

10 October 2013

**LEGAL DRAFTING FOR MODIFICATION 0434 (BASED ON LEGAL DRAFTING FOR
MODIFICATION 0432 AND 0453)**¹

TRANSPORTATION PRINCIPAL DOCUMENT

Section E: Daily Quantities, Imbalances and Reconciliation

Add new paragraphs 6.7 and 6.8 to read as follows:

6.7 Retrospective Data Update: Offtake Reconciliation

6.7.1 This paragraph 6.7 applies where, in relation to a Supply Meter Point:

- (a) a Retrospective Data Update is carried out in respect of the Supply Meter, Supply Meter Installation or Supply Meter Point; and
- (b) either:
 - (i) Offtake Reconciliation(s) were carried out for which the Reconciliation Values would have been different had the Updated Data been registered at the time such Offtake Reconciliation(s) were carried out; or
 - (ii) if the Updated Data had been registered at the Update Effective Date, it would have given rise to an additional Offtake Reconciliation.

6.7.2 Paragraph 6.7.1(b)(i) may apply because the Updated Data results in a change (as compared with the data used in the Affected Offtake Reconciliations) in one or more of the following:

- (a) Reconciliation Meter Reading;
- (b) Reconciliation Metered Period;
- (c) Reconciliation Metered Volume;
- (d) applicable calorific value used to determine Prevailing Metered Volume;
- (e) applicable LDZ.

6.7.3 For the purposes of this paragraph 6.7, in relation to a Retrospective Data Update, "**Affected Offtake Reconciliation**" means:

- (a) in a case in paragraph 6.7.1(b)(i), the two Offtake Reconciliations for which the Reconciliation Metered Periods end and start respectively with the Read Date of a Meter Read affected by the Updated Data;

¹ New drafting is shown underlined, deleted drafting is shown by strikethrough.

(b) in a case in paragraph 6.7.1(b)(ii), the Offtake Reconciliation (or latest Offtake Reconciliation) in relation to which the Update Effective Date falls within the Reconciliation Metered Period.

6.7.4. Where a Retrospective Data Update is carried out, subject to paragraph 6.7.5:

(a) the Transporter will:

(i) in a case within paragraph 6.7.1(b)(i), re-determine the Reconciliation Values, on the basis of the Updated Data, for each Affected Offtake Reconciliation;

(ii) in a case within paragraph 6.7.1(b)(ii), determine Reconciliation Values, by reference to the Updated Data, on the basis of two Offtake Reconciliations for which the Reconciliation Metered Periods are the Reconciliation Metered Period for the Affected Offtake Reconciliation divided into two periods ending and starting respectively with the Read Date of the Meter Read comprised in the Updated Data;

(b) the Reconciliation Values under the Affected Offtake Reconciliation(s) shall be replaced by the Reconciliation Values determined under paragraph (a)(i) or (a)(ii);

(c) the Transporter will determine and invoice such adjustments in respect of the Reconciliation Values determined under the Affected Offtake Reconciliation(s) as are necessary to give effect to paragraph (b).

6.7.5. Where (after the first Day of any Reconciliation Metered Period to which paragraph 6.7.4 applies) there has been a change in Registered User of the Supply Meter Point:

(a) the replacement of Reconciliation Values under paragraph 6.7.4(b), and adjustment invoicing under paragraph 6.7.4(c), will apply automatically in relation to any period on or after the Supply Point Registration Date of the Supply Point Registration under which the current Registered User became Registered User;

(b) in relation to any earlier period, the replacement of Reconciliation Values under paragraph 6.7.4(b), and adjustment invoicing under paragraph 6.7.4(c), will apply only if the User which was Registered User of the Supply Meter Point at the relevant time submits to the Transporter a request to that effect.

6.8 Updated Meter Readings: Offtake Reconciliation

6.8.1 This paragraph 6.8 applies where in relation to a Supply Meter Point:

(a) an Updated Meter Reading is a Valid Meter Reading; and

(b) Offtake Reconciliation(s) were carried out for which the Reconciliation Values would have been different had the Updated Meter Reading been used at the time such Offtake Reconciliation(s) were carried out.

6.8.2 For the purposes of this paragraph 6.8, in relation to an Updated Meter Reading, "**Affected Offtake Reconciliation**" means any Offtake Reconciliation for which the Reconciliation Metered Period ends or starts respectively with the Read Date of the Updated Meter Reading.

