

13 October 2010

WATERFRONT PLACE 1 EAGLE STREET BRISBANE  
PO BOX 7844 WATERFRONT PLACE BRISBANE QLD 4001 AUSTRALIA  
DX 102 BRISBANE [www.minterellison.com](http://www.minterellison.com)  
TELEPHONE +61 7 3119 6000 FACSIMILE +61 7 3119 1000

**BY EMAIL: [annualcompliance@aer.gov.au](mailto:annualcompliance@aer.gov.au)**

Mr Trevor Johnston  
Network Regulation North Branch  
Australian Energy Regulator  
GPO Box 3648  
SYDNEY NSW 2001

Dear Mr Johnston

## **Annual Compliance Reports for the Dawson Valley Pipeline**

We confirm that we act for Anglo Coal (Dawson) Limited and Anglo Coal (Dawson Management) Pty Ltd.

As you are aware, prior to 1 July 2010, Anglo Coal (Dawson) Limited was a participant in the Dawson Joint Venture which owned the Dawson Valley Pipeline (**DVP**). Anglo Coal (Dawson Management) Pty Ltd was the operator of the DVP.

As set out in our letter of 12 July 2010, Anglo Coal sold its interest in the DVP to Westside Corporation Limited and Mitsui E&P Australia Pty Ltd, effective 1 July 2010.

As Anglo Coal (Dawson) Limited and Anglo Coal (Dawson Management) Pty Ltd are no longer 'service providers' for the DVP under the National Gas Law, they have no obligation to report under the annual compliance order.

Nevertheless, to assist the new owners of the DVP and the AER with the annual compliance process, Anglo Coal (Dawson) Limited and Anglo Coal (Dawson Management) Pty Ltd have prepared the attached reports which contain the information specified in the compliance order which Anglo Coal is able to provide for the 2009/10 financial year.

If you have any questions or require any further information, please contact Kathryn Finlayson on (07) 3119 6380.

Yours faithfully

**MINTER ELLISON**



Contact: Kathryn Finlayson Direct phone: +61 7 3119 6380 Direct fax: +61 7 3119 1380  
Email: [kathryn.finlayson@minterellison.com](mailto:kathryn.finlayson@minterellison.com)  
Our reference: KEXF JPO 40-6034003

enc.

Copy to: Mr Simon Mewing [Simon.Mewing@westsidecorporation.com](mailto:Simon.Mewing@westsidecorporation.com)  
Ms Ros Markovich [ros.markovich@mepau.com.au](mailto:ros.markovich@mepau.com.au)

**MINTER ELLISON GROUP AND ASSOCIATED OFFICES**

SYDNEY MELBOURNE BRISBANE CANBERRA ADELAIDE PERTH GOLD COAST DARWIN  
AUCKLAND WELLINGTON HONG KONG SHANGHAI JAKARTA LONDON

## ANGLO COAL (DAWSON) LIMITED

### ANNUAL COMPLIANCE REPORT FOR DAWSON VALLEY PIPELINE 2009/10

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Note: The information and documentation provided covers only the relevant Compliance Period as defined in the Order

#### **1. General duties for the provision of pipeline services of covered pipeline services by a service provider.**

##### **1.1 Legal entity**

- (a) *Nominate the type of legal entity the service provider is according to the specified kinds of legal entity in section 131 of the NGL.*

A legal entity registered under the *Corporations Act 2001* (Cth).

- (b) *What is the registered business name and ABN of the service provider legal entity providing the covered pipeline service?*

Anglo Coal (Dawson) Limited ACN 100 155 342

- (c) *Provide an outline of the group structure which is controlled by or which the service provider is a part (including identification of the head company, nature of investment or entity, relationship to the service provider and proportion of assets owned/share of investment within the group). This should include any assets (businesses) it owns or that own it. The group structure should include businesses that are beneficially controlled such as trustee companies, jointly owned or operated business such as partnerships or joint ventures, businesses that are significant investments or controlled. This can also be represented as an organisational chart.*

**Attached** is a copy of the group structure of which Anglo Coal (Dawson) Limited is a part.

##### **1.2 Preventing or hindering access**

- (a) *Is the service provider aware of any claims that it has prevented or hindered access to services on the covered pipeline within the terms of section 133 of the NGL?*

No.

##### **1.3 Supply and haulage of natural gas**

- (a) *Does a producer supply natural gas through the covered pipeline at a place other than the exit flange of the producer's processing plant?*

No.

