

(3) The Gas Regulator may determine the technical and commercial feasibility of the miscibility of gases and the maximum quantities from individual sources to promote the interconnection and interoperability of systems.

(4) Where it is not technically feasible or economically viable to make gases from different systems compatible, those gases must be conveyed in separate pipeline systems and stored in separate storage facilities.

Mediation

14.(1) A request to the Gas Regulator to act as mediator must be made in writing and must set out the nature of the dispute between the parties.

(2) A person appointed in terms of section 30(2)(a) of the Act must-

- (a) be a person suitable person with no conflict of interest in the matter; and
- (b) be so appointed within ten working days of receipt of the application for mediation.

(3) At the commencement of mediation, the appointed mediator must -

- (a) inform the parties that he or she does not have any conflict of interest;
- (b) inform the parties about the procedure and manner in which the mediation will be conducted;
- (c) inform the parties how the fees contemplated in regulation 16 must be paid and to whom payments should be made; and
- (d) secure agreement from the parties to the dispute with regard to paragraphs (a) to (c) before proceeding with the mediation.

Arbitration

- 15.(1) A request to the Gas Regulator to act as arbitrator must be made in writing and must set out the nature of the dispute between the parties.
- (2) A person appointed in terms of section 30(2)(a) of the Act must-
- (a) be a suitable person with no conflict of interest in the matter; and
 - (b) be so appointed within ten working days of receipt of the application for arbitration.
- (3) At the commencement of arbitration, the appointed arbitrator must-
- (a) inform the parties that he or she does not have any conflict of interest;
 - (b) inform the parties about the procedure and manner in which the arbitration will be conducted;
 - (c) inform the parties how the fees contemplated in regulation 16 must be paid and to whom payments should be made;
 - (d) inform the parties that any award made will be final and binding; and
 - (e) secure agreement from the parties to the dispute with regard to paragraphs (a) to (d) before proceeding with the arbitration.
- (4) The claimant party initiating a dispute must submit to the arbitrator and to the respondent party against whom the claim is being made a written statement containing the following information:
- (a) the name and address of the person who will represent the claimant at the proceedings;
 - (b) a detailed description of the dispute; and
 - (c) the relief or remedy sought and the amount claimed, if applicable.
- (5) The respondent shall, after receipt of the statement referred to in subregulation (4), submit a written statement of defence to the arbitrator and the claimant by a date determined by the arbitrator.
- (6) During arbitration proceedings, any party may amend or supplement its claim, counterclaim or defence, unless the arbitrator considers it inappropriate to allow such

amendment or supplement, because of the party's delay in making it, if it would be prejudicial to the other parties, or because of any other circumstances.

(7) A party may not amend or supplement a claim or counterclaim if the amendment or supplement would fall outside the scope of the agreement to arbitrate.

(8) Any party to an arbitration may be represented in an arbitration.

(9) The names, addresses and telephone numbers of representatives shall be communicated in writing to the other parties and to the arbitrator.

(10) The parties or their representatives may communicate in writing directly with the arbitrator: Provided that copies of such documents are provided to all the other parties to the dispute.

(11) The arbitrator must conduct the arbitration in a manner ensuring that the parties are treated with equality and that each party has the right to be heard and is given a fair opportunity to present its case.

(12) Documents or information supplied to the arbitrator by one party shall at the same time be supplied by that party to the other party or parties.

(13) Each party shall have the burden of proving the facts relied on to support its claim or defence.

(14) At any time during the proceedings, the arbitrator may order parties to produce documents, exhibits or other evidence that it deems necessary or appropriate.

(15) The arbitrator may appoint one or more independent experts to report to it, in writing, on specific issues designated by the arbitrator and communicated to the parties.

(16) The parties shall provide an expert with any relevant information or produce for inspection any relevant documents or goods that such expert may require.

- (17) Any dispute between a party and the expert as to the relevance of the requested information or goods shall be referred to the arbitrator for decision.
- (18) Upon receipt of an expert's report, the arbitrator shall send a copy of the report to all parties to the dispute and shall give the parties to the dispute an opportunity to express, in writing, their opinion on the report.
- (19) A party may examine any document on which the expert has relied in such a report.
- (20) At the request of a party, the arbitrator shall give the parties an opportunity to question the expert at a hearing and to present expert witnesses to testify on the points at issue during arbitration proceedings.
- (21) Awards by an arbitrator shall be made in writing and shall be final and binding on the parties and the parties must carry out any such award without delay.
- (22) The arbitrator must state the reasons for the award.
- (23) An award may be made public only with the consent of the parties to the dispute or as required by law.
- (24) In addition to making a final award, the arbitrator may make interim, interlocutory, or partial orders and awards.
- (25) The arbitrator must, upon request of the parties, terminate the arbitration if the parties settle the dispute before an award is made.
- (26) If in the opinion of the arbitrator, the continuation of the proceedings becomes unnecessary or impossible for any reason, the arbitrator must inform the parties of its intention to terminate the proceedings and must thereafter issue an order terminating the arbitration.
- (27) Confidential information disclosed during the proceedings by the parties or by witnesses shall not be divulged by the arbitrator.

(28) The arbitrator shall keep confidential all matters relating to the arbitration or the award, unless otherwise agreed by the parties or required by applicable law.

(29) The arbitrator shall not be liable for any act or omission in connection with any arbitration conducted under these regulations, except for the consequences of conscious and deliberate wrongdoing.

Costs of mediation and arbitration

16.(1) The Gas Regulator may charge fees for mediation and arbitration services.

- (2) The fees referred to in subregulation (1) must be-
- (a) sufficient to recover all or part of the costs incurred by the Gas Regulator including, if applicable, the costs of a person referred to in section 30(2)(a) of the Act; and
 - (b) paid by one or more of the parties to the dispute as is determined by the mediator or arbitrator concerned taking into account the circumstances of the dispute.
- (3) The fees contemplated in this regulation must be paid within thirty calendar days of receipt of an invoice unless the Gas Regulator determines otherwise.

Rendering of information

17. (1) A licensee must submit to the Gas Regulator the following information, in addition to any other information required:
- (a) Detailed audited annual accounts consisting of a balance sheet, income statement and cash flow statement for each licensed gas facility and activity;

- (b) an updated plan of the distribution network and details of availability for public inspection; and
- (c) the annual volume, average charges and name and address for each of its customers consuming less than 10 million gigaJoules per annum for the applicable financial year of the licensee.

(2) The charge data supplied by a trading licensee must-

- (a) be limited to piped gas;
- (b) reflect actual prices and tariffs and any other charges paid by the end-consumer excluding taxes;
- (c) include meter rental, standing charge and the initial installation charge to the customer, where applicable;
- (d) be on a calendar monthly basis; and
- (e) be reported in Rands per gigaJoule.

(3) Information provided in terms of this regulation must be submitted annually to the Gas Regulator within three months of the licensee's financial year end, except in the case of information provided in terms of subregulation (1)(a) that must be submitted annually within six months of the licensee's financial year end.

ANNEXURE A

Definition of the classes of customers as classified by their annual gas consumption in GigaJoules.

CLASS	ANNUAL GAS CONSUMPTION		
Class 1	Less than 400 GJ pa		
Class 2	401 GJ pa	to	4000 GJ pa
Class 3	4001 GJ pa	to	40 000 GJ pa
Class 4	40 001 GJ pa	to	400 000 GJ pa
Class 5	400 001 GJ pa	to	4 000 000 GJ pa
Class 6	> 4 000 000 GJ pa		