

**Report by
Dispute Resolution Counsellor**

January 2012 to December 2012

28 March 2013

**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 2012 to 31 December 2012.

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. Chandra Mohan
2. Daniel John
3. Danny McFadden
4. Geoff Sharp
5. Associate Professor Joel Lee
6. Associate Professor Lim Lei Theng
7. Dr Peter Adler
8. Robert Yu
9. Shirli Kirschner

Arbitration Panel

1. Giam Chin Toon, Senior Counsel
2. Gregory Thorpe
3. Professor Lawrence Boo
4. Naresh Mahtani
5. Phil Harris
6. Raymond Chan
7. Dr Robert Gaitskell, Queen's Counsel
8. Professor Tan Cheng Han, Senior Counsel

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 - Yang Huiqiang
4. Energy Market Company - Abdul Aziz Yatim
5. Energy Market Company - Coco Choo
6. ExxonMobil - Elaine Lee
7. Green Power Asia - Daniel Ma
8. Keppel Electric - Janice Bong
9. Keppel Electric - Joelyn Wong
10. Keppel Merlimau Cogen - Sean Chan
11. Keppel Merlimau Cogen - Tini Mulyawati
12. National Environment Agency - Teresa Tan
13. National Environment Agency - Siew Weng Soon
14. Pfizer - Lee Chin Hoo
15. Pfizer - Tan Meng Tong
16. Power System Operator - Yong Thi Yen
17. Power System Operator - Nick Wong
18. Sembcorp Cogen - Chua Gwen Heng
19. Sembcorp Cogen - Aeron Hong
20. Sembcorp Power - HC Chew
21. Senoko Energy - Eveline How
22. Senoko Energy - Josiah Poh
23. Senoko Energy - Eu Pui Sun

24. Senoko Energy - Michelle Lim
25. Seraya Energy - Elaine Syn
26. Seraya Energy - Daniel Lee
27. Singapore Oxygen Air Liquide - Lim Yong Yi
28. SP Power Assets - Chan Hung Kwan
29. SP Power Assets - Ong Sheau Chin
30. SP Services - Lawrence Lee
31. SP Services - Budiman Roesli
32. Tuas Power Generation - Philip Tan
33. Tuas Power Generation - Priscilla Chua
34. Tuas Power Supply - Jazz Feng
35. Tuas Power Supply - Zhang Ai Jia
36. YTL PowerSeraya - Calvin Quek
37. YTL PowerSeraya - Albert Siah

This list is for the year ended 2012. 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.

EDUCATIONAL SESSION FOR DMS CONTACTS


On 31 August 2012, the DMS contacts visited the Supreme Court and the Singapore Mediation Centre to better understand dispute resolution processes. The visit to the Supreme Court was organized and supported by EMC's Market Assessment Unit.

DISPUTES

During the period 1 January 2012 to 31 December 2012, 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
28 March 2013