

01/09/2006

Dear Colleague,

**NOTICE OF IMPLEMENTATION  
MODIFICATION PROPOSAL No: 0078**

"Variation/Withdrawal of a Modification Proposal"

Please note that Modification Proposal No 0078 will be implemented with effect from 06:00 hours on 04/09/2006. The Final Modification Report, Version 3.0, was signed by Ofgem on 01/09/2006.

The new Code text resulting from this Modification follows.

**Modified Text:**

**Uniform Network Code - Modification Rules**

Paragraph 6.4.2 Amend to read as follows:

"6.4.2 In respect of any Modification Proposal or Third Party Modification Proposal which is withdrawn pursuant to paragraph 6.5.1, or deemed withdrawn pursuant to paragraph 6.5.4 or 6.5.6, any of the parties..."

Paragraph 6.5.1. Amend to read as follows:

"6.5.1 A Proposer may

- (a) withdraw a Modification Proposal or Third Party Modification Proposal of that Proposer, at any time before the final Modification Report is circulated to the Authority pursuant to paragraph 9.5.3, by notice to the Secretary, and subject to paragraphs 6.4 and 12.4, any Modification Proposal or Third Party Modification Proposal so withdrawn shall lapse; or
- (b) vary a Modification Proposal or Third Party Modification Proposal of that Proposer at any time before the Modification Panel has determined to proceed to the Consultation Phase pursuant to paragraph 7.2.3(a)(iii) or 7.2.5(b) by notice to the Secretary, and subject to paragraph 6.4, and to paragraph 12.4, any Modification Proposal or Third Party Modification Proposal so varied shall replace the original Proposal;

- (c) subject to paragraph 6.4, and to paragraph 12.4, request a variation to a Modification Proposal or Third Party Modification Proposal of that Proposer (“variation request”), at any time after the Modification Panel has determined to proceed to the Consultation Phase pursuant to paragraph 7.2.3(a)(iii) or 7.2.5(b) and before the Modification Panel has made a determination in respect of such Modification Proposal or Third Party Modification Proposal pursuant to paragraph 9.5.2(b)(i), by notice to the Secretary, and any such variation request shall contain a description of the nature of the variation.”

Paragraph 6.5.2. Amend to read as follows:

- “6.5.2 The Secretary shall, within a reasonable period of time following any withdrawal, variation or variation request (except where such variation request is made at the Modification Panel meeting) notify each Transporter, each Member, each User, each Third Party Participant and each Non-Code Party of such withdrawal, variation or variation request (as the case may be).”

Add new Paragraph 6.5.3 to read as follows:

- “6.5.3 Following receipt of the notice given pursuant to paragraph 6.5.1(c) the Secretary shall submit such variation request to the appropriate Modification Panel which the Proposer shall attend for the purpose of explaining the variation request.”

Add new Paragraph 6.5.4 to read as follows:

- “6.5.4 Subject to paragraph 6.4, and to paragraph 12.4, the Modification Proposal or Third Party Modification Proposal shall be varied to replace the original Proposal which shall be deemed withdrawn where the Modification Panel:
- (a) determines by a unanimous vote that the variation request is immaterial, and in such case the varied Modification Proposal or Third Party Modification Proposal shall continue through the Modification Procedures from the point at which the original Proposal was deemed withdrawn;
  - (b) does not so determine in accordance with (a), and in such case the Modification Panel shall make a determination in respect of the varied Modification Proposal or Third Party Modification Proposal in accordance with paragraph 7.2.3 .”

Add new Paragraph 6.5.5 to read as follows:

- “6.5.5 The Proposer of a variation request may withdraw it at any time before the Modification Panel votes in accordance with paragraph 6.5.4.”

Add new Paragraph 6.5.6 to read as follows:

“6.5.6 A Modification Proposal made by a User shall be deemed withdrawn:

- (a) on the User Discontinuance Date in accordance with TPD Section V4.2 or 4.3 where the User ceases to be a User of the Total System; or
- (b) on the date upon which the Proposer ceases to hold a Shipper’s Licence or Transporter’s Licence.”

**Transportation Principal Document**

Section V4.3.7, amend to read as follows:

“4.3.7 Subject to paragraph 6.5.6 of the Modification Rules, the giving ... notwithstanding that paragraph.”

Yours sincerely,

Julian Majdanski  
Modification Panel Secretary