##### **1.4 Queuing requirements**

- (a) *Has the service provider complied with the queuing requirements of the applicable access arrangement during the year?*

Yes.

## 1.5 Service provider providing light regulation services must not price discriminate

(a) Does the service provider provide light regulation services?

No.

(b) If so, are there any differences in the prices of the provision of those services?  
Please provide an explanation as to why these price differences exist.

N/A

## 2. Structural and Operational Separation Requirements (Ring Fencing)

### 2.1 Carrying on of a related business

(a) Provide a list of associates of the service provider that take part in a related business and for each associate describe what the nature of the related business is.

Entity	Nature of Related Business
Anglo Coal (Dawson Management) Pty Ltd	Operation of the DVP, the Anglo-Mitsui pipeline and associated gas-fields and processing facilities on behalf of the Dawson Joint Venture
Dawson Sales Pty Ltd	Acts as sales agent to Anglo Coal (Dawson) Limited and Mitsui Moura Investment Pty Ltd
Anglo Coal (German Creek) Pty Ltd	Owns gasfields, processing facilities and Gas Sales Agreements
	Owns 70% of German Creek Coal Pty Ltd
	Owns 100% of Jena Unit Trust
	Owns 56.97% of the Capricorn Coal Developments Joint Venture
	Owns 100% of Jena Pty Ltd
Anglo Coal (Capcoal Management) Pty Ltd	Acts as operator of the Capricorn Coal Developments Joint Venture
German Creek Coal Pty Ltd	Acts as sales agent to Anglo Coal (German Creek) Pty Ltd
Jena Pty Ltd	Acts as trustee to the Jena Unit Trust
Jena Unit Trust	Gasfields, processing facilities and Gas Sales Agreements
	Owns 13.03% of the Capricorn Coal Developments Joint Venture
Moranbah North Coal Pty Ltd	Gasfields, processing facilities and Gas Sales Agreements
	Owns 87% of Moranbah North Coal (Sales) Pty Ltd
	Owns 87% of the Moranbah North Joint Venture

Entity	Nature of Related Business
Moranbah North Coal (No2) Pty Ltd	Gasfields, processing facilities and Gas Sales Agreements
	Owns 1% of Moranbah North Coal (Sales) Pty Ltd
	Owns 1% of the Moranbah North Joint Venture
Anglo Coal (Moranbah North Management) Pty Limited	Acts as the Operator of the Moranbah North Joint Venture
Moranbah North Coal (Sales) Pty Ltd	Gas Sales Agreements
	Acts as sales agent to Moranbah North Coal Pty Ltd and Moranbah North Coal (No2) Pty Ltd

- (b) *Provide a list of associates that are service providers and/or provide pipeline services.*

Anglo Coal (Dawson Management) Pty Ltd

## 2.2 Marketing staff and the taking part in related businesses

- (a) *Provide a list of associates of the service provider that are directly involved in the sale, marketing or advertising of pipeline services.*

Anglo Coal (Dawson Management) Pty Ltd

- (b) *Provide a statement as to whether or not any of the service provider's marketing staff are also officers, employees, consultants, independent contractors or agents of an associate of the service provider that takes part in a related business.*

None of Anglo Coal (Dawson) Limited's marketing staff are officers, employees, consultants, independent contractors or agents of an associate that takes part in a related business.

- (c) *Provide a statement as to whether or not any of the service provider's officers, employees, consultants, independent contractors or agents are also marketing staff of an associate of the service provider that takes part in a related business.*

None of Anglo Coal (Dawson) Limited's officers, employees, consultants, independent contractors or agents are also marketing staff of an associate that takes part in a related business.

## 2.3 Separate accounts must be prepared, maintained and kept

- (a) *Provide a statement as to whether or not the service provider has prepared, maintained and kept a separate set of accounts in respect of the services provided by every covered pipeline owned or operated by the service provider.*

Anglo Coal (Dawson) Limited has prepared, maintained and kept a separate set of accounts in respect of the services provided by the Dawson Valley Pipeline.

- (b) *Name the legal entity or entities in which the separate accounts are reported, maintained or kept for the services provided by each covered pipeline owner or operator?*

Anglo Coal (Dawson) Limited

- (c) *Provide a statement as to whether or not the service provider has prepared, maintained and kept a consolidated set of accounts in respect of the whole of the business of the service provider.*

Anglo Coal (Dawson) Limited has prepared, maintained and kept a consolidated set of accounts in respect of the whole of its business.

