

29 November 2022

Purpose

This Fact Sheet provides an overview of the process applied when a Major Customer has a disagreement with Ergon Energy Network or Energex (both referred to as Distribution Network Service Providers (DNSPs) in this Fact Sheet).

Please note that this Fact Sheet is intended to provide general information. To the extent of any inconsistency between this Fact Sheet and a contract between the DNSP and the Major Customer, the relevant contract will apply.

Dispute Resolution Process

Dispute Resolution under clause 8.2 of the NER

Where a Major Customer has a dispute with the DNSP that it is unable to efficiently resolve at the Project Manager level (i.e. Project Sponsor) and where rule 8.2 of the NER applies, the DNSP will follow the dispute resolution process described in that rule.

Resolving disputes at a Project Manager level

Where rule 8.2 of the NER does not apply to the dispute between the DNSP and the Major Customer, the DNSP will follow the dispute resolution process described below:

1) Project Manager level resolution

The parties must first try to resolve the dispute at the project manager level within 5 business days. If resolution is not achieved within 5 business days, the parties should refer the dispute to the senior representatives of the parties for resolution.

2) Senior representative resolution

Senior representatives of the DNSP and Major Customer must use their best endeavours to either resolve the dispute, or agree on a process for doing so, within 10 business days.

3) Referring to an expert for resolution

If the dispute is not resolved by the senior representatives of the DNSP and Major Customer within the 10 business day period and the parties have not agreed upon another process to resolve the dispute, then the parties may refer the dispute to an expert in accordance with the process described in the relevant contract between the DNSP and the Major Customer. Typically an expert will be nominated by:

- i. for financial matters, the President of the Resolution Institute (Queensland branch);
- ii. for technical engineering matters, the President of Engineers Australia; and
- iii. for legal matters, the President of the Queensland Law Society,

or, if the relevant institution above declines to nominate an expert, an expert nominated by an institution agreed between the parties as the most appropriate institution in the circumstances.

The expert determination process will usually involve:

- Expert determination being conducted at a location in Queensland as advised by the DNSP.
- The expert being directed to make a determination quickly.
- The expert having reasonable qualifications and commercial and practical experience in the area of the dispute, with no interest or duty that conflicts or may conflict with his or her function as an expert, and must not be an employee, or former employee, of any of the parties, or any related body corporate of the parties.
- The costs of the expert and any advisers to the expert being borne equally by the parties unless the expert decides otherwise.

Nothing in this expert determination process prejudices any other rights a party may have at law, including, without limitation, to seek urgent interlocutory relief or to refer a dispute to the ombudsman under the *Energy and Water Ombudsman Act 2006* (Qld).

Glossary

Term	Acronym	Definition
Distribution Network Service Provider	DNSP	For the purposes of this Fact Sheet, DNSP refers to either Energex (who owns and operates the Distribution System in South-East Queensland) or Ergon Energy Network (who owns and operates the Distribution System in the remainder of Queensland).
Major Customer		For the purposes of this Fact Sheet, Major Customer refers to a person who has or intends to submit an application to connect to the DNSP (for either a new connection or modification of an existing connection) where the acceptance of that application and completion of necessary works will result in that customer being classified by as any of an ICC (Individually Calculated Customer), CAC (Connection Asset Customer) or EG (Embedded Generator) in accordance with the DNSP's Pricing Proposal which can be found on the relevant DNSP's website.
National Electricity Rules	NER	The National Electricity Rules under the <i>Electricity – National Scheme (Queensland) Act 1997</i> (Qld).
Project Sponsor		The DNSP's representative allocated to the particular Major Customer connection project.

Further Information

Major Customers may contact their Project Sponsor to obtain further specific information.



Part of Energy Queensland