

**Report by  
Dispute Resolution Counsellor**

**January 2009 to December 2009**

***31 March 2010***

**This report is prepared for the Energy Market Company Pte Ltd and  
the Energy Market Authority.**

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## **INTRODUCTION**

This is a report by the Dispute Resolution Counsellor (“DRC”) on dispute resolution in relation to the wholesale electricity markets of the National Electricity Market of Singapore (“NEMS”) from 1 January 2009 to 31 December 2009.

## **DISPUTE RESOLUTION INSTITUTIONS**

The dispute resolution institutions of the wholesale electricity markets of the NEMS comprise the DRC and the Dispute Resolution and Compensation Panel (“DRCP”). The DRCP is made up of a Mediation Panel and an Arbitration Panel.

The Mediation Panel comprises:

- (a) Mr Chandra Mohan;
- (b) Mr Daniel John;
- (c) Associate Professor Joel Lee;
- (d) Assistant Professor Lim Lei Theng;
- (e) Mr Robert Yu;
- (f) Ms Shirli Kirschner; and
- (g) Mr Tan Ching Tiong.

The Arbitration Panel comprises:

- (a) The Honourable Gerald Edward (Tony) Fitzgerald AC, QC;
- (b) Mr Giam Chin Toon, SC;
- (c) Professor Lawrence Boo;
- (d) Mr Naresh Mahtani;
- (e) Mr Philip Harris;
- (f) Mr Raymond Chan;
- (g) Dr Robert Gaitskell, QC; and
- (h) Professor Tan Cheng Han, SC;

## **MARKET ASSESSMENT UNIT**

The Market Assessment Unit of Energy Market Company Pte Ltd supports the dispute resolution process for the wholesale electricity markets of the NEMS and assists the DRC and DRCP in discharging their functions.

## DISPUTE RESOLUTION PROCESS

### Dispute Resolution Stages

The NEMS has a comprehensive approach to dispute resolution which enables disputes to be resolved outside of the courts. It involves the following stages:

- **Negotiation** - The parties attempt to resolve the dispute in good faith using their dispute management systems. This stage is initiated by a party to a dispute serving a notice of dispute on the other parties and giving a copy to the DRC.
- **Mediation** – If the dispute is not resolved by the parties themselves, it may be submitted for mediation. The mediation is conducted by a mediator selected from the Mediation Panel. This stage is initiated by a party serving a notice of mediation on the DRC.
- **Arbitration** - If the dispute is not resolved by the parties through mediation, it may be submitted for arbitration. The arbitration is conducted by an arbitrator(s) selected from the Arbitration Panel. This stage is initiated by a party filing a notice of arbitration with the DRC.

### DMS and DMS Contacts

The dispute resolution rules require each market player to implement a dispute management system (“DMS”). The DMS has to nominate a main DMS contact and an alternate DMS contact to be the first point of contact for the notification of disputes. The DMS has also to be consistent with the guidance notes of the DRC.

The current DMS contacts are:

1. Air Products Asia - Tay Wee Ann
2. Air Products Asia – Shawn Zhang
3. Diamond Energy Pte Ltd - Mohammed Rozaiman Rosidi
4. Energy Market Company Pte Ltd - Abdul Aziz Yatim
5. Energy Market Company Pte Ltd – Coco Choo
6. Keppel Energy Pte Ltd - Annie Tan
7. Keppel Energy Pte Ltd - Joelyn Wong
8. Keppel Energy Pte Ltd - Sumihiro Kawamura
9. Keppel Energy Pte Ltd - Janice Bong
10. National Environment Agency - Winston Chew
11. National Environment Agency - Roland Tan
12. Pfizer Asia Pacific Pte Ltd - Tan Meng Tong
13. Pfizer Asia Pacific Pte Ltd - Lee Chin Hoo
14. Power System Operator - Kang Cheng Guan
15. Power System Operator - Kwok Foo Seng
16. PowerSeraya Ltd - Albert Siah
17. PowerSeraya Ltd - Toh Hui Ting
18. Schering-Plough - Kanagasabai Ravichandran
19. Seraya Energy Pte Ltd – Elaine Syn
20. Seraya Energy Pte Ltd – Daniel Lee
21. Sembcorp Cogen Pte Ltd - Loh Chin Seng

22. Sembcorp Industries Ltd - Chua Gwen Heng
23. Sembcorp Industries Ltd - Aeron Hong
24. Senoko Energy Pte Ltd - Eveline How
25. Senoko Energy Pte Ltd - Sim Mei Ling
26. Senoko Energy Supply Pte Ltd - Eu Pui Sun
27. Senoko Energy Supply Pte Ltd - Michelle Lim
28. SP Powergrid Ltd - Chan Hung Kwan
29. SP Services - Lawrence Lee
30. SP Services - Budiman Roesli
31. Tuas Power Generation Pte Ltd - Philip Tan
32. Tuas Power Generation Pte Ltd - Priscilla Chua
33. Tuas Power Supply Pte Ltd – Jazz Feng

The contact particulars of the DMS contacts are published on the EMC website. This information will enable market participants to know who to contact in the event of a dispute.

## **DISPUTES**

During the period 1 January 2009 to 31 December 2009, no notice of dispute, notice of mediation or notice of arbitration was served on the DRC.

## **CONCLUSION**

I would like to thank all market participants, DMS contacts and the Market Assessment Unit for supporting the work of the DRC. I look forward to working towards further improving the dispute resolution process of NEMS.

George Lim, Senior Counsel  
Dispute Resolution Counsellor  
31 March 2010