- (d) *Name the legal entity in which the consolidated set of accounts are reported, maintained or kept for the services provided by each covered pipeline owner or operator?*

Anglo Coal (Dawson) Limited

- (e) *Provide a copy of the most recently lodged annual financial reports with the Australian Securities Investments Commission or if no such reports exist other similar audited financial reports prepared for or provided to a state or territory department, agency or body under relevant state or territory legislation. These financial reports may be the consolidated set of accounts in respect of the whole of the business of the service provider, and if also separately lodged with the Australian Securities and Investments Commission the most recently lodged annual separate set of accounts in respect of the services provided by the service provider.*

N/A

## **2.4 Additional ring fencing requirements or exemptions**

- (a) *Does the service provider have any additional ring fencing requirements?*

No.

- (b) *What are these requirements?*

N/A

- (c) *Provide a statement that these additional ring fencing requirements have or have not been met.*

N/A

- (d) *Does the service provider have any exemptions for the minimum ring fencing requirements?*

Yes.

(e) *What are these exemptions?*

Anglo Coal (Dawson) Limited was granted an exemption from complying with:

- section 4.1(b) (carrying on a related business); and
- sections 4.1(h) and (i) (the marketing staff ring fencing obligations),

of the then National Third Party Access Code for Natural Gas Pipeline Systems (**Gas Code**).

Section 40 of the Schedule 3 to the NGL deems the exemptions granted Anglo Coal (Dawson) Limited under section 4.1(b) and 4.1(h) and (i) of the Gas Code to be an exemption of the AER under section 139 and 140 of the NGL respectively.

(f) *By what jurisdiction regulator and when were these exemptions granted?*

The exemptions were granted by the Australian Competition and Consumer Commission on 14 February 2007, effective from 28 February 2007.

## 2.5 Associate contracts

(a) *Has the service provider entered into or given effect to any new associate contracts, or varied the terms and conditions of an existing associate contract?*

No.

(b) *For each new or varied associate contract, please indicate the date the new or varied associate contract was entered into or given effect?*

N/A

(c) *For each new or varied associate contract, please indicate if the contract or variation was approved by the AER and the date that it was approved?*

N/A

(d) *If the associate contract was not approved by the AER, please indicate what date the new or varied associate contract was provided to the AER?*

N/A

Note: An 'associate contract' is defined under the NGL to include arrangements or understandings and is not limited to written contracts.

### 3. Other requirements

#### 3.1 Making access arrangement or terms and conditions of access available

- (i) Ensuring applicable access arrangement and other specified information is available on website.

- (a) *Has the service provider published the approved access arrangement on its website?*

Yes.

- (b) *Please provide the website address where this access arrangement can be accessed and the date that this access arrangement was provided on the website.*

The access arrangement and access arrangement information can be accessed at:

<http://www.anglocoal.com.au/wps/wcm/connect/AngloCoal/Our+Business/Our+Operations/Dawson>

The access arrangement and access arrangement information was placed on the website on 28 October 2009.

- (c) *Has the service provider received any requests from the AER to provide to prospective users generally other information specified as reasonably necessary to determine if access should be sought.*

No.

- (d) *Please provide details of when and how this request was met.*

No.

- (ii) Publishing approved competitive tender process access arrangement

- (a) *Where there is an approved competitive tender process access arrangement in place for a covered pipeline, has the service provider published the approved access arrangement on its website?*

N/A

- (b) *Please provide the website address where this access arrangement can be accessed and the date that this access arrangement was provided on the website.*

N/A

- (iii) Publishing terms and conditions of access to light regulation services

- (a) *Where there is access to light regulation services on a covered pipeline, has the service provider published tariffs and other terms and conditions for these services on the website?*

N/A

- (b) Please provide the website address where this access arrangement can be accessed and the date that this information was first made available on the website.

N/A

- (c) Has the service provider had access negotiations regarding light regulation services? If so, the following will need to be reported, the name of the party requesting the service, the pipeline service requested, and the outcome of access negotiations.

The following table format may be of assistance in reporting this information.

