**Proposed Amendments to the WESM Manual on Dispute Resolution regarding Disputes under the Retail Rules**

| **WESM Manual on Dispute Resolution Issue 9.0** | | | | | | |
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| **Title** | **Section** | **Original Provision** | **Proposed Amendments** | **Rationale** | **Comments/**  **Proposed Revision** | **Rationale** |
| Definitions, Interpretation and Construction | Section 2.1. Definitions  Sub-sections (kk) to (qq) | xxx   1. Rules denote the WESM Rules.      1. Rules Change Committee refers to xxx 2. WESM-Accredited Arbitrator, WESM-Accredited Mediator and WESM-Accredited ADR Support Service Center have the meaning ascribed to them, respectively, in Sections 6 of this Manual. 3. WESM dispute means xxx 4. WESM Objectives refers to xxx 5. WESM Member means xxx   WESM Participant means xxx | xxx   1. **Retail Rules refer to the rules promulgated by the Department of Energy governing the integration of retail competition in the operations and governance processes of the WESM and the management of the transactions of the Suppliers and Contestable Customers in the WESM, and the operations of the Central Registration Body as defined in Department Circular No. DC2013-01-0002.**   **(ll)** ~~(kk)~~ Rules denote the WESM Rules.    **(mm)** ~~(ll)~~ Rules Change Committee refers to xxx  **(nn)** ~~(mm)~~ WESM-Accredited Arbitrator, WESM-Accredited Mediator and WESM-Accredited ADR Support Service Center have the meaning ascribed to them, respectively, in Sections 6 of this Manual.  **(oo)** ~~(nn)~~ WESM dispute means xxx  **(pp)** ~~(oo)~~ WESM Objectives refers to xxx  **(qq)** ~~(pp)~~ WESM Member means xxx  **(rr)** ~~(qq)~~ WESM Participant means xxx | * To include Retail Rules in the Definitions and refer to them as the rules under DOE Department Circular No. DC2013-01-0002. * Renumbering of subsequent provisions |  |  |
| (New Provision) | (New Provision) | (New Provision) | **7.3 Disputes Between Supplier and Customer under the Retail Rules: ​**  **7.3.1. Unless the parties agree otherwise, resolution of the following illustrative cases involving disputes on: ​**   1. **​The commercial aspect of a Retail Supply Contract that involves fees for its early / pre-termination ~~of a Retail Supply Contract~~, which does not include the interest of the public;**   **​**   1. **The commercial aspect of a Retail Supply Contract involving price, but which does not include the interest of the public; and**      1. **The commercial aspect of a Retail Supply Contract involving its period, within the contemplation of the Retail Rules, which does not include the interest of the public​**   **​shall be subject to the Final Offer Arbitration Supplementary Rules set forth in Annex H hereto. ​** | * To define the kinds of disputes specific to those between the Supplier and Customer under the Retail Rules, to be those considered as only commercial in nature and does not involve the interest of the public. * To provide that the Final Offer Arbitration under the Supplementary Rules in Annex H the default mode for these types of disputes under the Retail Rules. * To give primacy to the agreement of the parties, the proposed provision retained the caveat, *“unless the parties agree otherwise”* to give them the option to choose the conventional mode of arbitration instead. |  |  |