

**Report by
Dispute Resolution Counsellor**

January 2011 to December 2011

31 March 2012

**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 2011 to 31 December 2011.

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

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
8. Sir Tony Fitzgerald

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 - Joseph Boey
12. Pfizer - Lee Chin Hoo
13. Pfizer - Tan Meng Tong
14. PowerSeraya - Albert Siah
15. PowerSeraya - Calvin Quek
16. Power System Operator - Kang Cheng Guan
17. Power System Operator - Agnes Tan
18. Sembcorp Cogen - Chua Gwen Heng
19. Sembcorp Cogen - Aeron Hong
20. Sembcorp Power - Geraldine Tan
21. Sembcorp Power - HC Chew
22. Senoko Energy - Eveline How

23. Senoko Energy - Sim Mei Ling
24. Senoko Energy - Eu Pui Sun
25. Senoko Energy - Michelle Lim
26. Seraya Energy - Elaine Syn
27. Seraya Energy - Daniel Lee
28. Singapore Oxygen Air Liquide - Lim Yong Yi
29. SP Power Assets - Chan Hung Kwan
30. SP Power Assets - Ong Sheau Chin
31. SP Services - Lawrence Lee
32. SP Services - Budiman Roesli
33. Tuas Power Generation - Philip Tan
34. Tuas Power Generation - Priscilla Chua
35. Tuas Power Supply - Jazz Feng

This list is for the year ended 2011. The updated 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 16 September 2011, Raymond Chan, an arbitrator on the DRCP, and I conducted a half-day workshop for the DMS Contacts. The workshop took place at EMC and was organized and supported by EMC's Market Assessment Unit.

The purpose of this workshop was to give the DMS contacts a refresher on the NEMS Dispute Guide and an introduction to new arbitration rules proposed by the DRC and drafted by Mr Chan for the market's consideration. These rules have since been published as a guide for arbitrations conducted under NEMS.

DISPUTES

During the period 1 January 2011 to 31 December 2011, 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 2012