Party requesting access	Date negotiations commenced	Pipeline service subject to access negotiation	Date negotiations completed	Outcome of access negotiations
1. [name of party]	[date]	[name the service]	[date]	<p>[Note:</p> <ul style="list-style-type: none"> <li>• if negotiation resulted in access being provided/not provided</li> <li>• if service provider was not able to meet all aspects of access requested]</li> </ul> <p>[Name any contracts made, varied or revoked as a result of access negotiations]</p>

N/A

### 3.2 Access determinations

- (a) Has the service provider been party to an access determination?

No.

- (b) When did the access determination become operative?

No.

- (c) For what period is the access determination in place?

No.



### 3.3 Confidentiality

- (a) *Provide a statement that the confidentiality requirements under rule 137 of the National Gas Rules have or have not been met.*

The confidentiality requirements under rule 137 of the National Gas Rules have been met.

- (b) *Has the service provider established an internal protocol or policy guideline or procedure manual for the handling of confidential information?*

*If so please provide the AER with the relevant policy document.*

Yes. **Attached** is a copy of the Confidentiality Guideline for the Dawson Valley Pipeline.

### 3.4 Bundling

- (a) *Has the service provider bundled any of its services when providing access or negotiating access with a prospective user?*

No.

- (b) *If so, provide a description of the bundled services and related conditions of access.*

N/A

# ANGLO COAL (DAWSON MANAGEMENT) PTY LTD

## ANNUAL COMPLIANCE REPORT FOR DAWSON VALLEY PIPELINE 2009/10

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Note: The information and documentation provided covers only the relevant Compliance Period as defined in the Order.

### **1. General duties for the provision of pipeline services of covered pipeline services by a service provider.**

#### **1.1 Legal entity**

- (a) *Nominate the type of legal entity the service provider is according to the specified kinds of legal entity in section 131 of the NGL.*

A legal entity registered under the *Corporations Act 2001* (Cth).

- (b) *What is the registered business name and ABN of the service provider legal entity providing the covered pipeline service?*

Anglo Coal (Dawson Management) Pty Ltd ACN 006 746 701

- (c) *Provide an outline of the group structure which is controlled by or which the service provider is a part (including identification of the head company, nature of investment or entity, relationship to the service provider and proportion of assets owned/share of investment within the group). This should include any assets (businesses) it owns or that own it. The group structure should include businesses that are beneficially controlled such as trustee companies, jointly owned or operated business such as partnerships or joint ventures, businesses that are significant investments or controlled. This can also be represented as an organisational chart.*

**Attached** is a copy of the group structure of which Anglo Coal (Dawson Management) Pty Ltd is a part.

#### **1.2 Preventing or hindering access**

- (a) *Is the service provider aware of any claims that it has prevented or hindered access to services on the covered pipeline within the terms of section 133 of the NGL?*

No.

#### **1.3 Supply and haulage of natural gas**

- (a) *Does a producer supply natural gas through the covered pipeline at a place other than the exit flange of the producer's processing plant?*

No.

#### **1.4 Queuing requirements**

- (a) *Has the service provider complied with the queuing requirements of the applicable access arrangement during the year?*

Yes.

## 1.5 Service provider providing light regulation services must not price discriminate

(a) Does the service provider provide light regulation services?

No.

(b) If so, are there any differences in the prices of the provision of those services? Please provide an explanation as to why these price differences exist.

N/A

## 2. Structural and Operational Separation Requirements (Ring Fencing)

### 2.1 Carrying on of a related business

(a) Provide a list of associates of the service provider that take part in a related business and for each associate describe what the nature of the related business is.

Entity	Nature of Related Business
Anglo Coal (Dawson) Limited	Owns 51% of the DVP and 51% of the Anglo-Mitsui Pipeline  Gas-fields, processing facilities and Gas Sales Agreements  Owns 100% of Anglo Coal (Dawson Management) Pty Ltd  Owns 51% of Dawson Sales Pty Ltd  Owns 51% interest in the Dawson Joint Venture
Dawson Sales Pty Ltd	Acts as sales agent to Anglo Coal (Dawson) Limited and Mitsui Moura Investment Pty Ltd
Anglo Coal (German Creek) Pty Ltd	Owns gas-fields, processing facilities and Gas Sales Agreements  Owns 70% of German Creek Coal Pty Ltd  Owns 100% of Jena Unit Trust  Owns 56.97% of the Capricorn Coal Developments Joint Venture  Owns 100% of Jena Pty Ltd
Anglo Coal (Capcoal Management) Pty Ltd	Acts as operator of the Capricorn Coal Developments Joint Venture
German Creek Coal Pty Ltd	Acts as sales agent to Anglo Coal (German Creek) Pty Ltd
Jena Pty Ltd	Acts as trustee to the Jena Unit Trust

