Mod UNC 0674
Business Rule Development 29/07/2019

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on behalf of the Performance Assurance Committee (PAC)

Gemserv

UNCC – V 12

Subject to:

- Change by any UNC party

and

- UNCC governance

Ancillary Documents
- Performance Assurance Framework (amended)
- PATS (Performance Assurance Techniques)
- PAC appointment and requirements
- Appeal Procedure
- Annual PAF Review and Consultation

UNC – V 16

Subject to:

- UNC mod process

Performance Assurance Objective
- New overarching principle / objective described in PAF

PAF (Performance Assurance Framework)
- Amend Scope – document sets out performance assurance scheme

PAC (Performance Assurance Committee)
- Provision of Authority to the PAC (with protections)

PAFA (Performance Assurance Framework Administrator)
- No change

PAFA contract
- No change

Parties
- Be subject to the Performance Assurance Ancillary Documents

Overriding Principles / Objectives in UNC

Require UNC Parties to adhere to basic principles:

'Parties must not distort settlement accuracy even when such acts and omissions have not specifically been precluded through prescription within the UNC'

'Parties will manage and monitor their own performance as they strive to meet the requirements specified in the UNC'

UNC Business Requirements – PAC

The PAC are to be empowered to:

1) Require parties to respond to and meet PAC requests made in the context of performance matters and in line with the framework objectives.

2) Deploy Performance Assurance Techniques (PATs) described in the ancillary document as they deem appropriate.

3) Apply further techniques, following the failure of any Party to make improvements as agreed, according to the relevant ancillary document.

4) Request adhoc performance reports of the CDSP and or Parties as they deem relevant, based on their experience and expertise.

5) Access any standard performance reports that are provided to parties by the CDSP

6) Request the remedy of performance issues or Party actions, where there is **and/or** is not an explicit prescriptive performance standard or restriction specified in the code, where that issue or action is impacting settlement accuracy.

7) Determine the materiality of performance levels on the accuracy of settlement.

8) Consider any metric that data driven analysis shows is impacting settlement accuracy.

UNC Business Requirements – UNC Parties

UNC Parties (transporters, shippers, CDSP) are required to:

1. Manage and monitor their own processes and procedures in meeting the obligations in the UNC, including performance monitoring.

2. Provide the necessary permissions in respect of data, to ensure the PAC and PAFA can perform their duties without hindrance, subject to normal data security, protection and confidentiality measures being in place on both.

3. Provide data / information services requested by PAC or PAFA in the timescales requested (ref: 6.5.1 PAF Ancillary Document)

4. Comply with reasonable requests made by the PAC in performing their duties, such as requests for remedial action, plans of action, stage updates etc. in the timescales requested.

5. Take action to improve their performance and remedy issues if identified and requested by the PAC.

6. Be subject to any commitments (in respect of performance, remedial plans etc.) they make to the PAC in the course of any kind of performance intervention, such as in plans, timescales or remedial action.

7. Attend PAC meetings or interviews if requested (subject to reasonable notice)

UNC Business Requirements – Protections (1)

1. PAC, PAFA and CDSP personnel attending closed PAC meetings may not reveal the workings or the decision making process in reaching any decisions, save when required due to an appeal from any party.

2. PAC, PAFA and CDSP personnel attending closed PAC meeting are required to sign and adhere to undying non-disclosure agreements and any confidential material downloaded must be deleted when no longer required and when ceasing to attend the PAC (for whatever reason), whichever is sooner.

3. PAC, PAFA and any parties connected with a performance assurance decision directed at any Party or any parties deemed to be responsible for the UNC should be protected from any litigation connected with the operation of the performance assurance regime.

4. Any Party may appeal a PAC decision under the Performance Assurance regime only, with some limitations.

UNC Business Requirements – Protections (2)

5. In reaching a decision re an individual Party's performance, the PAC may take into consideration (i.e. evidence)

    - Statistical performance measures.

    - Management of performance in the area of issue.

    - Willingness and speed in remedying the issue.

    - General co-operation in reviewing their case

6. The performance of any other party (such as another shipper, supplier or their agent) does not absolve any other party in their performance requirements under the UNC.

Inside the UNC - Suggestions

- Responsibility for PAF document preparation and maintenance sits with DNO currently. Change to PAC?

- Code parties will
  - Comply with the PAF Document and ,
  - Take steps to facilitate fair and equitable settlement and
  - Not taking steps which will (or can be expected to) prejudice fair and equitable settlement and
  - Maintain accuracy of settlement data

- Terms of engagement

- Explicit data permissions from Parties for the PAC / PAFA to have access to information on the performance of parties to be similar to those granted to the AUGE.

- Elements already within the UNC
  - E.g. PAFA and PAFA contract

Inside the Data Services Contract - Suggestion

- Require the CDSP to comply with information requests from the PAC / PAFA *

*Subject to compliance with data protection / confidentiality requirements

Outside the UNC - Ancillary Documents

- Performance Assurance Framework (amended)

- PATS (Performance Assurance Techniques)

- PAC appointment and requirements

- Appeal Procedure

- Annual PAF Review and Consultation

Thank you

Any comments or feedback for the PAC on this modification may be provided to:

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