6.8.3 Where an Updated Meter Reading replaces a Valid Meter Reading the Transporter will:

- (a) re-determine the Reconciliation Values, on the basis of the Updated Meter Reading, for each Affected Offtake Reconciliation;
- (b) the Reconciliation Values under the Affected Offtake Reconciliation shall be replaced by the Reconciliation Values determined under paragraph (a);
- (c) the Transporter will determine and invoice such adjustments in respect of the Reconciliation Values determined under the Affected Offtake Reconciliation as are necessary to give effect to paragraph (b).

6.8.4 Subject to paragraph 6.8.5, where (after the first Day or before the last Day of any Reconciliation Metered Period to which paragraph 6.8.3 applies) there has been a change in the Registered User of the Supply Meter Point the replacement of the Reconciliation Values under paragraph 6.8.3(b) and the adjustment invoicing under paragraph 6.8.3(c), will only apply in relation to such part of the Reconciliation Metered Period in respect of which the User submitting the Updated Meter Reading was Registered User of the Supply Meter Point.

6.8.5 Where an Updated Meter Reading replaces a Valid Meter Reading which is an Opening Meter Reading the Reconciliation Values under paragraph 6.8.3(b) and the adjustment invoicing under paragraph 6.8.3(c) will automatically apply in respect of each Affected Offtake Reconciliation.

Section G: Supply Points

Amend paragraph 1.6.3 as follows:

1.6.3 For the purposes of the Code:

- (a)
- (b)
- (c)
- (d) a "**Qualifying Meter Reading**" is any Valid Meter Reading (other than a Meter Reading which is replaced pursuant to Section M5.16), provided that in the case of a Class 1 or 2 Supply Meter Point the Exit Close-out Date in respect of the Read Date is not later than the AQ Close-out Date.

Section M: Supply Point Metering

Amend paragraph 4 to read as follows:

4 METER INFORMATION

4.1. Meter Information: General

4.1.1 For the purposes of ...

4.1.2 The Registered User will provide ...

4.1.3 Paragraph 4.2 shall apply, insofar as it relates to an update to the Supply Point Register, to any update of Meter Information which relates to, or is effective from, a date later than the

Read Date of the last Valid Meter Reading obtained for the relevant Supply Meter and Supply Meter Point and paragraph 4.3 shall apply in relation to a Retrospective Data Update.

4.1.4 For the purposes of the Code: ²

- (a) **"C&D Information"** is information obtained in respect of Meter Work;
- (b) **"C&D Notification"** is a notification (which is not a Meter Information Notification) containing C&D Information;
- (c) **"Meter Information"** is the information in relation to a Supply Meter Installation, comprising the details set out in the UK Link Manual, including but not limited to;
 - (i) the location of the Supply Meter Installation and the Supply Point Premises;
 - (ii) number of dials and serial numbers of the Supply Meter and any converter;
 - (iii) meter access details; and
 - (iv) C&D Information;
- (d) **"Meter Information Notification"** is a notification in accordance with the UK Link Manual containing Meter Information that is C&D Information;
- (e) **"Meter Information Update Notification"** is a notification in accordance with the UK Link Manual containing Meter Information that is not C&D Information;
- (f) **"Meter Work"** is work performed in respect of which a notice has been served under Schedule 2B of the Gas Act in accordance with the Gas Meters (Information on Connections and Disconnection) Regulations 1996;
- (g) **"Meter Worker"** is a person that has performed Meter Work;
- (h) **"Previous Registered User"** is any Registered User (other than the existing Registered User) who was the Registered User at the Supply Meter Point at any time within a period of 18 months preceding the date upon which the Transporter records such Meter Information Update Notification or, if earlier, the date upon which the Transporter revised Meter Information which was capable of affecting the amount of the Transportation Charge at such Supply Meter Point;
- (i) **"Relevant Data"** means, in relation to a Supply Meter, Supply Meter Installation or Supply Meter Point:
 - (i) Meter Information;
 - (ii) the Meter Post Code;
 - (iii) the identity of the Meter Asset Manager, the Gas Act Owner and the Meter Reader;

² Definitions in paragraph 4.1.20 in the proposed legal drafting for Modification 0428/0453 have been moved forward to this new paragraph 4.1.4.

