

Pipeline Description

Mid West Pipeline

The Mid West Pipeline is a natural gas transmission pipeline which delivers gas from the inlet facilities located on the Dampier to Bunbury Natural Gas Pipeline at Eradu Rd (near Geraldton) to outlet facilities near Mt Magnet and Windimurra in Western Australia.

Mt Magnet Lateral

The Mt Magnet Lateral is a natural gas transmission pipeline which delivers gas from the Mid West Pipeline to outlet facilities at Mt Magnet. It is operated as part of the Mid West Pipeline.

Access Requests and Negotiations

Overview

This Guide applies to both the Mid West Pipeline and the Mt Magnet Lateral.

When this Guide Does Not Apply

Requests for variations to an existing contracted service for any part of the current service term are not covered by Division 3, Part 23 of the NGR or this Guide. Such variations will be negotiated in accordance with the terms of the relevant contract.

Similarly, Division 3 and this Guide do not apply to disputes about a pipeline service provided under an existing contract. Such disputes are governed by the terms of that contract.

Confidentiality

Rule 561(8) and (9) provide that MWPPL and Prospective Users must keep confidential any non-public information provided by one party to the other during negotiations.

Rule 561(8) provides that MWPPL and Prospective Users must only use or reproduce confidential information of another party for the purpose for which it was disclosed except in certain limited exceptions where a party may disclose confidential information:

- to the scheme administrator in an access dispute notice;
- to the arbitrator in the course of an arbitration;
- with the consent of the other party;
- to a professional or other adviser of the party who agrees with the party to maintain the confidentiality of the confidential information;
- if it is required by, or necessary for the purposes of, the WANGR or *National Gas (WA) Access Act 2009* (NGL);
- if the disclosure is in accordance with an order made or a subpoena issued by a court of competent jurisdiction; or
- if the disclosure is authorised or required by a law of a participating jurisdiction or required by a competent regulatory body, and the person making the disclosure gives written details of the disclosure (including an explanation of the reasons for the disclosure) to the other party.

Parties to Negotiate in Good Faith

Pursuant to s 216G of NGL, MWPPL and prospective users are obliged to negotiate in good faith. MWPPL reserves the right to terminate negotiations if a prospective user is not negotiating in good faith.

Preliminary Enquiry

MWPPL encourages prospective users to discuss their requirements before considering lodging a formal Access Request. These preliminary discussions are likely to facilitate the parties achieving a sound mutual understanding of requirements that may obviate the need for a formal Access Request

Where further investigations are required in order to address a preliminary enquiry, MWPPL will advise the prospective user accordingly. It will seek to agree arrangements in good faith, including the indicative scope, timelines and, if appropriate, costs for such further investigations.

Access Request

Although MWPPL encourages prospective users to initiate discussion through a preliminary enquiry, a prospective user may, at any time, request MWPPL to provide access to a pipeline service by making a formal Access Request under rule 559. A formal Access Request must:

- be in writing;
- addressed to the contact specified in this Guide;
- specify that it is a formal Access Request under rule 559; and
- must include information reasonably required for MWPPL to prepare an Access Offer, or to determine whether MWPPL needs to undertake further investigations in relation to the Access Request, including the information specified below.

If a request does not specify that it is a formal Access Request under rule 559, MWPPL may treat the request as a preliminary enquiry. As a formal Access Request triggers formal statutory processes, prospective users are encouraged to specify whether their request is a preliminary enquiry or a formal Access Request.

An Access Request should be accompanied by the completion of our User Access Request form and the completion of a Confidentiality Agreement, and should include at least the following information:

- Customer name, legal entity, ABN/ACN, full address details, contact name and details (position, email and phone number);
- Information as to the creditworthiness of the contracting entity and the proposed form of credit support;
- Term commencement and end dates;
- Type of service sought;
- Whether the capacity requested is new or a continuation of existing load;
- Receipt and delivery point locations;
- Minimum and maximum receipt and delivery pressures (kPag) and temperatures (degC);
- Gas specification;
- Annual quantity to be transported, MDQ and MHQ along with typical daily, weekly and hourly profiles; and
- If relevant, any technical details or other information relating to a new interconnection to the pipeline.

Incomplete Access Requests

If an Access Request is incomplete and we require further information, we will inform you of this and the information required within 5 Business Days after receiving the Access Request.