Entity	Nature of Related Business
Jena Unit Trust	Gasfields, processing facilities and Gas Sales Agreements  Owns 13.03% of the Capricorn Coal Developments Joint Venture
Moranbah North Coal Pty Ltd	Gasfields, processing facilities and Gas Sales Agreements  Owns 87% of Moranbah North Coal (Sales) Pty Ltd  Owns 87% of the Moranbah North Joint Venture
Moranbah North Coal (No2) Pty Ltd	Gasfields, processing facilities and Gas Sales Agreements  Owns 1% of Moranbah North Coal (Sales) Pty Ltd  Owns 1% of the Moranbah North Joint Venture
Anglo Coal (Moranbah North Management) Pty Limited	Acts as the Operator of the Moranbah North Joint Venture
Moranbah North Coal (Sales) Pty Ltd	Gas Sales Agreements  Acts as sales agent to Moranbah North Coal Pty Ltd and Moranbah North Coal (No2) Pty Ltd

- (b) *Provide a list of associates that are service providers and/or provide pipeline services.*

Anglo Coal (Dawson) Limited

## 2.2 Marketing staff and the taking part in related businesses

- (a) *Provide a list of associates of the service provider that are directly involved in the sale, marketing or advertising of pipeline services.*

Anglo Coal (Dawson) Limited

- (b) *Provide a statement as to whether or not any of the service provider's marketing staff are also officers, employees, consultants, independent contractors or agents of an associate of the service provider that takes part in a related business.*

None of Anglo Coal (Dawson Management) Pty Ltd's marketing staff are officers, employees, consultants, independent contractors or agents of an associate that takes part in a related business.

- (c) *Provide a statement as to whether or not any of the service provider's officers, employees, consultants, independent contractors or agents are also marketing staff of an associate of the service provider that takes part in a related business.*

None of Anglo Coal (Dawson Management) Pty Ltd's officers, employees, consultants, independent contractors or agents are also marketing staff of an associate that takes part in a related business.

## 2.3 Separate accounts must be prepared, maintained and kept

- (a) *Provide a statement as to whether or not the service provider has prepared, maintained and kept a separate set of accounts in respect of the services provided by every covered pipeline owned or operated by the service provider.*

Anglo Coal (Dawson Management) Pty Ltd has prepared, maintained and kept a separate set of accounts in respect of the services provided by the Dawson Valley Pipeline.

- (b) *Name the legal entity or entities in which the separate accounts are reported, maintained or kept for the services provided by each covered pipeline owner or operator?*

Anglo Coal (Dawson Management) Pty Ltd

- (c) *Provide a statement as to whether or not the service provider has prepared, maintained and kept a consolidated set of accounts in respect of the whole of the business of the service provider.*

Anglo Coal (Dawson Management) Pty Ltd has prepared, maintained and kept a consolidated set of accounts in respect of the whole of its business.

- (d) *Name the legal entity in which the consolidated set of accounts are reported, maintained or kept for the services provided by each covered pipeline owner or operator?*

Anglo Coal (Dawson Management) Pty Ltd

- (e) *Provide a copy of the most recently lodged annual financial reports with the Australian Securities Investments Commission or if no such reports exist other similar audited financial reports prepared for or provided to a state or territory department, agency or body under relevant state or territory legislation. These financial reports may be the consolidated set of accounts in respect of the whole of the business of the service provider, and if also separately lodged with the Australian Securities and Investments Commission the most recently lodged annual separate set of accounts in respect of the services provided by the service provider.*

N/A

## 2.4 Additional ring fencing requirements or exemptions

- (a) *Does the service provider have any additional ring fencing requirements?*

No.

- (b) *What are these requirements?*

N/A

- (c) *Provide a statement that these additional ring fencing requirements have or have not been met.*

N/A

- (d) *Does the service provider have any exemptions for the minimum ring fencing requirements?*

Yes.

- (e) *What are these exemptions?*

Anglo Coal (Dawson Management) Pty Ltd was granted an exemption from complying with:

- section 4.1(b) (carrying on a related business); and
- sections 4.1(h) and (i) (the marketing staff ring fencing obligations),

of the then National Third Party Access Code for Natural Gas Pipeline Systems (**Gas Code**).