- (iv) the Market Sector Code;
- (v) emergency contact and consumer contact details;
- (j) "Relevant User" means in respect of a Supply Meter Point and for the purposes of paragraph 4.3;
 - (i) the Registered User;
 - (ii) a Proposing User (not being the Registered User) who has submitted a Supply Point Confirmation which has become effective for a Proposed Supply Point in which the Supply Meter Point is comprised,

and not a Previous Registered User;
- (k) "Retrospective Data Update" means an amendment to the Supply Point Register pursuant to paragraph 4.3.5(b) following submission of a Retrospective Data Update Notification;
- (l) "Retrospective Data Update Notification" means a Meter Information Notification or Meter Notification Update Notification submitted pursuant to paragraph 4.3.1;
- (m) "Updated Data" means Relevant Data contained in a Retrospective Data Update Notification;
- (n) "Update Effective Date" means the date specified in a Retrospective Data Update Notification, being:
 - (i) the date from which, where known, the Updated Data should have been registered in the Supply Point Register; or
 - (ii) where paragraph (i) does not apply, the Relevant User's best estimate of the date from which the Updated Data should have been registered in the Supply Point Register.

4.2 Meter Information: Prospective Data Update³

4.2.1 Where C&D Information is received ...

4.2.2 (a) The Transporter ...

(b) As soon as reasonably practicable ...

(c) A Meter Information Update...

(d) A Meter Information Notification shall be outstanding for the purposes of paragraphs ~~4.1.6, 4.1.7, 4.1.8 and 4.1.10~~ 4.2.3, 4.2.4, 4.2.5 and 4.2.7 until the Meter Information has been revised pursuant to this paragraph ~~4.1.5~~ 4.2.2.

³ New paragraph 4.2 is a re-statement of the text shown as paragraph 4.1.3 to 4.1.19 (inclusive) in the proposed legal drafting for Modification 0432/0453(itself a re-statement of the text at M3.2.3 to 3.2.19 (inclusive) in the current version of Section M).

- 4.2.3 Where in respect of a Supply Meter Point, C&D Information is received by the Transporter from a Meter Worker or User in accordance with paragraph ~~4.1.4(e) or 4.1.4(d)~~ 4.2.1(c) or 4.2.1(d), the Transporter ...
- 4.2.4 Where in respect of a Supply Meter Point comprised in a Proposed Supply Point, C&D Information is received by the Transporter from a Meter Worker or a User in accordance with paragraph ~~4.1.4(e) or 4.1.4(d)~~ 4.2.1(c) or 4.2.1(d), before the Supply Point Registration Date ...
- 4.2.5 Where in respect of a Supply Meter Point comprised in a Proposed Supply Point which is an Existing Supply Point, C&D Information is received by the Transporter from a Meter Worker or a User in accordance with paragraph ~~4.1.4(e) or 4.1.4(d)~~ 4.2.1(c) or 4.2.1(d), and at the date of receipt ...
- 4.2.6 In respect of a Supply Meter Point ...
- 4.2.7 Where the Transporter receives ...
- 4.2.8 In order to ensure ...
- 4.2.9 The Transporter will update the Supply Point Register in accordance with paragraph ~~4.1.16~~ 4.2.13 where the Transporter has received a Meter Information Notification:
- (a) in respect of a Current Supply Point (in accordance with paragraph ~~4.1.7 or 4.1.8~~ 4.2.4 or 4.2.5) from the User ...;
- (b) in respect of New Supply Point (in accordance with paragraph ~~4.1.8~~ 4.2.5) from the User ...
- 4.2.10 Where a Meter Information Update Notification ...
- 4.2.11 Prior to the submission ...
- 4.2.12 Where at any time in ...
- 4.2.13 Upon receipt of a change of Meter Information ...
- 4.2.14 Where the Transporter ...
- 4.2.15 Without prejudice to the ...
- 4.2.16 Where the Transporter ...