If Further Investigations are Required

If we need to undertake further investigations, we will inform you within 10 Business Days of receiving your Access Request.

MWPPL will only undertake further investigations in relation to an Access Request when and to the extent reasonably necessary. We will negotiate with you in good faith about the terms and conditions on which further investigations will be carried out, including the following matters:

- if required, the basis for determining reasonable costs of the further investigations to be paid by you;
- any reasonable extension to the 60 Business Day time period allowed under the WANGR to enable the further investigations to be completed before an Access Offer is required to be made.

How to Amend an Access Request

You may amend the details of your Access Request with our consent, which will not be unreasonably withheld. We may give consent to your request for amendment subject to reaching an agreement on a reasonable extension to the period for making an Access Offer.

Access Offer

Except in circumstances where we are not required to make an Access Offer, we will make an Access Offer within 20 Business Days after receiving the Access Request unless one of the following apply;

- if the Access Request is incomplete, within 20 Business Days of the provision of the further information requested of you; or
- if we need to undertake further investigations, within 60 Business Days after receiving the Access Request (or in the case of an incomplete request after receiving the further information requested), unless we have agreed a different timing with you.

The Access Offer will:

- set out the price and other terms and conditions on which we offer to make the requested pipeline services available to you;

- detail any works to be undertaken by you and us, and any applicable technical and performance specifications; and
- be in a form capable of acceptance by you so as to constitute a new access contract or form part of an existing access contract.

Our Access Offer may include appropriate conditions precedent and be subject to a reasonable time limit for acceptance.

When We are Not Required to Make an Access Offer

There may be circumstances under which we are not required to make an Access Offer, namely:

- if the Access Request has been withdrawn;
- we have concluded, after having used all reasonable efforts to accommodate your reasonable requirements, that it is not technically feasible or consistent with the safe and reliable operation of the pipeline to provide the requested pipeline service; or
- the provision of the pipeline service requested would require the extension of the pipeline.

If we are unable to make an Access Offer due to technical infeasibility, we will give you:

- written reasons explaining why the requested service cannot be provided; and
- if there is some prospect that the requested service will become possible to provide at some time in the future, details of when the service would likely become available.

Negotiations

If you have made a valid Access Request for a pipeline service, you may, by notice to the contact identified above, request negotiation under Part 23 of NGR in relation to any aspect of access to a pipeline service including:

- whether access can be granted; and
- the price and other terms and conditions of an access offer.

Prospective users are encouraged to be clear whether they are requesting commencement of a formal negotiation process (as opposed for example, to seeking clarity in relation to aspects of an Access Offer).

Exchanging Information during Negotiations

Each party to the negotiation must, in requesting or providing information, do so in a manner and at a time consistent with the duty to negotiate in good faith.

A prospective user who is party to negotiations may from time to time, by notice, request a service provider who is party to the negotiations to provide access offer information in relation to any aspect of the matters being negotiated.

Requests to either party for information during a negotiation must be requested by notice

- for requests to MWPPPL, to the contact identified above;
- for requests by MWPPPL, to the person initiating negotiations.

Information that may be exchanged under the WANGR must be provided within 15 Business Days of the notice, or any longer period agreed by the requester (unless provision of the information would breach legal professional privilege or third party confidentiality).

Information that is provided must:

- comply with the information obligations under Part 23 of WANGR;
- be relevant to the subject matter of the request; and
- be provided in a readily readable form including where requested in electronic file format with all underlying data files and inputs.

A party to negotiations:

- may from time to time by notice request another party to the negotiations to provide access negotiation information of the other party that the other party is seeking to rely on in relation to a specific matter arising in the negotiations;

- may during the course of the negotiations by notice (an Access Negotiation Information Notice) request another party to the negotiations to provide all access negotiation information of the other party;
- must give an Access Negotiation Information Notice before the party issues an access dispute notice in relation to the subject matter of the negotiations; and
- must not issue an access dispute notice earlier than 15 business days after this Access Negotiation Information Notice is given.

Arbitration

Pursuant to s216J of NGL, prospective users have the right to refer an access dispute to arbitration.

This Guide does not cover the arbitration process. Prospective users are referred to the AER's Non- Scheme Pipeline Arbitration Guide at <https://www.aer.gov.au/networks-pipelines/non-scheme-pipelines/arbitration-of-access-disputes>.