



National  
Electricity  
Market of  
Singapore

# **Report by Dispute Resolution Counsellor**

**April 2006 to March 2007**

***13 July 2007***

**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 ..... 3**

    Dispute Resolution Stages ..... 3

    DMS and DMS Contacts..... 4

**DISPUTES..... 4**

**MEDIATION WORKSHOP ..... 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 April 2006 to 31 March 2007.

## DISPUTE RESOLUTION INSTITUTIONS

The dispute resolution institutions for 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) Ms Shirli Kirschner; and
- (d) Mr Robert Yu.

The Arbitration Panel comprises:

- (a) Professor Lawrence Boo;
- (b) The Honourable Gerald Edward (Tony) Fitzgerald AC, QC;
- (c) The Honourable Sir Anthony Mason AC, KBE;
- (d) Mr Naresh Mahtani;
- (e) Professor Tan Cheng Han SC;
- (f) Mr Tan Ching Tiong;
- (g) Mr George Tan; and
- (h) Mr L P Thean.

## 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 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.

Most market players have implemented a DMS. All market players have also nominated representatives who will be their main or alternate DMS contacts.

The current DMS contacts are:

- (a) Air Products Asia - Lim Sam San and Tay Wee Ann
- (b) Diamond Energy Pte Ltd - Dallon Kay
- (c) Energy Market Company Pte Ltd - Glenn Wong
- (d) Keppel Electric Pte Ltd - Ho Wei Ling and Chung Xin Lei
- (e) Keppel Merlimau Cogen - Koh Kah Aik and Tini Mulyawati
- (d) National Environment Agency - Winston Chew and Teo Hock Kheng
- (e) PowerSeraya Ltd - Sim Meng Khuan and Albert Siah
- (f) Power System Operator - Kang Cheng Guan and Kwok Foo Seng
- (g) Sembcorp Cogen Pte Ltd - Geraldine Tan and Aeron Hong
- (h) Sembcorp Utilities Pte Ltd - Geraldine Tan and Foo May Ling
- (i) Senoko Energy Supply Pte Ltd - Eu Pui Sun and Ho Chooi Yin
- (j) Senoko Power Ltd - Eveline How and Sim Mei Ling
- (k) Seraya Energy Pte Ltd - Elaine Syn and Terence Tan
- (l) SP PowerAssets Ltd - Chan Hung Kwan and Daniel Cheng
- (m) SP Services Ltd - Lim Ah Kuan and Alvin Loh
- (n) Tuas Power Ltd - Philip Tan and Priscilla Chua
- (o) Tuas Power Supply Pte Ltd - Jazz Feng and Sim Poh Thien.

### **DISPUTES**

During the period 1 April 2006 to 31 March 2007, no notice of dispute, notice of mediation or notice of arbitration was served on the DRC.

## **MEDIATION WORKSHOP**

On 19 and 20 October 2006, I worked with the MAU to organize a Workshop on “Managing Conflicts and Resolving Disputes Effectively through Mediation” for the DMS contacts of all market players in the NEMS. Ms Carol Liew from the Singapore Mediation Centre (SMC) assisted me.

At the workshop, we discussed mediation concepts and the mediation process with the participants through lectures, a video and interactive sessions. DMS contacts also participated in role plays both as disputants and mediators. The purpose was to enable DMS contacts to get to know their NEMS counterparts and have the opportunity to practise dispute management skills with them in a variety of dispute settings.

Participants gave very high ratings for the workshop and many indicated that it was interesting and useful to them as DMS contacts. They also indicated their interest to attend more of such educational sessions to better their understanding of the dispute resolution and management process. In view of the good response, I plan to organize further skills training sessions to meet the requests of the industry and support the needs of market players in using the dispute resolution process.

## **CONCLUSION**

With its dispute resolution process and institutions, the NEMS is well-placed to effectively deal with disputes should they arise. I wish to record my thanks to the DMS contacts, members of the Mediation and Arbitration Panels, and the MAU for their support this past year.



George Lim  
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13 July 2007