4.3 **Meter Information: Retrospective Data Update**

- 4.3.1 Where a Relevant User believes Relevant Data recorded in the Supply Point Register is incorrect the Relevant User may notify the Transporter by submitting a Retrospective Data Update Notification.
- 4.3.2 A Retrospective Data Update Notification shall;
- (a) in addition to the other requirements set out in the UK Link Manual, specify:

- (i) the Supply Meter, Supply Meter Installation or Supply Meter Point in respect of which the notification is submitted;
 - (ii) the Updated Data;
 - (iii) the Update Effective Date, being a date which is earlier than the Read Date for the last Valid Meter Reading obtained for the Supply Meter comprised in the Supply Meter Point; and
 - (iv) a Valid Meter Reading for which the Read Date is the Update Effective Date;
- (b) be subject to validation by the Transporter to determine the validity of the Updated Data.

4.3.3 A Relevant User may submit a Retrospective Data Update Notification for which the Update Effective Date is earlier than the Supply Point Registration Date of the Supply Point Registration under which the Relevant User became (or will become) Registered User.

4.3.4 Where the Relevant User does not know the exact date from which the Updated Data should have been registered in the Supply Point Register the Relevant User shall on the basis of all relevant information available to it determine a best estimate of the date from which the Updated Data should have been registered.

4.3.5 Following submission of a Retrospective Data Update Notification the Transporter shall:

- (a) reject the notification where it does not comply with paragraph 4.3.2(a), where it fails validation under paragraph 4.3.2(b) or where the Relevant User fails to comply with paragraph 5.14.4; or
- (b) accept the notification and carry out a Retrospective Data Update consistent with the Updated Data contained in the notification,

and the Transporter shall notify the Relevant User submitting the notification of such rejection or acceptance.

4.3.6 The Transporter:

- (a) will notify the Registered User of a Supply Meter Point where it believes Relevant Data in relation to the Supply Meter, Supply Meter Installation or Supply Meter Point recorded in the Supply Point Register is incorrect;
- (b) shall not be required to notify any Previous Registered User that it has carried out a Retrospective Data Update.

4.3.7 Where the Transporter carries out a Retrospective Data Update it may give rise to an adjustment to an Affected Offtake Reconciliation in accordance with Section E6.7.

4.3.8 Where a Retrospective Data Update is carried out in respect of which Section E6.7 applies and the first Day of the Reconciliation Metered Period of an Affected Offtake Reconciliation was earlier than the Supply Point Registration Date of the Supply Point Registration of the current Registered User, the User who was the Registered User of the Supply Meter Point during such earlier period may request the Transporter replace the Reconciliation Values and adjust the invoicing in respect of such earlier period to give effect to Section E6.7.5(b).

Amend paragraph 5.14 to read as follows:

5.14 Other non-cyclic meter reading requirements

....

5.14.4 Where a Registered User submits a Retrospective Data Update Notification in accordance with paragraph 4.3 the Registered User shall secure:

- (a) a Valid Meter Reading is obtained and submitted to the Transporter for which the Read Date is the Update Effective Date specified in the Retrospective Data Update Notification; and
- (b) a further Valid Meter Reading is obtained and submitted to the Transporter for which the Read Date is a date falling after the Read Date of the last submitted Valid Meter Reading for the relevant Supply Meter.

Add new paragraph 5.16 to read as follows:

5.16 Updated Meter Readings

5.16.1 A User may submit to the Transporter an updated Meter Reading ("**Updated Meter Reading**") to replace an existing Valid Meter Reading previously submitted by the User pursuant to this paragraph 5 provided:

- (a) the Read Date of the Updated Meter Reading and the Meter Reading which it updates are the same;
- (b) the User was the Registered User of the Supply Meter Point on the Read Date of the earlier submitted Meter Reading; and
- (c) when submitting the Updated Meter Reading the Meter Reading is identified as an updated Meter Reading.

5.16.2 An Updated Meter Reading will be Validated in accordance with paragraph 5.3 and following validation by the Transporter the Transporter will notify the User whether or not the Updated Meter Reading is a Valid.

5.16.3 Where the Updated Meter Reading is a Valid the Updated Meter Reading will replace the earlier submitted Meter Reading for the purposes of the Code and any adjustment to an Affected Offtake Reconciliation will be carried out in accordance with Section E6.8.

Section S: Invoicing and Payment

Add text at end of paragraph 6 of Annex S-1 to read as follows:

(Such amounts shall include adjustments to Reconciliation Values arising pursuant to Section E6.7 and 6.8)