Section 40 of the Schedule 3 to the NGL deems the exemptions granted to Anglo Coal (Dawson Management) Pty Ltd under section 4.1(b) and 4.1(h) and (i) of the Gas Code to be an exemption of the AER under section 139 and 140 of the NGL respectively.

- (f) *By what jurisdiction regulator and when were these exemptions granted?*

The exemptions were granted by the Australian Competition and Consumer Commission on 14 February 2007, effective from 28 February 2007.

## **2.5 Associate contracts**

- (a) *Has the service provider entered into or given effect to any new associate contracts, or varied the terms and conditions of an existing associate contract?*

No.

- (b) *For each new or varied associate contract, please indicate the date the new or varied associate contract was entered into or given effect?*

N/A

- (c) *For each new or varied associate contract, please indicate if the contract or variation was approved by the AER and the date that it was approved?*

N/A

- (d) *If the associate contract was not approved by the AER, please indicate what date the new or varied associate contract was provided to the AER?*

N/A

Note: An 'associate contract' is defined under the NGL to include arrangements or understandings and is not limited to written contracts.

### 3. Other requirements

#### 3.1 Making access arrangement or terms and conditions of access available

- (i) Ensuring applicable access arrangement and other specified information is available on website.

- (a) *Has the service provider published the approved access arrangement on its website?*

Yes.

- (b) *Please provide the website address where this access arrangement can be accessed and the date that this access arrangement was provided on the website.*

The access arrangement and access arrangement information can be accessed at:

<http://www.anglocoal.com.au/wps/wcm/connect/AngloCoal/Our+Business/Our+Operations/Dawson>

The access arrangement and access arrangement information was placed on the website on 28 October 2009.

- (c) *Has the service provider received any requests from the AER to provide to prospective users generally other information specified as reasonably necessary to determine if access should be sought.*

No.

- (d) *Please provide details of when and how this request was met.*

No.

- (ii) Publishing approved competitive tender process access arrangement

- (a) *Where there is an approved competitive tender process access arrangement in place for a covered pipeline, has the service provider published the approved access arrangement on its website?*

N/A

- (b) *Please provide the website address where this access arrangement can be accessed and the date that this access arrangement was provided on the website.*

N/A

## (iii) Publishing terms and conditions of access to light regulation services

- (a) *Where there is access to light regulation services on a covered pipeline, has the service provider published tariffs and other terms and conditions for these services on the website?*

N/A

- (b) *Please provide the website address where this access arrangement can be accessed and the date that this information was first made available on the website.*

N/A

- (c) *Has the service provider had access negotiations regarding light regulation services? If so, the following will need to be reported, the name of the party requesting the service, the pipeline service requested, and the outcome of access negotiations.*

*The following table format may be of assistance in reporting this information.*

<i>Party requesting access</i>	<i>Date negotiations commenced</i>	<i>Pipeline service subject to access negotiation</i>	<i>Date negotiations completed</i>	<i>Outcome of access negotiations</i>
1. [name of party]	[date]	[name the service]	[date]	<p>[Note:</p> <ul style="list-style-type: none"> <li>• if negotiation resulted in access being provided/not provided</li> <li>• if service provider was not able to meet all aspects of access requested]</li> </ul> <p>[Name any contracts made, varied or revoked as a result of access negotiations]</p>

N/A

### 3.2 Access determinations

- (a) *Has the service provider been party to an access determination?*

No.



- (b) *When did the access determination become operative?*

No.

- (c) *For what period is the access determination in place?*

No.

### 3.3 Confidentiality

- (a) *Provide a statement that the confidentiality requirements under rule 137 of the National Gas Rules have or have not been met.*

The confidentiality requirements under rule 137 of the National Gas Rules have been met.

- (b) *Has the service provider established an internal protocol or policy guideline or procedure manual for the handling of confidential information?*

*If so please provide the AER with the relevant policy document.*

Yes. **Attached** is a copy of the Confidentiality Guideline for the Dawson Valley Pipeline.

### 3.4 Bundling

- (a) *Has the service provider bundled any of its services when providing access or negotiating access with a prospective user?*

No.

- (b) *If so, provide a description of the bundled services and related conditions of access.*

N/A