



**Report by
Dispute Resolution Counsellor**

January 2010 to December 2010

31 March 2011

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

Table of Contents

INTRODUCTION 3

DISPUTE RESOLUTION INSTITUTIONS..... 3

MARKET ASSESSMENT UNIT 3

DISPUTE RESOLUTION PROCESS 4

 Dispute Resolution Stages 4

 DMS and DMS Contacts..... 4

DISPUTES..... 5

CONCLUSION..... 5

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 2010 to 31 December 2010.

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 DRCP Panel Members are:-

Mediation Panel

1. Mr Chandra Mohan
2. Mr Daniel John
3. Associate Professor Joel Lee
4. Associate Professor Lim Lei Theng
5. Mr Robert Yu
6. Ms Shirli Kirschner
7. Mr Tan Ching Tiong
8. Sir Tony Fitzgerald

Arbitration Panel

1. Mr Giam Chin Toon, SC
2. Professor Lawrence Boo
3. Mr Naresh Mahtani
4. Mr Phil Harris
5. Mr Raymond Chan
6. Dr Robert Gaitskell, QC
7. 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 - Tay Wee Ann
2. Air Products - Shawn Zhang
3. Diamond Energy - Mohammed Rozaiman Rosidi
4. Energy Market Company - Abdul Aziz Yatim
5. Energy Market Company - Coco Choo
6. Keppel Electric - Janice Bong
7. Keppel Electric - Joelyn Wong
8. Keppel Merlimau Cogen - Sean Chan
9. Keppel Merlimau Cogen - Tini Mulyawati
10. National Environment Agency - Winston Chew
11. National Environment Agency - Roland Tan
12. Pfizer - Lee Chin Hoo
13. Pfizer - Tan Meng Tong
14. PowerSeraya - Calvin Quek
15. PowerSeraya - Albert Siah
16. Power System Operator - Kang Cheng Guan
17. Power System Operator - Kwok Foo Seng
18. Schering-Plough - Kanagasabai Ravichandran
19. Sembcorp Cogen - Loh Chin Seng
20. Sembcorp Cogen - Chua Gwen Heng
21. Sembcorp Power - Geraldine Tan

22. Sembcorp Power - Aeron Hong
23. Senoko Energy - Eu Pui Sun
24. Senoko Energy - Michelle Lim
25. Senoko Energy - Eveline How
26. Senoko Energy - Sim Mei Ling
27. Seraya Energy - Elaine Syn
28. Seraya Energy - Daniel Lee
29. Singapore Oxygen Air Liquide - Lim Yong yi
30. Singapore Oxygen Air Liquide - Jason Loi
31. SP Power Assets - Chan Hung Kwan
32. SP Power Assets - Ong Sheau Chin
33. SP Services - Lawrence Lee
34. SP Services - Budiman Roesli
35. Tuas Power Generation - Philip Tan
36. Tuas Power Generation - Priscilla Chua
37. Tuas Power Supply - 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.

DISPUTE RESOLUTION WORKSHOP

On 15 July 2010, a workshop entitled "Getting the Most Out of a Dispute" was conducted by Associate Professor Lim Lei Theng of the Law Faculty, National University of Singapore for all DMS contacts. The workshop received a positive response from the participants and they indicated that they looked forward to more of such workshops. It was a good opportunity for them to learn more about resolving disputes, and build rapport with their counterparts.

DISPUTES

During the period 1 January 2010 to 31 December 2010, 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 2011